

**BOROUGH OF SHREWSBURY
NOTICE OF PUBLIC HEARING ON ORDINANCE 2021-1080**

Please take notice that the Borough of Shrewsbury Mayor and Council, at their meeting on April 19th, 2021, introduced Ordinance No. 2021-180, An Ordinance Establishing Chapter 251 of the Borough Code, to be Entitled **"ENGINE BRAKING PROHIBITED," BANNING ENGINE BRAKING, COMMONLY KNOWN AS "JAKE BRAKES," WITHIN THE BOROUGH OF SHREWSBURY** A Public Hearing upon second reading will be held at a regular Council Meeting on May 3rd, 2021 at 7:00 PM. Copies of the Ordinance are posted on the bulletin board and borough website and are on file in the Clerk's Office located at the Municipal Center, 419 Sycamore Avenue, Shrewsbury, NJ. Further public notice is hereby given that said ordinance shall be considered for final passage and adoption at a public meeting of the Borough Council on Monday, May 3, 2021 at 7:00pm.

Kerry Quinn, RMC
Municipal Clerk
Borough of Shrewsbury

**AN ORDINANCE ESTABLISHING CHAPTER 251 OF THE BOROUGH CODE, TO BE
ENTITLED "ENGINE BRAKING PROHIBITED," BANNING ENGINE BRAKING, COMMONLY
KNOWN AS "JAKE BRAKES," WITHIN THE BOROUGH OF SHREWSBURY**

WHEREAS, excessive sound and vibration are a serious hazard to the public health and welfare, safety and the quality of life; and

WHEREAS, a substantial body of science and technology exists by which excessive sound and vibration may be substantially abated; and

WHEREAS, certain engine compression brakes and engine brakes create excessive sound and vibration; and

WHEREAS, the people have a right to, and should be ensured, an environment free of excessive sound and vibration that may jeopardize their health and welfare or safety or degrade the quality of life; and

WHEREAS, the Borough desires to ban the use of engine braking and engine compression brakes within Borough borders.

NOW, THEREFORE, THE GOVERNING BODY OF THE BOROUGH OF SHREWSBURY DOES HEREBY ORDAIN as follows:

SECTION I

Chapter 251, "Engine Braking Prohibited," of the Borough Code is hereby established to read as follows:

Section 251-1: 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.

Engine Compression Brake. Any device that utilizes air compression and/or rapid release of compressed air in the cylinders of engines to slow or retard vehicle speed. Examples include, but are not limited to, Jacobs Engine Brake[®], also known as "Jake brake[®]" engine retarder; Pacbrake[®] engine brake; TecBrake[®] engine break; D-Celerator[®] diesel exhaust brake; and similar devices that meet the definition.

Public Safety Vehicle. Any vehicle operated by the Borough Fire Department or the Borough Police Department, or any other emergency vehicle operated by a state, county, and/or local agency.

Section 251-2: Prohibited activities. The use of engine compression brakes or the act of engine braking, commonly known as "Jake braking," shall at all times be prohibited and on any roadway within the Borough.

Section 251-3: Signage. The Borough shall, with the assistance of any requesting landowner or upon recommendation of the Public Works Department, install appropriate signage advising traffic that the use of engine compression brakes and the act of engine braking are prohibited.

Section 251-4: Exclusions. This chapter shall not apply to any of the following:

A. Public safety vehicles; and

B. A vehicle involved in an emergency wherein the operator of said vehicle reasonably believes that the use of engine compression brakes or engine braking is necessary to avoid and/or mitigate a collision or accident.

Section 251-5: Violations and penalties. Any person or company which shall violate this chapter shall, upon conviction thereof, pay a fine not exceeding \$2,000, imprisonment for a term not exceeding 90 days or a period of community service not exceeding 90 days for each offense. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate, and distinct offense.

SECTION II

All Ordinances or parts of Ordinances inconsistent herewith are repealed to the extent of such inconsistency. The Borough Clerk is authorized to renumber and/or re-codify any sections affected by such repeal to the extent consistent with this Ordinance.

SECTION III

If any word, phrase, clause, section or provision of this Ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal or unconstitutional such word, phrase, clause, section or provision shall be severable from the balance of the Ordinance and the remainder of the Ordinance shall remain in full force and effect.

SECTION IV

This Ordinance shall take effect upon publication thereof after final passage according to law.