

## HEARING

A public hearing will be held in the Platte County Board of Supervisors Room, Courthouse, Columbus, Nebraska on November 14, 2017 at 9:45 A.M (CST). Purpose of said hearing is to establish an engine breaking ordinance in Platte County. All persons desiring to give evidence in support or against the ordinance may do so at this time.

Diane C Pinger  
Platte County Clerk

### Platte County Ordinance # 12-01

#### **AN ORDINANCE TO ESTABLISH A LAW REGARDING ENGINE BREAKING IN PLATTE COUNTY; TO ESTABLISH A PENALTY; AND TO PROVIDE FOR AN EFFECTIVE AREA AND DATE.**

WHEREAS, pursuant to Neb. Rev. Stat. §23-104, the County has the power to do all acts in relation to the concerns of the County necessary to the exercise of its corporate powers;

WHEREAS, pursuant to Neb. Rev. Stat. §23-103, the powers of the County as a body are exercised by the Platte County Board of Supervisors ("County Board");

WHEREAS, it is the intent of the County Board to enact an Ordinance;

WHEREAS, pursuant to Neb. Rev. Stat. §23-187(i), the County may regulate, through an ordinance, operation of vehicles on any highway; and,

WHEREAS, the County Board has published, read by title, and held at least one public hearing regarding this ordinance where public comment was permitted, after giving due notice as required by law, and satisfied all other procedural requirements required by law to adopt this ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF THE COUNTY OF PLATTE, NEBRASKA:

#### SECTION 1. Statement of Intent:

The purpose of this ordinance is to promote the safety, welfare, peace and order of the County, by regulating the operation of vehicles on the highway through establishing regulation for the use of engine brakes and penalties for violating such regulations in Platte County.

#### SECTION 2. Definitions:

- (a) For the purpose of this ordinance, the term "county road" shall mean those roads or highways within the geographical boundaries of Platte County that are maintained solely by the County or a township within the County; which lie outside any incorporated city, village or other municipality; and which are not state highways.
- (b) For the purpose of this ordinance, the term "engine brake" shall mean a device that converts a power producing engine into a power-absorbing air compressor, resulting in a net energy loss with an ensuing offensive and/or recognizable sound or noise.

#### SECTION 3. Engine Break Regulation, established:

Engine braking is not permitted in the effective area within Platte County as defined herein.

**Commented [JB1]:** I just note that all of the "effective areas" in Section 5 are referred to as highways, so thought this might be added to make consistent as a whole.

SECTION 4. Penalty:

Any person who operates a vehicle in violation of the engine braking regulations for county roads in the effective area established by this Ordinance is guilty of a traffic infraction, and upon conviction shall be fined:

- (a) Twenty five dollars for the first offense;
- (b) Fifty dollars for the second offense;
- (c) Seventy Five dollars for the third and any subsequent offense.

SECTION 5. Effective Area:

This Ordinance is effective in the following areas of Platte County:

- (a) From 7:00 p.m. until 7:00 a.m. - On major arterial highway 30 (i.e. for eastbound traffic approaching the intersection with Highway 81 and the highway into the Whitetail residential community); and
- (b) From 7:00 p.m. until 7:00 a.m. - On major arterial highway 81 (i.e. for northbound and southbound traffic approaching the intersection with Highway 30); and
- (c) On rural highway East 29<sup>th</sup> Avenue (i.e. between the intersections of 8<sup>th</sup> street and Highway 30); and
- (d) From 7:00 p.m. until 7:00 a.m. - On major arterial highway 81 (i.e., for southeast bound traffic approaching the intersection with Lost Creek Parkway).

This ordinance shall not be effective within the corporate boundaries of Columbus, Humphrey, Newman Grove, Cornlea, Creston, Duncan, Lindsay, Monroe, Platte Center, Tarnov, or any other incorporated city or village located in whole or in part within Platte County, Nebraska; nor shall it be effective within the area outside of the corporate boundaries of any incorporated city or village in the County that has been granted and is exercising powers by ordinance on a similar subject matter.

SECTION 6: Effective Date:

This Ordinance shall take effect and be in force fifteen days after its passage, approval, and publication, as provided by law.

Passed by the Platte County Board of Supervisors on this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_ County Board Chairperson

Attested: \_\_\_\_\_ County Clerk

**Commented [JB2]:** Moved up to (b) to consolidate with the other highway 81 designation.

**Commented [JB3]:** You do cover this in the definitional section 2(a), so I'm not sure if you need to include the extra paragraph here or not. Neb. Rev. Stat. 23-192 seems to contemplate specificity about the area of jurisdiction based on the responses provided by your city and village clerks – so this might need to be modified after receipt of those responses. You could maybe eliminate this suggested language if you can confirm with certainty that none of the referenced roads or intersections come within the prohibited areas.