

ORDINANCE #05-08

AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER VII ENTITLED "HOPE TOWNSHIP TRAFFIC CODE"
OF THE REVISED GENERAL ORDINANCES OF THE
TOWNSHIP OF HOPE, COUNTY OF WARREN, NEW JERSEY
IN ORDER TO ESTABLISH A NEW SECTION PROHIBITING
THE PRACTICE KNOWN AS "ENGINE BRAKING" AND PROVIDING
FOR PENALTIES THEREFOR

BE IT ORDAINED by the Mayor and Township Committee of the Township of Hope, in the County of Warren and State of New Jersey, as follows:

1. That Chapter VII, entitled "Traffic" of the Revised General Ordinances of the Township of Hope, New Jersey is hereby amended and supplemented in order to establish a Section IX thereof to be entitled "Prohibition of Engine-Braking", as follows:

Section IX. PROHIBITION OF "ENGINE-BRAKING".

1. Definitions.

- a. "Engine-braking" shall mean the use or operation of any mechanical exhaust device designed to aid in the braking, decompression or deceleration of any motor vehicle which results in the excessive, loud, unusual or explosive noise from such vehicle.

2. Prohibition.

- a. It shall be unlawful for the driver of any motor vehicle to use or operate or cause to be used or operated, at any time and on any road within the Township of Hope, any mechanical exhaust or decompression device which results in the practice know as "engine-braking".

3. Exceptions.

- a. The provisions of this Chapter shall not apply to engine braking where necessary for the protection of persons and/or property which cannot be avoided by application of an alternative braking system. Noise caused by the application of engine compression brakes, otherwise known as "engine-braking", which is effectively muffled or if the application is necessary for the health, safety and welfare of the community is exempt from the provisions of this Chapter. Sounds created by emergency equipment for emergency purposes are also exempt.

4. Posting of Signs.

- a. The Township is hereby authorized to post at reasonable locations within the Township signs indicating the prohibition of "engine-braking".

5. Violations and Penalties.

- a. Unless another penalty is expressly provided by New Jersey Statute, any person convicted of a violation of this Ordinance shall be punished for a first conviction thereof by a fine of not more than one-hundred dollars (\$100.00) or by imprisonment for a period not to exceed ten (10) days, or by both such fine and imprisonment; for a second such conviction, such person shall be punished by a fine of not more than two-hundred dollars (\$200.00) or by imprisonment for a period not to exceed twenty (20) days, or by both such fine and imprisonment; and upon the third or any subsequent conviction, such person shall be punished by a fine of not more than five-hundred dollars (\$500.00) or by imprisonment for a period not to exceed six (6) months, or by both such fine and imprisonment.

6. Severability.

- a. Should any section, subsection, paragraph, sentence, clause or phrase of this Chapter, or its application to a specific person or set of circumstances, be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portion of this Chapter, or its application to any other person or set of circumstances.

7. Effective Date.

- a. This Ordinance shall take effect upon final passage and publication in accordance with the law, but not before approval has been received from the Commissioner, Department of Transportation.
 - 1) That all other Ordinances or part of Ordinances inconsistent herewith are hereby repealed.
 - 2) This Ordinance shall take effect upon adoption and publication according to law.

INTRODUCTION:

Resolution: Beatty

Second: McDonough

Committee polled: Beatty-yes
Koonz-yes
McDonough-yes

Date: August 10, 2005

Date of Publication: August 17, 2005

ADOPTION:

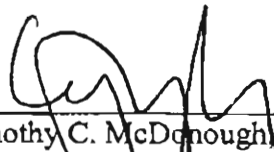
Resolution: Koonz

Second: Beatty

Committee polled: Beatty-yes
Koonz-yes
McDonough-yes

Date: September 14, 2005

Date of Publication: September 21, 2005



Timothy C. McDonough, Mayor

ATTEST:



Mary Pat Quinn, Municipal Clerk