

ORDINANCE NO. 26-O-12

AN ORDINANCE OF THE CITY OF CRYSTAL RIVER, FLORIDA, AMENDING CHAPTER 12, OFFENSES AND MISCELLANEOUS PROVISIONS, OF THE CODE OF ORDINANCES OF THE CITY OF CRYSTAL RIVER, BY AMENDING SECTION 12-10, SAME—CERTAIN ACTS PROHIBITED, TO PROHIBIT THE USE OF JAKE BRAKES WITHIN THE CORPORATE LIMITS OF THE CITY AND TO DEFINE THE TERM “JAKE BRAKE”; PROVIDING FOR SIGNAGE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Crystal River, Florida (the “City”) is a Florida municipal corporation vested with home rule authority pursuant to Article VIII, Section 2(b) of the Florida Constitution and Chapter 166, Florida Statutes, to exercise any power for municipal purposes except when expressly prohibited by law; and

WHEREAS, Sections 12-9 and 12-10 of the Code of Ordinances of the City of Crystal River (the “Code”) prohibit loud, disturbing and unnecessary noises within the City and enumerate certain acts declared to constitute such noises; and

WHEREAS, major transportation corridors, including U.S. Highway 19 and State Road 44, traverse the City and carry substantial volumes of truck and other heavy vehicle traffic through and adjacent to residential neighborhoods, lodging establishments, places of worship, parks and the City’s waterfront; and

WHEREAS, engine compression release brakes and similar engine-retarding devices, commonly known as “jake brakes,” produce excessively loud, raucous and explosive noise when engaged; and

WHEREAS, the City Council finds that the noise generated by the use of jake brakes within the City disturbs the peace, quiet, comfort and repose of the City’s residents and visitors, and that vehicles equipped with such devices are also equipped with conventional wheel braking systems adequate for ordinary operation on the roadways within the City; and

WHEREAS, the City Council desires to amend Section 12-10 of the Code to expressly declare the use of jake brakes within the corporate limits of the City to be a loud, disturbing and unnecessary noise in violation of Section 12-9 of the Code; and

WHEREAS, this Ordinance has been duly noticed, read and considered at public hearings in accordance with Section 166.041, Florida Statutes, and the City Charter; and

WHEREAS, the City Council finds that the adoption of this Ordinance is in the best interest of the public health, safety and welfare of the citizens of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CRYSTAL RIVER, FLORIDA:

Section 1. Recitals. The foregoing recitals are true and correct, are hereby adopted as the legislative findings of the City Council, and are incorporated into this Ordinance by reference.

Section 2. Amendment of Section 12-10 of the Code. Section 12-10, Same—Certain acts prohibited, of Chapter 12, Offenses and Miscellaneous Provisions, of the Code of Ordinances of the City of Crystal River is hereby amended to read in its entirety as set forth in **Exhibit A**, attached hereto and incorporated herein by reference. New text is shown in **Exhibit A** in the form in which it is to be codified; a redlined version showing the changes against the current Chapter 11 is attached as **Exhibit B** for the convenience of the reader. In the event of any inconsistency between Exhibit “A” and Exhibit “B,” Exhibit “A” shall control.

Section 3. Signage. The City Manager, or designee, is hereby authorized to cause appropriate signs giving notice of the prohibition set forth in this Ordinance to be erected at or near the entrances to the City and at such other locations as the City Manager deems appropriate, subject, where applicable, to the approval of the Florida Department of Transportation or other governmental entity having jurisdiction over the affected right-of-way. The absence of any such sign shall not be a defense to, or otherwise affect the enforcement of, a violation of Section 12-10 of the Code.

Section 4. Codification. The provisions of Section 2 of this Ordinance and **Exhibit A** hereto shall become and be made a part of the Code of Ordinances of the City of Crystal River, Florida. The sections of this Ordinance may be renumbered or re-lettered, and the word “ordinance” may be changed to “section,” “article,” or other appropriate word to accomplish such codification. The codifier is authorized to correct scrivener’s errors not affecting the substance of this Ordinance. **Exhibit B** is provided for reference only and shall not be codified.

Section 5. Severability. If any section, subsection, sentence, clause, phrase or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional, and such portion shall be deemed a separate, distinct and independent provision.

Section 6. Conflicts. All ordinances or parts of ordinances, and all resolutions or parts of resolutions, in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. Effective Date. This Ordinance shall become effective immediately upon its adoption by the City Council on second and final reading.

INTENTIONAL PAGE BREAK – SIGNATURES FOLLOW

PASSED AND ADOPTED on second and final reading by the City Council of the City of Crystal River, Florida, in regular session, on the ____ day of _____, 2026.

CITY OF CRYSTAL RIVER, FLORIDA

Joe Meek, Mayor

ATTEST:

Mia Fink, City Clerk

APPROVED AS TO FORM AND LEGALITY:

Robert W. Batsel, Jr., City Attorney