Chapter 7.06 Environmental Protection

Sections:

7.06.010 Motor Vehicle Muffler and Exhaust System.
7.06.020 Use of Jake Brakes Prohibited; Exceptions.
7.06.100 Penalty and Fine Schedule State statutes adopted by reference.

7.06.010 Motor Vehicle Muffler and Exhaust System.
a. For the purpose of this section and if not otherwise modified in this section, the term "motor vehicle" means any motorized vehicle which is self-propelled, including but not limited to a minibike, go-cart, motorcycle, snowmachine, all-terrain vehicle, automobile, truck, bus or heavy equipment. Vehicles operated on rails are exempt from this section.
b. Every operational motor vehicle shall at all times be equipped with a muffler and tight exhaust system in good working order.
c. No person may use a muffler cutout, bypass or similar device upon a motor vehicle nor may any person modify or change the exhaust muffler, intake muffler or any other noise abatement device of a motor vehicle in a manner such that the noise emitted by the motor vehicle is in excess of 85dBA at a distance of 50 feet.
d. No person shall remove or render inoperative or cause or allow to be removed or rendered inoperative other than for purposes of maintenance, repair or replacement any muffler or sound-dissipative device on a motor vehicle.
e. No person may operate either a motor vehicle or combination of vehicles at any time or under any condition of grade, load, acceleration or deceleration in such a manner as to exceed the following noise limit standards:
1. Except as provided in subsection (e)2, no person may operate a motor vehicle with a noise level in excess of 85 dBA at a distance of 50 feet.
2. No person may operate a motor vehicle in a residential area after 8:00 p.m. or before 8:00 a.m. with a noise level in excess of 75 dBA at a distance of 50 feet.
3. No new motor vehicle, except one designated for competition purposes only, may be sold or offered for sale unless engine noise produced by the vehicle is limited to not more than 85 dBA at a distance of 50 feet.
4. Subsection (e) of this section applies to the total noise from a vehicle or combination of vehicles and may not be construed as limiting or precluding the enforcement of any other provision of this Code or other law relating to a motor vehicle muffler and exhaust system or noise control.
5. For purposes of this subsection, distance shall be measured from any point on the vehicle. f. The police chief shall adopt procedures for the accurate measurement of motor vehicle noise, for motor vehicle inspections to satisfy proof of correction and to otherwise implement this section. (Ord. 03-50 §2, 2003)

7.06.020 Use of Jake Brakes Prohibited; Exceptions.
a. Except as provided in subsection (b), no person may use jake brakes while operating a motor vehicle within the city. For the purpose of this section, the term "jake brake" means a hydraulic engine attachment which converts a diesel engine into an air compressor and when engaged operates to slow the vehicle.
b. The use of jake brakes is permitted while traveling downhill on the following roadways in Homer: The Sterling Highway from Milepost 169 to 173, Main Street, East Hill Road and West Hill Road.
c. The police chief shall adopt procedures for the provision of commercial vehicle inspections for repeat violators.(Ord. 03-50 §2, 2003)

7.06.100 Penalty and Fine Schedule.
a. In accordance with AS 29.25.070(a), citations for the offenses described in subsection (b) may be disposed of as provided in AS 12.25.195-.230, without a court appearance, upon payment of the fine amounts listed in subsection (b), plus the surcharge required by Section 1.16.030 of this code, and submission of proof of inspection and correction, if required. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the fine amount for that offense listed in subsection (b), plus the applicable surcharge.
b. The fine schedule under this chapter is as follows:
Section Offense Penalty/Fine:

- 7.06.010(b) Muffler not working properly CORR/$500
- 7.06.010(c) Muffler modified/excessive noise CORR/$500
- 7.06.010(d) Muffler removed or inoperative CORR/$500
- 7.06.010(e)(1) or (e)(2) Noise exceeds limits
- First conviction $100
- Second conviction within 6 months of first conviction $200
- Third conviction within 6 months any prior conviction $300 of 7.06.010(e)(3) Sale of vehicle exceeding noise limits
- First conviction $100
- Second conviction within 6 months of first conviction $200
- Third conviction within 6 months of any prior conviction $300
- 7.06.020 Jake brake use prohibited
- First conviction $100
- Second conviction within 6 months of first conviction $200 plus proof of satisfactory Homer PD commercial vehicle inspection
- Third conviction within 6 months of any prior conviction $300 plus proof of satisfactory Homer PD commercial vehicle inspection
- CORR: "CORR" means a correctable/dismissable offense. A citation for one of these offenses may be dismissed (or voided) if proof of correction is presented to a Homer police department vehicle inspector within 30 days. If the required repair is not made and shown to a vehicle inspector within the specified time, the defendant must pay the fine.

c. Citations charging these offenses must meet the requirements of District Court Criminal Rule 8 of the Alaska Rules of Court. (Ord. 03-50 §2, 2003.)[1]

[1] All vehicles operated within the City of Homer shall comply with this chapter by April 28, 2004.

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