

**TOWNSHIP OF JEFFERSON
COUNTY OF MORRIS, NEW JERSEY**

ORDINANCE #17-22

“ORDINANCE AMENDING CHAPTER 130 OF THE JEFFERSON TOWNSHIP MUNICIPAL CODE ENTITLED ‘VEHICLES AND TRAFFIC’ AND PROVIDING FOR THE CONTROL OF ENGINE BRAKING ON VEHICLES”

BE IT ORDAINED by the Township Council of the Township of Jefferson, County of Morris, State of New Jersey, that Chapter 130 of the Jefferson Township Municipal Code, entitled “Vehicles and Traffic” is amended by creating Section 130-55, entitled “Engine Braking” as follows:

SECTION I

§130-55. Engine Braking.

A. Definitions.

Engine Braking. The use or operation of any mechanical exhaust device designed to aid in the braking, decompression or declaration of any motor vehicle which results in the excessive, loud, unusual, or explosive noise from such vehicle.

B. **Prohibition.** 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 Township of Jefferson, any mechanical exhaust or decompression device which results in the practice known as “engine braking.”

C. **Exceptions.** The provisions of this section shall not apply where engine braking is 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 section. Sounds created by emergency equipment for emergency purposes are also exempt.

D. **Posting of Signs.** The Township is hereby authorized to post, at reasonable locations within the Township, signs indicating the prohibition of engine braking.

E. **Violations and Penalties.** Unless another penalty is expressly provided by New Jersey statute, any person or entity convicted of a violation of this section shall be punished, for a first conviction thereof, by a fine of not more than \$100 or by imprisonment for a period not to exceed 10 days, or by both such fine and imprisonment. For a second such conviction, such person or entity shall be punished by a fine of not more than \$200 or by imprisonment for a period not to exceed 20 days, or by both such fine and imprisonment. Upon the third or any subsequent conviction, such person or entity shall be punished by a fine of not more than \$500 or by imprisonment for a period not to exceed 6 months, or by both such fine and imprisonment.

SECTION II

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

SECTION III

If any article, section, subsection, paragraphs, phrase, or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase, or sentence shall be deemed severable.

SECTION IV

This Ordinance shall take effect immediately upon final publication as provided by law.

Council Member	By	2 nd	Yes	No	Abstain	Absent	By	2nd	Yes	No	Abstain	Absent
Mr. Birmingham			X					X	X			
Mrs. Finnegan			X						X			
Mr. Smith		X	X				X		X			
Vice President Dunham	X		X						X			
President Merz			X						X			

ATTEST:

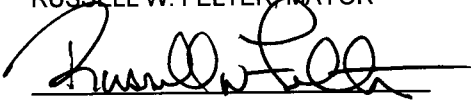
COUNCIL OF THE TOWNSHIP OF JEFFERSON


MICHELE REILLY, TOWNSHIP CLERK


DEBI MERZ, COUNCIL PRESIDENT

INTRODUCED: September 19, 2017
ADOPTED: October 4, 2017

RUSSELL W. FELTER, MAYOR



DATE AND TIME PRESENTED TO MAYOR FOR SIGNATURE:

10/04/17 7pm

CERTIFICATION

I, Michele Reilly, Clerk of the Township of Jefferson, do hereby certify that the foregoing Ordinance #17-22 was duly adopted by the Township of Jefferson Council on the 4th of October, 2017.


MICHELE REILLY, TOWNSHIP CLERK