

**Chapter 89**  
**ENGINE BRAKES**

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**[HISTORY: Adopted by the Council of the Borough of Berwick 7-15-1996 by Ord. No. 96-2. Amendments noted where applicable.]**

**GENERAL REFERENCES**

Noise — See Ch. 125.  
Peace and good order — See Ch. 130.

Vehicles and traffic — See Ch. 158.

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**§ 89-1. Title.**

This chapter shall be known as the “Berwick Borough Engine Brake Ordinance.”

**§ 89-2. Findings.**

The Borough Council of the Borough of Berwick, Columbia County, Pennsylvania, finds as a fact that the operation of an engine brake 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 brake adversely affects the public health, safety and welfare of the residents of the Borough of Berwick and is a nuisance in fact.

**§ 89-3. Applicability.**

This chapter shall not apply to emergency driving situations which require utilizing in said operation an engine brake without exhaust mufflers or equipped with inoperable exhaust mufflers or equipped with exhaust mufflers which have been modified or which are defective to protect the safety and property of the residents of the Borough of Berwick, other motor vehicle operators, pedestrians and the operator and passengers of the motor vehicle involved in said emergency situation.

**§ 89-4. Violations and penalties.**

Any person, firm, corporation or organization violating any of the provisions of this chapter shall, upon summary conviction before a District Justice having jurisdiction, be sentenced to pay a fine of not more than \$300 and costs of prosecution and in default of the payment thereof

shall be sentenced to undergo imprisonment in the Columbia County Jail for a period not to exceed 30 days.

**§ 89-5. Additional penalties.**

In addition, the Borough of Berwick shall have the right to bring an equity action to require compliance with this chapter. In any legal action the borough shall have the right to recover all court costs and reasonable attorney's fees from the prosecution of any violation of this chapter.

**§ 89-6. Collection of costs.**

In the event that the Borough of Berwick shall institute an action against any individual, entity or firm to enjoin violation of this chapter and in the further event that the Borough of Berwick is successful in obtaining relief pursuant to the terms and conditions of this chapter, the Borough of Berwick shall have the right to collect from any individual, entity or firm which is found to have violated the terms and conditions of this chapter the reasonable costs in enforcing this chapter, including the right to collect reasonable attorney's fees incurred by the said Borough of Berwick in enforcing this chapter.