

ORDINANCE NO. 10-9  
BOROUGH OF MERCERSBURG  
113 SOUTH MAIN STREET  
MERCERSBURG, PA 17236

ORDINANCE OF THE BOROUGH OF MERCERSBURG, FRANKLIN COUNTY, PENNSYLVANIA, DECLARING THE OPERATION OF AN ENGINE BREAK INSTALLED 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 BREAK 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. THIS ORDINANCE ALSO CONFIRMS THE ESTABLISHMENT AND STAFFING LEVELS OF THE MERCERSBURG BOROUGH POLICE DEPARTMENT.

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 Borough of Mercersburg, Franklin County, Pennsylvania, hereby enacts the following Ordinance:

**Section 1:** This Ordinance shall be known as the "Mercersburg Borough Engine Break Ordinance".

**Section 2:** The Borough Council of the Borough of Mercersburg, Franklin County, Pennsylvania, finds as a fact that the operation of an engine break 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 break, adversely affects the public health, safety and welfare of the residents of the Borough of Mercersburg and, therefore, is a nuisance in fact.

**Section 3:** No gasoline powered or diesel powered motor vehicle shall be operated on the streets, roads, alleys or highways within the Borough of Mercersburg, Franklin County, Pennsylvania, utilizing, in said operation, an engine break without exhaust mufflers, or with defective or modified exhaust mufflers permitting excessive noise to be created by said motor vehicle.

**Section 4:** This Ordinance shall not apply to emergency driving situations requiring the utilization of an engine break to protect the safety and property of the residents of Mercersburg Borough, other motor vehicle operators, pedestrians, and the operator and passengers of the motor vehicle involved in said emergency situation.

**Section 5:** 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 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 the Franklin County Jail for a period not to exceed ten (10) days.

**Section 6:** This Ordinance shall become effective five (5) days after its enactment or adoption.

**Section 7:** The provisions of this Ordinance shall be severable and if any of its provisions shall be held to be unconstitutional, illegal, invalid, or otherwise unenforceable by a Court of competent jurisdiction, the remaining portions hereof shall not be affected thereby.

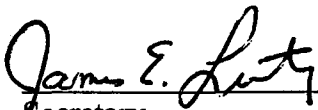
**Section 8:** Police Department. This confirms the establishment of the Mercersburg Borough Police Department consisting of a police chief, not more than 2 regular full-time officers and such part-time officers as the Mayor shall hire, within the budget approved by Council.

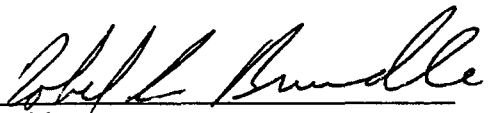
**Section 9:** Any Ordinance or part of an Ordinance conflicting with the terms of this Ordinance is hereby specifically repealed.

ORDAINED AND ENACTED this 13th day of July, 1999.

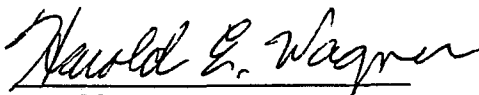
ATTEST:

Mercersburg Borough Council

  
Secretary

By:   
President

EXAMINED AND APPROVED THIS 13th DAY OF JULY, 1999.

  
MAYOR