

TOWNSHIP OF SOUTH MIDDLETON
CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. __8__ OF 2005

AN ORDINANCE ESTABLISHING MAXIMUM SPEED LIMITS FOR THE FOLLOWING: EMERSON DRIVE, GARFIELD DRIVE, GREENVIEW DRIVE, WEBSTER DRIVE, AND VIEWMORE DRIVE AND ESTABLISHING PENALTIES FOR VIOLATIONS 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 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 the streets in question meets the criteria of a "Residence District", as the highways in question are functionally classified as local highways, and they are not numbered traffic routes; 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 maximum speed limits for said roads or highways.

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

SECTION 1: PREAMBLE AND POLICY

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

SECTION 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: 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. Emerson Drive – Maximum speed limit 25 miles per hour.
 - 2. Garfield Drive – Maximum speed limit 25 miles per hour.
 - 3. Greenview Drive – Maximum speed limit 25 miles per hour.
 - 4. Webster Drive – Maximum speed limit 25 miles per hour.
 - 5. Viewmore Drive – 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 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: REQUIREMENT TO DRIVE VEHICLE AT SAFE SPEED

The foregoing provisions shall not relieve the drivers of vehicles 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 hill crest, when traveling upon any narrow or winding roadway and when special hazards exist with respect to pedestrians or other traffic, and reasons of weather or highway conditions.

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 25th day August of 2005.

ATTEST:

BOARD OF SUPERVISORS
SOUTH MIDDLETON TOWNSHIP:

Sandra A. Quickel
Township Secretary

Thomas E. Faley, Chairman

Bryan A. Gembusia, Vice Chairman

Ronald L. Reeder

Phyllis W. Givler

James N. Baker