

ORDINANCE # 2023-08

AN ORDINANCE OF PLAIN CITY, UTAH AMENDING THE CITY'S MOTOR VEHICLES AND TRAFFIC ORDINANCE TITLE 6 CHAPTER 1 SECTIONS 4 AND 5; AND ESTABLISHING AN EFFECTIVE DATE

Section 1. Recitals

WHEREAS, The City Council finds, that the City of PLAIN CITY (herein "City") is a municipal corporation duly organized and existing under the laws of the State of Utah; and

WHEREAS, the City Council finds that in conformance with the provisions of UCA § 10-3-717, the governing body of the city may exercise all administrative powers; and

WHEREAS, the City Council finds that in conformance with the provisions of UCA § 10-3-702, the governing body of the City may pass any ordinance to regulate, require, prohibit, govern, control, or supervise any activity, business, conduct or condition authorized by State law or any other provision of law; and

WHEREAS, the City Council finds that the public health, welfare and safety are at issue in this matter; now,

NOW THEREFORE, BE IT ORDAINED by the City of PLAIN CITY as follows:

Section 2. City's Motor Vehicles and Traffic Ordinance Amended.

The following amends and replaces Plain City Code Title 6 Chapter 1 Sections 4 and 5:

6-1-4 USE OF DYNAMIC BRAKING DEVICES PROHIBITED:

- A. "Dynamic braking device" on commercial vehicles (commonly referred to as a Jacob or Jacob's brake, engine brake, or compression brake), means a device used primarily on trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes.
- B. It is unlawful for any person to operate any vehicle with a dynamic braking device engaged, except for the aversion of imminent danger, within the Plain City limits. Firetrucks and other emergency vehicles shall be exempt from the prohibitions of this section.

6-1-4 5: PENALTY:

Unless otherwise provided herein, violation of any part of this chapter shall be an infraction. (Ord. 2003-09, 11-6-2003, eff. 11-6-2003; amd. Ord. 2021-14, 10-21-2021)

Section 3. **Prior Ordinances And Resolutions** The body and substance of any and all prior Ordinances and Resolutions, together with their specific provisions, where not otherwise in conflict with this Ordinance, are hereby reaffirmed and readopted.

Section 4. **Repealer Of Conflicting Enactments** All orders, ordinances and resolutions with respect to the changes herein enacted and adopted which have heretofore been adopted by the City, or parts thereof, which are in conflict with any of the provisions of this Ordinance Amendment, are, to the extent of such conflict, hereby repealed, except that this repeal shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

Section 5. **Savings Clause** If any provision of this Ordinance shall be held or deemed to be or shall, in fact, be invalid, inoperative or unenforceable for any reason, such reason shall not have the effect of rendering any other provision or provisions hereof invalid, inoperative or unenforceable to any extent whatever, this Ordinance and the provisions of this Ordinance being deemed to be the separate independent and severable act of the City Council of Plain City.

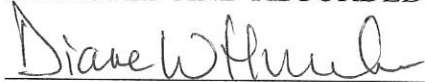
Section 6. **Date Of Effect** This Ordinance shall be effective on the 1st day of June 2023, and after publication or posting as required by law.

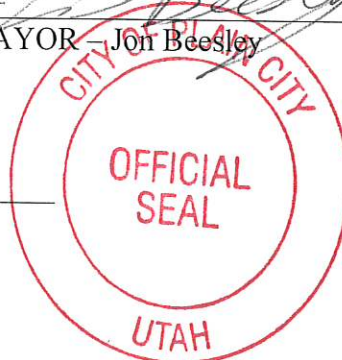
DATED this 1st day of June, 2023

PLAIN CITY, a municipal corporation


MAYOR - Jon Beesley

ATTESTED AND RECORDED:


Diane Hirschi, CMC
CITY RECORDER



I certify that a copy of this ordinance was posted at the Plain City Hall, on the city website at www.plaincityutah.org and the Utah Public Notice website at www.utah.gov/pmn on June 5, 2023.