

**BOROUGH OF OGDENSBURG
COUNTY OF SUSSEX
ORDINANCE 02-2019**

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 3, POLICE REGULATIONS OF THE CODE OF THE BOROUGH OF OGDENSBURG PROHIBITING "ENGINE-BRAKING" IN THE BOROUGH

WHEREAS, the Borough of Ogdensburg ("Borough") desires to amend and supplement Chapter 3, Police Regulations of the Code of the Borough of Ogdensburg to prohibit the use of "Engine-Braking" in the Borough.

NOW THEREFORE, be it ordained, by the Borough Council of the Borough of Ogdensburg, County of Sussex, State of New Jersey, that; Chapter 3 of the Borough Code is hereby amended, revised and supplements as follows:

Section 1. 3-2 Engine Braking

3-2.1 Definitions

ENGINE-BRAKING

The use or operation of any mechanical exhaust devise design to aid in the braking, decompression, or deceleration of any motor vehicle which results in the excessive, loud, unusual or explosive noise from such vehicle.

EMERGENCY SITUATION

One in which there is imminent danger of a collision with property, persons, and/or animals and/or what is necessary for the health, safety and welfare of the community.

EXCESSIVELY LOUD

Sound audible at a distance of 100 feet from the building, structure, or vehicles in which it is located shall be prima facie evidence of a violation of the article.

3-2.2 Prohibition

It is unlawful for the driver of any motor vehicle to activate or use an internal-combustion-engine-powered vehicle on any posted public ways, including, but not limited to, streets, alleys, easement, or rights-of-ways established for vehicle operation within the borough of Ogdensburg, while said vehicle or operator is utilizing an engine brake without an exhaust muffler sufficient to prevent the creation of excessively loud noises by said vehicle due to improperly maintained, defective, or modified muffler systems, except when the use of such engine brake is necessary in an emergency situation. This article is not intended to prohibit the passage of vehicles equipped with engine brakes in posted areas, but rather limit the use of such equipment in posted areas under the aforesaid circumstances.

3-2.3 Exceptions

The provision of this article shall not be applicable in emergency situations as described herein:

- a. Noise caused by the application of engine brakes, also known as "compression braking", which is effectively muffled or if the application is necessary for the health, safety and welfare of the community is exempt from the provisions of the article.
- b. Sounds created by emergency equipment for emergency purposes are also exempt.

3-2.4 Posting of Signs

The Borough is hereby authorized to post at reasonable locations within the Borough signs indicating the prohibition of engine braking in a nonemergency situation.

3-2.5 Violations and Penalties

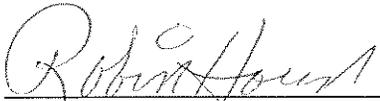
- a. Any person, firm or corporation violating any provision of this article shall be mandated to a court appearance, fined not less than \$50 nor more than \$500, and required to pay court costs and fees for each offense.
- b. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Section 2. All Ordinances or parts of Ordinances inconsistent herewith are repealed.

Section 3. If any section, subsection, sentence, clause, phrase, or a portion of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Section 4. This Ordinance shall become effective after second reading and publication as required by law.

Attest:



Robin Hough, Borough Clerk



George P. Hutnick, Mayor

NOTICE

TAKE NOTICE that the above entitled ordinance was introduced at a regular meeting of the Borough Council of the Borough of Ogdensburg on January 14, 2019, and will be considered for final passage after public hearing at a regular meeting of the Borough Council of the Borough of Ogdensburg to be held on January 28, 2019 at 7:00PM in the Municipal Building, 14 Highland Ave., Ogdensburg, New Jersey, and shall take effect according to law.



Robin Hough, Borough Clerk

**BOROUGH OF OGDENSBURG
LEGAL NOTICE
ORDINANCE 02-2019**

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 3, POLICE
REGULATIONS OF THE CODE OF THE BOROUGH OF OGDENSBURG
PROHIBITING "ENGINE-BRAKING" IN THE BOROUGH**

NOTICE is hereby given that the above Ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Ogdensburg, in the County of Sussex, State of New Jersey, held in the Municipal Building on the 14th day of January, 2019, and the same came up for final passage at a meeting of the said Borough Council on the 28th day of January, 2019, at which time, after persons interested were given an opportunity to be heard concerning said ordinance, the same was passed and will be in full force in the borough according to law by order to the Borough Council of the Borough of Ogdensburg, County of Sussex and State of New Jersey.



Robin Hough, RMC/CMR