

ORDINANCE _____

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, ADDING SECTION 18-39 OF THE CODE OF ORDINANCES, PROHIBITING THE USE OF ENGINE COMPRESSION BRAKES IN THE CITY; PROVIDING A DEFENSE TO PROSECUTION; PROVIDING THE CULPABLE MENTAL STATE REQUIRED FOR THE COMMISSION OF AN OFFENSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED \$2,000 FOR VIOLATIONS OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. Chapter 18 “Motor Vehicles and Traffic” of the Code of Ordinances of Denton, Texas is hereby amended by adding Section 18-39 prohibiting the use of engine compression brakes in the City and which shall read as follows:

Sec. 18-39. Use of Engine Compression Brakes Prohibited

- (a) Definitions. For the purpose of the section, ENGINE COMPRESSION BRAKE means a vehicle retarding device that converts a power producing engine into a power absorbing air compressor in order to reduce motor vehicle speed without the use of the vehicle’s foundation brakes.
- (b) A person commits an offense if he/she uses an engine compression brake to slow or stop a motor vehicle in the city.
- (c) It is a defense to prosecution under this section that:
 - (1) The motor vehicle was a fire apparatus owned or operated by a governmental entity; or
 - (2) The engine compression brake was used in an emergency situation to prevent or reduce an imminent danger of death, or bodily injury to a person or damage or destruction to property.

SECTION 2. If any section, subsection, paragraph, sentence, clause, phrase, or word in this ordinance, or application thereof to any person, or circumstances is held invalid by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance, and the City council of the City of Denton, Texas hereby declares it would have enacted such remaining portions despite any invalidity.

SECTION 3. Save and except as amended hereby, all the provisions, sections, subsections, paragraphs, sentences, clauses, and phrases of the Code of Ordinances shall remain in full force and effect.

SECTION 4. Any person found guilty of violating this Ordinance by a court of competent jurisdiction shall be fined a sum not to exceed two thousand dollars (\$2,000).

SECTION 5. This ordinance providing for a penalty shall become effective fourteen (14) days from the date of its passage, and the City Secretary is hereby directed to cause the caption of this Ordinance to be published twice in the *Denton Record-Chronicle*, the official newspaper of the City of Denton, Texas, within ten (10) days of the date of its passage.

PASSED AND APPROVED this the _____ day of _____, 2017.

CHRIS WATTS, MAYOR

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
AARON LEAL, INTERIM CITY ATTORNEY

BY: Stephanie M. Berry