

**ORDINANCE NO. 546**

**TOWNSHIP OF EAST NORRITON  
MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE OF THE TOWNSHIP OF EAST NORRITON, MONTGOMERY COUNTY, PENNSYLVANIA, DECLARING THE OPERATION OF AN ENGINE BRAKE INSTALLED UPON OR IN A GASOLINE POWERED OR DIESEL POWERED MOTOR VEHICLE NOT EQUIPPED WITH EXHAUST MUFFLERS OR EQUIPPED WITH INOPERABLE OR MODIFIED EXHAUST MUFFLERS SO AS TO PERMIT THE CREATION OF EXCESSIVE NOISE THROUGH THE EMPLOYMENT OF SAID ENGINE BRAKE TO BE A NUISANCE IN FACT; PROVIDING FOR INSTALLATION OF SIGNS GIVING NOTICE OF SUCH DECLARATION; ESTABLISHING PENALTIES FOR THE VIOLATION OF SAID ORDINANCE AND ESTABLISHING EXCEPTIONS TO THE ENFORCEMENT OF SAID ORDINANCE IN EMERGENCY SITUATIONS.**

WHEREAS, the Board of Supervisors of East Norriton Township, Montgomery County, Pennsylvania, is empowered by the Second Class Township Code, 53 P.S. §§ 66601, 66529, as amended, to enact ordinances to preserve the public health, safety and welfare and to prohibit public nuisances; and

WHEREAS, the Board of Supervisors has determined that it is necessary to prohibit the use of engine brake retarders on certain roadways within East Norriton Township in order to prevent the public nuisance caused by such equipment; and

WHEREAS, the Pennsylvania Department of Transportation, pursuant to 67 Pa.Code § 179.10 (20), has approved the installation of Brake Retarder Prohibition signs on certain roadways within East Norriton Township (hereafter "PennDOT Approval").

NOW THEREFORE, BE IT ORDAINED by the Board of Supervisors that the following Ordinance is hereby adopted:

SECTION 1. This ordinance shall be known as the "East Norriton Township Engine Brake Retarder Ordinance."

SECTION 2. The Board of Supervisors of the Township of East Norriton, Montgomery 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 (commonly referred to as engine brake retarders), 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 the Township of East Norriton and, therefore, is a nuisance in fact.

SECTION 3. No gasoline powered or diesel powered motor vehicle shall be operated on the following streets, roads, alleys or highways within the Township of East Norriton, Montgomery County, Pennsylvania, utilizing, in said operation, an engine brake, without exhaust mufflers, or with defective or modified exhaust mufflers (commonly referred to as engine brake retarders), permitting excessive noise to be created by said motor vehicle:

Township Line Road (SR 3001): Trooper Road to North Wales Road

*Eastbound from Trooper Road:*

147 feet past Trooper Road

100 feet past Potshop Road

400 feet past Whitehall Road

80 feet before North Wales Road

*Westbound from North Wales Road:*

150 feet past North Wales Road

500 feet past Whitehall Road

50 feet past Potshop Road

150 feet before Trooper Road

Potshop Road (TWP): Schultz Road to Germantown Pike

*Southbound from Schultz Road:*

100 feet past Schultz Road

100 feet before Germantown Pike

*Northbound from Germantown Pike:*

100 feet past Germantown Pike

200 feet past Woodland Road

SECTION 4. East Norriton Township shall erect, in accordance with the PennDOT approval, notice provisions ("signs") indicating that engine brake retarders are prohibited at the locations identified in Section 3 of this Ordinance.

SECTION 5. 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 East Norriton Township, other motor vehicle operators, pedestrians, and the operator and passengers of the motor vehicle involved in said emergency situation.

SECTION 6. Any person, firm, corporation or organization violating any of the provisions of this ordinance shall, upon summary conviction before a District Magistrate having jurisdiction, be guilty of violating Section 3111 of the Pennsylvania Vehicle Code, 75 Pa.C.S. § 3111, and shall be deemed a nuisance under this ordinance and shall be punishable by a minimum fine or not less than One Hundred Dollars (\$100.00) and a maximum fine of not more than One Thousand Dollars (\$1,000.00), plus costs of prosecution, and in default of the payment thereof, shall be sentenced to undergo imprisonment in the Township of East Norriton for a period not to exceed ten (10) days or imprisonment in the County jail for a period not to exceed thirty (30) days.

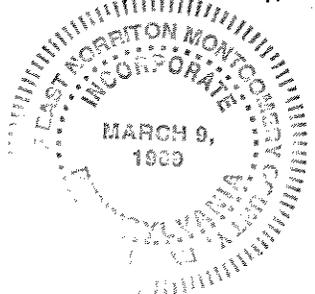
In addition, East Norriton Township may institute an action for injunctive relief to prohibit or abate any activity in violation of the provisions of this ordinance when repeated violations by the same person, firm, corporation or organization occur.

SECTION 7. If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance so long as it remains legally enforceable minus the invalid portion. The Township reserves the right to amend this Ordinance or any portion thereof from time to time as the Board of Supervisors shall deem advisable in the best interest of the promotion of the purposes and intent of this Ordinance, and the effective administration thereof.

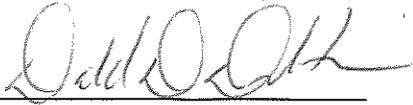
SECTION 8. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

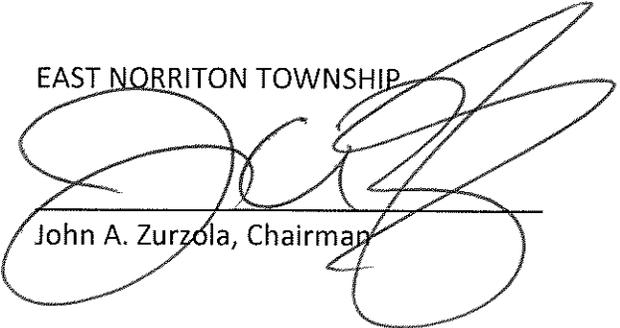
SECTION 9. This Ordinance shall become effective at the earliest possible date permitted by the provisions of the East Norriton Code.

DULY ORDAINED and ENACTED by the Board of Supervisors of the Township of East Norriton this 7<sup>th</sup> day of January, 2013.



ATTEST:

  
Donald D. Delamater, Secretary

EAST NORRITON TOWNSHIP  
  
John A. Zurzola, Chairman