

**NOTICE OF THE BOROUGH OF DUNMORE'S PROPOSED ORDINANCE
PROHIBITING USE OF ENGINE BRAKING "JAKE BRAKE" FROM THE BOROUGH
OF DUNMORE BOUNDARY LINE ON STATE ROUTE 6011, ALSO KNOWN AS
WHEELER AVENUE, NORTHBOUND ON STATE ROUTE 6011 TO SHORT STREET
ENDING AT THE VETERANS TANK MEMORIAL**

Notice is hereby given by the Council of the Borough of Dunmore of the intention to act upon the following proposed ordinance:

THE USE OF ENGINE BRAKING "JAKE BRAKE" BY TRUCKS SHALL BE PROHIBITED FOR NORTHBOUND TRAVEL BEGINNING AT THE BOROUGH OF DUNMORE BOUNDARY LINE ON STATE ROUTE 6011, ALSO KNOWN AS WHEELER AVENUE, NORTHBOUND ON STATE ROUTE 6011 ENDING AT SHORT STREET AT THE VETERANS TANK MEMORIAL UNLESS AN EMERGENCY SITUATION IS ENCOUNTERED BY THE DRIVER OF THE TRUCK.

The full text of the proposed Operational Restrictions Ordinance is available for public inspection by appointment by calling 570-343-7611.

**BOROUGH OF DUNMORE
ORDINANCE NO. _____**

**AN ORDINANCE PROHIBITING USE OF ENGINE
BRAKING “JAKE BRAKE” FROM THE BOROUGH OF
DUNMORE BOUNDARY LINE ON STATE ROUTE 6011,
ALSO KNOWN AS WHEELER AVENUE, NORTHBOUND
ON STATE ROUTE 6011 TO SHORT STREET ENDING AT
THE VETERANS TANK MEMORIAL.**

The Council of the Borough of Dunmore hereby orders as follows:

I. PROHIBITED ACTIVITIES

The use of engine braking “jake brake” by trucks shall be prohibited for northbound travel beginning at the Borough of Dunmore boundary line on State Route 6011, also known as Wheeler Avenue, northbound on State Route 6011 ending at Short Street at the Veterans Tank Memorial unless an emergency situation is encountered by the driver of the truck.

II. PENALTIES

Any person who violates this Ordinance shall, upon conviction thereof, pay a fine of not more than \$500.00.

III. NUISANCE

It is hereby determined that repeated violations of this Ordinance shall constitute a nuisance.

- a. Three or more violations of this Ordinance within a six month period shall constitute a nuisance.
- b. Upon the third violation of this Ordinance the Borough hereby has the right to impound the truck for a period of not in excess of six months.
- c. Upon the third violation of this Ordinance the Borough shall notify the owner and/or driver of its intent to impound said truck by giving written notice by first class mail to the owner and/or driver.
- d. Any person aggrieved by this Ordinance may file an appeal with the Council within thirty days of receiving said notice.
- e. Upon receiving a notice to appeal this decision, the Borough shall hold a hearing within thirty days regarding the impounding of the truck.

- f. Any person aggrieved by the decision of the Borough Council shall have the right, within thirty days, to appeal the matter to the Court of Common Pleas.
- g. Any owner of a truck impounded under this section shall pay any impound fee imposed by the Borough or charged by the facility where said truck is impounded.

IV. ADOPTION

This Ordinance shall be effective on _____ and shall remain in force until modified, amended, or rescinded by the Borough of Dunmore, Lackawanna County, Pennsylvania.

ENACTED AND ADOPTED by the Council this _____ day of _____, _____.

COUNCIL OF THE BOROUGH OF DUNMORE

By: _____
Council President

APPROVED, this _____ day of _____, _____, by the Mayor of the Borough of Dunmore.

Mayor