

**DANVILLE BOROUGH  
BRAKE RETARDER/ENGINE SUPPRESSION/ENGINE BRAKE  
ORDINANCE NO. 524**

AN ORDINANCE CREATING CHAPTER 89 OF THE CODE OF THE BOROUGH OF DANVILLE  
ENTITLED BRAKE RETARDER/ENGINE SUPPRESSION/ENGINE BRAKE

ORDINANCE OF THE BOROUGH OF DANVILLE, MONTOUR 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 2, 1966 P.L. (1965) No. 581, Section 1202, as amended, 53 P.S. 46202 (4), the Borough of Danville, Montour County, Pennsylvania, hereby enacts the following Ordinance:

Chapter 89, Section 1 THRU 9 is hereby created in its entirety with the following:

Chapter 89: UTILITY BRIDGE ATTACHEMENTS ON LOCALLY OWNED BRIDGES

§ 89-1 Short Title.

§ 89-2 Legislative Intent.

§ 89-3 Engine Brakes Prohibited.

§ 89-4 Streets.

§ 89-5 Emergency Situations.

§ 89-6 Penalty.

§ 89-7 Enforcement.

§ 89-8 Effective Date.

§ 89-9 Severance.

**Section 1: Short Title:**

The ordinance shall be known as the Danville Borough BRAKE RETARDER/ENGINE SUPPRESSION//ENGINE BRAKE Ordinance.

**Section 2: Legislative Intent:**

The Borough Council of the Borough of Danville, Montour 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 Danville and, therefore, is a nuisance in fact.

**Section 3: Engine Brakes 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 Danville, Montour 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. U.S. 11 from the Danville Wastewater Treatment Plant to the intersection of S.R. 54
- B. S.R. 54 from west of Ferry Street to the Susquehanna River Bridge

**Section 5: Emergency Situations:**

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 Danville Borough, other motor vehicle operators, pedestrians, and the operator and passengers of the motor vehicle involved in said emergency situations.

**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 (\$50.00) Dollars or 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 any County Jail for a period not to exceed ten (10) days.

**Section 7: Enforcement:**

The provisions of this Ordinance shall be enforced by the Danville Police Department.

**Section 8: Effective Date:**

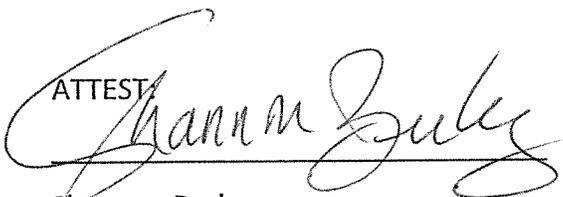
This Ordinance shall become effective thirty (30) days after its enactment or adoption.

**Section 9: 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.

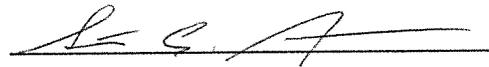
ORDAINED AND ENACTED this 12th day of November, 2014.

ATTEST



Shannon Berkey  
Borough Manager

BOROUGH OF DANVILLE



Scott Richardson  
Council President

APPROVED:



Bernie Swank  
Mayor

(SEAL)