

DUPAGE TOWNSHIP, WILL COUNTY, ILLINOIS

ORDINANCE NO. 22-_____

AN ORDINANCE PROHIBITING ENGINE BRAKING ON TOWNSHIP ROADS

WHEREAS, DuPage Township, Will County, Illinois (the "Township") is a township duly organized under the laws of the State of Illinois, including the Illinois Township Code, and a unit of local government as defined in Section 1 of Article VII of the Illinois Constitution; and

WHEREAS, 625 ILCS 5/11-302 and 625 ILCS 5/11-304 provide that the local authority can designate the placement of signs on highways located within the local authority's jurisdiction; and

WHEREAS, 625 ILCS 5/12-602.1 allows signs that prohibit the driver of a commercial vehicle from operating any engine braking system that emits excessive noise; and

WHEREAS, DuPage Township has determined that it is in the best interest of the health, safety and welfare of its citizenry to regulate excessive braking noise;

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Supervisor and the Board of Trustees of DuPage Township, Will County, Illinois, as follows:

SECTION 1. Compression Release Engine Brake Prohibited.

(A) No person shall operate or cause to be operated at or upon any public highway located within DuPage Township that contains any single-family or multi-family dwelling units, any compression engine brake on any commercial vehicle for any reason. For purposes of this section, a "compression release engine brake" is defined as any mechanical exhaust device designed to aid in the braking or deceleration of any vehicle by converting engine power to compressed air which results in additional, excessive, loud or explosive noise from such vehicle.

(B) This Section does not apply to the use of an engine braking system that has an adequate sound muffling system in proper working order that prevents excessive noise.

(C) It is a defense to this Section that the driver used an engine braking system that emits excessive noise in an emergency to avoid a collision with a person or another vehicle on the highway.

(D) Any person found to be in violation of this section shall be subject to a fine of seventy-five dollars (\$75.00).

SECTION 2. Effective Date. This ordinance shall be in full force and effect immediately after its publication and passage.

SECTION 3. Conflicts. In the event a conflict exists between the terms of this Ordinance and any other ordinance or resolution of the Township, the terms of this Ordinance shall govern.

SECTION 4. Severability. This Ordinance and every provision thereof shall be considered severable and the invalidity of any section clause, paragraph, sentence or provision of this Ordinance will not affect the validity of any other portion of this Ordinance.

PASSED this ____ day of September, 2022, pursuant to a vote as follows.

Ayes:
Nays:
Absent:
Abstain:

GARY MARSCHKE,
Township Supervisor

ATTEST:

BARBARA PARKER,
