

**MILLCREEK TOWNSHIP  
LEBANON COUNTY, PENNSYLVANIA  
ORDINANCE NUMBER 021225A**

**AN ORDINANCE ESTABLISHING RESTRICTIONS ON THE USAGE OF  
ENGINE RETARDING DEVICES ON WEST MAIN STREET (SR 0419) BETWEEN  
FORT ZELLERS ROAD (T-626) AND THE BRIDGE OVER THE NORFOLK-  
SOUTHERN RAILROAD.**

**BE IT ENACTED AND ORDAINED**, by the Board of Supervisors of Millcreek Township, and it is hereby enacted and ordained by the authority of the same as follows:

**SECTION ONE: Purpose of Ordinance**

The Board of Supervisors of Millcreek Township, Lebanon County, Pennsylvania, finds as a fact that the operation of motor or engine retarding devices commonly known as “Jake brakes” (but referred to herein as an “engine retarding device”) on a motor vehicle not equipped with exhaust mufflers, or equipped with defective or modified exhaust mufflers, as to create excessive noise through the use of said engine retarding device, adversely affects the public health, safety and welfare of the residents in the Township of Millcreek and is a nuisance in fact.

**SECTION TWO: Definitions**

**BOARD OF SUPERVISORS-** The duly elected governing body of Millcreek Township, Lebanon County, Pennsylvania.

**ENGINE RETARDING DEVICE-** Any motor/engine retarding device, engine brake retarder, exhaust brake retarder or hydraulic brake retarder, retarding device or system that acts as or is intended to act to supplement the service brakes or wheel brakes, that brakes on the motor, engine or other system other than the wheels for purposes of or as a means of slowing or stopping a truck, truck tractor, a motor carrier vehicle, motor vehicle or vehicle.

**TOWNSHIP –** Millcreek Township, Lebanon County, Pennsylvania.

### **SECTION THREE: Prohibition**

No person, firm, corporation, association or entity shall use an engine retarding device on West Main Street (SR 0419) between Fort Zellers Road (T-626) and the bridge over the Norfolk-Southern Railroad.

### **SECTION FOUR: Emergency Situations**

This Ordinance shall not apply to emergency driving situations requiring the utilization of an engine retarding device to protect the safety and property of the residents of the Township, other motor vehicle operators, pedestrians and the operator and passengers of the motor vehicle involved in said emergency situation.

### **SECTION FIVE- Erection of Signs**

Signs shall be erected on the roadway as identified in Section Three above, notifying persons of the prohibition of the use of engine retarding devices consistent with this Ordinance.

### **SECTION SIX: Penalty**

Any person, firm, corporation, association or entity violating any of the provisions of this ordinance shall, upon summary conviction before a Magisterial District Judge having jurisdiction, be sentenced to pay a fine of not less than Two Hundred Dollars (\$200.00) or more than One Thousand Dollars (\$1,000.00).

### **SECTION SEVEN: Enforcement**

This Ordinance shall be enforced by any law enforcement officer of the Township.

### **SECTION EIGHT: Severance**

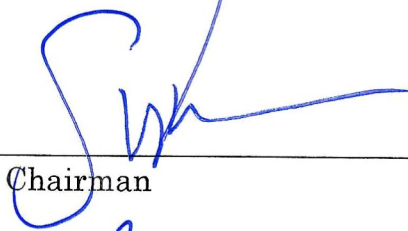
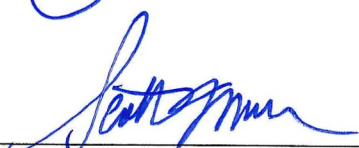
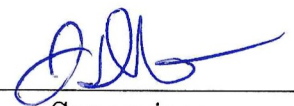
The provisions of this Ordinance shall be severable and if any of its provisions shall be held to be unconstitutional, illegal or invalid, or otherwise unenforceable by a court of competent jurisdiction, the remaining portions hereof shall not be affected thereby.

### **SECTION NINE: Effective Date**

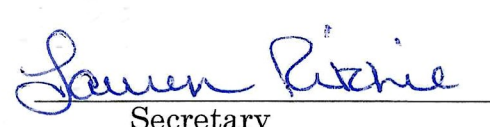
This ordinance shall be effective five (5) days from adoption by the Board of Supervisors.

ENACTED this 12<sup>th</sup> day of February, 2025.

BOARD OF SUPERVISORS  
MILLCREEK TOWNSHIP  
LEBANON COUNTY, PENNSYLVANIA

  
\_\_\_\_\_  
Chairman  
\_\_\_\_\_  
Supervisor  
\_\_\_\_\_  
Supervisor

ATTEST:

  
\_\_\_\_\_  
Secretary

## CERTIFICATE

I, the undersigned, Secretary of the Township of Millcreek, Lebanon County, Pennsylvania (the "Township"), certify that: the foregoing is a true and correct copy of an Ordinance that was duly enacted by the Board of Supervisors of the Township, in accordance with law, at a meeting duly held on February 12,, 2025, at which meeting a quorum was present; this Ordinance has been certified and recorded by me, as Secretary of the Township, in the book provided for the purpose of such recording; this Ordinance, upon enactment, was assigned Ordinance No. 021225A; presently, the total number of members of the Board of Supervisors of the Township is three (3); the vote of the members of the Board of Supervisors of the Township, upon enactment of this Ordinance, the yeas and nays having been called, was duly recorded by me as Secretary as follows:

Eric Weidman – *yea*

Scott Moyer – *yea*

John DeSantis– *yea*;

this Ordinance has been advertised as required by law, in a proper newspaper of general circulation in the Township; and this Ordinance has not been amended, altered, or repealed as of the date of this Certificate.

I further certify that the Board of Supervisors of the Township met the advance notice and public comment requirements of the Sunshine Act, 65 Pa. C.S. Ch. 7, by advertising the time and place of the meeting, by posting prominently a notice of the meeting at the principal office of the Township or at the public building in which the meeting was held, by posting the meeting's agenda on the Township's website, and by providing a reasonable opportunity for public comment at such meeting, all in accordance with such Act.

IN WITNESS WHEREOF, I set my hand and official seal of the Township, this 12<sup>th</sup> day of February, 2025.

*Lauren Ritchie*

Secretary

(SEAL)