

**HOWE TOWNSHIP
FOREST COUNTY, PENNSYLVANIA**

ORDINANCE NO. 10-3

ENGINE BRAKE RETARDER ORDINANCE

AND NOW, this 13th day of October, 2010 the Supervisors of Howe Township, Forest County, Pennsylvania, do hereby Enact and Ordain as follows:

WHEREAS, the Board of Supervisors of Howe Township (the "Supervisors"), Forest County, Pennsylvania, desire to protect the health, safety and welfare of the residents of Howe Township (the "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 the Township as a nuisance in fact; and

WHEREAS, the Supervisors desire to take the necessary steps to protect the residents of the Township from any and all excessive noise caused or created by or associated with the use of said engine brake retarders.

NOW, THEREFORE, the Supervisors do **ENACT AND ORDAIN**, and it is **ENACTED AND ORDAINED**, for Howe Township, Forest County, Pennsylvania, as follows:

1. No gasoline-powered or diesel-powered motor vehicle shall be operated on any highways, streets, avenues, alleys and boulevards, etc., within the Township, 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 the 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 the Township, other motor vehicle operators, pedestrians, and the operator and passengers of the motor vehicle involved in said emergency situation.

3. Signs shall be posted at the Township boundary lines in appropriate places, advising motor vehicle operators of the prohibition of the use of engine brake retarders contained herein.

4. Any person, persons, firm, corporation, or organization violating any of the provisions; of this chapter shall, upon summary conviction before a District Justice having jurisdiction, be sentenced to pay a fine of not more than Six Hundred Dollars (\$600.00) and costs of prosecution and, in default of the payment thereof, shall be sentenced to undergo imprisonment for a period not to exceed ten (10) days.

5. This Ordinance shall take effect five (5) days after its adoption and enactment by the Board of Supervisors.

ORDAINED AND ENACTED this 13th day of October, 2010.

ATTEST: (SEAL)

HOWE TOWNSHIP SUPERVISORS
