

ORDINANCE NO. 565 - 2014

**BOROUGH OF BENTLEYVILLE  
WASHINGTON COUNTY, PENNSYLVANIA**

**AN ORDINANCE OF THE BOROUGH OF BENTLEYVILLE, WASHINGTON COUNTY, PENNSYLVANIA, DECLARING THE OPERATION OF AN ENGINE BRAKE INSTALLED UPON OR IN A GASOLINE POWERED OR DIESEL POWERED MOTOR VEHICLE 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.**

**WHEREAS**, the Council of Bentleyville Borough has received a number of complaints concerning the noise emanating for the use of the aforementioned engine brakes; and

**WHEREAS**, the Council of Bentleyville Borough believes it to be in the best interest of its residents to adopt this Ordinance.

**NOW THEREFORE**, the Council of Bentleyville Borough hereby enacts and ordains this Ordinance, pursuant to the Borough Code, as amended as follows:

**Section One: Title**

This Ordinance shall be known as the “Bentleyville Borough Engine Brake Ordinance of 2014”.

**Section Two: Purpose**

The Council of Bentleyville Borough, Washington County, Pennsylvania, find, as a fact, that the operation of an engine brake on a gasoline powered or diesel powered motor vehicle, creates excessive noise through the use of said engine brake, adversely affects the public health, safety and welfare of the residents of Bentleyville Borough, and, therefore, is a nuisance in fact.

### **Section Three: Use of Engine Brakes**

No operator of a gasoline powered or diesel powered motor vehicle shall utilize an engine brake while operated on the streets, roads, alleys or highways within the Borough of Bentleyville, Washington County, Pennsylvania, due to excessive noise being created by said motor vehicles.

### **Section Four: Emergency Driving Situation**

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 Bentleyville Borough, other motor vehicles operators, pedestrians, and the operator and passengers of the motor vehicle involved in said emergency situation.

### **Section Five: Emergency Vehicles**

The terms of this Ordinance shall not apply to vehicles utilized by any Volunteer Fire Company and/or ambulance service.

### **Section Six: Hybrid Vehicle**

This Ordinance shall not apply to Hybrid Vehicles using electric regeneration or pneumatic/hydraulic energy recuperation for braking.

### **Section Seven: Penalties**

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 sentence 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 imprisonment in the Washington County Jail for a period not to exceed ten (10) days.

**Section Eight: Effective Date**

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

**Section Nine: 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 Ten: Conflicting Ordinance**


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

**ORDAINED AND ENACTED INTO LAW** by the Council of the Borough of Bentleyville in lawful session assembled this 2 day of September, 2014.

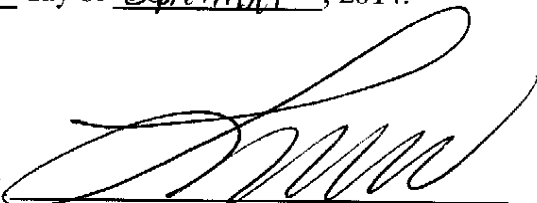
**ATTEST:**

  
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Kimberly Sacco, Secretary

**BENTLEYVILLE BOROUGH**

BY:   
\_\_\_\_\_  
Stan Glowaski, President

**EXAMINED AND APPROVED** by me this 2 day of September, 2014.

BY:   
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Thomas Brown, Mayor