

ORDINANCE #461

BRAKE RETARDER ORDINANCE

AN ORDINANCE OF THE BOROUGH OF SUSQUEHANNA DEPOT, SUSQUEHANNA COUNTY PENNSYLVANIA, DECLARING THE OPERATION OF A BRAKE RETARDER 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 BRAKE RETARDER TO BE A NUISANCE IN FACT; ESTABLISHING EXCEPTIONS TO THE ENFORCEMENT OF SAID ORDINANCE IN EMERGENCY SITUATIONS.

Section 1: This ordinance shall be known as the Borough of Susquehanna Depot Brake Retarder Ordinance.

Section 2: The Borough Council of the Borough of Susquehanna Depot, Susquehanna County, Pennsylvania, finds as a fact that the operation of a brake retarder 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 brake retarder, adversely affects the public health, safety and welfare of the residents of W. Main Street, bound from Oakland Township/Susquehanna Depot Borough line, to the intersection of Third Avenue and W. Main Street in the Borough of Susquehanna Depot.

Section 3: No gasoline powered or diesel powered motor vehicle shall be operated on W. Main Street from the Oakland Township/Susquehanna Depot line, in the east bound direction on W. Main Street to the Third Avenue intersection with W. Main Street utilizing, in said operation, a brake retarder, without exhaust mufflers, or with defective or modified exhaust mufflers permitting excessive noise to be created by said motor vehicle.

Section 4: This ordinance shall not apply to emergency driving situations requiring the utilization of a brake retarder to protect the safety and property of the residents of W. Main Street, from Oakland Township/Susquehanna Depot Borough line, east bound to Third Avenue intersection with W. Main Street and Third Avenue, other motor vehicle operators, pedestrians, and the operator and passengers of the motor vehicle involved in said emergency situation.

Section 5: 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 no more than Three Hundred (\$300.00) Dollars and costs of prosecution, and in default of the payment thereof, shall be sentenced to undergo imprisonment in the Susquehanna County Jail for a period not to exceed ten (10) days.

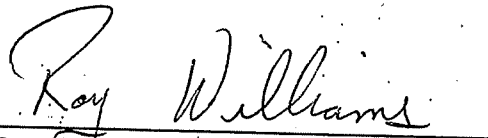
Section 6: This ordinance shall become effective after its adoption and upon placement of required signs.

Section 7: 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.

Section 8: Any ordinance or part of an ordinance conflicting with the terms of this ordinance is hereby specifically repealed.


THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS PASSAGE AND APPROVAL AND PLACEMENT OF REQUIRED SIGNAGE.

Ordained and Enacted this 20th day of April, 2010



Roy Williams
Council President

Attest:



Denise Reddon
Mayor



Secretary/Treasurer
Borough of Susquehanna Depot

COUNTY OF SUSQUEHANNA

RITA FICARRO, being duly sworn deposes and says:

That The Susquehanna County Transcript, Inc. is a newspaper, published weekly, at Susquehanna, Pennsylvania, and was established in said County in 1994, since which date said publication has been regularly issued in said County, and that a copy of the printed notice or publication attached hereto is exactly the same as was published in the regular editions and issues of the County Transcript on the following dates, viz:

March 10, 2010

Rita Ficarro

Rita Ficarro, Administrative Executive

Affiant further deposes and says that he/she is the Administrative Executive of said publication and is authorized to verify the foregoing statement and that he/she is not interested in the subject matter of the aforesaid notice or publication, and that all allegations in the foregoing statement as to time, place and character of publication are true.

Sworn to and subscribed before me

This 11th day of March, 2010

Lois Ann Rice

Notary Public

My Commission expires on

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Lois Ann Rice, Notary Public
Susquehanna Depot Boro, Susquehanna County
My Commission Expires May 15, 2013

ORDINANCE NOTICE

Notice is hereby given that an Ordinance 461 of the Borough of Susquehanna Depot, providing for the adoption of a ordinance declaring the operation of a brake retarder 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 on W. Main Street from the Borough line East bound to Third Avenue and to be a nuisance in fact, establishing exceptions to the enforcement of said ordinance in emergency situations, shall be adopted and effective at the Borough meeting of the Borough of Susquehanna Depot to be held on Tuesday, April 20, 2010 at 7:00 p.m. at the Borough building. Anyone objecting to all or any portion of said Ordinance should be present to state their objections at said council meeting.

A full copy of the Ordinance may be examined at the Borough office by appointment (570-353-3295), the Office of the County Transcript or the Offices of DeWitt & Corder, Myron B. DeWitt, Esq., 1220 Main Street, Susquehanna, Pennsylvania 18847.

Myron B. DeWitt, Esq.
Solicitor

(M10)