

ORDINANCE #2006-27 (As Amended)

AN ORDINANCE AUTHORIZING THE PLACEMENT OF SIGNS
ALONG ROUTE 18 IN THE TOWNSHIP OF MARLBORO AND
ALL ROADS ENTERING THE TOWNSHIP OF MARLBORO
PROHIBITING ENGINE BRAKING IN ACCORDANCE WITH
N.J.S.A. 39:3-70

WHEREAS, the practice of "engine braking" refers to the use or operation of any mechanical exhaust device designed to aid in the breaking, decompression or deceleration of a motor vehicle, which results in excessive, loud, unusual or explosive noise from such vehicle in excess of State and Federal Noise Standards for said vehicles; and

WHEREAS, the practice of engine braking by motor vehicles in the Township of Marlboro is disruptive and detrimental to the residents of the Township of Marlboro; and

WHEREAS, in accordance with N.J.S.A. 39:3-70, the Township Council desires to place signs prohibiting engine braking within the Township of Marlboro on the entrance ramps to Route 18 and on Route 18 as determined by the Division of Police, Traffic Safety Bureau

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro that, in accordance with N.J.S.A. 39:3-70, signs shall be placed on the entrance ramps to Route 18 and on Route 18 as determined by the Division of Police, Traffic Safety Bureau prohibiting engine braking on those roadways, unless such engine braking is (1) necessary for the protection of persons and/or property, which cannot be avoided by the application of an alternative braking system; (2) effectively muffled; or (3) applied by an emergency vehicle for emergency purposes; and

BE IT FURTHER ORDAINED, that this Ordinance is conditioned upon the Township obtaining any necessary approvals from the New Jersey Department of Transportation to place such signs on the aforementioned roadway; and

BE IT FURTHER ORDAINED, that the Township of Marlboro Division of Police is hereby authorized to submit to the New Jersey Department of Transportation any necessary

information and documentation related to the proposed placement of the signs; the language, size and design of the signs and any other matter necessary to effectuate the purpose and intent of this Ordinance and that the Division of Police is further authorized to reach an agreement with the New Jersey Department of Transportation regarding such matters, as long the agreement reached is consistent with the purpose and intent of this Ordinance; and

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law and, if applicable, approval by the New Jersey Department of Transportation.

PASSED: December 7, 2006

ADOPTED: December 18, 2006

ALIDA DEGAETA
MUNICIPAL CLERK

ROBERT KLEINBERG
MAYOR

12/18/06