

**BOROUGH OF HALEDON  
ORDINANCE # 9 - 24 -2020**

**AN ORDINANCE AMENDING CHAPTER 205  
OF THE CODE OF THE BOROUGH OF HALEDON  
ENTITLED VEHICLES AND TRAFFIC  
TO PROHIBIT ENGINE BRAKING**

**WHEREAS**, the Borough of Haledon has determined it to be in the best interests of the safety, health and welfare of the residents of the Borough of Haledon to prohibit engine braking on Borough streets; and

**WHEREAS**, the Borough of Haledon is desirous of removing certain parking spaces on the streets of the Borough of Haledon no longer needed for use by handicapped individuals as recommended by the Haledon Police Department; 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 Governing Body of the Borough of Haledon as follows:

I. Chapter 205, shall be amended to include the following new section:

**ENGINE BRAKING PROHIBITED.**

**1 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.

**2 Engine Braking 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 Haledon, any mechanical exhaust or decompression device which results in a practice known as "engine braking."

**3 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.

**4 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.

**5 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 (\$150.00) dollars or by imprisonment for a period not to exceed ten 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 (\$200.00) dollars or by imprisonment for a period of not to exceed 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 months, or by both such fine and imprisonment.

**II. REPEALER.**

All former traffic ordinances of the Borough of Haledon covered in this traffic chapter are hereby repealed except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this chapter.

**III.**

This Ordinance shall become effective immediately upon passage and publication as provided by law.

**NOTICE**

Notice is hereby given that the above ordinance was introduced and passed first reading at a meeting of the Mayor and Council of the Borough of Haledon in the County of Passaic on the 24th day of September 2020 and that said ordinance will be considered for final adoption at a meeting of the Governing Body to be held on October 22, 2020 at 7:00PM in the Council Chambers of the Haledon Municipal Complex, located at 510 Belmont Ave., Haledon, NJ, at which time and place a public hearing will be held prior to the adoption of the said ordinance and all persons interested therein or affected thereby will be given an opportunity to be heard concerning the same.

Allan R. Susen, RMC/MMC  
Municipal Clerk  
Borough Administrator