

ORDINANCE NO. 643

AN ORDINANCE OF FORD CITY BOROUGH, ARMSTRONG COUNTY, PENNSYLVANIA, DECLARING THE OPERATION OF AN ENGINE BRAKE INSTALLED ON A GASOLINE POWERED OR DIESEL POWERED MOTOR VEHICLE SUCH THAT THE OPERATION OF THE SAME CREATES EXCESSIVE NOISE TO BE A NUISANCE IN FACT: ESTABLISHING PENALTIES FOR VIOLATION OF SAID ORDINANCE AND ESTABLISHING EXCEPTIONS TO THE ENFORCEMENT OF SAID ORDINANCE IN EMERGENCY SITUATIONS.

BE IT ORDAINED AND ENACTED by Ford City Borough Council, as follows:

- Section 1: This Ordinance shall be known as the Ford City Borough Engine Brake Ordinance.
- Section 2: This Ordinance is established pursuant to the policy established by the Commonwealth of Pennsylvania, Department of Transportation regarding brake retarder prohibitions, a study having been performed pursuant to said procedure by the Department of Transportation on State Route 128 within Ford City Borough and the authority to enact an appropriate Ordinance prohibiting the use of engine retarders pursuant to said procedure as evidenced by correspondence from the Commonwealth of Pennsylvania, Department of Transportation, District Engineer of Engineering District 10.
- Section 3: Ford City Borough Council, Armstrong County, Pennsylvania finds it a fact that the operation of an engine brake on a gasoline powered or diesel powered motor vehicle so as to create excessive noise through the use of said engine brake on State Route 128 within Ford City Borough, adversely affects the public health, safety and welfare of the residents of the Borough and therefore, is a nuisance in fact.
- Section 4: No gasoline powered or diesel powered motor vehicles shall be operated on State Route 128 within Ford City Borough utilizing in said operations an engine brake which permits excessive noise to be created by said motor vehicle.
- Section 5: This Ordinance shall not apply to emergency driving situations requiring the utilization of an engine brake to protect the safety and property of the residents of Ford City Borough, other motor vehicle operators, pedestrians, and the operator and passengers of motor vehicle in said emergency situation.

Section 6: Any person, firm, operation or organization violating any of the provisions of this Ordinance shall, upon summary conviction be sentenced to pay a fine of not more than \$300.00 per day and costs of prosecution, and in default of payment thereof, shall be sentenced to undergo imprisonment in the Armstrong County jail for a period not in excess of 30 days.

Section 7: This Ordinance shall become effective immediately upon passage.

Section 8: Pursuant to the procedures of the Commonwealth of Pennsylvania, Department of Transportation, and pursuant to regulations of the Department with respect to signs on highways, the Borough shall cause to be erected upon the roadways herein specified, signs regarding the prohibition of the use of said engine brake on the designated roadways.

Section 9: The provision of the Ordinance shall be severable and if any of its provisions shall be held to be unconstitutional, illegal or invalid, or otherwise unenforceable by a court of competent jurisdiction, the remaining portions hereof shall not be affected thereby.

Section 10: This Ordinance, as per procedure of the Commonwealth of Pennsylvania, Department of Transportation shall be enforceable by the Ford City Borough Police Department.

Section 11: Any Ordinance, or part of an Ordinance, conflicting with the terms of this Ordinance are hereby specifically repealed.

DONE, ORDAINED AND ENACTED at the Regular Meeting of Ford City Borough Council held at Council Chambers on the 1 day of April 2002.

BOROUGH OF FORD CITY

BY

ATTEST:

SECRETARY

EXAMINED AND APPROVED this 16th day of August, 2002.

, MAYOR
MAYOR