

ORDINANCE NO. ____ - 2023

**BUFFALO TOWNSHIP
WASHINGTON COUNTY, PENNSYLVANIA**

AN ORDINANCE OF BUFFALO TOWNSHIP, WASHINGTON COUNTY, PENNSYLVANIA, DECLARING THE OPERATION OF AN ENGINE BRAKE INSTALLED UPON OR IN A GASOLINE POWERED OR DIESEL POWERED MOTOR VEHICLE NOT EQUIPPED WITH EXHAUST MUFFLERS OR EQUIPPED WITH INOPERABLE OR MODIFIED EXHAUST MUFFLERS SO AS TO PERMIT THE CREATION OF EXCESSIVE NOISE THROUGH THE EMPLOYMENT OF SAID ENGINE BRAKE TO BE A NUISANCE IN FACT; ESTABLISHING EXCEPTIONS TO THE ENFORCEMENT OF SAID ORDINANCE IN EMERGENCY SITUATIONS, AND SETTING PENALTIES FOR VIOLATIONS THEREOF.

WHEREAS, the Township has received complaints regarding excessive noise created by Engine Breaks installed upon or in gasoline powered or diesel-powered motor vehicles; and

WHEREAS, the Township believes it to be in the best interest, safety and welfare of its residents to adopt this Ordinance.

NOW THEREFORE, pursuant to the authority conferred upon it by the Second-Class Township Code, the Supervisors of Buffalo Township, Washington County, Pennsylvania, does hereby **ENACT** and **ORDAIN** the following:

SECTION 1. TITLE.

This Ordinance shall be known as the “Buffalo Township Engine Brake Ordinance of 2023”.

SECTION 2. PURPOSE.

The Supervisors of Buffalo Township, Washington County, Pennsylvania, find, as a fact, that the operation of an engine brake 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, adversely affects the public health, safety and welfare of the residents of Buffalo Township, and, therefore, is a nuisance in fact.

SECTION 3. RESTRICTIONS.

No gasoline powered or diesel-powered motor vehicle shall be operated on the Township streets, roads, alleys or highways within Buffalo Township, Washington County, Pennsylvania, utilizing, in said operation, an engine brake, without exhaust mufflers permitting excessive noise to be created by said motor vehicles.

SECTION 4. EMERGENCY DRIVING SITUATIONS.

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

SECTION 5. SIGNAGE.

Jake/engine Brake signs are to be erected on all Township Roads located in Buffalo Township and no person shall drive or operate his vehicle in contravention of those signed. The Township will be placing signs along all Township Roads located in Buffalo Township pursuant to PennDOT publication 212.

SECTION 6. PENALTY.

Any person, firm, corporation or organization violating any of the provisions of this Ordinance shall, upon summary conviction before a District Justice having jurisdiction, be sentenced to pay a fine of not more than One Thousand and 00/100 (\$1,000.00) Dollars, and costs of prosecution, and in default of the payment thereof, shall be sentenced to undergo imprisonment in the Washington County Jail for a period not to exceed ninety (90) days.

SECTION 7. SEVERABILITY.

The provisions 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 hereof shall not be affected thereby.

SECTION 8. REPEALER.

Any ordinance or part of an ordinance conflicting with the terms of this Ordinance is hereby specifically repealed.

SECTION 9. EFFECTIVE DATE.

This Ordinance shall become effective five (5) days after final passage.

ORDAINED AND ENACTED INTO LAW by the Board of Supervisors of the Buffalo Township in lawful session assembled this _____ day of _____, 2023.

ATTEST:

**BUFFALO TOWNSHIP
BOARD OF SUPERVISORS**

Michelle L. Markley, Secretary/Treasurer

By: _____
James W. Arbore, Chairman

(SEAL)

By: _____
Jim Mounts, Vice-Chairman

By: _____
Randy Mounts, Supervisor