

**CITY OF LEONARD, TEXAS
ORDINANCE NO. 260217-05**

AN ORDINANCE OF THE CITY OF LEONARD, TEXAS AMENDING THE CITY OF LEONARD CODE OF ORDINANCES, CHAPTER 8, "OFFENSES AND NUISANCES," ARTICLE 8.03.003, "SPECIFIC ACTS DEEMED TO BE INHERENTLY LOUD OR RAUCOUS," BY ADDING SUBSECTION (8) DETERMINING ENGINE BRAKING TO BE INHERENTLY LOUD AND PROHIBITING NOISE DISTURBANCES BY "JAKE BRAKES"; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FOR AMENDMENT; PROVIDING SEVERABILITY; PROVIDING FOR A PENALTY PER DAY FOR EACH OFFENSE; PROVIDING SAVINGS AND REPEALER CLAUSE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, the City of Leonard (the "City") is a General Law Type A municipality located in Fannin County, Texas, created in accordance with provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, Section 311.002 of the Texas Transportation Code provides that a General Law municipality has exclusive control over the public streets, highways and alleys of the municipality; and

WHEREAS, Chapter 217 of the Texas Local Government Code authorizes a Type A General Law municipality to define and declare what constitutes a nuisance and prevent as disorderly conduct any noise or disturbance in any public or private place in the municipality; and

WHEREAS, the City has determined that it is in the best interest of the health, safety and general welfare of the public to prohibit the use of jake brakes or engine brakes within the corporate city limits, as creating a noise nuisance that disturbs the peace and enjoyment of the citizens of the City of Leonard, Texas.

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

Section 1. Incorporation of Findings. The findings set forth above are incorporated as if fully set forth herein.

Section 2. Amendment. Chapter 8 "Offenses and Nuisances," Article 8.03 "Noise," Section 8.03.003 "Specific acts deemed to be inherently loud or raucous," is hereby amended to add a new Subsection (8) to be and read in its entirety as follows:

"Section 8.03.003 Specific acts deemed to be inherently loud or raucous.

....

(8) the use or operation of an auxiliary or compression engine brake, commonly referred to as “Jake Brake,” not including braking mechanism by emergency vehicles while in performance of official duties.”

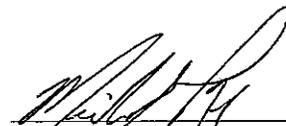
Section 3. Savings and Repealer. All provisions of any Ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed Ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the Ordinance. Any remaining portions of said Ordinance shall remain in full force and effect.

Section 4. Severability. That it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared void, ineffective or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such voidness, ineffectiveness or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation herein of any such void, ineffective or unconstitutional phrase, clause, sentence, paragraph or section.

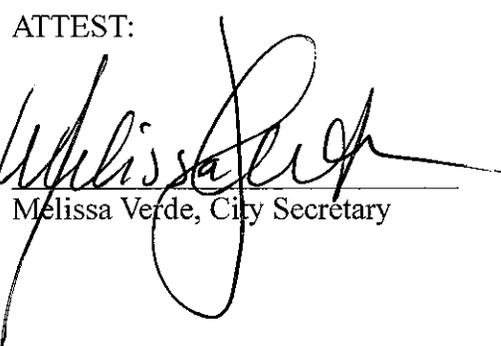
Section 5. Penalty. It shall be unlawful for any person, corporation, or other entity to violate any provision of this Ordinance by performing an act prohibited by this Ordinance or failing to perform an act required by this Ordinance, is guilty of a misdemeanor. Each day a violation exists or continues to exist shall be a separate offense. An offense under this Article shall be punishable in accordance with the general penalty described by Section 1.01.009 of the city’s Code of Ordinance.

Section 6. Publication and Effective Date. This Ordinance shall take effect on its final passage and publication as required by Texas law, and it is so ordained.

DULY PASSED, APPROVED AND ADOPTED by the City Council of the Leonard, Texas, on this the 17th day of February 2026.



Michael Pye, Mayor

ATTEST:


Melissa Verde, City Secretary

