

TOWNSHIP OF STRASBURG
Lancaster County, Pennsylvania

ORDINANCE NO. 106

**AN ORDINANCE OF THE TOWNSHIP OF STRASBURG, LANCASTER COUNTY, PENNSYLVANIA,
PROHIBITING THE USE OF BRAKE RETARDERS WITHIN PORTIONS OF THE TOWNSHIP AND
PROVIDING FOR THE SETTING OF PENALTIES FOR THE VIOLATION THEREOF.**

BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Strasburg, Lancaster County, Pennsylvania, as follows:

Section 1. Title. This Ordinance shall be known and may be cited as the "Strasburg Township Brake Retarder Ordinance."

Section 2. Findings. The Board of Supervisors of the Township of Strasburg, Lancaster County, Pennsylvania, finds, as a fact, that the operation of a brake retarder on a motor vehicle 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 Strasburg Township and, therefore, is a nuisance in fact.

Section 3. Prohibited Acts. No motor vehicle shall be operated on the highways or roadways within the Township of Strasburg listed below utilizing, in said operation, a brake retarder. The highways and roadways subject to this prohibition shall be as follows:

Highways and Roadways
PA 741 (SR 0741) Village Road

Location
From West Lampeter Township Line to Strasburg
Borough line

Section 4. Emergency Situations. 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 Strasburg Township, other motor vehicle operators, pedestrians, and the operator and passengers of the motor vehicle involved in said emergency situation.

Section 5. Emergency Vehicles. This Ordinance shall not apply to emergency vehicles operated by volunteer fire companies responding to emergency calls.

Section 6. Posting of Signs. Signs shall be posted in appropriate places advising motor vehicle operators of the prohibition of brake retarders consistent with the Ordinance.

Section 7. Enforcement. Any member of the Strasburg Borough Police Department, Pennsylvania State Police or any successor police department serving the Township is hereby authorized to enforce this Ordinance.

Section 8. Violations and Penalties. For each violation of the provisions of this Ordinance, any person who commits, takes part in, or assists in any such violation shall be liable upon conviction thereof in a summary criminal proceeding to pay a fine of not less than two hundred dollars (\$200.00) nor more than one thousand dollars (\$1000.00) for each offense, together with the costs of prosecution. Each day or portion thereof in which a violation exists shall be considered a separate violation of this Ordinance. The amount of any fine imposed by a magisterial district judge or a court shall be in addition to any other fine which may be imposed under the provisions of any other ordinance of the Township or under any statute. In default of payment of such fine, such person shall be liable to imprisonment for a period not to exceed thirty (30) days.

Section 9. Severability. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of this Ordinance, it being the intent of the Board of Supervisors that the remainder of the Ordinance shall be and shall remain

in full force and effect.

Section 10. 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 Strasburg as provided by law

DULY ORDAINED AND ENACTED the 7th day of August, 2017, by the Board of Supervisors of Strasburg Township, Lancaster County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF STRASBURG
County of Lancaster, Pennsylvania

Attest: _____

Assistant Secretary

By: _____

Vice/Chairman, Board of Supervisors

