

**ERIE TOWNSHIP ORDINANCE NO.123**

**EMERGENCY BRAKE (ENGINE BRAKE) ORDINANCE**

An Ordinance to provide for the prohibition of excessive, loud, unusual, or explosive use of engine and/or compressed air-braking devices within designated areas along the “truck routes” set forth in Erie Township Ordinance No. 121, adopted October 11, 2016, as may be amended; and in accordance with Erie Township Ordinance No. 115 – A AMBIENT NOISE LEVEL ORDINANCE, adopted December 8, 2009, as may be amended; and providing for the administration and enforcement of said Ordinance, including penalties for the violation of the same; and for the purposes of promoting and protecting the public health, safety and general welfare of the residents and property of the Township of Erie.

**THE TOWNSHIP BOARD OF THE TOWNSHIP OF ERIE, COUNTY OF MONROE, STATE OF MICHIGAN, ORDAINS:**

**SECTION 1. PURPOSE.** The purpose of this Ordinance is to prohibit the excessive, loud, unusual, or explosive use of engine and compressed air-braking devices within designated areas along various “Truck Routes” as those routes are defined in Erie Township Ordinance No. 121 – TRUCK ROUTE ORDINANCE.

**SECTION 2. DEFINITIONS.** For the purpose of this Ordinance the following words and/or phrases are defined as follows:

1. “Engine retarding brake” means and “Engine Brake”, “Engine Retarder”, “Transmission Retarder”, or any other engine retarding brake system that alters the normal compression of the engine and subsequently releases that compression through an exhaust or venting system of the vehicle.

**SECTION 3. PROHIBITIONS.** It shall be unlawful for the driver of any vehicle to use or operate or cause to be used or operated within designated areas throughout Erie Township, any engine retarding brake, compression brake or mechanical exhaust device designated to aid in the braking and/or deceleration of any vehicle that results in excessive, loud, unusual, or explosive noise from such

vehicle, unless such use is necessary to avoid imminent danger. Such prohibition shall be applicable only to those “truck routes” designated in Erie Township Ordinance No. 121 and marked by signage as set forth in Section 4 of this Ordinance.

**SECTION 4. SIGNAGE.** Signs stating “VEHICLE NOISE LAWS ENFORCED” or “ENGINE BRAKE ORDINANCE ENFORCED” shall be installed at locations deemed appropriate by the Township Board to advise motorists of the prohibitions contained in this Ordinance. All signs so installed shall be with permission of the Monroe County Board of Road Commissioners.

**SECTION 5. EXCEPTIONS.**

1. Emergency vehicles, including, but not necessarily limited to Fire Engines, Ambulances, and like Emergency Responders, shall be exempt from the application of this Ordinance.
2. This Ordinance shall not apply to emergency driving situations requiring the utilization of an engine brake to protect the safety and property of the residents of Erie Township, other motor vehicle operators, pedestrians, and the operator and/or passengers of the motor vehicle involved in said emergency situation.

**SECTION 6. PENALITIES.** Any violation of this Ordinance is deemed to be a Municipal Civil Infraction. Any driver and/or firm or corporation by whom the driver is employed who shall violate any provision of this Ordinance shall be responsible for the payment of a fine of not less than \$100.00 and not more than \$500.00, plus cost of not less than \$9.00 and not more than \$500.00. Costs may include all expenses, direct and indirect, to which the Township has incurred in connection with said Municipal Civil Infraction up to the entry judgment. The Township may seek or employ any and all other remedies and sanctions which may be available to it under the state law for municipal civil infractions.

**SECTION 7. REPEAL.** All ordinances or parts of ordinances in conflict with the Ordinance are, to the extent of such conflict, repealed.

**SECTION 8. SEVERABILITY.** This Ordinance, and the various parts, sentences, paragraphs, sections, subsections, phrases and clauses thereof are hereby declared to be severable and if any of them are adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected.

**SECTION 9. EFFECTIVE DATE.** This Ordinance shall become effective eight (8) days after publication of Notice of Adoption in a newspaper of general circulation in the Township of Erie, Monroe County, Michigan, unless otherwise provided by law.

**THE TOWNSHIP BOARD, ERIE TOWNSHIP,  
COUNTY OF MONROE,  
STATE OF MICHIGAN:**

By: Kimberly Cousino

Kimberly Cousino  
Erie Township Clerk

AUTHENTICATED:

William Frey

William Frey  
Erie Township Supervisor

I, Kimberly Cousino, do hereby certify that I am the duly elected and acting Township Clerk of the Township of Erie, and I do hereby certify that this Ordinance was adopted by the Township Board of the Township of Erie, Monroe County, Michigan, at a regular meeting of the Township Board held at the Erie Township Hall, Erie, Michigan, on the 8 day of October, 2019.

The vote on said Ordinance, 5 members being present and 0 members absent, was as follows:

Voting in Favor: C. Wisbon  
G. Wilmoth  
W. Fry  
M. Groddi  
R. Cousino

Voting Against: \_\_\_\_\_  
\_\_\_\_\_

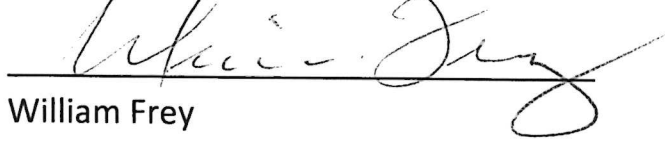
Abstained: \_\_\_\_\_  
\_\_\_\_\_

Absent: \_\_\_\_\_  
\_\_\_\_\_

**THE TOWNSHIP BOARD, ERIE TOWNSHIP,  
COUNTY OF MONROE,  
STATE OF MICHGAN.**

By: Kimberly Cousino  
Kimberly Cousino  
Erie Township Clerk

AUTHENTICATED:




William Frey

Erie Township Supervisor

I, Kimberly Cousino, do hereby certify that I am the duly elected and acting Township Clerk of the Township of Erie, and I do hereby certify that a Notice of Adoption of Ordinance No. 123, was published on the 17 day of October, 2019, in the Monroe News newspaper, Monroe County, Michigan, a newspaper of general circulation in the Township of Erie, within fifteen (15) days after adoption.

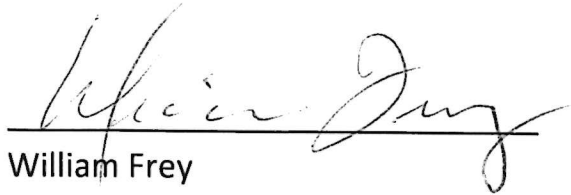
Dated: 10/8/2019

By: 

Kimberly Cousino

Erie Township Clerk

Attest:



William Frey

Erie Township Supervisor

ADOPTED: 10/8/2019

PUBLISHED: 10/17/2019

EFFECTIVE: 10/25/2019