

BOROUGH OF SYKESVILLE

ORDINANCE #408

AN ORDINANCE OF THE BOROUGH OF SYKESVILLE, COUNTY OF JEFFERSON, COMMONWEALTH OF PENNSYLVANIA, REGULATING THE USE OF ENGINE BRAKE RETARDERS WITHIN THE BOROUGH OF SYKESVILLE

WHEREAS, the Council of the Borough of Sykesville finds as a fact that the operation of an engine brake retarder on a gasoline powered or diesel powered motor vehicle creates excessive noise through the use of said engine brake retarder, adversely affecting the public health, safety and welfare of the residents of the Borough of Sykesville, and therefore, is a nuisance in fact.

WHEREAS, the Council of the Borough of Sykesville, Jefferson County, Pennsylvania (hereinafter "the Borough"), in accordance with its authority to protect the public health, safety, and welfare of the citizens of Sykesville Borough, desires to regulate the use of engine brake retarders within the Borough.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Sykesville Borough Council, pursuant to the powers granted to it in the BOROUGH CODE and other lawful Acts as follows:

Section 1. Definitions.

Engine brake retarder. A Dynamic Brake, Jake Brake, Jacob's Brake, C-Brake, Paccar Brake, Transmission Brake or other similar brake retarder system which alters the normal compression of the engine and subsequently releases that compression.

Section 2. Regulations for brake retarders.

Except in cases of a bona fide emergency it shall be unlawful for the operator of any vehicle equipped with an engine brake retarder to use or otherwise apply such device when traveling on that portion of Pennsylvania State Route 119 located within the Borough of Sykesville.

Section 3. Penalties

Any violation of this Ordinance shall be a summary offense. Upon conviction, a person shall be sentenced to pay a fine of not less than Three Hundred Dollars (\$300.00), plus costs, and in the event of default of payment of said fine, to a term of imprisonment not to exceed thirty (30) days.

Section 4. Severability.

If any sentence, clause, section or part of this Ordinance is found to be unconstitutional, illegal or invalid for any reason, such unconstitutionality, illegality or invalidity shall not affect

or impair any of the remaining provisions of this Ordinance which would have been adopted had such invalid sentence, clause, section or part had not been included herein.

Section 5. Repealer.

Any portion of any other Ordinance which is in conflict with the terms and provisions of this Ordinance is hereby repealed.

Section 6. Effective Date.

This Ordinance shall go into effect thirty (30) days after it is enacted and adopted by Council of the Borough of Sykesville.

ENACTED and ORDAINED as an Ordinance by the Council of the Borough of Sykesville, in lawful session duly assembled this 15th day of February, 2010.

ATTEST:

Karen McEter
ASST. Secretary

Richard A. Canton
Sykesville Borough Council President