PUBLIC NOTICE

PLEASE TAKE NOTICE that the Mercer County Commissioners adopted the following amendment to the Mercer County Zoning Ordinance on October 7, 2026:
Chapter 4, Special Provisions, Section XII.
The following adopted amendment is available for inspection and copying in the office of the County Recorder, Monday- Friday, 8am-4pm or online at www.mercercountynd.com.
XII. Un-muffled Compression Brake Regulations
Contents

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A. Purpose
The purpose of these regulations is to control the use of engine brakes that create excessive noise that may disturb the public and to promote the general health, safety, and welfare of the citizens of Mercer County.
B. Authority
Mercer County is granted authority to limit compression brakes through North Dakota Century Code § 39-21-33.1.
C. Definitions
1. "Compression Brakes" means the use of the engine to decelerate or reduce or slow the forward motion of a motor vehicle by compression of the engine. "Compression brakes" are also referred to as "exhaust brakes" and/or "Jake brakes."
D. Use of Un-muffled Compression Brakes Where Prohibited
1. No person shall use motor vehicle brakes on public roadways within posted areas of the County that are in any way activated or operated by the un-muffled compression of the engine of that motor vehicle or any unit or part thereof. It shall be an affirmative defense to prosecution under this section that the un-muffled compression brakes were applied in an emergency and were necessary for the protection of persons and/or property.
2. This section shall not apply to motorcycles or vehicles of any fire department, whether or not responding to an emergency.
E. Penalty for Offenses
3. The County engineer shall have authority to post appropriate signs consistent with these provisions. The penalty for a violation of this section is 150 dollars.

Jen Neumiller
Mercer County Land Use Administrator

(10-15-2026)(10-22-2026)