

Introduction date: November 13, 2017

Adoption date: November 27, 2017

ORDINANCE NO. 2017 - 13

**TOWNSHIP OF EASTAMPTON
BURLINGTON COUNTY**

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 510,
VEHICLES AND TRAFFIC, OF THE TOWNSHIP OF EASTAMPTON MUNICIPAL
CODE FOR THE PROHIBITION OF ENGINE BRAKING**

WHEREAS, it is the desire of the Township Council of the Township of Eastampton (“Township”) to enhance traffic safety and create peace and order for the residents of the Township by amending the Eastampton Municipal Code to prohibit "engine braking" on Township roadways and to authorize the installation of the appropriate signage.

NOW THEREFORE BE IT ORDAINED by the Governing Body of the Township of Eastampton, County of Burlington, and State of New Jersey, that Article XIV, Chapter 510, Section 59 be created as follows:

SECTION 1. ARTICLE XIV, Chapter 510, Section 59, Engine Braking is created to include the following:

The purpose of this section is to prohibit engine braking within the Township of Eastampton in order to enhance traffic safety and create peace and order for the residents of the Township.

Subsections:

- 510-59.1 Definitions
- 510-59.2 Prohibition
- 510-59.3 Exceptions to Prohibition
- 510-59.4 Posting Signs
- 510-59.5 Enforcement
- 510-59.6 Violations and Penalties
- 510-59.7 Severability

SECTION 2. ARTICLE XIV, Chapter 510, Section 59.1, *Definitions* is created to include the following:

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Section clearly demonstrates a different meaning. The word "shall" is always mandatory and not merely directory.

"Engine braking" shall mean the use of compression release device or operation of any mechanical exhaust device designed to aid in the braking or deceleration of any motor vehicle which results in the excessive, loud, unusual or explosive noise from such vehicle.

SECTION 3. ARTICLE XIV, Chapter 510, Section 59.2, *Prohibition* is created to include the following:

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 Eastampton, any compression release device or mechanical exhaust device which results in the practice known as "engine braking."

SECTION 4. ARTICLE XIV, Chapter 510, Section 59.3, *Exceptions to Prohibition* is created to include the following:

The provisions of this section shall not apply to Route 206 or to noise caused by the application of engine braking, if necessary for the health, safety and welfare of the community, or noise created by emergency vehicles for emergency purposes. These items are exempt from the provisions of this section.

SECTION 5. ARTICLE XIV, Chapter 510, Section 59.4, *Posting Signs* is created to include the following:

The Township of Eastampton is hereby authorized and directed to post signs at reasonable locations within the Township indicating the prohibition of engine braking.

SECTION 6. ARTICLE XIV, Chapter 510, Section 59.5, *Enforcement* is created to include the following:

The Township Manager shall enforce the provisions of this section through the Chief of Police and the Police Department whom will be trained in distinguishing "engine braking" noise from normal engine or braking noises. It shall be unlawful for any reason to violate any part of this ordinance adopted by the Eastampton Township Council.

SECTION 7. ARTICLE XIV, Chapter 510, Section 59.6, *Violations and Penalties* is created to include the following:

Any person who violates this section shall be subject to a fine as follows:

A. First Offense: \$100.00

B. Second and Subsequent Offenses: \$200.00

SECTION 8. ARTICLE XIV, Chapter 510, Section 59.7, *Severability* is created to include the following:

It is the intention of the Township Council that every provision of this Section shall be considered separable and the invalidity of any article, clause or provision of this Section shall not affect the validity of any other portion of this Section or this Chapter.

SECTION 9. Effective date:

This ordinance shall take effect immediately upon final passage and publication as required by law.

Adopted: November 27, 2017

ATTEST:



KIM-MARIE WHITE
Municipal Clerk



JAY SPRINGER
Mayor

Introduction 11.13.2017

Council	Motion	2 nd	Ayes	Nays	Abstain	Absent
Councilman Apgar	X		X			
Councilman Adams						X
Councilman Edson			X			
Councilman Zeno		X	X			
Mayor Springer			X			
		VOTE	4	0		

Adoption 11.27.17

Council	Motion	2 nd	Ayes	Nays	Abstain	Absent
Councilman Apgar		X	X			
Councilman Adams	X		X			
Councilman Edson						X
Councilman Zeno			X			
Mayor Springer			X			
		VOTE	4	0		