

**TOWNSHIP OF SULLIVAN  
COUNTY OF MUSKEGON, MICHIGAN**

At a regular meeting of the Township Board of the Township of Sullivan, held in the Township Hall, Ravenna Michigan, on the 2<sup>nd</sup> day of October 2018, at 6:30 p.m.

**ORDINANCE NO. 18-01**

**AN ORDINANCE TO REGULATE THE USE OF COMPRESSION-RELEASE ENGINE BRAKING DEVICES  
WITHIN THE TOWNSHIP, AND TO PRESCRIBE PENALTIES FOR VIOLATIONS THEREOF**

THE TOWNSHIP OF SULLIVAN ORDAINS:

Section 1.      Findings/Purpose.      The Township Board hereby finds and determines that the use of compression-release engine braking creates excessively loud, persistent noise that can be disruptive of the peace and tranquility enjoyed by township residents and visitors.

The purpose of this ordinance is to establish and impose restrictions on the use of compression-release engine braking devices by drivers of motor vehicles within the Township to avoid the substantial nuisance of loud, persistent noise resulting from the use of such devices and to advance the public health, safety and welfare of the Township and its residents and visitors.

Section 2.      Definitions.      For the purposes of this Ordinance, the following terms and phrases shall be defined as follows:

(a)      "Compression-Release Engine Braking Device" means a device primarily used, applied or engaged on trucks, motor homes or other large motor vehicles for the conversion of the engine (usually a diesel engine) from an internal-combustion engine to an air compressor or power-absorbing or power-retarding mechanism for slowing down or braking the motor vehicle, including, but not limited to, so-called Jake Brakes™, Jacobs Brakes™, or Jacobs Engine Brakes™.

(b)      " Motor Vehicle" means any vehicle that is self-propelled.

Section 3.      Use Prohibited.      It shall be unlawful for any person to apply, use or engage a Compression-Release Engine Braking Device at the following locations within the Township, except in

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the case of a genuine traffic emergency as described in Section 4:

- (a) On Maple Island Road north/south to Hts. Ravenna Road
- (b) On Hts. Ravenna Road east/west to Maple Island Road
- (c) On Sternberg Road east/west to Maple Island Road
- (d) On Maple Island north/south to Sternberg  
(amend. 7-6-21)

Section 4. Exceptions.

(a) Section 3 of this ordinance shall not apply to authorized emergency vehicles, including those of public fire departments, law enforcement departments or agencies or ambulances or similar emergency vehicles being operated as a result of an emergency or rescue effort.

(b) Section 3 of this ordinance shall not apply in circumstances in which vehicle braking by a compression-release braking device is necessary for the prevention of imminent harm or danger to person or property.

Section 5. Signage. Appropriate signs prohibiting the application, use or engagement of Compression-Release Braking Devices may be installed at locations in the Township, as determined by the Township Board. Failure to install such signage shall not, however, be a defense to any person found to have violated this ordinance.

Section 6. Violations/Penalties. A violation of this ordinance is a municipal civil infraction, for which the fine shall not be less than \$150.00 for the first offense, and not less than \$300.00 for a second offense within a three-year period, and not less than \$500.00 for a third and subsequent offense within a three-year period, in the discretion of the court, and in addition to all other costs, damages, expenses and actual attorney fees incurred by the Township in enforcing the ordinance.

For purpose of this section, a "subsequent offense" means a violation of this ordinance committed with respect to a separate incident by the same person within 12 months after a previous

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violation of the responsible. Each day the violation occurs shall constitute a separate offense.

In addition to paying the above-stated fines and costs, if a violator is issued a municipal civil infraction citation, the violator shall be responsible for all costs, damages, expenses, and attorney fees incurred by the Township and shall also be subject to all other remedies provided to the Township by law.

Section 7. Severability. Each portion of this Ordinance shall be deemed to be severable. Should any provision of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional, invalid or unenforceable, such holding shall not affect the validity or enforceability of this Ordinance as a whole, or of any other part hereof.

Section 8. Publication/Effective Date. A notice of adoption and summary of the regulatory effect of this ordinance shall be published in a newspaper of general circulation in the Township, within 30 days of adoption. This ordinance shall become effective 30 days following such publication.

AYES: *SPENCER, MABRITO, McGhan, Kremm*

NAYS: *∅*

ABSENT:

ORDINANCE DECLARED AMENDED.

  
\_\_\_\_\_  
Libby Spencer, Clerk  
Township of Sullivan

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Township Board of the Township of Crockerly at a public meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

  
\_\_\_\_\_  
Libby Spencer, Clerk  
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AYES: 5 - *Patterson, Spencer, Sillette, Buckner, Mabitata*

NAYS: 0

ABSENT: *none*

ORDINANCE DECLARED ADOPTED.

*Sue Buckner - Clerk*  
Sue Buckner, Clerk  
Township of Sullivan

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Township Board of the Township of Crockery at a public meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

*Sue Buckner - Clerk*  
Sue Buckner, Clerk  
Township of Sullivan