

VILLAGE OF BIRNAMWOOD

ORDINANCE # 7-03-04

USE OF MOTER VEHICLE COMPRESSION BRAKES

Section 1 – Purpose

It is in intent of the Village of Birnamwood to prohibit the use of compression brakes within the Village limits.

Section 2 - Definitions

Compression brakes are defined as motor vehicle brakes which are activated or operated by compression of the engine of the motor vehicle.

Section 3 – Compression Brakes Prohibited

No person shall use the motor vehicle brakes which are in any way activated or operated by compression of the engine of the motor vehicle.

Section 4 – 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.

Section 5 – Emergency Vehicles

Emergency vehicles shall be exempt from this ordinance.

Section 6 – Provisions

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 7 – Penalties

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 8 – Effective Date

This ordinance is effective on publication or posting.

The town clerk shall properly post or publish this ordinance as required under s. 60.80, Wis. stats.

Adopted this 22nd day of March, 2004.

(Signature of Village President) _____

Attest: (Signature of town clerk) _____