

**City of Dover, Bonner County, Idaho**  
**ORDINANCE # 82**

**AN ORDINANCE PROHIBITING THE USE OF COMPRESSION BRAKES WITHIN THE DOVER CITY LIMITS; PROVIDING PENALTIES FOR VIOLATIONS OF THE ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE.**

**WHEREAS**, for public safety and health, the Dover City Council has authority to adopt the provisions of this ordinance to regulate the conduct of persons within the boundaries of the City of Dover pursuant to Idaho law; and

**WHEREAS** the Mayor and Dover City Council believe that it is necessary to adopt an ordinance to prevent excessive noise caused by the use of compression brakes on motor vehicles at places or at hours that have a high likelihood of disturbing the peace and quiet of persons residing within the city; therefore

**BE IT ORDAINED AND ORDERED** by the Mayor and the City Council of Dover, Bonner County, Idaho;

**Section 1.00 Prohibited Acts.**

**Section 2.00 Definitions.**

**Section 3.00 Penalties**

**Section 4.00 Severability**

**Section 5.00 Publication**

**Section 1.00: Prohibited Acts.**

No operator/ driver of any motor vehicle shall use or activate a compression brake within the city limits except under circumstances where the use of air compression brakes is necessary to prevent accidental injury to persons or property.

**Section 2.00: Definitions.**

Compression Brakes shall mean any braking system of a motor vehicle that modifies engine valve operation to use engine compression to slow the motor vehicle and shall include brakes commonly referred to as "Jake Brakes" or "Engine Brakes."

**Section 3.00: Penalties**

(a) Any person violating the provisions of this ordinance shall be punished by a fine of five hundred dollars (\$500) per occurrence.

(b) The City shall be entitled to enforce this Ordinance through a civil action and shall be entitled to an award of its reasonable attorneys fees and costs incurred in enforcing this ordinance.

**Section 4.00: Severability**

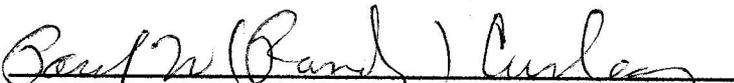
(a) Upon passage of this Ordinance, all other Ordinances of the City of Dover which are in conflict with this Ordinance shall in and are hereby repealed. any such Ordinance or part of an Ordinance in conflict with this Ordinance shall be repealed on as much as that part only pertaining to this Ordinance.

(b) If any portion of this Ordinance is held to be illegal, the same shall not affect the legality of the remaining provisions of the Ordinance.

**Section 5.00: Publication**

This ordinance shall be in full force and effect upon its passage and approval by the Dover City Council and its publication as required by law.

**PASSED AND APPROVED** by the Mayor and Dover City Council in regular session this 10 day of NOVEMBER, 2005.

  
Paul W. (Randy) Curless, Mayor

ATTEST:   
Ruth Guthrie, Clerk

Published: NOVEMBER 18, 2005