

**KULPMONT BOROUGH  
ENGINE SUPPRESSION/BRAKE RETARDER/ENGINE BRAKE  
ORDINANCE NO. 2015-01**

ORDINANCE OF THE BOROUGH OF KULPMONT, NORTHUMBERLAND COUNTY, PENNSYLVANIA, DECLARING THE OPERATION OF AN ENGINE BRAKE INSTALLATION 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 PENALTIES FOR THE VIOLATION OF SAID ORDINANCE AND ESTABLISHING EXCEPTIONS TO THE ENFORCEMENT OF SAID ORDINANCE IN EMERGENCY SITUATIONS.

Pursuant to the powers vested in it by the Act of February 1, 1966 P.L. (1965) No.581, Section 1202, as amended, 53 P.S. 46202 (4), the borough of Kulpmont, Northumberland County, Pennsylvania, hereby enacts the following ordinance:

**SECTION 1: Short Title:**

This ordinance shall be known as the Kulpmont Borough  
ENGINE SUPPRESSION/BRAKE RETARDER/ENGINE BRAKE Ordinance.

**SECTION 2: Legislative Intent:**

The Borough Council of the Borough of Kulpmont, Northumberland County, Pennsylvania, finds as a fact that the operation of an engine brake or an engine suppression device or a compression 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 or engine suppression device or compression brake, adversely affects the public health, safety and welfare of the residents of the Borough of Kulpmont and, therefore, is a nuisance in fact.

**SECTION 3: Engine Brake Prohibited:**

No gasoline powered or diesel powered motor vehicles shall be operated on the streets, roads, alleys or highways listed below within the Borough of Kulpmont, Northumberland County, Pennsylvania, utilizing, in said operation, an engine brake, engine suppression device or compression brake, without exhaust mufflers, or with defective or modified exhaust mufflers permitting excessive noise to be created by said motor vehicle.

**SECTION 4: Streets:**

The Streets subjects to this prohibition shall be as follows:

- a. State Route 61, Northumberland 4<sup>th</sup> street to 13<sup>th</sup> street in Kulpmont Borough
- b. State Route 61, southbound throughout Kulpmont Borough.

**SECTION 5: Emergency Situations:**

This ordinance shall not apply to emergency driving situations requiring the utilization of an engineer brake to protect the safety and property of the residents of Kulpmont Borough, other motor vehicle operators, pedestrians, and the operator and passengers of the motor vehicle involved in said emergency situation.

**SECTION 6: Penalty:**

Any person, firm, corporation or organization violating any of the provisions of this ordinance shall, upon summary conviction before a District Magistrate having jurisdiction, be sentenced to pay a fine of not less than Fifty (\$50) Dollars or more than Three-Hundred (\$300) Dollars and costs of prosecution, and in default of the payment thereof, shall be sentenced to undergo imprisonment in any County Jail for a period not to exceed ten (10) days.

**SECTION 7: Effective Date:**

This ordinance shall become effective 30 days after its enactment or adoption.

**SECTION 8: Severance:**

The provisions of this ordinance shall be severable and if any of its provisions shall be held to be unconstitutional, illegal or invalid, or otherwise unenforceable by a court of competent jurisdiction, the remaining portions hereof shall not be affected thereby.

ORDAINED AND ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2015  
BOROUGH OF KULPMONT

ATTEST:

\_\_\_\_\_  
BERNARD P. NOVAKOSKI  
MAYOR

\_\_\_\_\_  
BRUNO R. VARANO  
COUNCIL PRESIDENT

\_\_\_\_\_  
RHONDA WILK  
BOROUGH SECRETARY

