

**PITTSTON TOWNSHIP
LUZERNE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 1-01 of 2021

AN ORDINANCE OF THE TOWNSHIP OF PITTSTON, LUZERNE COUNTY PENNSYLVANIA, PROHIBITING THE USE ENGINE BRAKE RETARDERS A/K/A “JAKE BRAKES” ON STATE ROUTE 2021 BETWEEN THE INTERSECTION OF OAK STREET AND WILLIAM STREET, PURSUANT TO A STUDY PERFORMED BY THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION, PROVIDING FOR THE POSTING OF SIGNS ON SAID ROAD IN ACCORDANCE WITH THIS ORDINANCE AND PROVIDING FOR PENALTIES AND ENFORCEMENT

WHEREAS, the Board of Supervisors of Pittston Township finds that the operation of engine brake retarders (“Jake Brakes”) on a gasoline powered or diesel powered motor vehicle creates excessive noise that adversely affects the public health, safety and welfare of the residents of Pittston Township constituting a nuisance; and

WHEREAS, at the request of the Township, the Pennsylvania Department of Transportation (“PennDOT”) conducted a traffic study on State Route 2021 (“S.R. 2021”) and determined that a prohibition against the use of brake retarders is permissible on S.R. 2021 in both a southerly or northerly direction between the intersection of Oak Street and William Street, a total distance of 0.7 miles and recommended the exact location for the erection of signs prohibiting the use of brake retarders; and

WHEREAS, the Board of Supervisors desires to prohibit the use of engine brake retarders on the roadway herein described as being in the best interests for eliminating noise nuisances in the Township.

NOW THEREFORE, BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Pittston, Luzerne County, Pennsylvania, as follows:

SECTION 1. AUTHORITY

1. This Ordinance is enacted pursuant to the policies and procedures established by PennDOT regarding engine brake retarder (“Jake Brake”) prohibitions.
2. An engineering and traffic study has been performed pursuant to said policy by PennDOT on S.R. 2021 between the Oak Street and William Street intersection to determine whether a prohibition on the use of engine brake retarders is warranted.
3. As a result of the traffic study, PennDOT has approved the Township’s request for prohibition of the use of engine brake retarders on the following portion of said road:
 - a. State Route 2021 between Oak Street and William Street, a distance of 0.7 miles

4. The authority to enact this Ordinance prohibiting the use of engine brake retarders is evidenced by correspondence from the Commonwealth of Pennsylvania, Department of Transportation which is appended to this Ordinance as Exhibit "A"

SECTION 2. PROHIBITED ACTS

No person, firm, company, corporation or organization shall operate, or allow to be operated, a vehicle that is powered by an internal combustion engine, on the portion of S.R. 2021 set forth in section 3a herein within Pittston Township, while utilizing an engine brake retarder.

SECTION 3. POSTING OF SIGNS

Pursuant to the procedures of PennDOT, and pursuant to the regulations regarding the placement of signs on state roads, Pittston Township shall cause to be erected upon the roadway herein specified, signs regarding the prohibition of the use of engine brake retarders clearly visible on S.R. 2021 in accord with the direction of travel at the locations stated on exhibit "B" appended hereto.

SECTION 4. VIOLATIONS AND PENALTIES

Any person, firm, company, corporation or organization violating any of the provisions of this Ordinance shall, upon conviction, be sentenced to pay a fine of not more than \$300.00 for each violation together with costs of prosecution. Failure to pay any imposed fine shall result in the offender being imprisoned for a term not to exceed 90 days.

SECTION 5. ENFORCEMENT

This Ordinance shall be enforced by the Pittston Township Police Department.

SECTION 6. REPEALER

All prior Ordinances, Resolutions or parts thereof in conflict or inconsistent with any of the provisions of this Ordinance are hereby repealed to the extent of the inconsistency.

SECTION 7. SEVERABILITY

The provisions of this Ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, invalid, unenforceable or beyond the power of the Township of Pittston, said provision or provisions shall not be construed to affect the validity of any of the remaining portions of this Ordinance. It is hereby declared as the intent of the Supervisors of the Township of Pittston that this Ordinance would have been adopted had such unconstitutional, invalid or unauthorized provision or provisions not been included therein.

SECTION 8. EFFECTIVE DATE

This Ordinance shall take effect and be in force five (5) days after its enactment by the

Board of Supervisors of the Township of Pittston as provided by law.

ENACTED AND ORDAINED THIS 19th day of January 2021 by the Board of Supervisors at a meeting duly convened.

ATTEST:

[Signature]
SECRETARY

BOARD OF SUPERVISORS
PITTSTON TOWNSHIP

BY: [Signature]
CHAIRMAN

BY: [Signature]
SUPERVISOR

BY: [Signature]
SUPERVISOR

Submitted by Supervisor _____

Seconded by Supervisor _____

ROLL CALL

<i>Yeas</i>		<i>Nays</i>
✓	Steven Rinaldi
✓	David Slezak
✓	Joseph Hawk