

## AGENDA RESERVATION REQUEST

### CITY OF FRANKLIN COMMON COUNCIL

Please type or print

<b>Date Submitted:</b>	January 27, 2015	<b>Meeting Date:</b>	February 2, 2015
<b>Contact Information:</b>			
<b>Requested by:</b>	Joanna Myers, Senior Planner		
<b>On Behalf of Organization or Individual:</b>			
		Department of Planning & Engineering	
<b>Telephone:</b>	317-736-3631		
<b>Email address:</b>	jmyers@franklin.in.gov		
<b>Mailing Address:</b>	70 E. Monroe St., Franklin, IN 46131		
<b>Describe Request:</b>			
Approval of Ordinance 2015-01: Use of Engine Compression Brakes (Introduction)			
<b>List Supporting Documentation Provided:</b>			
1. Ordinance 2015-01			
<b>Who will present the request?</b>			
<b>Name:</b>	Joanna Myers	<b>Telephone:</b>	317-736-3631

*The Franklin City Council meets on the 1st and 3rd Monday of each month at 6:00 p.m. in the Council Chambers of City Hall located at 70 E. Monroe Street. In order for an individual and/or agency to be considered for new business on the agenda, this reservation form and supporting documents must be received in the Mayor's office no later than 12:00 p.m. on the Wednesday before the meeting.*

**ORDINANCE NUMBER 15-01  
OF THE CITY OF FRANKLIN, INDIANA**

**An Ordinance Regulating the Use of Engine Compression Brakes**

**WHEREAS**, the Common Council of the City of Franklin, Indiana, finds that it is in the best interest of the City of Franklin and to promote the health, safety and welfare of its citizens to adopt regulations prohibiting the use of engine compression brakes within the corporate limits:

**NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF FRANKLIN, INDIANA, ORDAINS AND ENACTS THE FOLLOWING:**

**1) Engine Compression Braking**

**A. Definitions:** For the purpose of this ordinance the following definitions shall apply.

1. Engine Compression Brake: A hydraulically operated device that converts a power producing diesel engine into a power absorbing retarding mechanism. Also known as “jake brake”.
2. Jake Brake: See engine compression brake.

**B. Regulations**

1. No person shall use or operate any engine compression brake, or jake brake, to slow down, reduce speed, or stop any motor vehicle while traveling on any road, street, or thoroughfare over which the City of Franklin has traffic regulation jurisdiction, except in the case of failure of the vehicle’s service brake system.
2. Authorized Fire Personnel acting within the scope of their official duties are exempt from the regulations of this ordinance.

**C. Enforcement and Penalties**

1. Citation for violation of this ordinance may be issued by any sworn member of the City of Franklin Police Department.
2. Violation of this ordinance shall result in a fine in the amount of Two Hundred Fifty Dollars (\$250.00).
3. The Franklin City Court shall be the court of proper venue and jurisdiction for the enforcement of this ordinance.

**2) Construction of Clause Headings:** The clause headings appearing in this ordinance have been provided for convenience and reference, and do not purport and will not be deemed to define, limit, or extend the scope or intent of the clauses to which the headings pertain.

**3) Repeal of Conflicting Ordinances.** The provisions of all other ordinances in conflict with the provisions of this ordinance are of no further force or effect, and are now repealed.

**4) Severability of Provisions.** If any part of this ordinance is held to be invalid, such part will be deemed severable and its invalidity will have no effect upon the remaining provisions of this ordinance.

5) **Duration and Effective Date.** The provisions set forth in this ordinance become and will remain in full force and effect (until their repeal by ordinance) thirty (30) days after the passage and adoption of this ordinance by signature of the executive in the manner prescribed by Indiana Code §36-4-6-15,16.

Introduced and Filed on the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

DULY PASSED on this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by the Common Council of the City of Franklin, Johnson County, Indiana, having been passed by a vote of \_\_\_\_\_ in Favor and \_\_\_\_\_ Opposed.

City of Franklin, Indiana, By its Common Council:

Voting Affirmative:

Voting Opposed:

\_\_\_\_\_  
Stephen Barnett, Council President

\_\_\_\_\_  
Stephen Barnett, Council President

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Kenneth W. Austin, Vice President

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Kenneth W. Austin, Vice President

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Joseph P. Abban

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Joseph P. Abban

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Joseph R. Ault

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Joseph R. Ault

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Robert D. Henderson

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Robert D. Henderson

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Stephen D. Hougland

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Stephen D. Hougland

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Richard L. Wertz

\_\_\_\_\_  
Richard L. Wertz

Attest:

\_\_\_\_\_  
Janet P. Alexander  
City Clerk-Treasurer

Presented by me to the Mayor of the City of Franklin for his approval or veto pursuant to  
Indiana Code § 36-4-6-15, 16, this \_\_\_\_\_ day of \_\_\_\_\_, 2015  
at \_\_\_\_\_ o'clock a.m./p.m.

\_\_\_\_\_  
Janet P. Alexander,  
City Clerk-Treasurer

This ordinance having been passed by the legislative body and presented to me  
[Approved by me and duly adopted, pursuant to Indiana Code § 36-4-6-16(a)(1)]  
[Vetoed, pursuant to Indiana Code § 36-4-6-16(a)(2)], this \_\_\_\_\_ day of  
\_\_\_\_\_, 2015 at \_\_\_\_\_ o'clock a.m./p.m.

\_\_\_\_\_  
Joseph E. McGuinness  
Mayor

Attest:

\_\_\_\_\_  
Janet P. Alexander,  
City Clerk-Treasurer

Prepared by:  
Lynnette Gray, Attorney No.: 11567-41  
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