

**TOWNSHIP OF WARWICK**

Lancaster County, Pennsylvania

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**ORDINANCE NO. 299**

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AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE TOWNSHIP OF WARWICK, CHAPTER 310, VEHICLES AND TRAFFIC, TO ADD A NEW ARTICLE XI, ENGINE BRAKE RETARDERS.

BE AND IT IS HEREBY ORDAINED AND ENACTED by Board of Supervisors of the Township of Warwick, Lancaster County, Pennsylvania, as follows:

Section 1. The Code of Ordinances of the Township of Warwick, Chapter 310, Vehicles and Traffic, shall be amended by inserting a new Article XI, Engine Brake Retarders, which shall provide as follows:

**Article XI**

**Engine Brake Retarders**

**§310-91. Short Title.**

This article shall be known and may be cited as the Warwick Township Engine Brake Retarder Ordinance.

**§310-92. Legislative Intent.**

The Board of Supervisors of Warwick Township, Lancaster County, Pennsylvania, finds, as a fact, that 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 adversely affects the public health, safety and welfare of the residents of Warwick Township and, therefore, is a nuisance in fact.

**§310-93. Use of Engine Brake Retarders Prohibited.**

No gasoline powered or diesel powered motor vehicle shall be operated on the streets, roads, alleys or highways within Warwick Township listed below utilizing, in said operation, an engine brake, without exhaust mufflers, permitting excessive noise to be created by said motor vehicles using the engine brake. The streets subject to this prohibition shall be as follows:

| <u>Street</u>        | <u>Location</u>   |
|----------------------|---|
| Newport Road (T-856) | Orchard Road eastward 1.5 miles to just east of the Warwick to Ephrata Rail Trail |

**§310-94. Exemptions.**

This article shall not apply to emergency driving situations requiring the utilization of an engine brake to protect the safety and property of the residents of Warwick Township, other motor vehicle operators, pedestrians and the operator and passengers of the motor vehicle involved in said emergency situation.

**§310-95. Emergency Vehicles.**

This article shall not apply to emergency vehicles operated by volunteer fire companies or ambulance companies while responding to emergency calls.

**§310-96. Posting of Signs.**

Signs shall be posted on the streets identified in §310-93 advising motor vehicle operators of the prohibition of the use of engine brake retarders consistent with this article.

**§310-97. Violations and Penalties.**

For each violation of the provisions of this article, any person who commits, takes part in or assists in any such violation shall be liable, upon conviction thereof in a summary proceeding, to pay a fine of not less than \$100 nor more than \$1,000 for each offense, together with the costs of prosecution. Each day or portion thereof in which a violation exists shall be considered a separate violation of this article, and each section of this article which is violated shall be considered a separate violation.

**§310-98. Enforcement.**

Any police officer, as defined in the Vehicle Code, 75 Pa. C.S. §102, shall have the authority to enforce this article. This specifically includes, but is not limited to, officers of the Northern Lancaster County Regional Police Department.

Section 2. All other sections, parts and provisions of the Code of Ordinances of the Township of Warwick shall remain in full force and effect as previously enacted and amended.

Section 3. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of this Ordinance, it being the intent of the Board of Supervisors that the remainder of the Ordinance shall be and shall remain in full force and effect.

Section 4. This Ordinance shall take effect and be in force five (5) days after its enactment by the Board of Supervisors of the Township of Warwick as provided by law.

DULY ORDAINED AND ENACTED this 17<sup>th</sup> day of August, 2022,  
by the Board of Supervisors of the Township of Warwick, Lancaster County, Pennsylvania, in  
lawful session duly assembled.

TOWNSHIP OF WARWICK  
Lancaster County, Pennsylvania

Attest: Barbara Kreider  
(Assistant) Secretary

By: [Signature]  
(Vice) Chairman  
Board of Supervisors

