

VILLAGE OF BIRNAMWOOD
SHAWANO COUNTY
BIRNAMWOOD, WISCONSIN 54414

ORDINANCE 7-03-04

PROHIBITING THE USE OF MOTOR VEHICLE COMPRESSION BRAKES

Section 1. The Village Board of the Village of Birnamwood, Wisconsin do ordain that Chapter 7.340.01 be created as follows:

- a. Compression Brakes Prohibited. No person shall use motor vehicle brakes which are in any way activated or operated by compression of the engine of the motor vehicle.
- b. Defense. It shall be an affirmative defense to prosecution under this ordinance that compression brakes were applied in an emergency and were necessary for the protection of persons or property.
- c. Emergency Vehicles. Emergency vehicles shall be exempt from this ordinance.

Section 2. The provisions of this ordinance are declared to be severable. If any section, sentence, clause, phrase or application of this ordinance is held to be invalid or unconstitutional for any reason, such decision shall not affect the validity of the remaining sections, sentences, clauses, phrases, or applications of this ordinance, which shall remain in effect. It is the legislative intent that this ordinance shall remain in effect notwithstanding the invalidity of any part or application of this ordinance.

Section 3. Any person violating the provisions of this ordinance shall have committed a traffic infraction and a penalty shall be imposed as provided in section 7.06 of the Village of Birnamwood traffic code.

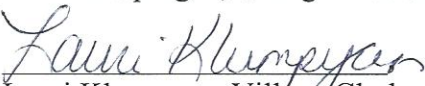
Section 4. This ordinance shall take effect upon passage and publication as provided by law.

Dated this 22 Day of March 2004.

Passed: 3-22, 2004

Published: 3-25, 2004


Michael Sprague, Village President


Lauri Klumpyan, Village Clerk