

1 **CITY OF HOMER**  
2 **HOMER, ALASKA**

3 City Manager

4 **ORDINANCE 15-32**

5  
6 AN ORDINANCE OF THE HOMER CITY COUNCIL AMENDING  
7 HOMER CITY CODE 7.04.030, TRAFFIC FINE SCHEDULES, AND  
8 HOMER CITY CODE 7.06.020, USE OF JAKE BRAKES PROHIBITED,  
9 TO SUBSTITUTE A GENERIC TERM FOR THE TRADEMARKED TERM  
10 "JAKE BRAKE," AND TO PROHIBIT THE USE OF IMPROPERLY  
11 MUFFLED ENGINE BRAKES.

12  
13 WHEREAS, Jacobs Vehicle Systems, Inc. has asked the City to cease use of its  
14 trademarked name "Jake Brake"; and

15  
16 WHEREAS, It is appropriate to amend the Homer City Code to substitute a generic  
17 term for the trademarked name, and to prohibit the use of improperly muffled engine brakes.

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19 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

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21 Section 1. The entry for violation of Homer City Code 7.06.020 that appears in Homer  
22 City Code 7.04.030, Traffic fine schedules, is amended to read as follows:  
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<u>7.06.020</u>	Improperly muffled engine brake use prohibited	First violation \$100.00; Second violation within 6 months of first conviction \$200.00 plus proof of satisfactory Homer PD commercial vehicle inspection; Third violation within 6 months of any prior conviction \$300.00 plus proof of satisfactory Homer PD commercial vehicle inspection
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25 Section 2. Homer City Code 7.06.020, Use of jake brakes prohibited—Exceptions, is  
26 amended to read as follows:

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28 7.06.020 Use of improperly muffled engine brakes prohibited.

29 a. No person may use engine brakes while operating a motor vehicle within the City,  
30 unless the vehicle is equipped with a muffler or other effective noise-suppressing system in  
31 good working order and in constant operation, with no cutout, bypass, or similar device. For  
32 the purpose of this section, the term "engine brake" means a hydraulic engine attachment  
33 which converts a diesel engine into an air compressor and when engaged operates to slow  
34 the vehicle.

b. The police chief shall adopt procedures for the provision of commercial vehicle inspections for repeat violators.

Section 3. This Ordinance is of a permanent and general character and shall be included in the City Code.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 28<sup>th</sup> day of September, 2015.



CITY OF HOMER

*Francie Roberts*

FRANCIE ROBERTS,  
MAYOR PRO TEMPORE

ATTEST:

*Jo Johnson*

JO JOHNSON, MMC, CITY CLERK

AYES: 5  
NOES: 0  
ABSTAIN: 0  
ABSENT: 1

First Reading: 9/14/15  
Public Hearing: 9/28/15  
Second Reading: 9/28/15  
Effective Date: 9/29/15

Reviewed and approved as to form:

*Mary K. Koester*  
Mary K. Koester, City Manager

Date: 10.2.15

*Thomas F. Klinkner*

Thomas F. Klinkner, City Attorney

Date: 10-7-15