

**EXPLANATION: An Ordinance Respecting the Operation of Engine Brakes on Roads within the Borough of Mount Arlington.**

**BOROUGH OF MOUNT ARLINGTON**

**ORDINANCE NO. 08-2020**

**AN ORDINANCE SUPPLEMENTING AND AMENDING  
CHAPTER 169 RESPECTING THE OPERATION OF  
ENGINE BRAKES ON ROADS WITHIN THE BOROUGH  
OF MOUNT ARLINGTON**

**BE IT ORDAINED** by the Borough Council of the Borough of Mount Arlington in the County of Morris, State of New Jersey, as follows:

Section I. Chapter 169 shall be added to the Borough Code, to read as follows:

**§ 38. Engine braking regulations.**

- A. Definitions. As used in this section, the following terms shall have the meanings indicated: 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.
- B. Prohibition. 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 road within the Borough of Mount Arlington, any mechanical exhaust or decompression device which results in the practice known as "engine braking."
- C. Exceptions. The provisions of this section shall not apply where engine braking is 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. The provisions of this section shall also not apply to the operation of any motor vehicle upon those portions of Interstate Highway Route 80 located within the Borough of Mount Arlington.
- D. Posting of signs. The Borough is hereby authorized to post, at reasonable locations within the Borough, signs indicting the prohibition of engine braking.
- E. Violations and penalties. Unless another penalty is expressly provided by New Jersey statute, any person or entity convicted of a violation of this section shall be punished, for a first conviction thereof, by a fine of not more than \$100 or by imprisonment for a period not to exceed 10 days, or by both such fine and imprisonment. For a second such conviction, such person or entity shall be punished by a fine of not more than \$200 or by imprisonment for a period not to exceed 20 days, or by both such fine and imprisonment. Upon the third or any subsequent conviction, such person or entity shall be punished by a fine of not more

than \$500 or by imprisonment for a period not to exceed six months, or by both such fine and imprisonment.

Section II. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged, and the remainder of the Ordinance shall be deemed valid and effective.

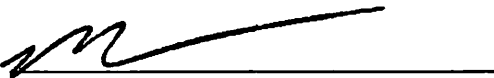
Section III. This Ordinance shall take effect upon final passage and publication according to law.

FIRST READING	November 10, 2020
FIRST PUBLICATION	November 17, 2020
FINAL READING	December 1, 2020
APPROVAL OF THE MAYOR	December 1, 2020
FINAL PUBLICATION	December 4, 2020

Attest:

  
Matthew N. Bansch, Borough Clerk

BOROUGH OF MOUNT ARLINGTON

  
Michael Stanzilis, Mayor  
Borough of Mount Arlington