

TOWNSHIP OF SOUTH MIDDLETON
CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 09 OF 2014

A FOUR PART ORDINANCE FOR THE PURPOSE OF: SECTION 1: ESTABLISHING MAXIMUM SPEED LIMITS FOR THE FOLLOWING STREETS: FAIRFIELD STREET, AND NEWLY DEDICATED PORTIONS OF GLADWYN DRIVE, SEATON COURT, FORGEDALE DRIVE, BERKSHIRE DRIVE, AND AMHERST LANE; AND SECTION 2: ESTABLISHING A STOP INTERSECTION AT FRONT STREET AND SECOND STREET; AND SECTION 3: ESTABLISHING STOP INTERSECTIONS AT BERKSHIRE DRIVE/AMHERST LANE/SEATON COURT AND FORGEDALE DRIVE/AMHERST LANE; AND SECTION 4: ESTABLISHING A NO PARKING ZONE ON FRONT STREET; AND ESTABLISHING PENALTIES FOR VIOLATIONS THEREOF FOR ALL FOUR SECTIONS.

WHEREAS, the Township of South Middleton is a Local Authority, under the Pennsylvania Vehicle Code (Act of June 17, 1976, P.L. 162, No. 81), as amended (75 Pa.C.S.A. 101, et seq.) having certain roads or highways under its jurisdiction; and

WHEREAS, said Township is authorized under Sections 6102 (b.) and 6109 of said Vehicle Code to establish speed limits and prohibit stopping, standing, and parking on said roads; and

SECTION 1: SPEED LIMITS

WHEREAS, Section 3362 (a) (1.2) of said Vehicle Code, as amended by Act 1998-151, provides a statutory 25 mph speed limit in a "residence district" if the highway is functionally classified by the Pennsylvania Department of Transportation as a local highway, and the highway is not a numbered traffic route; and

WHEREAS, the above statutory 25 mph speed limit eliminates the need for an engineering and traffic study; and

WHEREAS, the area in and around streets designated in this ordinance meet the criteria of a "Residence District" as determined by the Township Engineer, as the highways in question are functionally classified as local highways, and they are not numbered traffic routes; and

WHEREAS, the Township of South Middleton deems it in the best interests of its residents and the users of said roads and highways to establish reasonable and safe maximum speed limits for said roads or highways.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors in and for the Township of South Middleton, Cumberland County, Pennsylvania, as follows:

SECTION 1.1: PREAMBLE AND POLICY

The foregoing paragraphs or preamble are incorporated herein as the background and policy of this Ordinance.

SECTION 1.2: DEFINITIONS AND INTERPRETATION

Words and phrases used in this Ordinance shall have the meanings ascribed to them in the Pennsylvania Vehicle Code (Act of June 17, 1976, P.L. 162, No. 81), as amended, except that in this Ordinance the word "road" may be used interchangeably with the word "highway" and shall have the same meaning as the word "highway" as defined in the Vehicle Code.

SECTION 1.3: MAXIMUM SPEED LIMITS ESTABLISHED ON CERTAIN ROADS AND PENALTIES FOR VIOLATION THEREOF

- (a) Maximum speed limits, for vehicles, are hereby established for the following specified roads:
 - 1. Fairfield Street – Maximum speed limit 25 miles per hour.
 - 2. Seaton Court – Maximum speed limit 25 miles per hour.
 - 3. Portion of Amherst Lane accepted for dedication by South Middleton Township on October 23, 2014 – Maximum speed limit 25 miles per hour.
 - 4. Portion of Berkshire Drive accepted for dedication by South Middleton Township on October 23, 2014 – Maximum speed limit 25 miles per hour.
 - 5. Portion of Forgedale Drive accepted for dedication by South Middleton Township on October 23, 2014 – Maximum speed limit 25 miles per hour.
- (b) It shall be unlawful for any person to drive a vehicle on any part of a road where the foregoing maximum speed limits apply at a higher speed than the maximum prescribed for that part of the road.
- (c) Upon conviction by a court of competent jurisdiction, any person violating this Section shall pay a fine in an amount consistent with the applicable fine set forth in the Pennsylvania Motor Vehicle Code at the time of the violation.

SECTION 1.4: REQUIREMENT TO DRIVE VEHICLE AT SAFE SPEED

The foregoing provisions shall not relieve the driver of a vehicle from complying with Section 3361 of said Vehicle Code which is incorporated herein and made a part of this Ordinance as follows:

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing, nor at a speed greater than will permit the driver to bring his vehicle to a stop within the assured clear distance ahead. Consistent with the foregoing, every person shall drive at a safe and appropriate speed when approaching a crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, or when special hazards exist with respect to pedestrians or other traffic, or reasons of weather or highway conditions.

SECTION 2: STOP INTERSECTION AT FRONT STREET AND SECOND STREET ESTABLISHED AND PENALTIES FOR VIOLATION THEREOF

WHEREAS, the Township of South Middleton is a Local Authority under the Pennsylvania Vehicle Code (Act of June 17, 1976, P.L. 162, No. 81), as amended (75 Pa C.S.A. 101, et. seq.), having certain roads or highways under its jurisdiction; and

WHEREAS, pursuant to Section 6109 (e) of said Vehicle Code, action by said Township shall only occur after completing engineering and traffic investigations to be made of certain of its roads or highways, and

WHEREAS, said investigations have determined that certain intersections require traffic control in order to promote safety to vehicular and pedestrian travel under Section 2B.07, Option C of the Manual on Uniform Traffic Control Devices (2009); and

WHEREAS, said Township is authorized under Section 6019 (a) (6) of said Vehicle Code to exercise its powers to designate an intersection on roads within its boundaries as a stop intersection or junction; and

WHEREAS, said Township desires to exercise such power; and

NOW, THEREFORE, BE IT ENACTED AND ORDAINED and it is hereby enacted and ordained by the Board of Township Supervisors in and for the Township of South Middleton, Cumberland County, Pennsylvania, as follows:

SECTION 2.1: PREAMBLE AND POLICY

The foregoing paragraphs or preamble are incorporated herein as the background and policy of this Ordinance.

SECTION 2.2: DEFINITIONS AND INTERPRETATION

Words and phrases used in this Ordinance shall have the meanings ascribed to them in the Pennsylvania Vehicle Code (Act of June 17, 1976, P.L. 162, No. 81), as amended, except that in this Ordinance the word "road" may be used interchangeably with the word "highway" and shall have the same meaning as the word "highway" as defined in the Vehicle Code.

SECTION 2.3: STOP INTERSECTIONS ESTABLISHED AND PENALTIES FOR VIOLATION THEREOF

- (a) The following intersection is hereby established as a stop intersection, and official stop signs (R1-1) shall be erected within the legal right-of-way limits in such a position as to face traffic approaching the intersection as hereafter set forth:
 - 1. Front Street (eastbound) at intersection with Second Street.
 - 2. Front Street (westbound) at intersection with Second Street.
- (b) The following additional placards shall be installed under the stop signs as follows:
 - 1. An "ALL WAY" placard (R1-3P) shall be placed at all three stop signs (new and existing).
- (c) Every driver of a vehicle approaching the above mentioned intersection in the direction indicated in each case in Subsection (a) shall stop the vehicle as required by Section 3323 (b) of the Vehicle Code, and shall not proceed into, through or across said intersection of streets until he had followed all applicable requirements of that section of the Code, as indicated by the signage at the intersection.
- (d) Upon conviction by a District Justice shall pay a fine in an amount consistent with the applicable fine set forth in the Pennsylvania Motor Vehicle Code at the time of the violation.

SECTION 3: STOP INTERSECTIONS AT BERKSHIRE DRIVE/AMHERST LANE/SEATON COURT AND FORGEDALE DRIVE/AMHERST LANE ESTABLISHED AND PENALTIES FOR VIOLATION THEREOF

WHEREAS, the Township of South Middleton is a Local Authority under the Pennsylvania Vehicle Code (Act of June 17, 1976, P.L. 162, No. 81), as amended (75 Pa C.S.A. 101, et. seq.), having certain roads or highways under its jurisdiction; and

WHEREAS, pursuant to Section 6109 (e) of said Vehicle Code, action by said Township shall only occur after completing engineering and traffic investigations to be made of certain of its roads or highways, and

WHEREAS, it has been determined by a engineering traffic study submitted in conjunction with the Preliminary Plan for Forgedale Crossing Sections 5-13, by PennTerra Engineering Inc., dated February 2, 2004, that the intersection of Forgedale Drive and Amherst Lane requires traffic control in order to promote safety to vehicular and pedestrian travel; and

WHEREAS, it has been determined by a engineering traffic study conducted by the Township Engineer, dated December 9, 2014, that the intersection of Berkshire Drive/Amherst Lane/Seaton Court requires traffic control in order to promote safety to vehicular and pedestrian travel; and

WHEREAS, said Township of South Middleton is authorized under Section 6019 (a) (6) to exercise its powers to designate an intersection on roads within its boundaries as a stop intersection or junction; and

WHEREAS, said Township desires to exercise such power; and

NOW, THEREFORE, BE IT ENACTED AND ORDAINED and it is hereby enacted and ordained by the Board of Township Supervisors in and for the Township of South Middleton, Cumberland County, Pennsylvania, as follows:

SECTION 3.1: PREAMBLE AND POLICY

The foregoing paragraphs or preamble are incorporated herein as the background and policy of this Ordinance.

SECTION 3.2: DEFINITIONS AND INTERPRETATION

Words and phrases used in this Ordinance shall have the meanings ascribed to them in the Pennsylvania Vehicle Code (Act of June 17, 1976, P.L. 162, No. 81), as amended, except that in this Ordinance the word "road" may be used interchangeably with the word "highway" and shall have the same meaning as the word "highway" as defined in the Vehicle Code.

SECTION 3.3: STOP INTERSECTIONS ESTABLISHED AND PENALTIES FOR VIOLATION THEREOF

- (a) The following intersection is hereby established as stop intersections and official stop signs (R1-1) shall be erected within the legal right-of-way limits in such a position as to face traffic approaching the intersection as hereafter set forth:
1. Berkshire Drive (eastbound) at intersection with Amherst Lane.
 2. Seaton Court (westbound) at intersection with Amherst Lane.
 3. Amherst Lane (southbound) at intersection with Forgedale Drive.
 4. Amherst Lane (northbound) at intersection with Forgedale Drive.
- (b) Every driver of a vehicle approaching the above mentioned intersection in the direction indicated in each case in Subsection (a) shall stop the

vehicle as required by Section 3323 (b) of the Vehicle Code, and shall not proceed into, through or across said intersection of streets until he had followed all applicable requirements of that section of the Code, as indicated by the signage at the intersection.

- (c) Upon conviction by a District Justice shall pay a fine in an amount consistent with the applicable fine set forth in the Pennsylvania Motor Vehicle Code at the time of the violation.

SECTION 4: NO PARKING ZONE

WHEREAS, pursuant to Section 6109 (a) (1) of said Vehicle Code, as amended by Act 1998-151, South Middleton Township is authorized to prohibit stopping, standing, and parking; and

WHEREAS, an engineering study concluded that the warrant outlined in Section 212.114 (a) (1) of PENNDOT Publication 212 is satisfied because the roadway is less than 18 feet from the center to the curb; and

WHEREAS, said Township of South Middleton deems it in the best interests of its residents and the users of said roads and highways to establish reasonable and safe stopping, standing, and parking restrictions.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors in and for the Township of South Middleton, Cumberland County, Pennsylvania, as follows:

SECTION 4.1: PREAMBLE AND POLICY

The foregoing paragraphs or preamble are incorporated herein as the background and policy of this Ordinance.

SECTION 4.2: DEFINITIONS AND INTERPRETATION

Words and phrases used in this Ordinance shall have the meanings ascribed to them in the Pennsylvania Vehicle Code (Act of June 17, 1976, P.L. 162, No. 81), as amended, except that in this Ordinance the word "road" may be used interchangeably with the word "highway" and shall have the same meaning as the word "highway" as defined in the Vehicle Code.

SECTION 4.3: NO PARKING RESTRICTION ON CERTAIN ROADS AND PENALTIES FOR VIOLATION THEREOF

- (a) A "No Parking Zone" is hereby established on the west side of Front Street, beginning at the cartway of First Street and extending fifteen (15) feet south.

- (b) It shall be unlawful for any person stand, stop, or park a vehicle on that part of the road.
- (c) Upon conviction by a court of competent jurisdiction, any person violating this Section shall pay a fine in an amount consistent with the applicable fine set forth in the Pennsylvania Motor Vehicle Code at the time of the violation.

SECTION 5: SEVERABILITY

The provisions of this Ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, illegal or otherwise invalid, that decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is declared to be the legislative intention that this Ordinance would have been enacted had the unconstitutional, illegal or otherwise invalid provisions not been included in the Ordinance.

SECTION 6: CONTINUATION OF EXISTING REGULATIONS

The provisions of this Ordinance insofar as they are the same as those ordinances and regulations in force immediately before the enactment of this Ordinance are intended as a continuation of those earlier ordinances and regulations. Nothing in this Ordinance shall affect any act done or any suit or prosecution pending or to be instituted under any earlier ordinances or regulations repealed or superseded hereby.

SECTION 7: REPEAL OF CERTAIN PRIOR ORDINANCES

All prior ordinances of this Township insofar as they deal with the precise subject matter of this Ordinance are repealed and declared to be unenforceable insofar as they are inconsistent with any provision of this Ordinance.

SECTION 8: EFFECTIVE DATE

This Ordinance shall take effect in accordance with existing law.

ENACTED AND ORDAINED this 5th day of January, 2015.

ATTEST:

BOARD OF SUPERVISORS
SOUTH MIDDLETON TOWNSHIP:

Sandra A. Quickel
SANDRA A. QUICKEL, Secretary

Bryan A. Gembusia
BRYAN A. GEMBUSIA, Chairman

Thomas E. Faley
THOMAS E. FALEY, Vice Chairman

R. Duff Manweiler
R. DUFF MANWEILER

Ronald P. Hamilton
RONALD P. HAMILTON

Walter G. Reighard
WALTER G. REIGHARD