

**TOWNSHIP OF WEST MAHANoy**  
**COUNTY OF SCHUYLKILL IN THE COMMONWEALTH OF**  
**PENNSYLVANIA**

ORDINANCE NO.: 2006-1

**AN ORDINANCE OF THE TOWNSHIP OF WEST MAHANoy, COUNTY OF SCHUYLKILL, IN THE COMMONWEALTH OF PENNSYLVANIA, PROHIBITING THE USE AND OPERATION OF ENGINE BRAKE RETARDERS AND THEIR ASSOCIATED NOISE; AND PRESCRIBING CERTAIN PENALTIES FOR VIOLATION.**

BE IT ENACTED AND ORDAINED by the Township Supervisors of the Township of West Mahanoy, and it is hereby enacted and ordained by the authority of the same, as follows:

**SECTION I. SHORT TITLE.**

This ordinance shall be known as the West Mahanoy Township Engine Brake Retarder Ordinance”.

**SECTION II. ENGINE BRAKE RETARDER NUISANCE.**

The Supervisors of the Township of West Mahanoy , Schuylkill County, Pennsylvania, finds as a fact that operation of engine brake retarders on a gasoline-powered or diesel-powered motor vehicles 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 retarders adversely affects the public health, safety, and welfare of the residents of the Township of West Mahanoy, and therefore is a nuisance in fact.

**SECTION III. CERTAIN PROHIBITED AREA:**

No gasoline-powered or diesel-powered motor vehicles shall be operated on S.R. 61 within township, S.R. 54 in William Penn and Lost Creek sections, S.R. 4031 in Lost Creek section, S.R. 1008 in Altamont section, S.R. 4032 (Schuylkill Avenue) in Shenandoah Heights section, Altamont Boulevard in Altamont section within the Township, utilizing, in said operation, an engine brake retarder, without exhaust mufflers or with defective or modified exhaust mufflers permitting excessive noise to be created by said motor vehicle through the use of engine brake retarders.

SECTION IV. EXCEPTIONS.

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

SECTION V. SIGNS TO BE POSTED

The Township of West Mahanoy shall erect signs within the Township limits, and at or near the Prohibited Areas, advising motor vehicle operators of the prohibition of the use of engine brake retarders consistent with the provisions of this Ordinance.

SECTION VI. PENALTIES FOR VIOLATION.

Any person, firm, or corporation who shall violate provision of this Ordinance shall, upon summary conviction before a Magisterial District Justice having jurisdiction, be sentenced to pay a fine of not more than three hundred (\$300.00) Dollars and costs of prosecution, and in default of the payment thereof, shall be sentenced to undergo a term of imprisonment for a term not to exceed ten (10) days.

SECTION VII. REPEALER.

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION VIII. SEVERABILITY.


If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provision, sentence, clause, sections, or parts of this Ordinance. It is hereby declared as the intent of the Supervisors of West Mahanoy Township that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid clause, section, or part thereof not been included.

SECTION IX. EFFECTIVE DATE:

This Ordinance shall take effect immediately upon the approval by the Supervisors of the West Mahanoy Township.

DULY ENACTED AND ORDAINED this 21 day of March, 2006, by the Supervisors for the Township of West Mahanoy, County of Schuylkill, in the Commonwealth of Pennsylvania in lawful session duly assembled.

TOWNSHIP OF WEST MAHANNOY  
Schuylkill County, Pennsylvania

BY:   
Chairperson of Township  
Joseph Sweeney

ATTEST:

  
Secretary  
Michael Michalik

(SEAL)