

**BEFORE THE BOARD OF COMMISSIONERS OF
THE TOWNSHIP OF WHITEHALL**

ORDINANCE NO. 3345

(BILL NO. 10-2024)

**AN ORDINANCE AMENDING THE WHITEHALL TOWNSHIP
CODIFIED ORDINANCES, CHAPTER 15, MOTOR VEHICLES AND
TRAFFIC, TO ESTABLISH A BRAKE RETARDER PROHIBITION ON
STATE ROUTE 1017 (MAUCH CHUNK ROAD) BETWEEN STATE
ROUTE 1008 (SCHADT AVENUE) AND RURAL ROAD**

WHEREAS, the Township of Whitehall is a Township organized and operating under the laws of the Commonwealth of Pennsylvania and the Home Rule Charter of the Township of Whitehall; and

WHEREAS, pursuant to Chapter 179 of the Pennsylvania Code, the use of brake retarders may not be prohibited by a local authority unless prior written approval is obtained from the Department of Transportation of the Commonwealth of Pennsylvania ("PennDOT");

WHEREAS, the Township submitted a request to PennDOT for a Brake Retarder Prohibition on State Route 1017 (Mauch Chunk Road) between State Route 1008 (Schadt Avenue) and Rural Road;

WHEREAS, PennDOT completed an engineering and traffic study on State Route 1017 (Mauch Chunk Road) between State Route 1008 (Schadt Avenue) and Rural Road and provided written approval to the Township, advising that a brake retarder prohibition at this location is permitted;

WHEREAS, the Board of Commissioners of the Township of Whitehall may, under the general authority of the Home Rule Charter, enact regulations to ensure the health, safety, and general welfare of the citizens of the Township of Whitehall; and

WHEREAS, the Board of Commissioners of the Township of Whitehall has determined that the health, safety, and general welfare of the citizens of the Township of Whitehall will be promoted and served by enacting this Ordinance.

NOW, THEREFORE BE IT ORDAINED AND ENACTED by the Board of Commissioners that Chapter 15 of the Whitehall Township Codified Ordinances shall be amended to including the following Section 15-25(a):

ENGINE BRAKE RETARDERS

§ 15-25(a). Operation of motor vehicle brake retarder use prohibited along certain streets.

A. As used in this section, "brake retarder" shall mean the operation of an engine brake retarder (a mechanical device which is designated to supplement a vehicle's service brakes by producing a retarding torque about one of the rotating components in a vehicle, thus converting kinetic energy to heat and thereby regarding the forward much of a vehicle) on any 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.

B. It shall be unlawful for any motor vehicle to utilize an engine brake retarder without exhaust mufflers; or with defective/modified exhaust mufflers that permit excessive noise to be created by said motor vehicle using an engine brake retarder within the designated Brake Retarder Prohibition zones of the Township.

C. The following are established as designated Brake Retarder Prohibition zones:

Street	Direction of Travel	Between
Mauch Chunk Road SR1017	Both	Schadt Avenue and Rural Road

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

E. Signs shall be posted in the appropriate Brake Retarder Prohibition zones, advising motor vehicle operators of the prohibition of the use of engine brake retarders consistent with this section.

F. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of \$300.00 and costs.

DULY ORDAINED AND ENACTED this 11th day of March, 2024, at a regular public meeting in lawful session duly assembled.

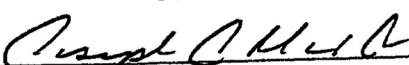
**BOARD OF COMMISSIONERS
TOWNSHIP OF WHITEHALL**

By: 
Thomas Slonaker, President

ATTEST:


Randy Atiyeh, Secretary

AND NOW, to wit, this 11th day of March, 2024, the above is approved.


Joseph J. Marx, Jr., Mayor