

## ORDINANCE NO. 1 OF 2022

### AN ORDINANCE OF THE BOROUGH OF NEW FLORENCE, COUNTY OF WESTMORELAND AND COMMONWEALTH OF PENNSYLVANIA, RESTRICTING THE USE OF A VEHICLE BRAKE RETARDER AND PROVIDING FOR PENALTIES IN VIOLATION THEREOF

WHEREAS, the Borough of New Florence, desires to regulate the noise created by vehicles traveling through the Borough; and

WHEREAS, the Borough of New Florence is authorized pursuant to the Borough Code to regulate traffic, and further pursuant to regulations adopted by the Pennsylvania Department of Transportation, (PennDOT); and

WHEREAS, the Borough of New Florence has sought, and received approval from PennDOT for such restriction, a copy of which is attached hereto as Exhibit "A";

NOW THEREFORE BE IT ENACTED AND ORDAINED, and it hereby is enacted and ordained, by the Council of the Borough of New Florence, Westmoreland County, Pennsylvania:

**Section 1.** It shall be unlawful for any person or entity to use or permit the use of brake retarders on the following roadways:

<u>Direction</u>	<u>S.R.</u>	<u>FROM SEGMENT/OFFSET</u>	<u>TO SEGMENT/OFFSET</u>
NB/SB	711	0500/0000 Nineteenth Street	0510/0215 St. Clair Township Line


**Section 2.** Any person, firm, operation, or organization violating any of the provisions of this ordinance shall upon summary conviction be sentenced to pay a fine of not more than \$300.00 and costs of prosecution, and in default thereof, to undergo imprisonment for a period not in excess of 10 days.

**Section 3.** Pursuant to the regulations of PennDOT with respect to signs on highways, the Borough of New Florence shall cause to be erected upon the roadways herein specified, signs regarding the prohibition of the use of said engine retarders with improperly maintained, defective, or modified exhaust mufflers on the designated highways.

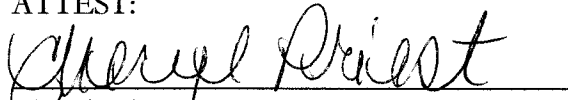
**Section 4.** This Ordinance shall be enforceable by any law enforcement agency having jurisdiction within New Florence Borough.

**Section 5.** All prior Ordinances in conflict with the provisions hereof are hereby repealed.


ENACTED AND ORDAINED, this 15<sup>th</sup> day of <sup>February</sup>~~January~~, 2022.

  
JAMES MOORE, President  
BOROUGH OF NEW FLORENCE COUNCIL

ATTEST:

  
Cheryl Priest, Secretary

APPROVED \_\_\_\_\_, VETOED \_\_\_\_\_

  
EDWARD CRAFT, Mayor

Date: 2/15/22

# EXHIBIT

# A

October 20, 2021

Mr. Jeffrey W. Miller, Esquire  
Solicitor, New Florence Borough  
617 Washington Street  
Bolivar, PA 15923

Re: State Route 711  
Brake Retarder Ordinance Request

Dear Mr. Miller:

This is in response to your correspondence concerning the use of engine brakes by heavy trucks on S.R. 711 within the borough.

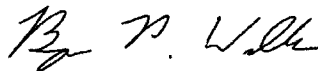
The Department has completed an engineering and traffic study for prohibition of the use of engine brakes at the requested location listed below in accordance with Chapter 11 of the Traffic Engineering Manual, Publication 46.

<u>DIRECTION</u>	<u>S.R.</u>	<u>FROM SEGMENT/OFFSET</u>	<u>TO SEGMENT/OFFSET</u>
NB/SB	711	0500/0000 Nineteenth Street	0510/0215 St. Clair Township Line

With this approval, New Florence Borough is authorized to pass the necessary ordinance and erect the appropriate signs in accordance with Publications 111 and 236. Ensure that an R14-9A sign (End Brake Retarder Prohibition) is posted at the end of the prohibition area in each direction. Also, please be advised that enforcement will rest with the police agency that provides enforcement for the borough. The Department of Motor Carrier Enforcement Teams will not enforce this prohibition.

If you need further clarification or we can be of any further assistance, please do not hesitate to contact Ryan Cavallo, P.E., Assistant District Traffic Engineer - Operations, at 724.415.1027.

Sincerely,



for Robert C. Dean, P.E.  
Assistant District Executive - Maintenance  
Engineering District 12-0