

ORIGINAL

AN ORDINANCE OF THE TOWNSHIP OF EXETER, COUNTY OF  
LUZERNE, AND COMMONWEALTH OF PENNSYLVANIA  
ESTABLISHING A PROHIBITION ON THE USE OF ENGINE BRAKE  
RETARDERS COMMONLY KNOWN AS "JAKE BRAKES" ON SPECIFIED  
ROADWAYS WITHIN THE TOWNSHIP OF EXETER.

ORDINANCE NO. 10 – 1 – 14

**MUNICIPALITY OF  
EXETER TOWNSHIP**

LUZERNE COUNTY, PENNSYLVANIA

Adopted at a Public Meeting Held on

October 1, 2014

**EXETER TOWNSHIP**  
**Luzerne County, Pennsylvania**

**ORDINANCE No. 10-1-14**

**AN ORDINANCE OF THE TOWNSHIP OF EXETER, COUNTY OF LUZERNE, AND COMMONWEALTH OF PENNSYLVANIA ESTABLISHING A PROHIBITION ON THE USE OF ENGINE BRAKE RETARDERS COMMONLY KNOWN AS “JAKE BRAKES” ON SPECIFIED ROADWAYS WITHIN THE TOWNSHIP OF EXETER.**

**BE IT ORDAINED AND ENACTED** by the Board of Supervisors of the Township of Exeter, County of Luzerne, and Commonwealth of Pennsylvania, and it is hereby ordained and enacted by the authority of the same as follows:

Section 1. “Engine brake retarding device” is defined as any motor/engine retarding device, engine brake retarder, exhaust brake retarder or hydraulic brake retarder, retarding device or system that acts as or is intended to act to supplement the service brakes or wheel brakes, that brakes on the motor, engine or other system other than the wheels for purposes of or as a means of slowing or stopping a truck, tractor trailer, or other motor vehicle.

Section 2. The operation of an engine brake or brake retarder commonly known as a “jake brake” on a gasoline powered or diesel powered motor vehicle, including but not limited to commercial and interstate trucks, which create by definition excessive noise and disturbance through the use of such brakes, adversely affects the health, safety, and welfare of the residents of Exeter Township, and are hereby declared to be a nuisance in fact.

Section 3. No person shall operate a gasoline powered or diesel powered motor vehicle, including but not limited to commercial and interstate trucks, utilizing in such operation an engine brake retarding device, commonly referred to as a “jake brake,” thereby permitting excessive noise and disturbance to be created by such motor vehicles to the detriment of the health, safety, and welfare of the residents of Exeter Township.

Section 4. The aforesaid prohibition as set forth in Section 3 above shall be limited to the following locations within Exeter Township:

- A. PA 92 Northbound: The use of engine brake retarders or similar devices shall be prohibited on sections of State Route 92 (PA 92 Northbound) as follows: from Segment/Offset 0100/0136 to Segment/Offset 0180/2371 (Wyoming County Line), a total distance of 4.4 miles.
- B. PA 92 Southbound: The use of engine brake retarders or similar devices shall be prohibited on sections of State Route 92 (PA 92 Southbound) as follows: from Segment/Offset 0170/1460 to Segment/Offset 0080/1605, a total distance of 5.0 miles.

Section 5. The aforesaid locations shall be specified by signs erected within the Township of Exeter notifying persons of the prohibition against the use of engine brake retarding devices, also known as "jake brakes," which signs and their specific locations shall be in compliance with any and all applicable rules and regulations of the Pennsylvania Department of Transportation.

Section 6. This Ordinance shall not apply to emergency driving situations requiring the utilization of an engine brake retarding device, commonly known as a "jake brake," where such use by the operator of a motor vehicle is required due to an emergency situation. Further, this Ordinance shall not apply to emergency service vehicles.

Section 7. This Ordinance shall be enforced by the Exeter Township Police Department or any law enforcement officer having jurisdiction in the Township of Exeter.

Section 8. Any person violating the aforesaid Ordinance shall be fined not less than Five Hundred (\$500.00) Dollars and not more than One Thousand (\$1,000.00) Dollars plus costs; and in default thereof, shall be sentenced to imprisonment as allowed by law for the punishment of a summary offense.

Section 9. Any ordinance or resolution or parts thereof inconsistent with the terms of this Ordinance are hereby repealed.

Section 10. The provisions of this Ordinance shall be severable. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, and/or invalid, such unconstitutionality, illegality, and/or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, and/or parts of this Ordinance.

Section 11. This Ordinance shall become effective on the fifth (5<sup>th</sup>) day following enactment.

**DULY ORDAINED AND ENACTED** this 1st day of OCTOBER 2014, by the Board of Supervisors in lawful session duly assembled.

**TOWNSHIP OF EXETER**

By:   
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**JOHN J. RUANE, Chairman**  
**Board of Supervisors**

ATTEST:

  
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**MARY FRANCES MARTIN, Secretary**