

ORDINANCE NO. 2011- 5

AN ORDINANCE OF MONROE TOWNSHIP, SNYDER COUNTY, PENNSYLVANIA, DECLARING THE OPERATION OF AN ENGINE BRAKE INSTALLATION UPON OR IN A GASOLINE POWERED OR DIESEL POWERED MOTOR VEHICLE NOT EQUIPPED WITH EXHAUST MUFFLERS OR EQUIPPED WITH DEFECTIVE OR MODIFIED EXHAUST MUFFLERS SO AS TO PERMIT THE CREATION OF EXCESSIVE NOISE THROUGH THE EMPLOYMENT OF SAID ENGINE BRAKE TO BE A NUISANCE IN FACT; ESTABLISHING PENALTIES FOR THE VIOLATION OF SAID ORDINANCE AND ESTABLISHING EXCEPTIONS TO THE ENFORCEMENT OF SAID ORDINANCE IN EMERGENCY SITUATIONS.

Section 1. PURPOSE:

The purpose of this ordinance is to provide for the health, safety and welfare of the residents of Monroe Township, by declaring the operation of an engine brake on a gasoline powered or diesel powered motor vehicle not equipped with exhaust mufflers, or equipped with defective or modified exhaust mufflers, so as to create excessive noise through the use of said engine brake, to be a nuisance in fact.

Section 2. ENGINE BRAKE DEFINITION:

"Engine Brake" is defined to include the following engine brake, engine suppression devise, compression brake, and engine brake retarder.

Section 3. ENGINE BRAKES PROHIBITED:

No gasoline powered or diesel powered motor vehicle shall be operated on the streets, roads, alleys or highways listed below within the Township of Monroe, Snyder County, Pennsylvania, utilizing, in said operation, an engine brake without exhaust mufflers or with defective or modified exhaust mufflers permitting excessive noise to be created by said motor vehicle.

Section 4. STREETS:

The streets subject to this prohibition shall be as follows:

- A. US 11 North bound from State Route 1023 (Old Trail) to Monroe Marketplace Boulevard
- B. US 11 South bound from Monroe Marketplace Boulevard to State Route 1023 (Old Trail)

Section 5. EMERGENCY SITUATIONS:

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 Monroe Township, other motor vehicle operators, pedestrians and the operator and passengers of the motor vehicle involved in said emergency situation.

Section 6. POSTING OF SIGNS:

Signs shall be posted at the Township boundary lines in appropriate places, advising motor vehicle operators of the prohibition of the use of engine brakes consistent with this Ordinance.

Section 7. VIOLATIONS AND PENALTIES:

Any person, persons, firm, corporation or organization violating any of the provisions of this Ordinance shall, upon summary conviction before a District Justice having jurisdiction, be sentenced to pay a fine of not less than Fifty Dollars (\$50) and not more than Three Hundred Dollars (\$300) and costs of prosecution, and upon failure to pay any such fine imposed, shall be sentenced to undergo imprisonment for a period not to exceed ten (10) days.

Section 8. SEVERABILITY:

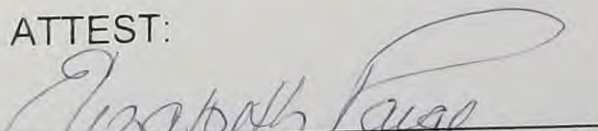
If any section, subsection, sentence, clause or phrase or portion of this document is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion thereof.

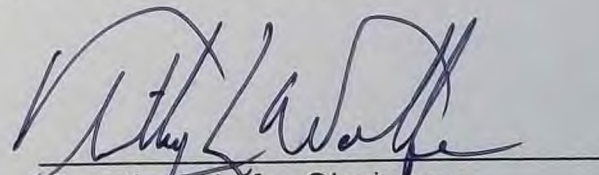
Section 9. EFFECTIVE DATE:

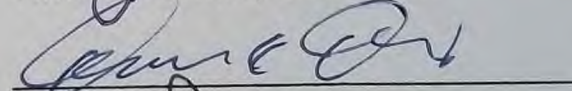
This Ordinance shall become effective five (5) days after the adoption hereof.


ORDAINED AND ENACTED at a duly assembled public meeting by the Board of Supervisors of Monroe Township, this 27th day of September, 2011.

ATTEST:


Elizabeth Paige, Secretary


Timothy Wolfe, Chairman


Dean Davis


Steve Paige