

# ORDINANCE NO. 2015- 01

## **An ordinance of Penn Township, Cumberland County, Commonwealth of Pennsylvania regulating the use of a Compression Release Brake**

### **SECTION I. TITLE**

This ordinance shall be known and may be cited as: THE PENN TOWNSHIP, CUMBERLAND COUNTY, COMPRESSION RELEASE BRAKE ORDINANCE OF 2014

### **SECTION II. AUTHORITY**

BE IT HEREBY ORDANED AND ENACTED by the Board of Supervisors of the Township of Penn, County of Cumberland, by the authority of and pursuant to the provisions of Articles VI through X of Act No. 247 of the General Assembly of the Commonwealth of Pennsylvania, approved July 31, 1968 known and cited as the "Pennsylvania Municipalities Planning Code," and any amendments and supplements thereto as follows:

### **SECTION III. POLICY**

Penn Township, Cumberland County finds it a fact that the operation of a compression release brake on a diesel powered motor vehicle, so as to create noise through the use of said compression release brake, adversely affects the public health, safety and welfare of the residents of Penn Township.

### **SECTION IV. DEFINITIONS**

**Compression Release Brake** - A compression release engine brake, frequently called a Jake brake or Jacobs brake, is an engine braking mechanism installed on some diesel engines. When activated, it opens exhaust valves in the cylinders after the compression cycle, releasing the compressed air trapped in the cylinders, and slowing the vehicle.

**Township** - Penn Township, Cumberland County

### **SECTION V. REGULATIONS**

- A. The use of a compression release brake is prohibited in the following areas of Penn Township in any area designated residential. (Including Centerville, Huntsdale, Cummingstown, and Hays Grove)
- B. Posting of required signs will serve to designate where this Ordinance will be enforced.

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- C. This ordinance does not apply to emergency driving situations requiring the utilization of a compression release brake to protect the safety and property of the residents of the Township, other motor vehicle operators, pedestrians, and the operator and passengers of the motor vehicle involved in the emergency situation.

### **SECTION VI. VIOLATIONS AND PENALTIES**

Any driver and/or the firm or corporation for whom the driver is employed who shall violate any provisions of this Ordinance, shall be subject to the provisions of the Alternative Dispute Resolution of Penn Township, Cumberland County.

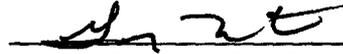
(Ordinance No. 2014-002)

### **SECTION VII. Miscellaneous**

- A. The provisions of this Ordinance are severable. If any section, sentence, clause or phrase of this Ordinance shall be held illegal, invalid, or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sentences, clauses, or phrases of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of Penn Township that this Ordinance would have been adopted had such invalid or unconstitutional section, sentence, clause or phrase not been included herein. Furthermore, it is the intent of this Ordinance to be supplementary to and not contrary to any laws of the Commonwealth of Pennsylvania or regulations of any of its executive agencies.
- B. All ordinances or parts of ordinances that are inconsistent herewith are hereby repealed
- C. This Ordinance shall take effect and be enforced from and after its approval as provided by law

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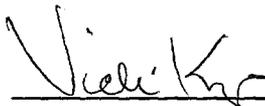
**DULY ENACTED and ORDAINED THIS 5<sup>th</sup> DAY OF JANUARY, 2015,**  
By the Supervisors of Penn Township in public session duly assembled

  
\_\_\_\_\_  
GARY MARTIN, CHAIRMAN

  
\_\_\_\_\_  
KENNETH SHEAFFER, VICE CHAIRMAN

  
\_\_\_\_\_  
AMOS SEIDERS, SUPERVISOR

ATTEST:

  
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VICKI KNEPP, SECRETARY