

**ORDINANCE 12, SERIES 2024**  
**TOWN OF KIOWA, COLORADO**

**AN ORDINANCE OF THE TOWN OF KIOWA, ELBERT COUNTY, COLORADO,  
PROHIBITING THE USE OF ENGINE BRAKES (ALSO KNOWN AS “JAKE  
BRAKES”); PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN  
EFFECTIVE DATE**

WHEREAS, the Town of Kiowa is concerned with the noise generated by tractor trailers throughout the Town of Kiowa and on state highways running through Town; and

WHEREAS, the Town of Kiowa Municipal Code, Chapter 7, Article 1, Section 7-1, Definitions, shall be amended to include provisions to protect the community in accordance with C.R.S. 42-4-223 and Colorado Department of Transportation requirements from this nuisance as follows:

**Engine compression or dynamic braking devices.**

A. Engine Brakes. The use or operation of an auxiliary or compression engine brake (also known as “Jake” brake) which produces any noise in addition to the normal operating engine noise is prohibited in the town limits. The provision is not intended to prohibit the passage of vehicles equipped with engine brakes or “Jake” brakes in posted areas but rather prohibit the use of such equipment in posted areas.

B. It is unlawful for any person to operate a motor vehicle in the town with an engine compression or dynamic braking device engaged, including without limitation what are commonly referred to as "Jacob brakes" or "Jake brakes."

C. Violations of this section are designated as noncriminal violations and upon conviction, including a plea of guilty or *nolo contendere*, the penalties set forth in this Code apply.

D. The term “emergency situation”, for the purposes of this ordinance, shall mean one in which there is imminent danger of collision with property, person or animals.

BE IT ORDAINED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF KIOWA, ELBERT COUNTY, COLORADO THAT:

Authority. The Town Board of Trustees hereby finds, determines, and declares that this ordinance is promulgated under the general police power of the Town of Kiowa, that it is promulgated for the health, safety, and welfare of the public, and that this ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the ordinance bears a rational relation to the proper legislative object sought to be attained.

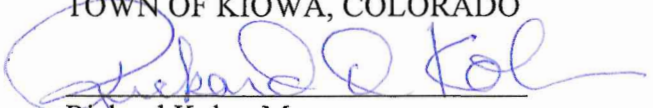
Severability. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or

circumstances.


Effective Date. This Ordinance shall become effective ten (10) days after publication by title.

INTRODUCED, and ADOPTED by a vote of 6 for and 0 against and ORDERED  
PUBLISHED BY TITLE this 8<sup>th</sup> day of October, 2024.


TOWN OF KIOWA, COLORADO

  
Rickard Kolm, Mayor

ATTEST:

  
Sasha Davidson, Town Clerk

APPROVED AS TO FORM:

  
Ruth Borne, Town Attorney