

BOROUGH OF PITCAIRN
ORDINANCE NO. 1045

AN ORDINANCE OF THE BOROUGH OF PITCAIRN, ALLEGHENY COUNTY, COMMONWEALTH OF PENNSYLVANIA, PROHIBITING THE USE OF ENGINE BRAKE RETARDERS WITHIN THE BOROUGH OF PITCAIRN.

WHEREAS, Council for the Borough of Pitcairn finds the use of brake retarders a nuisance to the peace and tranquility of the residents of the Borough of Pitcairn.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Council of the Borough of Pitcairn, Allegheny County, Commonwealth of Pennsylvania as follows:

1. Section 1043-1 Title.
This Chapter shall be known as the "Pitcairn Borough Engine Brake Retarder Ordinance".
2. Section 1043-2 Legislative findings; declaration of nuisance.
The Borough Council of the Borough of Pitcairn, Allegheny County, Pennsylvania, finds as fact the operation of engine brake retarders on gasoline-powered or diesel-powered motor vehicles not equipped with exhaust mufflers or equipped with modified or defective exhaust mufflers, as to create excessive noise and vibration through the use of said brake retarders, adversely affects the public health, safety and welfare of the residents of the Borough of Pitcairn and therefore is a nuisance in fact.
3. Section 1043-3 Use Prohibited.
No gasoline powered or diesel powered motor vehicle as defined by the Pennsylvania Motor Vehicle Code of the Commonwealth of Pennsylvania (see 27 Pa.C.S.A Sec. 101, et. seq) shall be operated on any Borough Street within the Borough of Pitcairn that utilizes, in the operation of said vehicle, an engine brake retarder without exhaust mufflers, or with defective or modified exhaust mufflers, or in any manner which permits loud or noticeable noise to be created by said motor vehicle through the use of an engine brake retarder.
4. Section 1043-4 Exceptions.
This prohibition shall not apply to emergency vehicles driving in emergency situations or any other emergency driving situations in which the utilization of a brake retarder is necessary to protect the safety and property of the citizens of Pitcairn Borough, other motor vehicle operators, and pedestrians.

5. Section 1043-5 Signs.

Signs shall be erected at or near the entrance to the limits of Pitcairn Borough to advise the operators of motor vehicles of the prohibition of the use of engine brake retarders as set forth in this Chapter.

6. Section 1043-6 Violations and Penalties.

Any person or other legal entity who or which shall violate, fail to comply, neglect, or refuse to comply with any provisions of this Chapter shall upon conviction thereof be sentenced to pay a fine of not more than \$1,000 and costs of prosecution, and, in default of payment thereof, be imprisoned for a period of not more than 30 days. Each instance of violation shall constitute a separate and distinct offense.

7. Severability. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such holding shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared severable.

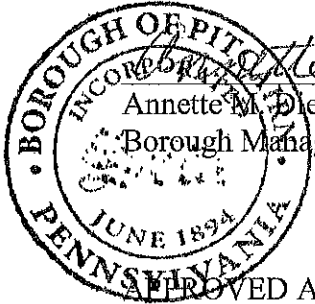
8. Repealer. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

9. Effective Date. This Ordinance shall become immediately effective upon the date of execution.

ORDAINED AND ENACTED this 11th day of October, 2021.

ATTEST:

BOROUGH OF PITCAIRN



Annette M. Dietz
Annette M. Dietz
Borough Manager

Dona Galia
Dona Galia, President
Borough Council

APPROVED AS TO FORM:

Margaret P. Stevick
Margaret P. Stevick
Mayor, Borough of Pitcairn

Michael J. Witherel, Esq.