

ORDINANCE NO. _____

**AN ORDINANCE OF THE TOWNSHIP OF SOLEBURY,
BUCKS COUNTY, PENNSYLVANIA AMENDING THE
SOLEBURY TOWNSHIP CODE OF ORDINANCES
CHAPTER 15 TO ADD SECTION 314 TO PROHIBIT
BRAKE RETARDERS ON CERTAIN STREETS,
INCLUDING PORTIONS OF LOWER YORK ROAD
NORTH AND SOUTHBOUND AND ESTABLISH A FINE
FOR VIOLATION OF THE PROHIBITION**

WHEREAS, Section 1527 (53 P.S. Section 66527) of the Pennsylvania Second Class Township Code provides that the corporate powers of the Board of Supervisors of Solebury Township (the “Board of Supervisors”) include the ability to secure the safety of persons or property within the township;

WHEREAS, the Pennsylvania Vehicle Code at Title 75, Section 4103 provides the Pennsylvania Department of Transportation has the authority to regulate vehicle equipment and any municipality seeking to prohibit engine brake retarders must obtain Pennsylvania Department of Transportation approval to enact such a prohibition by ordinance;

WHEREAS, the Pennsylvania Department of Transportation conducted an on-site survey and approved a request for a brake retarders prohibition and signage on portions of Lower York Road;

WHEREAS, Section 1601 of the Second Class Township Code provides that the Board of Supervisors may adopt Ordinances in which general or specific powers of the Township may be exercised, and, by the enactment of subsequent Ordinances, the Board of Supervisors may amend, repeal, or revise existing Ordinances (53 P.S. § 66601); and

WHEREAS, the proposed amendments have been advertised, considered, and reviewed in accordance with Pennsylvania law;

NOW THEREFORE, in consideration of the foregoing, be it **ENACTED** and **ORDAINED** by the Board of Supervisors of Solebury Township, Bucks County, Pennsylvania, that Chapter 15 of the Solebury Township Code of Ordinances is **AMENDED** as follows:

I. ADD to Chapter 15, Motor Vehicles, a new section, Section 15-314 as follows:

§ 15-314. Brake Retarders Prohibited on Certain Streets

It shall be unlawful for any person to use brake retarders while operating any truck, which shall mean a motor vehicle designed, used or maintained primarily for the transportation of property, freight or merchandise, upon any of the following streets, or portions thereof, as herein designated:

Street	Between	Direction of Travel
Lower York Road (SR 202)	Street Road and a point 1120 feet north of the intersection with Arboresque Drive	Northbound
Lower York Road (SR 202)	The point beginning 200 feet south of the intersection with Upper Mountain Road and continuing southbound for 670 feet after Rodeo Drive	Southbound

Any person who shall violate any provision of this section, shall, upon conviction thereof, be sentenced to pay a \$25 fine, together with the costs of prosecution. In addition, Solebury Township may institute an action for injunctive relief to prohibit or abate any activity in violation of the provisions of this article when repeated violations by the same person, firm, corporation or organization occur.

II. Partial Repealer

All other provisions of the Ordinances of Solebury Township, as amended, shall remain in full force and effect. All other Ordinances or provisions of the Ordinance inconsistent herewith or in conflict with any of the terms hereof are, to the extent of said inconsistencies or conflicts, hereby specifically repealed.

III. Severability

The provisions of this Ordinance are severable. If any section, clause, sentence, part or provision thereof shall be held illegal, invalid, or unconstitutional by a court of competent jurisdiction, such decision of the court shall not affect or impair any of the remaining sections, clauses, sentences, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Township Board of Supervisors that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional section, clause, sentence or part of a provision had not been included herein.

IV. Effective Date

All provisions of this Ordinance shall be in full force and effect five (5) days after the approval and adoption.

ORDAINED AND ENACTED this ____ day of _____, 2018.

BOARD OF SUPERVISORS OF SOLEBURY
TOWNSHIP, BUCKS COUNTY,
PENNSYLVANIA

Helen Tai, Chair

Mark Baum Baicker, Vice-Chair

Kevin Morrissey, Member

Noel Barrett, Member

Robert McEwan, Member

Attest:

Catherine Cataldi, Township Secretary