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**CITY OF HOMER
HOMER, ALASKA**

City Manager/Police Chief

ORDINANCE 19-43(S)(A)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HOMER CITY CODE 7.06.020, "USE OF IMPROPERLY MUFFLED ENGINE BRAKES PROHIBITED", TO PROHIBIT THE USE OF MUFFLED ENGINE BRAKES ~~TO~~ **EXCEPT ON** CERTAIN ROADS WITHIN THE CITY OF HOMER.

WHEREAS, Ordinance 15-32 amended Homer City Code to amend language to refer to muffled engine brakes in a generic term and removed the steeper grade locations where muffled engine brakes are permitted; and

WHEREAS, It is unsafe for a loaded truck to go down steeper grades without using engine brakes.

NOW, THEREFORE, The City of Homer Ordains:

Section 1. HCC 7.06.020 Use of improperly muffled engine brakes prohibited is hereby amended to read as follows:

7.06.020 Use of improperly muffled engine brakes prohibited.

a. The use of muffled engine brakes is prohibited within the City except when traveling downhill on the Sterling Highway from Milepost 169 to 173, Main Street, East Hill Road and West Hill Road.

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

bc. The police chief shall adopt procedures for the provision of commercial vehicle inspections for repeat violators. **For the purpose of this section, the term "engine brake" means a hydraulic engine attachment which converts a diesel engine into an air compressor and when engaged operates to slow the vehicle.**

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Section 2. This ordinance is of a permanent and general character and shall be included in Homer City Code.

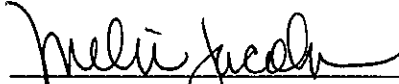
ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 14 day of October, 2019.

CITY OF HOMER



KEN CASTNER, MAYOR

ATTEST:



MELISSA JACOBSEN, MMC, CITY CLERK



YES: 6

NO: 0

ABSTAIN: 0

ABSENT: 0

First Reading: 9-23-19

Public Hearing: 10-14-19

Second Reading: 10-14-19

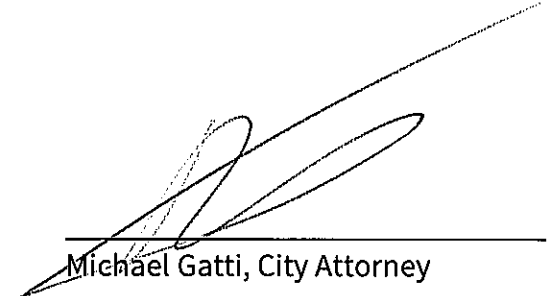
Effective Date: 10-15-19

Reviewed and approved as to form.



Katie Koester, City Manager

Date: 10-29-19



Michael Gatti, City Attorney

Date: 11/11/19