

ORDINANCE NO. 291

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF EAST ROCKHILL TOWNSHIP, BUCKS COUNTY, PENNSYLVANIA, AMENDING CHAPTER 15, PART 2, OF THE EAST ROCKHILL TOWNSHIP CODE OF ORDINANCES BY ADDING A NEW SECTION 15-219, BRAKE RETARDER PROHIBITION AT CERTAIN LOCATIONS, PROHIBITING THE USE OF BRAKE RETARDERS ON VEHICLES OPERATED UPON PORTIONS OF NORTH ROCKHILL ROAD WITHIN THE TOWNSHIP; AND PROVIDING FOR THE ERECTION OF OFFICIAL SIGNS TO PROVIDE NOTICE AND WARNING TO THE PUBLIC; AND ESTABLISHING FINES AND PENALTIES FOR VIOLATIONS.

WHEREAS, the Pennsylvania Department of Transportation ("Penn DOT") has established regulations requiring the use of brake retarders in certain situations and establishing that a Municipality may not prohibit the use of brake retarders unless approved by Penn DOT ; and

WHEREAS, Penn DOT has determined that the prohibition of brake retarders along North Rockhill Road between Muskrat Road and Quarry Road is a permissible restriction; and,

WHEREAS, the East Rockhill Township Board of Supervisors, upon the recommendation of the Township Engineer and the Township Roadmaster, and pursuant to the appropriate engineering and traffic studies where necessary and the Pennsylvania Vehicle Code, hereby determines that the use of brake retarders shall be prohibited along North Rockhill Road between Muskrat Road and Quarry Road.

NOW, THEREFORE, it is hereby ENACTED and ORDAINED by the Board of Supervisors of East Rockhill Township, Bucks County, that a new Section 15-219, Brake Retarder Prohibition at Certain Locations, in the Code of Ordinances of East Rockhill Township is hereby enacted as follows:

Article I.

Words and phrases used in this Ordinance shall have the meaning ascribed to them in the Pennsylvania Vehicle Code, 1976, June 17, P.L. 162, Act No. 81, as amended ("Pennsylvania Vehicle Code").

Article II.

Chapter 15, Part 2, of the East Rockhill Township Code of Ordinances is hereby amended by the addition of the following new Section 15-219, Brake Retarder Prohibition at Certain Locations:

§15-219. Brake Retarder Prohibition at Certain Locations

1. It shall be unlawful for any person or persons to use Brake Retarders (commonly known as "Jake Brakes") on the following streets and roadways within the Township boundaries:

STREET

BETWEEN

North Rockhill Road

Muskrat Road and Quarry Road

- 2. Unless another penalty is expressly provided by the Pennsylvania Vehicle Code, any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of not less than \$25.00 nor more than \$600.00, together with costs. Each violation after notice of an offense or service of a summons shall constitute a separate and distinct offense.
- 3. The proper authorities of the Township are directed to erect the appropriate restriction and informational signs establishing the prohibition of the use of brake retarders in the above-referenced locations and to do so in conformity with the provisions of the Pennsylvania Vehicle Code and this Ordinance.

Article III.

All ordinances, parts of ordinances and amendments thereof are repealed insofar as they are inconsistent with this Ordinance.

Article IV.

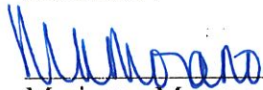
If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or part of this Ordinance. It is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

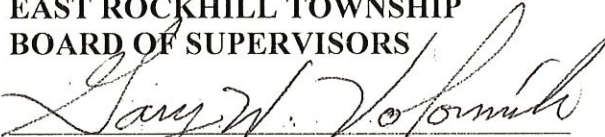
Article V.

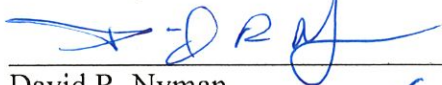
This Ordinance shall become effective five (5) days after final enactment.

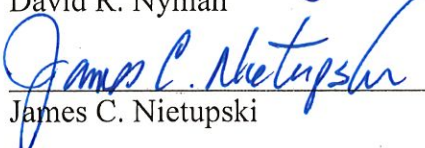
ENACTED AND ORDAINED this 26th day of February, 2019.

ATTEST:


Marianne Morano, Manager

**EAST ROCKHILL TOWNSHIP
BOARD OF SUPERVISORS**

Gary W. Volovnik


David R. Nyman


James C. Nietupski