

TOWNSHIP OF POTTER
ORDINANCE NO. 01 OF 2023

**AN ORDINANCE PROHIBITING THE USE OF ENGINE BRAKE RETARDERS
WITHIN POTTER TOWNSHIP ON S.R. 45
SEGMENT 410/2200 TO SEGMENT 420/1850.**

Background

WHEREAS, Township has the authority to adopt ordinances necessary for the safety and general welfare of its citizens; and

WHEREAS, the Board of Supervisors has received complaints from Township citizens concerning excessive and bothersome noise from vehicles travelling the roads and streets within the Township that use engine brake retarders; and

WHEREAS, the Board of Supervisors has determined it to be in the best interest of the Township and its citizens to regulate within the Township the use of engine brake retarders; and

WHEREAS, the Board of Supervisors has determined it to be in the best interest of the Township and its citizens to prohibit the use of engine brake retarders on S.R. 45 Segment 410/2200 to Segment 420/1850.

NOW, THEREFORE, be it enacted and ordained as follows:

SECTION 1: The Background recited above is incorporated by reference herein.

SECTION 2: This Ordinance shall be known as the Potter Township Engine Brake Retarder Ordinance.

SECTION 3: The Board of Supervisors finds that the operation of an engine brake retarder 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 retarder, adversely affects the public health, safety and welfare of the residents of Potter Township, and is a nuisance in fact.

SECTION 4: The use of an engine brake retarder by a gasoline powered or diesel powered motor vehicle travelling on S.R. 45 Segment 410/2200 to Segment 420/1850.

SECTION 5: This Ordinance shall not apply to emergency driving situations requiring the utilization of an engine brake retarder to protect the property and safety of other motor vehicle operators, pedestrians, and the operator and passengers of motor vehicles involved in said emergency situation.

SECTION 6: Signs shall be posted at Township limits where S.R. 45 enters Township, advising motor vehicle operators, consistent with this Ordinance of the prohibition of the use of engine brake retarders and at the end of the prohibition Segment indicating end of brake retarder prohibition.

SECTION 7: Any person, firm, corporation or organization violating any of the provisions of the Ordinance shall upon summary conviction before a Magisterial District Judge having jurisdiction, be sentenced to pay a fine of not more than Three Hundred and 00/100 (\$300.00) Dollars and costs of prosecution, and in default of the payment thereof, shall be sentenced to imprisonment for a period not to exceed ten (10) days.

SECTION 8: Enforcement of this Ordinance shall be by the Township Code Officer or any other law enforcement officer who has jurisdiction within the Township.

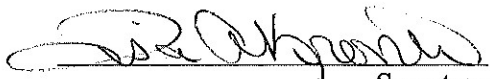
SECTION 9: The provisions of this Ordinance are severable. If any sentence, clause, or section of the Ordinance for any reason is found to be unconstitutional, illegal or invalid, or otherwise unenforceable by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 10: All ordinances, or portions thereof, inconsistent with this Ordinance are repealed.


SECTION 11: This Ordinance shall become effective upon the posting of the signs prescribed in Section 6.

ENACTED AND ORDAINED this 20th day of March, 2023, by the Board of Supervisors of Potter Township.

ATTEST:


Secretary

POTTER TOWNSHIP SUPERVISORS:


Chairman
