

An Ordinance amending the prohibition of unmuffled compression brakes.

Chapter 11.11

Compression Brakes

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

Amend Chapter 11.11 to read as follows: "All new material shall be underlined, material deleted shall be placed within double parentheses and scored through."

Sections:

- 11.11.010 Findings
- 11.11.015 Definitions
- 11.11.020 Use of Unmuffled Compression Brakes Prohibited
- 11.11.030 Use of Compression Brakes Prohibited in Certain Areas
- 11.11.04~~((3))~~0 Areas of Prohibition
- 11.11.05~~((4))~~0 Penalty
- 11.11.06~~((5))~~0 Posting
- 11.11.07~~((6))~~0 Effective Date

C.C.C. 11.11.010. Findings. The Board of Clallam County Commissioners finds that there are several areas of the County where ~~((unmuffled))~~ engine compression brakes are used regularly and that the use of such brakes is not in the best interest of the public health and general welfare of the citizens present in those areas.

The Board further finds that neither the terrain nor road design geometrics, in these areas, warrant the regular use of engine compression brakes ~~((and that the use of such brakes, which brakes are optional and not standard equipment available from motor vehicle manufacturers, is simply an alternate means of braking which saves wear and tear on the standard braking system))~~.

The Board further finds that high volumes of vehicles equipped with ~~((unmuffled))~~ engine compression brakes travel through those areas described in C.C.C. 11.11.04~~((3))~~0 and that such volume, coupled with regular use of such brakes, has created an intolerable environment for persons present in those areas.

C.C.C. 11.11.015. Definitions. For the purposes of this chapter, the following words and phrases shall be defined as follows:

- A. "Brake" means any device used for slowing, halting, or stopping the movement of any vehicle.
- B. "Engine compression brake" means any motor vehicle brake that is operated by the compression of the engine of the motor vehicle or any unit or part thereof. An engine compression brake is also referred to as a "jake brake".

C. "Motor vehicle" means and includes automobiles, tractors, trucks, trailers, and transportation equipment of all kinds and sizes, or any combinations of the foregoing.

D. "Muffled" means fitted with a device that absorbs noise and, therefore, reduces the sound made by the engine compression brake.

C.C.C. 11.11.020. Use of Unmuffled Compression Brakes Prohibited. No person shall use motor vehicle brakes which are in any way activated or operated by the compression of the engine of such motor vehicle or any unit or part thereof, unless such braking system is equipped with a functional muffler. Such prohibition shall not apply if an emergency situation exists, and the use of unmuffled engine compression brakes is necessary for the protection of persons or property.

C.C.C. 11.11.03((2))0. Use of ((Unmuffled)) Compression Brakes Prohibited in Certain Areas
No person shall use motor vehicle brakes which are in any way activated or operated by the compression of the engine of such motor vehicle or any unit or part thereof, ~~((Provided that, such prohibition shall not apply if the compression braking system is equipped with a functional muffler;))~~ provided ~~((further))~~ that, such prohibition shall be applicable only to those public highways or portions thereof identified in C.C.C. 11.11.04((3))0; provided further that, such prohibition shall not apply if an emergency situation exists and the use of ~~((unmuffled))~~ engine compression brakes is necessary for the protection of persons or property.

C.C.C. 11.11.04((3))0. Areas of Prohibition. The prohibition set forth in C.C.C. 11.11.03((2))0 shall apply to the following public highways or portions thereof:

~~((a) State Route 101 between milepost 251.68 (Masters Road) and milepost 253.00 (Cedar Park Drive) inclusive.))~~

~~((b))~~ State Route 112 between milepost 16.40 (Clallam Cannery) and milepost 16.97 (Weel Road) inclusive.

~~((c))~~ State Route 112 between milepost 50.36 ("Entering Joyce" sign) and milepost 51.49 ("Leaving Joyce" sign) inclusive.

~~((d) Blue Mountain Road #41770 between milepost 0.00 (State Route 101) and M.P. 0.80 (0.80 miles south of State Route 101) inclusive.~~

~~((e))~~ Diamond Point Road #58250 between milepost 0.00 (State Route 101) and M.P. 0.75 (0.75 miles north of State Route 101) inclusive.

~~((f))~~ Evans Road #51650 between milepost 0.80 (0.80 miles north of Old Olympic Highway) and milepost 0.96 (0.96 miles north of Old Olympic Highway) inclusive.

~~((g))~~ Maxfield Road #15030 between milepost 0.00 (State Route 101) and milepost 0.34 (east side of Shuwah Bridge) inclusive.

~~((h))~~ Olympic Hot Springs Road #30380 between milepost 1.88 (1.88 miles south of State Route 101) and milepost 1.96 (Olympic National Park Boundary) inclusive.

~~((i))~~ State Route 112 between milepost 6.7 and milepost 9.0 (between Neah Bay and Lake Ozette Road in the Chito Beach Resort area).

~~((j))~~ Kirner Road #52410 between milepost 0.00 (Woodcock Road) and milepost 0.50 (gravel pit).

((i) Blue Mountain Road #41770 between milepost 0.00 (State Route 101) and M.P. 0.80 (0.80 miles south of State Route 101) inclusive.

C.C.C. 11.11.05((4))0. Penalty.

(1) Any person violating the provisions of this ordinance shall have committed a traffic infraction and a penalty of One Hundred Dollars (\$100.00) shall be imposed.

(2) Penalties shall become due and payable thirty (30) days from the date of receipt of the notice of traffic infraction.

(3) Violations shall be enforced by such authorities and in such manner as set forth in RCW 46.63.

C.C.C. 11.11.06((5))0. Posting. The County Road Engineer, or his or its successor, is authorized and directed to post appropriate signs consistent with the provisions of this ordinance.

C.C.C. 11.11.07((6))0. Effective Date. This chapter shall take effect 10 days after adoption.

PASSED AND ADOPTED THIS 9th DAY OF March, 1999.

BOARD OF CLALLAM COUNTY COMMISSIONERS

Carole Y. Boardman
Carole Y. Boardman, Chair

Martha M. Ireland
Martha M. Ireland

ATTEST:

Howard V. Doherty, Jr.
Howard V. Doherty, Jr.

Karen Flores
Karen Flores,
Clerk of the Board

cc: Roads
Sheriff
minutes
file