

ORDINANCE OF THE BOROUGH OF DUPONT  
ORDINANCE NO. 0801 OF 2000

An Ordinance regulating truck noise and odors and setting forth procedures and penalties for violation.

The Borough of Dupont hereby ordains as follows:

**Section 1.** It is hereby unlawful for any person or persons to operate or allow to be operated, on their property, any truck which causes excessive noise or disturbance to the annoyance of any other person.

**Section 2.** No person within the Borough shall allow to be operated, in excess of five minutes, any truck or motor vehicle with the engine running, nor shall such persons allow to be operated, any truck or automobile, unattended, in such a manner so as to cause fumes to be excessive or disturb other individuals within the vicinity of the aforesaid vehicle.

**Section 3.** Any person violating the terms of this ordinance shall be subject to a fine not in excess of \$300.00 and the costs of prosecution for each and every violation, which fine and costs may be in addition to other remedies hereunder, provided that each day's continuance of violation of any of the provisions of this Ordinance shall constitute a separate offense.

**Section 4.** The provisions of this Ordinance shall not apply when:

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(a) A truck is forced to remain motionless because of traffic conditions over which the operator thereof has no control;

(b) Regulations adopted by federal, state or local agencies having jurisdiction require the maintenance of a specific temperature for passenger comfort. The time set forth in Section 2 of this Ordinance may be increased, but only to the extent necessary to comply with such regulations;

(c) A diesel engine being used to provide power for an auxiliary purpose, such as loading, discharging, mixing or processing cargo; controlling cargo temperature; construction; lumbering; oil or gas well servicing; or when operation of the engine is required for the purpose of maintenance;

(d) Fire, police and public utility trucks or other vehicles are performing emergency services; and

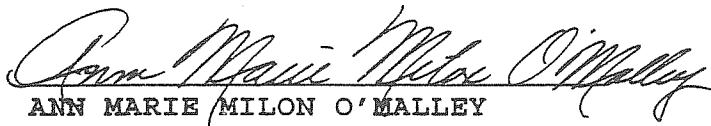
(e) Trucks owned or operated by persons engaged in mining and quarrying or construction and are used within the confines of such person's property.

Section 5. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed. The provisions of this Ordinance are severable, and if any of its provisions or exceptions shall be held

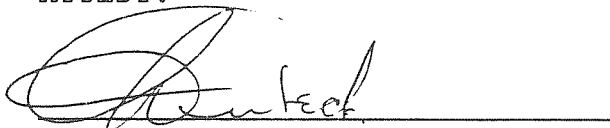
illegal, invalid or unconstitutional, the decision of the Court shall not affect or impair any of the remaining provisions of this Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been adopted if such illegal, invalid or unconstitutional provisions or exceptions had not be included herein.

Duly enacted at the meeting of the Borough Council held the 8<sup>th</sup> day of AUGUST, 2000.

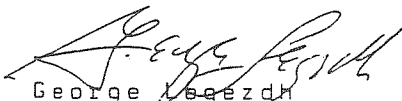
DUPONT BOROUGH COUNCIL

  
ANN MARIE MILON O'MALLEY  
President of Council

ATTEST:

  
ALEXANDER J. DUBECK  
Borough Secretary

Examined and adopted this 8<sup>th</sup> day of August, 2000

  
George Legzdin  
Mayor