

**BOROUGH OF KOPPEL
BEAVER COUNTY, PENNSYLVANIA
ORDINANCE NO. 402**

**AN ORDINANCE OF THE BOROUGH OF KOPPEL, COUNTY OB BEAVER,
COMMONWEALTH OF PENNSYLVANIA ENACTING AN ENGINE BRAKE RETARDER
ORDINANCE**

WHEREAS, the purpose of this Ordinance is to preserve the peace and tranquility of the Borough of Koppel residents by prohibiting any motorized vehicle having a gasoline or diesel-powered motor vehicle operated at designated locations in the Borough that produces excessive noise due to the use of an engine brake retarding device.

WHEREAS, the Pennsylvania Motor Vehicle Code confers upon the Borough of Koppel, the authority to restrict the use of engine brake retarding devices provided an appropriate engineering study supports the restriction and the necessary approvals are obtained from the Pennsylvania Department of Transportation (PennDOT) and WHEREAS, the required study was made and issued by letter, dated December 11, 2018, recommending approval of restriction and WHEREAS, the Borough of Koppel Council desires to enact restrictions on the use of engine brake retarder devices.

NOW THEREFORE, be it enacted and ordained as follows:

Section 101. DEFINITIONS

ENGINE BRAKE RETARDER. 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 of 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, truck tractor, motor carrier vehicle, motor vehicle or vehicle.

MOTORIZED VEHICLE. Any type of vehicle that is powered by gasoline or diesel fuel for the transportation of goods or passengers,

PERSONS. Any individual, partnership, limited liability partnership, firm, company, limited liability company, corporation, association, or any other legal entity and with respect to each, its agents, servants and employees.

Section 102. PROHIBITED ACTS

Any person operating a vehicle powered by gasoline or diesel fuel on the streets, roads, or highways listed below within the Borough of Koppel, Beaver County, Pennsylvania, utilizing in its operation an engine brake using an engine suppression device or compression brake, without exhaust mufflers, or with defective or modified exhaust mufflers permitting excessive noise to be created by that motor vehicle.

Section 103. LEGISLATIVE INTENT

The Borough of Koppel finds that an engine brake retarder or the like when used on prohibited streets to be a nuisance and in fact adversely affects the public health, safety and welfare of its residents.

Koppel Borough
Engine Brake Retarder
Ordinance No. 402
Adopted: May 18, 2021

Section 104. PROHIBITED STREETS

Engine Brake Restriction is prohibited as follows:

- SR 0018 (Big Beaver Boulevard) Segment 740/Offset 0000 to the Lawrence County line Segment 790/Offset 3122.
- SR 0351 (Fairlane Boulevard) on 5th Avenue at its intersection with Arthur Street Segment 150/Offset 0000 to a point approximately 200 feet north of Richard Street Segment 150/Offset 1400.

Section 105. EMERGENCY SITUATIONS

This ordinance shall not apply to emergency situations requiring the utilization of brake restriction to protect the safety and property, other motor vehicle operators, pedestrians, and the operator and passengers of the motor vehicle involved in that emergency situation on prohibited streets in the Borough of Koppel.

Section 106. VIOLATION AND PENALTIES

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 Three-Hundred (\$300) Dollars or more than One Thousand (\$1,000) 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 107. REPEALER

All ordinances, provisions, sections, standards or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

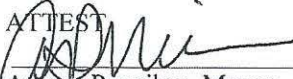
Section 108. SEVERABILITY

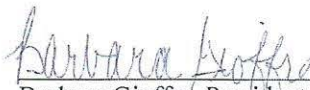
Should any sentence, section, clause, part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part declared to be invalid.

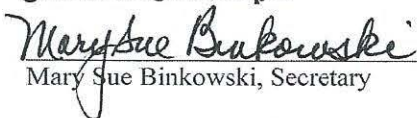
Section 109. ADOPTION

This ordinance shall become effective immediately after its enactment or adoption.

ENACTED AND ADOPTED this 18th day of May, 2021
BOROUGH OF KOPPEL

ATTEST

Athena Pangikas, Mayor


Barbara Gioffre, President


Mary Sue Binkowski, Secretary

Koppel Borough
Engine Brake Retarder
Ordinance No. 402
Adopted: May 18, 2021

**BOROUGH OF KOPPEL
BEAVER COUNTY, PENNSYLVANIA
ORDINANCE NO. 402**

**AN ORDINANCE OF THE BOROUGH OF KOPPEL, COUNTY OF BEAVER,
COMMONWEALTH OF PENNSYLVANIA ENACTING AN ENGINE BRAKE RETARDER
ORDINANCE**

WHEREAS, the purpose of this Ordinance is to preserve the peace and tranquility of the Borough of Koppel residents by prohibiting any motorized vehicle having a gasoline or diesel-powered motor vehicle operated at designated locations in the Borough that produces excessive noise due to the use of an engine brake retarding device.

WHEREAS, the Pennsylvania Motor Vehicle Code confers upon the Borough of Koppel, the authority to restrict the use of engine brake retarding devices provided an appropriate engineering study supports the restriction and the necessary approvals are obtained from the Pennsylvania Department of Transportation (PennDOT) and WHEREAS, the required study was made and issued by letter, dated December 11, 2018, recommending approval of restriction and WHEREAS, the Borough of Koppel Council desires to enact restrictions on the use of engine brake retarder devices.

NOW THEREFORE, be it enacted and ordained as follows:

Section 101. DEFINITIONS

ENGINE BRAKE RETARDER. 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 of 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, truck tractor, motor carrier vehicle, motor vehicle or vehicle.

MOTORIZED VEHICLE. Any type of vehicle that is powered by gasoline or diesel fuel for the transportation of goods or passengers,

PERSONS. Any individual, partnership, limited liability partnership, firm, company, limited liability company, corporation, association, or any other legal entity and with respect to each, its agents, servants and employees.

Section 102. PROHIBITED ACTS

Any person operating a vehicle powered by gasoline or diesel fuel on the streets, roads, or highways listed below within the Borough of Koppel, Beaver County, Pennsylvania, utilizing in its operation an engine brake using an engine suppression device or compression brake, without exhaust mufflers, or with defective or modified exhaust mufflers permitting excessive noise to be created by that motor vehicle.

Section 103. LEGISLATIVE INTENT

The Borough of Koppel finds that an engine brake retarder or the like when used on prohibited streets to be a nuisance and in fact adversely affects the public health, safety and welfare of its residents.

Koppel Borough
Engine Brake Retarder
Ordinance No. 402
Adopted: May 18, 2021

Section 104. PROHIBITED STREETS

Engine Brake Restriction is prohibited as follows:

- SR 0018 (Big Beaver Boulevard) Segment 740/Offset 0000 to the Lawrence County line Segment 790/Offset 3122.
- SR 0351 (Fairlane Boulevard) on 5th Avenue at its intersection with Arthur Street Segment 150/Offset 0000 to a point approximately 200 feet north of Richard Street Segment 150/Offset 1400.

Section 105. EMERGENCY SITUATIONS

This ordinance shall not apply to emergency situations requiring the utilization of brake restriction to protect the safety and property, other motor vehicle operators, pedestrians, and the operator and passengers of the motor vehicle involved in that emergency situation on prohibited streets in the Borough of Koppel.

Section 106. VIOLATION AND PENALTIES

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 Three-Hundred (\$300) Dollars or more than One Thousand (\$1,000) 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 107. REPEALER

All ordinances, provisions, sections, standards or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 108. SEVERABILITY

Should any sentence, section, clause, part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part declared to be invalid.


Section 109. ADOPTION

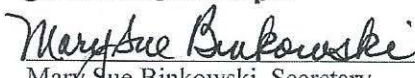
This ordinance shall become effective immediately after its enactment or adoption.

ENACTED AND ADOPTED this 18th day of May, 2021
BOROUGH OF KOPPEL

ATTEST


Athena Pangikas, Mayor


Barbara Gioffre, President


Mary Sue Binkowski, Secretary

Koppel Borough
Engine Brake Retarder
Ordinance No. 402
Adopted: May 18, 2021