

TOWN OF BLUFF, UTAH ORDINANCE NO. 2025-_____
AN ORDINANCE ENACTING PROVISIONS REGULATING ENGINE
BRAKE/DYNAMIC BRAKING DEVICES

WHEREAS, the Town of Bluff General Plan finds that minimal noise pollution contributes to the preservation of the rural, small town nature of Bluff; and

WHEREAS, the proliferation of noise and air pollution can result in negative impacts upon adjacent property owners and diminution of the quality of life; and

WHEREAS, residents should expect to live with some level of noise. Traffic, lawn mowers, power tools, construction, barking dogs, or other animal noises for example; and

WHEREAS, the Town of Bluff General Plan states that highway and other noise should be kept to a minimum via ordinance,

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF BLUFF, UTAH:

SECTION 1: Definitions

For the purposes of this Chapter, the words and terms used herein shall be defined as follows:

- A. "Emergency Situation" shall mean one in which there is imminent danger of collision with property, persons or animals.
- B. "Engine Brake" also known as a "Jake Brake", "Jacob's Brake", "Dynamic Braking Device", and/or a "Dynamic Braking System" means the braking mechanism installed on some diesel engines that, when activated, opens an exhaust valve in the cylinders after the compression cycle, to release compressed air trapped in the cylinders to slow the vehicle.
- C. "Noise Disturbance" shall mean the frequent, repetitive and or continues human-created sounds that interfere with the reasonable use of property.
- D. "Nuisance" means the unreasonable, unwarranted, or unlawful use of one's property in a manner than substantially interferes with the enjoyment or use of another's property without an actual trespass or physical invasion of land.

SECTION 2: Prohibition of Use of Engine Brake

It shall be unlawful for the driver of any vehicle to use or operate an engine brake within town limits, except during an emergency situation.

SECTION 3: Applicability

- A) This chapter applies to noise pollution from engine brakes in all zones within the Town of Bluff except where exemptions are clearly stated.

B) Notice of this section shall be posted at the place where the boundary of the town joins or crosses any highway by an appropriate sign notifying motorists of the passage of this section.

SECTION 4: Exemptions

Fire trucks or other emergency vehicles are exempt from the prohibitions of this chapter.

Section 5: Reporting, Enforcement, and Penalties

A. Reports of violations of this ordinance shall be made to the Utah Highway Patrol or San Juan County, Utah Sheriff's Office

SECTION 6: Severability

If any section, clause, or provision of this ordinance is found to be invalid or unenforceable, the remainder shall remain in full force and effect.

SECTION 7: Effective Date

This ordinance shall take effect immediately upon passage and publication as required by law.

Approved by the Bluff Town Council at a duly noticed public meeting on this _____ day of _____, 2025 by the following vote:

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Mayor Ann Leppanen				
Mayor Pro-Tem Britt Hornsby				
Town Council Member Davila				
Town Council Member Davila				
Town Council Member				

BY:

Ann K. Leppanen
Mayor, Town of Bluff

ATTEST:

Linda Sosa
Bluff Town Recorder

RECORDED THIS _____ day of _____, 2025.

PUBLISHED/POSTED this _____ day of _____, 2025.

Certificate of Passage and Publication /Posting.

In accordance with §10-3-713 of Utah State Code, as amended, I, _____ of Bluff, Utah, hereby certify that the foregoing ordinance was duly passed and published or posted on the above referenced dates at:

- 1) Bluff Community Center Town Offices
- 2) Utah Public Notice Website
- 3) Town of Bluff Website

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