

ORDINANCE NO. O-22-05

AN ORDINANCE OF THE VILLAGE OF CAMPTON HILLS, KANE COUNTY, ILLINOIS, AMENDING THE VILLAGE CODE TO PROHIBIT ENGINE BRAKING

WHEREAS, the Village of Campton Hills, Kane County, Illinois (the "*Village*") is a duly organized and existing municipal corporation created under the provisions of the laws of the State of Illinois and under the provisions of the Illinois Municipal Code, as from time to time supplemented and amended; and

WHEREAS, the Village President and Board of Trustees of the Village of Campton Hills, Kane County, Illinois (the "*Corporate Authorities*") may from time to time amend the text of the Village Code of Campton Hills (the "*Village Code*") when it is determined to be in the best interests of the health, safety and welfare of the Village and its residents; and

WHEREAS, the Village has previously adopted the Illinois Vehicle Code; and

WHEREAS, Illinois Municipal Code (65 ILCS 5/11-40-1) provides that the corporate authorities of each municipality may pass ordinances, not inconsistent with the Illinois Vehicle Code of Illinois, to regulate and prosecute certain vehicle offenses; and

WHEREAS, the Village may post signs that prohibit the operating or actuating of any engine braking system of a commercial vehicle that emits excessive noise, pursuant to the Illinois Vehicle Code (625 ILCS 5/12-602.1); and

WHEREAS, the Corporate Authorities deem it advisable and in the best interest of the health, safety and welfare of the residents of the Village to prohibit engine braking of commercial vehicles that emit excessive noise within the Village, and to post signs prohibiting engine braking at certain locations within the Village. See Exhibit A attached, the proposed location of said signs.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Campton Hills, Kane County, Illinois, as follows

Section 1. That the above recitals and legislative findings are found to be true and correct and are hereby incorporated herein and made a part hereof, as if fully set forth in their entirety.

Section 2. Section 7-2-7 ("*Prohibited Acts*") of Chapter 2 ("*General Traffic Provisions*") of Title 7 ("*Motor Vehicles and Traffic*") of the Village Code of Campton Hills, Illinois, is hereby amended by adding the underlined language as and for a new Section 7-2-7 (D), to read as follows:

7-2-7: PROHIBITED ACTS:

D. Engine Braking:

1. No person shall operate or cause to be used or operated within the Village an engine braking system that emits excessive noise on any commercial vehicle within the corporate limits of the Village. For the purposes of this ordinance, an engine braking system shall be deemed to be any device which uses the force of the engine in any commercial vehicle to slow or alter the speed of the vehicle by the application of force to the drive train thereof, including but not limited to engine brakes, exhaust brakes, or other similar systems. A commercial vehicle shall be deemed to be emitting excessive noise if the vehicle is operating an engine braking system, and if the vehicle is not equipped with an adequate sound muffling system on the exhaust thereof. It is a defense to this paragraph that the driver used an engine braking system that emits excessive noise in an emergency to avoid a collision with a person or another vehicle on the roadway.
2. Excessive engine braking noise signs. In accordance with Section 12-602.1 of the Illinois Vehicle Code, the City Engineer or his designees shall cause signs to be erected and maintained that prohibit the driver of a commercial vehicle, as defined in Section 1-111.8 of the Illinois Vehicle Code (625 ILCS 5/1-111.8), from operating or actuating any engine braking system that emits excessive noise. The sign shall state, "EXCESSIVE ENGINE BRAKING NOISE PROHIBITED."
3. A violation of this Section 7-2-7 (D) is an equipment violation punishable by a fine of \$75.

Section 3. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any other provision of this Ordinance.

Section 4. All ordinances, resolutions, motions or orders in conflict with this Resolution are hereby repealed to the extent of such conflict.

Section 5. This Ordinance shall be in full force and effect upon its passage, approval, and publication in the manner provided by law.

Passed this 5th day of April, 2022, pursuant to a roll call vote as follows:

	AYES	NAYES	ABSENT	ABSTAIN
Trustee Susan P George	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trustee Jim McKelvie	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trustee Mike Millette	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trustee Ed Muncie	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trustee Michael O'Dwyer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trustee Wendy K. White Eagle	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
President Michael Tyrrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

APPROVED this 5th day of April, 2022


Michael Tyrrell, Village President

(SEAL)

ATTEST: 
Lynn Baez, Village Clerk