

ORDINANCE 98 - 1

AN ORDINANCE OF THE BOROUGH OF ROCKWOOD DECLARING THAT THE OPERATION OF A MOTOR VEHICLE WITHIN ROCKWOOD BOROUGH UTILIZING AN ENGINE BRAKE WITHOUT PROPER AND ADEQUATE MUFFLERS IS A NUISANCE IN FACT, PROHIBITING SAME, AND PROVIDING FOR PENALTIES

BE IT ENACTED BY the Borough of Rockwood, and it is hereby ORDAINED and ENACTED by the authority of same as follows:

SECTION 1: TITLE.

This Ordinance may be known and cited as the "Rockwood Borough Engine Brake Ordinance."

SECTION 2: PUBLIC PURPOSES AND FINDINGS.

Pursuant to the power granted by the Borough Code of the Commonwealth of Pennsylvania, the Council of the Borough of Rockwood has determined that the use of motor vehicles without proper and adequate exhaust mufflers is detrimental to the health, comfort, living conditions, welfare, and safety of the citizens of Rockwood Borough. Therefore, Borough Council finds as a fact that the operation of an engine break 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 break adversely affects the public health, safety, and welfare of the citizens of said Borough; and,

therefore constitutes a nuisance in fact.

SECTION 3: OPERATION WITHOUT ADEQUATE MUFFLER PROHIBITED.

No gasoline-powered or diesel-powered motor vehicle shall be operated on the streets, roads, alleys, or highways within Rockwood Borough, Somerset County, utilizing in said operation, an engine brake, without exhaust mufflers or with defective or modified exhaust mufflers permitting excessive noise to be created by said motor vehicle.

SECTION 4: EXCEPTION DURING EMERGENCY SITUATIONS:

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

SECTION 5. VIOLATIONS AND PENALTIES.

Any person, firm, corporation, entity, or organization violating any of the provisions of this Ordinance, shall be prosecuted for commission of a summary offense, and upon conviction of a summary offense thereof by the appropriate district justice, shall be sentenced to pay a fine of not less than One Hundred Fifty and 00/100 (\$150.00) Dollars and no more than Three Hundred and 00/100 (\$300.00) Dollars, together with costs, for the first violation, and a fine of

not less than Two Hundred Fifty and 00/100 (\$250.00) nor more than One Thousand and 00/100 (\$1,000.00) Dollars, together with costs, for a second and subsequent violations. In default of the payment of said fine and costs, appropriate incarceration shall be made as determined by the appropriate district justice.

SECTION 6: REPEALER.

Any and all other Ordinances or parts thereof which are inconsistent with this Ordinance are hereby repealed.

SECTION 7: EFFECTIVE DATE.

This Ordinance will become effective immediately upon enactment.

ADOPTED this 19th day of May, 1998.

Attest:

ROCKWOOD BOROUGH

Brenda Wernitz
Borough Secretary

John J. Bully
Borough President

APPROVED this 19th day of May, 1998.

Donald Warwick
Mayor