

ORDINANCE NO. 05-12-2026-2

AN ORDINANCE OF THE CITY OF MERKEL, TEXAS AMENDING CHAPTER 11 "TRAFFIC AND VEHICLES", ARTICLE 11.01 "GENERAL PROVISIONS" OF THE MERKEL CODE OF ORDINANCES TO ADD SECTION 11.01.001 "ENGINE BRAKING PROHIBITED" TO PROHIBIT THE USE OF ENGINE BRAKING WITHIN THE CITY LIMITS; PROVIDING A PENALTY; PROVIDING REPEALER AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Merkel (the "City") is a general law municipality operating pursuant to the laws of the State of Texas;

WHEREAS, the City has "exclusive control over the highways, streets, and alleys" of the City, pursuant to Section 311.002(a) of the Texas Transportation Code;

WHEREAS, Section 51.001 of the Texas Local Government Code allows the City to adopt an ordinance "for the...peace or order" of the City;

WHEREAS, the City Council of the City (the "City Council") adopted regulations regarding traffic and vehicles in Chapter 11 of the Merkel Code of Ordinances;

WHEREAS, the City Council finds that large commercial vehicles using engines to brake or slow the vehicle through the use of gears, known as "jake braking" or "engine braking", is disruptive to the peace of the citizens of the City; and

WHEREAS, the City Council finds that it is in the best interest of the health, safety, and welfare of the citizens of the City that Chapter 11 be amended to prohibit engine braking.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MERKEL, TEXAS, THAT:

I. Amendment of Article 11.01. Chapter 11 "Traffic and Vehicles", Article 11.01 "General Provisions" of the Merkel Code of Ordinances is hereby amended to add Section 11.01.001 "Engine Braking Prohibited" to read as follows and all other sections of said Article and Chapter shall remain in full force and effect.

§ 11.01.001. Engine braking prohibited.

(a) No person shall operate an engine of any motor vehicle so to brake or slow the motor vehicle through the use of gears, commonly referred to as "jake braking" or "engine braking", or by any other method which produces noise in addition to the normal operating engine noise, except in an emergency situation.

(b) In this section, "emergency situation" means a situation in which there is an imminent danger of collision with property, persons, or animals.

(c) Emergency vehicles are exempt from this prohibition.

(d) Any person violating or failing to comply with this section shall be charged with a Class C misdemeanor and, upon conviction, shall be fined up to five hundred dollars (\$500.00) for each offense.

II. **Repeal.** Any and all ordinances or ordinance provisions in conflict herewith are hereby repealed or amended to the extent of such conflict.

III. **Severability.** If any provision or any section of this ordinance shall for any reason be adjudged invalid or unconstitutional by a court of competent jurisdiction, such judgement shall not affect or invalidate the remaining provisions or sections, which shall remain in full force and effect.

IV. **Effective Date.** This ordinance, being a penal ordinance, shall become effective after adoption and its publication as required by the Texas Local Government Code.

PASSED AND APPROVED this 12th day of May 2026.



Ray Cobb, Mayor

ATTEST:



Evelyn Morse, City Secretary