

TOWNSHIP OF SOUTH MIDDLETON  
CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 02 OF 2004

AN ORDINANCE PROHIBITING TRUCKS ON A CERTAIN SECTION OF FAIRVIEW STREET AND ESTABLISHING PENALTIES FOR VIOLATION.

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 211.182 and 211.183 of said Vehicle Code, said Township of South Middleton shall be authorized to place “No Truck Sign”, R5-2, and “Except Residential Deliveries”, R5-2-3, in accordance with Chapter 201 (relating to engineering and traffic studies), and

WHEREAS, pursuant to Section 6109 (e) of said Vehicle Code, said Township of South Middleton has caused certain engineering and traffic investigations to be made of certain of its roads or highways, and

WHEREAS, said investigations have determined that restricting truck traffic is warranted under PENNDOT Publication 201, Sections 201.81 (b) (5) and Section 201.81 (b) (6); 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 1: PREAMBLE AND POLICY

The foregoing paragraphs 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: PROHIBIT TRUCKS AND CERTAIN HIGHWAYS AND ESTABLISH PENALTIES FOR VIOLATION

(a) No vehicle, defined as a truck, shall be operated or moved upon the following roads, unless permitted by the local authority with respect to highways and bridges under their respective jurisdictions:

1. Fairview Street, south of York Road, to the intersection with Forge Road.

(b) Official signs shall be erected within the legal right-of-way limits in such a position as to face traffic approaching the intersection, as per Section 211, Subchapter B of the Pennsylvania Vehicle Code.

#### SECTION 4: VIOLATION

The operation of a vehicle defined as a truck on the above established sections of roadway constitutes a violation of this ordinance. A truck as defined under the Pennsylvania Vehicle Code is as follows:

*A motor vehicle designed, used or maintained primarily for the transportation of property. The term includes motor vehicles designed with seats that may be readily removed and reinstalled if those vehicles are primarily used for the transportation of property*

Failure to obtain a permit prior to the operation or movement of such a vehicle, combination or load shall subject the owner, lessee and operator of the vehicle or combination to the institution of summary criminal proceedings by citation for any violations of this part

#### SECTION 5: PENALTY

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 6: 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 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 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 29<sup>th</sup> day of January, 2004.

ATTEST:

BOARD OF SUPERVISORS  
SOUTH MIDDLETON TOWNSHIP:

\_\_\_\_\_  
Sandra A. Quickel  
Township Secretary

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Ronald L. Reeder, Chairman

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Thomas E. Faley, Vice Chairman

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James N. Baker

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Phyllis W. Givler

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Bryan A. Gembusia