

**BOROUGH OF WRIGHTSTOWN
COUNTY OF BURLINGTON
ORDINANCE NO. 2013-05**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 210 ENTITLED
“VEHICLES AND TRAFFIC” OF THE REVISED GENERAL ORDINANCES
OF THE BOROUGH OF WRIGHTSTOWN, COUNTY OF BURLINGTON,
STATE OF NEW JERSEY IN ORDER TO ESTABLISH A NEW SECTION
PROHIBITING THE PRACTICE KNOWN AS “ENGINE BRAKING”
AND PROVIDING FOR PENALTIES THEREFORE**

NOW THEREFORE BE IT ORDAINED AND ESTABLISHED, by the Mayor and Borough Council of the Borough of Wrightstown in the County of Burlington and State of New Jersey as follows:

Section 1. That Chapter 210 entitled “Vehicles and Traffic” of the Revised General Ordinances of the Borough of Wrightstown, New Jersey is hereby amended and supplemented in order to establish a Section 210-47 thereof to be entitled “Prohibition of Engine-Braking,” as follows:

Section 210-47: PROHIBITION OF “ENGINE BRAKING.”

1. Definitions.

a. “Engine braking” shall mean the use or operation of any mechanical exhaust devise designed to aid in the braking, decompression or deceleration of any motor vehicle which results in the excessive, loud, unusual or explosive noise from such vehicle.

2. Prohibition.

a. It shall be unlawful for the driver of any motor vehicle to use or operate or cause to be used or operated, at any time and on any road within the Borough of Wrightstown, any mechanical exhaust or decompression device which results in the practice known as “engine-braking.”

3. Exceptions.

a. The provisions of this Chapter shall not apply to engine braking where necessary for the protection of persons and/or property which cannot be avoided by application of an alternative braking system. Noise caused by the application of engine compression brakes, otherwise known as “engine-braking,” which is effectively muffled or if the application is necessary for the health, safety and welfare of the community is exempt from the provisions of this Chapter. Sounds created by emergency equipment for emergency purposes are also exempt.

4. Posting of Signs.

a. The Township is hereby authorized to post at reasonable locations within the Township signs indicating the prohibition of “engine-braking.”

5. Violations and Penalties.

a. Unless another penalty is expressly provided by New Jersey Statute, any person convicted of a violation of this Ordinance shall be punished for a first conviction thereof by a fine of not more than one-hundred dollars (\$100.00) or by imprisonment for a period not to exceed ten (10) days, or by both such fine and imprisonment; for a second such conviction, such person shall be punished by a fine of not more than two-hundred dollars (\$200.00) or by imprisonment for a period not to exceed twenty (20) days, or by both such fine and imprisonment; and upon the third or any subsequent conviction, such person shall be punished by a fine of not more than five-hundred dollars (\$500.00) or by imprisonment for a period not to exceed six (6) months, or by both such fine and imprisonment.

Section 2. Severability. Should any section, subsection, paragraph, sentence, clause or phrase of this Chapter, or its application to a specific person or set of circumstances, be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portion of this Chapter, or its application to any other person or set of circumstances.

Section 3. Effective Date. This Ordinance shall take effect upon final passage and publication in accordance with the law, but not before approval has been received from the Commissioner, Department of Transportation.

NOTICE

The ordinance published herewith was introduced and passed upon first reading at a regular meeting of the Borough Council of the Borough of Wrightstown, held on November 13, 2013. It will be further considered for final passage after a Public Hearing at the regular meeting to be held on December 11, 2013, at the Borough Hall, 21 Saylor's Pond Road, Wrightstown, New Jersey at 6:30 P.M. at which time and place any persons desiring to be heard upon the same will be given an opportunity to be heard.

Freda H. Gorman, RMC
Municipal Clerk

Introduction/First Reading November 11, 2013

Motion: Mr. Lownds

Second: Mr. Bird

Roll Call Vote:

Ayes: Mr. Bird, Mr. Grove, Mr. Lownds, Mrs. Knapp, Mr. Timberman, Mr. Borsavage

Nays: None

Absent: None

Abstain: None

Second Reading/Public Hearing December 11, 2013

Motion: Mrs. Knapp

Second: Mr. Timberman

Roll Call Vote:

Ayes: Mr. Bird, Mrs. Knapp, Mr. Timberman

Nays: None

Absent: Mr. Lownds, Mr. Borsavage

Abstain: Mr. Grove

Thomas E. Harper, Mayor

CERTIFICATION

I HEREBY CERTIFY that the foregoing is a true copy of the ordinance that was introduced after first reading at a meeting of the Borough Council of the Borough of Wrightstown held on November 13, 2013 and adopted after a public hearing at a meeting of the Borough Council of the Borough of Wrightstown held on December 11, 2013.

Freda H. Gorman, RMC
Municipal Clerk

Dated: December 11, 2013

Ord2013-05 Engine Braking Ordinance