

ORDINANCE NO. 412

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVANA, FLORIDA, PROHIBITING THE USE OF ENGINE COMPRESSION BRAKES WITHIN THE TOWN LIMITS; AMENDING CHAPTER 13, ARTICLE IV, SECTIONS 13-118, 13-119(e), AND 13-122 OF THE CODE OF ORDINANCES OF HAVANA, FLORIDA; PROVIDING FOR SIGNAGE AND COORDINATION WITH OTHER GOVERNMENTAL AUTHORITIES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in section 316.008, Florida Statutes, conferred upon municipalities certain authority to regulate traffic on the public roadways within their jurisdictional limits;

WHEREAS, the Town of Havana, Florida, (the "Town") is desirous of prohibiting the use of engine compression braking (also sometimes referred to as "Jake Brakes") by trucks and other large vehicles on the public roads within the Town limits;

WHEREAS, the Florida Department of Transportation has agreed to post signs on certain state highways under its jurisdiction within the Town of Havana, Florida, warning drivers of the prohibition against the use of engine compression braking, provided the Town adopts an ordinance to that effect.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HAVANA, FLORIDA, AS FOLLOWS:

SECTION 1. INCORPORATION OF RECITALS. The above recitals are true and accurate and are hereby incorporated herein, but need not be set forth in the Code of Ordinances of Havana, Florida.

SECTION 2. AMENDMENT TO SECTION 13-118. Chapter 13, Article IV, Section 13-118 of the Code of Ordinances of Havana, Florida, is hereby amended by adding the follows provision:

Engine Compression Brake means any motor- or engine-retarding or braking device, or any mechanical exhaust device, or any other device or system that brakes the engine, rather than the wheels, as a means of slowing or stopping a truck, tractor, semi, motor carrier, or other vehicle. Such an Engine

Compression Brake is commonly referred to as a "Jake Brake," and its use is characterized by an excessively loud, raucous, or explosive noise.

SECTION 3. AMENDMENT TO SECTION 13-119(e). Chapter 13, Article IV, Section 13-119(e) of the Code of Ordinances of Havana, Florida, is hereby amended by adding a new specific prohibition (11) following the existing specific prohibition (10), as follows:

(11) *Engine Compression Brakes. It shall be unlawful and a violation of this provision for any vehicle to use an Engine Compression Brake within the corporate limits of the Town of Havana, Florida, unless an emergency situation occurs in which the standard service braking system fails, or is inadequate to stop the vehicle in a safe manner. The excessively loud, raucous, or explosive noise characterized by the use of an Engine Compression Brake shall be prima facie evidence of a violation of this provision. The Town may erect or cause to be erected certain signs warning vehicle operators of this specific prohibition, but the absence of a sign is not a defense against a violation of this provision.*

SECTION 4. AMENDMENT TO SECTION 13-122. Chapter 13, Article IV, Section 13-122 of the Code of Ordinances of Havana, Florida, is hereby amended and restated in its entirety to read as follows:

Sec. 13-122. Enforcement and Penalties.

Any person violating any of the provisions of this article shall be prosecuted in the same manner as misdemeanors and infractions are prosecuted in accordance with appropriate Florida Statutes and Town Ordinance Chapter 14, Article I, Sec. 14-1, except that, in lieu of any such prosecution, the Town may issue fines of \$50 for the first offense and \$100 for each subsequent offense for violations of the Engine Compression Brake prohibition in this article.

SECTION 5. SIGNAGE; COORDINATION. The Town Manager is hereby authorized and directed, including by directing other town staff, to erect signs, or cause signs to be erected, in conspicuous places upon all public roads within the Town, to effect its intent. The foregoing authorization and direction includes coordinating with the Florida Department of Transportation for the placement of signage on state highways under its jurisdiction within the Town, and Gadsden County and other governmental authorities as necessary.

SECTION 6. CONFLICTS. In the event that the provisions of this ordinance are in conflict with any other town ordinance, then the provisions of this ordinance shall prevail.

SECTION 7. SEVERABILITY. It is hereby declared to be the intent of the Town Council of the Town of Havana, Florida, that if any section, subsection, clause, phrase, or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

SECTION 8. INCLUSION IN TOWN CODE. It is the intention of the town council that the provisions of sections 2, 3, and 4 of this ordinance shall become and be made a part of the Code of Ordinances of Havana, Florida; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section," "article," or other appropriate designation.

SECTION 9. EFFECTIVE DATE. This Ordinance shall become effective upon its final approval and adoption.

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PASSED in an open session of the Town Council of the Town of Havana, Florida, on this 29th day of July, 2025, by a vote of 6-0.

PASSED AND ADOPTED in an open session of the Town Council of the Town of Havana, Florida, on this 26th day of August, 2025, by a vote of 7-0.

TOWN OF HAVANA, FLORIDA:

[SEAL]

E. N. Bass, Jr.
Edward N. Bass, Jr., Mayor

Attest, By the Town Clerk of
the Town of Havana, Florida:

Shyan L. Allen
Town Clerk

Approved as to Form:

[Signature]
Town Attorney

