

**Ordinance 2019-01**  
**Use of dynamic brake device prohibited**

A. Except as provided in this section, the use or operation of a dynamic braking device on unmuffled vehicles is hereby prohibited within Fall River County at the locations set out as follows:

**Zone 1** – Highway 385 milepost #38, 1 1/4 miles north of Hot Springs traveling south-east to intersection with Highway 79.

**Zone 2** – Highway 18 milepost #33, 1 1/2 miles west of Hot Springs traveling east to intersection with Highway 385.

**Zone 3** - Highway 79 milepost #28, 1 1/3 miles north of junction with Highway 385/18, traveling south to Cheyenne River at milepost #46.

B. A dynamic braking device is a device used on vehicles that converts the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes. These devices are commonly referred to as “air brakes,” “engine brakes,” “compression brakes,” “Jacob’s Brakes,” or “Jake Brakes.”

C. This section shall not apply to State/County/City emergency vehicles, whether or not responding to an emergency.

D. As an affirmative defense to a charge of a violating of this section, the driver of the vehicle must prove by a preponderance of the evidence that:

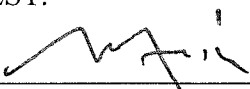
1. The driver of the vehicle was operating the vehicle in compliance with all applicable laws at the time the unmuffled dynamic braking device was used; and
2. The speed of vehicle was reasonable given all of the relevant circumstances; and
3. The driver believed that the use of the unmuffled dynamic braking device was necessary to either:
  - a. Avoid an imminent threat to the safety of the driver or any other person; or
  - b. Avoid an imminent threat to property.
4. The driver’s belief as to the necessity for using the unmuffled dynamic braking device was objectively reasonable.

E. A violation of this ordinance shall be subject to a fine per violation, defined by a future resolution.

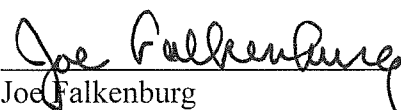
First Reading: November 5, 2019

Second Reading: November 19, 2019

ATTEST:



Sue Ganje  
Fall River County Auditor’s Office



Joe Falkenburg  
Fall River County Board of Commissioners