

CITY OF WILLIAMSPORT, PA

FILE OF CITY COUNCIL

BILL No. _____

SESSION OF _____

Approved on first reading

Members of City Council:

Approved on final reading

This day.....of.....20.....

This day.....of.....20.....

AN ORDINANCE

AN ORDINANCE OF THE CITY OF WILLIAMSPORT, LYCOMING COUNTY, PENNSYLVANIA, DECLARING THE OPERATION OF AN ENGINE BRAKE INSTALLATION UPON OR IN A GASOLINE POWERED OR DIESEL POWERED MOTOR VEHICLE NOT EQUIPPED WITH EXHAUST MUFFLERS OR EQUIPPED WITH INOPERABLE OR MODIFIED EXHAUST MUFFLERS SO AS TO PERMIT THE CREATION OF EXCESSIVE NOISE THROUGH THE EMPLOYMENT OF SAID ENGINE BRAKE TO BE A NUISANCE IN FACT; ESTABLISHING PENALTIES FOR THE VIOLATION OF SAID ORDINANCE AND ESTABLISHING EXCEPTIONS TO THE ENFORCEMENT OF SAID ORDINANCE IN EMERGENCY SITUATIONS.

PURSUANT TO THE POWERS VESTED IN IT BY THE ACT OF FEBRUARY 1, 1966 P.L. (1965) NO. 581, SECTION 1202, AS AMENDED, 53 P.S. 46202 (4), THE CITY COUNCIL OF THE CITY OF WILLIAMSPORT HEREBY ENACTS THE FOLLOWING ORDINANCE UNDER THE AUTHORITY OF THE SAME THAT:

SECTION 1: Title: This ordinance shall be known as the City of Williamsport ENGINE SUPPRESSION/BRAKE RETARDER/ENGINE BRAKE Ordinance.

SECTION 2: Legislative Intent: The City Council of the City of Williamsport, Lycoming County, Pennsylvania, finds as a fact that the operation of an engine brake or an engine suppression device or a compression brake on a gasoline powered or diesel powered motor vehicle to create excessive noise through the use of said engine brake or engine suppression device or compression brake, adversely affects the public health, safety and welfare of the residents of the City of Williamsport and, therefore, is a nuisance in fact.

SECTION 3: Engine Brakes Prohibited: No gasoline powered or diesel powered motor vehicle shall be operated on the streets, roads, alleys or highways listed below within the City of Williamsport, Lycoming County, Pennsylvania, utilizing, in said operation, an engine brake, engine suppression device or compression brake.

SECTION 4: Streets: The Streets subject to this prohibition shall be as follows:

- a. State Route 2014 known as West Fourth Street beginning at Foresman Street and continuing eastbound to the U.S. 15 Interchange.

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AN ORDINANCE

SECTION 5: Emergency Situations: This ordinance shall not apply to emergency driving situations requiring the utilization of an engine brake to protect the safety and property of the residents of the City of Williamsport, other motor vehicle operators, pedestrians, and the operator and passengers of the motor vehicle involved in said emergency situation.

SECTION 6: Penalty: Any person, firm, corporation or organization violating any of the provisions of this ordinance shall, upon summary conviction before a District Magistrate having jurisdiction, be sentenced to pay a fine of not less than Fifty (\$50.00) Dollars or more than Three Hundred (\$300.00) Dollars and costs of prosecution, and in default of the payment thereof, shall be sentenced to undergo imprisonment in any County Jail for a period not-to-exceed ten (10) days.

SECTION 7: Effective Date: This ordinance shall become effective upon final enactment.

SECTION 8: Severance: The provisions of this ordinance shall be severable and if any of its provisions shall be held to be unconstitutional, illegal or invalid, or otherwise unenforceable by a Court of competent jurisdiction, the remaining portions hereof shall not be affected thereby.

Enacted this _____ day of _____, 2010.

ATTEST:

J. Marlyne Whaley, President
Williamsport City Council

This ordinance approved/vetoed this _____ day of _____, 2010.

Gabriel J. Campana, Ed.D., Mayor
City of Williamsport, PA

CITY OF WILLIAMSPORT
DEPARTMENT OF STREETS, PARKS & FLOOD CONTROL

MEMO

To: Mayor Gabriel J. Campana and Members of City Council
From: William C. Wright
Subject: Engine Brake Retarder Prohibition
Date: June 18, 2010

Attached for your review is a revised ordinance prohibiting the use of engine brake retarders on a portion of West Fourth Street. As West Fourth Street or SR 2014 is under the jurisdiction of the Pennsylvania Department of Transportation, approval had to be obtained for the designated area per the attached letter.

Earlier this year, the administration had been approached by several residents located on West Fourth Street concerning increased truck traffic and the noise created by engine brake retarders from the trucks as they descended the grade near the Williamsport High School entrance and easterly. By restricting the use of the brake retarders, annoyance of the truck traffic to city residents should be greatly reduced.

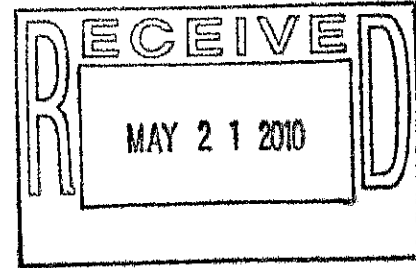
The ordinance has been forwarded to the city solicitor for review.

Should you have any questions or need additional information prior to the next City Council meeting, please contact me at your convenience. We are requesting that action be taken on this ordinance on Tuesday, June 22, 2010.

Attachments



pennsylvania
DEPARTMENT OF TRANSPORTATION
www.dot.state.pa.us



May 20, 2010

Subject: Lycoming County
City of Williamsport
State Route (S.R.) 2014, West Fourth Street
Engine Brake Retarder Prohibition Study

William C. Wright, General Manager
Department of Streets, Parks, and Flood Control
City of Williamsport
Public Services Building
1550 West Third Street
Williamsport, PA 17701

Dear Mr. Wright:

This is in reference to your letter dated April 13, 2010 requesting a study for an engine brake retarder prohibition on West Fourth Street in the eastbound direction from Daugherty's Run Road to the U.S. 15 Interchange.

The department completed a review of the subject route for an engine brake retarder prohibition. Engine brake retarders are devices intended to supplement the vehicle's braking system by using the engine to assist in reducing a vehicles speed. Such devices provide a safety benefit to both the truck operator and other highway users and are required by regulation to be used on all vehicles operating in Pennsylvania under an overweight special hauling permit. When properly installed, the vehicle should not produce a significant increase in noise level. However, improper installation or modification can result in increased noise levels and subsequent complaints.

As a result of our review and in conjunction with the provisions of our statewide policy, we approve implementation of an engine brake retarder prohibition on S.R. 2014, West Fourth Street, starting at Foresman Street near the Roosevelt Middle School and continuing eastbound to the U.S. 15 Interchange. The area from Daugherty's Run Road to Foresman Street

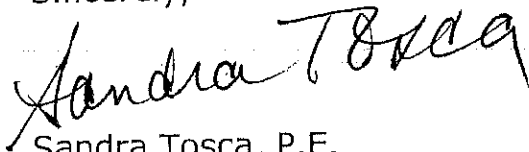
William C. Wright
May 20, 2010
Page 2

cannot be approved due to exceeding the maximum downhill grade of four percent allowed by our regulations. The municipality will be responsible to enact an ordinance for the approved restriction as well as to purchase, erect, and maintain the required signing. The signing shall be in accordance with the department's regulations.

Enclosed is a sketch showing signs and locations needed to legally post this restriction, a copy of the regulations governing installation of these signs, a sample ordinance, a list of state-approved sign and post manufacturers where the signs and posts must be purchased, and a form to be filled out by the municipality and returned to this office when the signing work has been completed. Please feel free to contact us if you need assistance in locating the sign locations.

Please note on the enclosed sign regulation sheet and sketch that the words "WITHIN MUNICIPAL LIMITS" have been changed to "ON S.R. 2014 (West Fourth St.)" to reflect the actual restricted area. This information must be provided to the sign manufacturer when your signs are ordered.

Sincerely,



Sandra Tosca, P.E.
District Executive
Engineering District 3-0

Enclosure

Marked 6/15/10
Comp 6/15/10



CITY OF WILLIAMSPORT

City Council - City Clerk
245 West Fourth Street
Williamsport, PA 17701-6113
Telephone (570)327-7504 / Fax (570)327-7505
E-mail: cityclerk@cityofwilliamsport.org

June 15, 2010

Sun-Gazette
252 West Fourth Street
Williamsport, PA 17701

LEGAL AD with POP Staff:

Please submit the attached advertisement for publication on **Monday, June 28, 2010**. *A proof of publication affidavit is required for this ad.*

Kindly invoice the attached advertisement to the *City Clerk's Office (General Government)*, City of Williamsport, 245 West Fourth Street, Williamsport, PA 17701.

Best regards,

//s//Stephanie M. Mitchell
Williamsport City Clerk

PLEASE CONFIRM RECEIPT OF AD - 327-7504

NOTICE

The City Council of the City of Williamsport will act on final reading an ordinance during a public meeting of Williamsport City Council on **Thursday, July 8, 2010 at 7:30 pm** in City Hall Council Chambers, 245 W. 4th St, Williamsport regarding:

AN ORDINANCE OF THE CITY OF WILLIAMSPORT, LYCOMING COUNTY, PENNSYLVANIA, DECLARING THE OPERATION OF AN ENGINE BRAKE INSTALLATION UPON OR IN A GASOLINE POWERED OR DIESEL POWERED MOTOR VEHICLE NOT EQUIPPED WITH EXHAUST MUFFLERS OR EQUIPPED WITH INOPERABLE OR MODIFIED EXHAUST MUFFLERS SO AS TO PERMIT THE CREATION OF EXCESSIVE NOISE THROUGH THE EMPLOYMENT OF SAID ENGINE BRAKE TO BE A NUISANCE IN FACT; ESTABLISHING PENALTIES FOR THE VIOLATION OF SAID ORDINANCE AND ESTABLISHING EXCEPTIONS TO THE ENFORCEMENT OF SAID ORDINANCE IN EMERGENCY SITUATIONS.

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SECTION 2: Legislative Intent: The City Council of the City of Williamsport, Lycoming County, Pennsylvania, finds as a fact that the operation of an engine brake or an engine suppression device or a compression brake on a gasoline powered or diesel powered motor vehicle not equipped with exhaust mufflers, or equipped with defective or modified exhaust mufflers, so as to create excessive noise through the use of said engine brake or engine suppression device or compression brake, adversely affects the public health, safety and welfare of the residents of the City of Williamsport and, therefore, is a nuisance in fact.

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