

**Town of Pleasant Valley
Eau Claire County**

**ORDINANCE NO. 23-15-04
Chapter 6 – Public Works and Infrastructure
Prohibiting the Use of Engine Brakes**

6.1 Authority

This ordinance is adopted pursuant to the authority vested in the Town of Pleasant Valley enacted pursuant to the granting of Village Powers to the Town Board by the electors of the town which authorizes the enactment of ordinances under §61.34 Wis Stats.

6.2 Purpose

The purpose of this Ordinance is deemed to be in the best interests of the health, safety, and welfare of the general health, safety and general welfare of the public.

6.3 Engine Braking Prohibited

No person shall use compression brakes (also known as Jake brakes®) or operate a motor vehicle using brakes which are in any way activated or operated by the compression of the engine of any such motor vehicle or any unit or part thereof, unless such brakes are necessarily used in an emergency situation. The prohibition contained in this section shall not apply to fire, police, EMS and/or other emergency vehicles.

6.4 Prohibited Roads

No person shall use motor brakes on the following roads within the Town of Pleasant Valley .

- a. Cedar Rd between Balsam and Lowes Creek Roads
- b. Cedar Rd between Lowes Creek Road and Hwy 93
- c. Lowes Creek Road within ½ mile of the intersection with Cedar Road.

6.5 Signage

The public works supervisor is hereby authorized and directed to post appropriate signs consistent with the provisions of this ordinance.

6.6 Notification of Proper Authorities

A copy of this ordinance shall be sent by the town clerk to the Eau Claire County Sheriff's Department and any other law enforcement agency serving the Town of Pleasant Valley jurisdiction.

6.7 Enforcement

This ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin and additionally as stated in the Town's citation authority ordinance.

6.8 Penalties

The penalties under §349.06 Wisconsin Statutes and the applicable sections of the Wisconsin Uniform Bond Schedule are adopted by reference.

Any person violating the provisions of this ordinance shall forfeit a sum of not less than \$50.00 nor more than \$250.00 for each offense together with the costs of prosecution. Each day that a violation occurs shall constitute a separate offense.

6.9 Severability and Interpretation

- A. Should any section, clause, provision or portion of this ordinance be adjudged unconstitutional or invalid, unlawful or unenforceable by a final order of a court of competent jurisdiction, including all applicable appeals, the remainder of this ordinance shall remain in full force and effect.
- B. The provisions of this ordinance shall be liberally construed in favor of the Town shall not be construed to be a limitation or repeal of any other power now possessed or granted to the Town.
- C. All other ordinances or parts of other ordinances in conflict with this ordinance are hereby repealed insofar as they conflict with this ordinance.

6.10 No Liability for Damages.

This ordinance shall not be construed as an assumption of liability by the Town of Pleasant Valley for damages because of injuries sustained by any person's failure to comply with the requirements set forth herein.

6.11 Effective date.

This ordinance shall take effect upon passage and publication as required by law. Prohibited roads will be effective upon publication or posting and signage being installed.

This ordinance may be reviewed at any time deemed appropriate by the town board.

Passed on this 9th day of October 2023.

Town Board, Town of Pleasant Valley

Dan Hanson, Town Chairman

Dan Green, Town Supervisor

Douglas Nelson, Town Supervisor

Attested _____
Jennifer Meyer, Town Clerk