

Township of Hickory
Lawrence County, Pennsylvania

ORDINANCE / , 2018
ENGINE BRAKE RETARDER ORDINANCE

AND NOW, this 2nd day of January, 2018, the Supervisors of Hickory Township, Lawrence County, Pennsylvania, do hereby Enact and Ordain as follows:

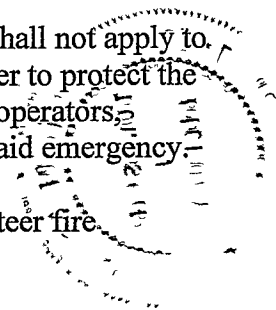
WHEREAS, the Board of Supervisors of Hickory Township, Lawrence County, Pennsylvania, desire to protect the health, safety and welfare of the residents of Hickory Township; and

WHEREAS, the Supervisors find as a fact 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 retarders, adversely affects the public health, safety and welfare of the residents in Hickory Township as a nuisance in fact; and

WHEREAS, the Pennsylvania Department of Transportation District 11 completed a traffic study on S.R. 168 from segment 0230/2530 (Hickory Township limits on the southern end of S.R. 168) to segment 0250/0000 (just before S.R. 168 becomes 45 mph) and determined that that stretch of S.R. 168 meets the criteria for an engine brake retarder prohibition.

NOW, THEREFORE, it is hereby **ENACTED AND ORDAINED**, by the Hickory Township Board of Supervisors for Hickory Township, Lawrence County, Pennsylvania as follows:

1. No gasoline-powered or diesel-powered motor vehicle shall be operated on S.R. 168 between the segment of 0230/2530 (Hickory Township limits on the southern end of S.R. 168) to segment 0250/0000 (just before S.R. 168 becomes 45 mph), utilizing, in said operation, an engine brake retarder without exhaust mufflers or with defective or modified exhaust mufflers permitting excessive noise to be created by said motor vehicle through the use of engine brake retarder.
2. The above provisions notwithstanding, the restrictions set forth herein 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 Hickory Township, other motor vehicle operators, pedestrians, and the operator and passengers of the motor vehicle involved in said emergency.
3. The ordinance shall not apply to emergency vehicles operated by volunteer fire companies responding to emergency calls.



4. Signs shall be posted in the appropriate places advising motor vehicle operators of the prohibition of brake retarders consistent with the Ordinance.

5. Any member of the Hickory Township Police Department, Pennsylvania State Police or any successor police department serving Hickory Township is hereby authorized to enforce this Ordinance.

6. Any person, persons, firm, corporation, or organization violating any of the provisions of this Ordinance, upon summary conviction before a District Justice having jurisdiction, be sentenced to pay a fine of not more than Five Hundred Dollars (\$500.00) and costs of prosecution and, in default of payment thereof, shall be sentenced to undergo imprisonment for a period not to exceed ten (10) days. Each day or portion thereof in which a violation exists shall be considered a separate violation of this Ordinance.

7. Severability – In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, illegal or unconstitutional, 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.

8. This Ordinance shall take effect five (5) days after its adoption and enactment by the Board of Supervisors of Hickory Township as provided by law.

DULY ORDAINED AND ENACTED the 2ND day of JANUARY 2018, by the Board of Supervisors of Hickory Township, Lawrence County, Pennsylvania, in lawful session duly assembled.

(HICKORY TOWNSHIP SUPERVISORS
[Handwritten signatures of three supervisors]

ATTEST: (SEAL)
[Seal]
[Handwritten signature: Carole Kardish]
Secretary

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