



Ordinance 181-26

AN ORDINANCE OF THE TOWN OF ANDERSON, TEXAS, PROHIBITING ENGINE BRAKING (ALSO KNOWN AS "JAKE BRAKING") IN THE TOWN OF ANDERSON, TEXAS, EXCEPT IN EMERGENCY SITUATIONS; AND PROVIDING FOR A PENALTY FOR VIOLATION OF THIS ORDINANCE.

WHEREAS, the Town Council of the Town of Anderson, Grimes County, Texas ("Town Council") seeks to protect the public safety, preserve the quality of life, and prevent nuisances in the Town; and

WHEREAS, the Town Council find that the practice of engine braking by diesel trucks (sometimes referred to in common nomenclature as "jake braking" but which must not be confused with the registered trademark "Jake Brake" belonging to the Jacobs Vehicle Systems, Inc.) creates disturbing, excessive and offensive noise when it occurs within the city limits; and

WHEREAS, pursuant to Texas Local Government Code, the Town Council has the general authority to adopt and publish an ordinance or police regulation that is for the good of government, peace and order of the municipality and is necessary or proper for the carrying out of a power granted by law to the municipality; and

WHEREAS, the Town Council believes it is in the best interest of the citizens and visitors to the Town, to prohibit the use of engine brakes within the Town of Anderson, Texas.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ANDERSON, TEXAS, that:

Section 1. Enactment

- 1.1 Recitals. All of the above premises are hereby found to be true and correct legislative and factual findings of the Town Council and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.
- 1.2 Scope. This Ordinance applies to all property within the incorporated municipal boundaries of the Town of Anderson (i.e., "city limits").

Section 2. Definitions

- 2.1 General. Words and phrases used in this Ordinance shall have the meanings set forth in this section. Terms that are not defined below but are defined elsewhere in the Town of Anderson Ordinances ("Ordinances"), shall be given the meanings set forth in the Ordinances. Words and phrases not defined in the Ordinances shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense; words in the plural number shall include the singular number (and vice versa); and words in the masculine gender shall include the feminine gender (and vice versa). The word "shall" is always mandatory, while the word "may" is merely directory. Headings and captions are for reference purposes only.
- 2.2 Town. The Town of Anderson, an incorporated municipality located in Grimes County, Texas.

2.3 Engine Braking. Any method of slowing diesel trucks in a manner that produces a loud noise, particularly by venting the cylinder of the diesel engine midway through its cycle causing the engine, instead of producing power, to absorb Power, thereby slowing the truck down dramatically. It shall also include the production of excessive noise produced by engine retarders due to a truck operating with improperly maintained, defective, or modified muffler systems or the use of straight exhaust pipes with no mufflers.

2.4 Person. Any human, individual, corporation, company, sole proprietorship, partnership, association, organization, or agency.

2.5 Emergency. Any situation or condition in which it can be reasonably concluded that death or serious bodily injury to a person or substantial injury to property is imminent.

2.6 Emergency Vehicles. Any first responder or emergency vehicles owned or operated by a governmental entity or at the direction of a governmental entity.

Section 3. Offense

3.1 It shall be unlawful for any person to engine brake within the Town Limits. This provision is not intended to prohibit the passage of vehicles equipped with engine brakes in the Town of Anderson, by rather prohibit the use of such equipment in the Town of Anderson.

Section 4. Exemptions and Defense to Prosecution

4.1 Emergency Vehicles operating in the course and scope of their duties are exempted from the provisions of this Ordinance.

4.2 It is a defense to prosecution that an Operator of a motor vehicle activated the engine compression brake in an Emergency.

Section 5. Enforcement

5.1 Civil & Criminal Penalties. The Town shall have the power to administer and enforce the provisions of this Ordinance as may be required by governing law. Any person violating any provision of this Ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this Ordinance is hereby declared to be a nuisance.

5.2 Criminal Prosecution. Any person violating any provision of this Ordinance shall, upon conviction, be fined a sum not exceeding five hundred dollars (\$500.00). Each day that a provision of this Ordinance is violated shall constitute a separate offense. An offense under this Ordinance is a misdemeanor.

5.3 Civil Remedies. Nothing in this Ordinance shall be construed as a waiver of the Town's right to bring a civil action to enforce the provisions of this Ordinance and to seek remedies as allowed by law, including, but not limited to, the following:

5.3.1 Injunctive relief to prevent specific conduct that violates the Ordinance or to require specific conduct that is necessary for compliance with the Ordinance; and

5.3.2 A civil penalty up to one hundred dollars (\$100.00) a day when it is shown that the defendant was actually notified of the provisions of the Ordinance and after receiving notice committed acts in violation of the Ordinance or failed to take action necessary for compliance with the Ordinance; and other available relief.

Section 6. Severability

6.1 Should any sentence, paragraph, subdivision, clause, phrase, or section of this ordinance be adjusted or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance in whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

Section 7. Public Notice and Meeting

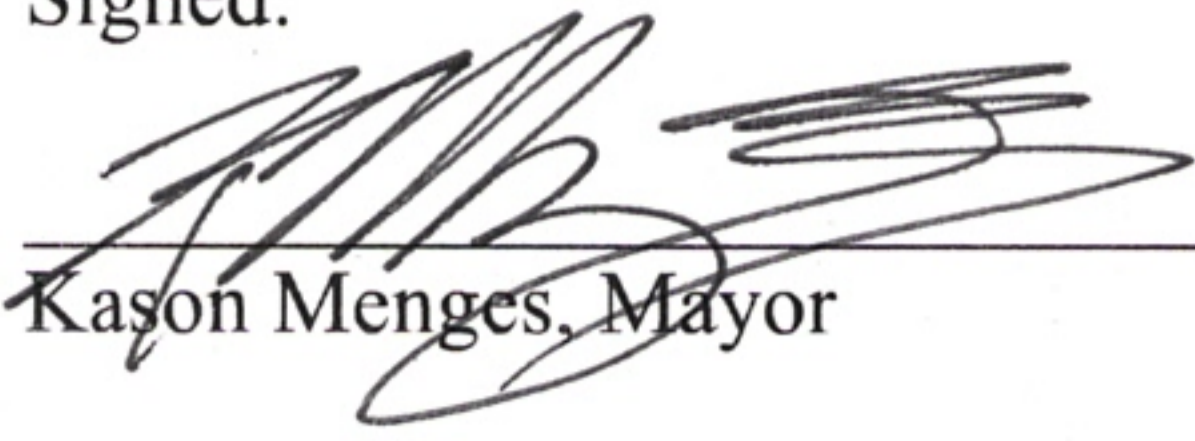
7.1 It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

Section 8. Effective Date

8.1 This ordinance shall be in full force and effect from and after its passage.


ADOPTED, PASSED AND APPROVED by the Town Council of the Town of Anderson, Texas, on the 12 day of February 2026.

Signed:



Kason Menges, Mayor

Attest:



Cara McAlister, Town Clerk