

ORDINANCE 94

AN ORDINANCE OF PROVIDING FOR THE PROHIBITION OF USE OF AN ENGINE BRAKE INSTALLED UPON OR IN A GASOLINE POWERED OR DIESEL POWERED MOTOR WITHIN THE BENNER TOWNSHIP LIMITS

Pursuant to the powers vested in the Township of Benner, Centre County, Pennsylvania, under the provisions of the Second Class Township Code 53, P.S. 65101 *et seq.* and the Pennsylvania Municipalities Planning Code 53 P.S. 10101 *et seq.*, Benner Township hereby enacts the following Ordinance.

SECTION 1. Engine Brake Ordinance

This Ordinance shall be known as the Benner Township Engine Brake Ordinance.

SECTION 2. Intent and Findings

The Supervisors of Benner Township finds as a fact that the operation of an engine brake on a gasoline powered or diesel powered motor vehicle so as to create excessive noise through the use of said brake, adversely affects the public health, safety, and welfare of the residents of Benner Township, and therefore is a nuisance in fact.

SECTION 3. Requirements

No gasoline powered or diesel powered motor vehicles shall operate an engine brake so as to create excessive noise through the use of said engine brake on all of the public streets with the Benner Township having a grade of less than 4%, and shall not operate on the following State Routes within the Township:

- a. State Route 220 from eastern municipal boundary line to the western municipal boundary line.
- b. State Route 550

SECTION 4. Exemptions

- A. This Ordinance shall not apply to emergency driving situations requiring the utilization of an engine brake to protect the safety and property of residents of Benner Township, other motor vehicle operators, pedestrians, and the operator and passengers of the motor vehicle involved in said emergency situation.
- B. This Ordinance shall not apply to fire or emergency vehicles requiring the utilization of an engine brake to protect the safety and property of the residents of Benner Township and other motor vehicle operators,

pedestrians and the operator and passengers of the fire or emergency vehicles.

- C. This Ordinance shall not apply to farming or exempt vehicles when said vehicles are utilized for agricultural purposes.

SECTION 5. Fines and violations

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 sentenced to pay a fine of not more than \$300 and costs of prosecution, and in default of the payments thereof, be sentenced to undergo imprisonment in the Centre County Jail for a period not to exceed 10 (ten) days.

SECTION. 6. Severability

The provision of this Ordinance shall be severable and if any of its provisions shall be held to be unconstitutional, illegal, invalid or otherwise unenforceable by a court of competent jurisdiction, the remaining portions hereto shall not be affected thereby.

SECTION 7. Effective date.

This Ordinance shall become effective five days after its reenactment or adoption.

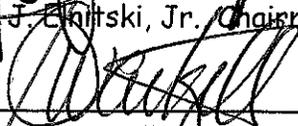
ENACTED AND ORDAINED, this 18th day of July, 2005.

By:

BENNER TOWNSHIP



John J. Chlitski, Jr., Chairman

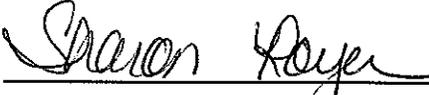


James Swartzell, Vice Chairman



David Breon, Supervisor

ATTEST:



Sharon Royer, Secretary/Treasurer