

**LAFAYETTE TOWNSHIP
SUSSEX COUNTY, NEW JERSEY**

ORDINANCE 2018-24

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER VII OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF LAFAYETTE, "TRAFFIC", WITH
THE ADDITION OF "ENGINE BRAKING"**

WHEREAS, an ordinance relating the unreasonably loud, disturbing or unnecessary noise created by improperly maintained, defective or modified muffler systems which creates material distress, discomfort or injury to persons of ordinary sensibilities in the immediate vicinity which substantially interferes with the comfortable enjoyment of private homes by persons of ordinary sensibilities, caused when a motor vehicle's engine brake is activated or used in a non-emergency situation, is prohibited after the effective date hereof, and declared to be a nuisance.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Lafayette, County of Sussex, State of New Jersey as follows:

Section 1. Chapter VII, "Traffic", of the aforesaid Revised General Ordinances is hereby amended and supplemented with the addition of "Engine Braking" to read as follows:

ENGINE BRAKING

Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

Engine Braking - the use or operation of any mechanical exhaust device designed 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 - the use 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 - audible at a distance of one hundred (100') feet from the building, structure or vehicle in which it is located shall be *prima facie* evidence of a violation of this section.

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, easements or right-of-ways established for vehicle operation with the Township of Lafayette, 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. The Ordinance is not intended to prohibit the passage of vehicle equipped with engine brakes in posted areas, but rather limit the use of such equipment in posted areas under the aforesaid circumstances.

Exceptions.

The provisions of this Chapter 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 this Chapter.

b. Sounds created by emergency equipment for emergency purposes are, also, exempt.

Posting of Signs.

The Township is hereby authorized to post, at reasonable locations within the Township, signs indicating the prohibition of engine braking in a non-emergency situation.

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 fifty (\$50) dollars or more than five hundred (\$500) dollars 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. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason by any Court of competent jurisdiction, such provision(s) shall be deemed severable and the remaining portions of this Ordinance shall remain in full force and effect.

Section 3. All ordinances or parts of ordinances or resolutions that are inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

Section 4. This Ordinance shall take effect after publication and passage according to law.

NOTICE

The above entitled Ordinance was introduced and passed at first reading by the Lafayette Township Committee at a meeting on November 7, 2018 and after publication and a public hearing was finally adopted by the Lafayette Township Committee at a meeting held on December 4, 2018.

Mayor:

Municipal Clerk: