

BOROUGH OF FRANKLIN

ORDINANCE NO. 05-2022

**AN ORDINANCE OF THE BOROUGH OF FRANKLIN,
COUNTY OF SUSSEX, AND STATE OF NEW JERSEY
ADDING NEW SECTION 259-13 TO THE BOROUGH CODE
ENTITLED "ENGINE BRAKING"**

WHEREAS, the Borough of Franklin ("Borough") has determined it to be in the best interests of the safety, health, and welfare of its residents to regulate engine braking within the Borough; and

WHEREAS, "engine braking" is the use or operation of any mechanical exhaust device designed to aid in the braking, decompression, or deceleration of a motor vehicle which results in excessive, loud, unusual, or explosive noise from such vehicle.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Franklin, County of Sussex, and State of New Jersey that Chapter 259 of the Borough Code entitled "Vehicles and Traffic" is hereby amended as follows:

SECTION I.

New Section 259-13 entitled "Engine Braking" is hereby adopted as follows:

§ 259-13 Engine Braking Prohibited.

- A.** Definition. "Engine braking" shall mean the use or operation of any mechanical exhaust device designed to aid in the braking, decompression, or deceleration of a motor vehicle which results in excessive, loud, unusual, or explosive noise from such vehicle.
- B.** Prohibited. It shall be unlawful for the driver of any motor vehicle to use or operate or cause to be used or operated, at any time and on any roadway within the Borough of Franklin, any mechanical exhaust or decompression device which results in a practice known as "engine braking."
- C.** Exceptions. The provisions of this section shall not apply to engine braking where necessary for the protection of persons and/or property which cannot be avoided by application of an alternative braking system. Noise caused by the application of engine compression brakes, otherwise known as engine-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 section. Sounds created by emergency equipment for emergency purposes are also exempt.

- D.** Posting of Signs. The Borough is hereby authorized to post signs at reasonable locations within the Borough indicating the prohibition of the practice of engine braking.
- E.** Violations and Penalties. Unless another penalty is expressly provided by New Jersey Statute, any person convicted of a violation of this section shall be punished for a first conviction thereof by a fine of not more than one hundred and fifty (\$150.00) dollars or by imprisonment for a period not to exceed ten (10) days, or by both such fine and imprisonment; for a second such conviction, such person shall be punished by a fine of not more than two hundred and fifty (\$250.00) dollars or by imprisonment for a period of not to exceed twenty (20) days, or by both such fine and imprisonment; and upon the third or any subsequent conviction, such person shall be punished by a fine of not more than five hundred (\$500.00) dollars or by imprisonment for a period not to exceed six (6) months, or by both such fine and imprisonment.

SECTION II.

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistencies.

SECTION III.


If any article, section, subsection, paragraph, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

SECTION IV.


This Ordinance shall take effect immediately upon final publication as provided by law.

ATTEST:

BOROUGH OF FRANKLIN



Darlene J. Tremont, CLERK




BY: John Sowden, MAYOR

DATED: May 10, 2022

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Council of the Borough of Franklin held on April 26, 2022, at 7:00 p.m. and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Borough Council to be held on May 10,

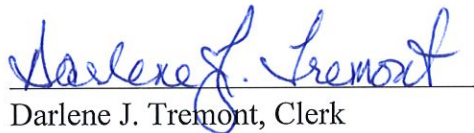
2022, at 7:00 p.m., or as soon thereafter as the Borough Council may hear this Ordinance at the Municipal Building, 46 Main Street, Franklin, New Jersey 07416, at which time all persons interested may appear for or against the passage of said Ordinance.



Darlene J. Tremont
Municipal Clerk

CERTIFICATION

I, Darlene J. Tremont, Clerk of the Borough of Franklin, do hereby certify that the Borough of Franklin Council duly adopted the foregoing Ordinance on the 10th day of May, 2022.



Darlene J. Tremont, Clerk
Borough of Franklin



John Sowden, Mayor

Introduced: April 26, 2022

Adopted: May 10, 2022

RECORD OF COUNCIL VOTES-FIRST READING					Move	2nd
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT		
CONCETTO FORMICA COUNCIL PRESIDENT	X					
RACHEL HEATH	X					
JOSEPH LIMON		X				
JOHN POSTAS			X			
STEPHEN SKELLENGER	X					X
GILBERT SNYDER	X				X	
MAYOR SOWDEN, IV (Tie Only)						

RECORD OF COUNCIL VOTES-SECOND READING					Move	2nd
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT		
CONCETTO FORMICA COUNCIL PRESIDENT	X					
RACHEL HEATH	X					X
JOSEPH LIMON		X				
JOHN POSTAS			X			
STEPHEN SKELLENGER	X					
GILBERT SNYDER	X				X	
MAYOR SOWDEN, IV (Tie Only)						

**BOROUGH OF FRANKLIN
LEGAL NOTICE**

ORDINANCE #05-2022

**AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND
STATE OF NEW JERSEY ADDING NEW SECTION 259-13 TO THE BOROUGH CODE
ENTITLED "ENGINE BRAKING"**

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 Franklin, in the County of Sussex, State of New Jersey, held in the Borough Municipal Building, 46 Main Street, Franklin, NJ, on the 26th day of April, 2022, and the same came up for final passage at a meeting of the said Borough Council on the 10th day of May, 2022, 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 of the Borough Council of the Borough of Franklin, County of Sussex and State of New Jersey.



Darlene J. Tremont, Municipal Clerk