

**BOROUGH OF ALBURTIS
LEHIGH COUNTY, PENNSYLVANIA**

Ordinance No. 522

(Duly Adopted November 12, 2014)

AN ORDINANCE PROHIBITING VEHICLES LONGER THAN THIRTY-FIVE (35) FEET ON MAIN STREET BETWEEN FRANKLIN STREET AND SCHOOL STREET (EXCEPT LOCAL DELIVERIES).

WHEREAS, Sections 6109(a)(7) and (13) of the Vehicle Code, 75 PA. CONS. STAT. § 6109(a)(7),(13), permit municipalities to prohibit or restrict the use of highways at particular places or by particular classes of vehicles whenever the movement of the vehicles would constitute a safety hazard, and to prohibit or regulate the use of designated streets by any class or kind of traffic; and

WHEREAS, Section 6109(e) of the Vehicle Code, 75 PA. CONS. STAT. § 6109(e), provides that action by municipalities under § 6109(a)(7) and (13) shall only be taken after completing an engineering and traffic investigation when and in such manner as required by regulations promulgated by the Pennsylvania Department of Transportation; and

WHEREAS, Section 212.117(c) of the Department of Transportation Regulations, 67 PA. CODE § 212.117(c), provides that traffic on a highway may be restricted by size of vehicle when, after an engineering evaluation, the following condition is found to be present: A highway has inadequate turning radii or horizontal width at one or more locations; and

WHEREAS, Section 212.4(b) of the Department of Transportation Regulations, 67 PA. CODE § 212.4(b), provides that engineering and traffic studies can be performed by police officers, and that the establishment or revision of a traffic restriction may be warranted if one of the following applies: (1) one or more of the engineering and traffic study warrants covered in Chapter 212 of the regulations justifies the traffic restriction; or (2) sound engineering judgment based upon a combination of all data sources substantiates the need for the restriction; and

WHEREAS, an engineering and traffic study performed by the Chief of Police of the Albutis Police Department has concluded that Main Street, from Franklin Street to School Street, has inadequate turning radii for vehicles greater than thirty-five (35) feet in length at all intersection locations south of Franklin Street, particularly at School Street, which has resulted in numerous incidents where portions of such vehicles have extended beyond the cartway when attempting to turn onto or turn off of Main Street, and that this condition justifies prohibiting vehicles longer than thirty-five (35) feet on Main Street between Franklin Street and School Street, except for local deliveries; and

WHEREAS, Sections 6109(d) of the Vehicle Code, 75 PA. CONS. STAT. § 6109(d), provides that no regulation or ordinance enacted under § 6109(a)(7) or (13) shall be effective until official traffic-control devices giving notice of the traffic regulations or ordinances are erected upon or at the entrances to the highway or part thereof affected as may be most appropriate, and Section 212.117(d) of the Department of Transportation Regulations, 67 PA. CODE § 212.117(d), provides that appropriate signs shall be erected within 25 feet of each end of a restricted portion of a highway whenever vehicles are prohibited under 67 PA. CODE § 212.117(c); and

WHEREAS, Section 212.2 of the Department of Transportation Regulations, 67 PA. CODE § 212.2, generally adopts the Federal Highway Administration’s Manual on Uniform Traffic Control Devices (MUTCD); and

WHEREAS, Council desires to prohibit vehicles longer than thirty-five (35) feet on Main Street between Franklin Street and School Street; and

WHEREAS, on November 5, 2014, the Borough published a public notice in the *East Penn Press*, a newspaper of general circulation in the Borough of Alburdis, of its intention to consider and adopt on this Ordinance on November 12, 2014;

NOW, THEREFORE, be it **ORDAINED** and **ENACTED** by the Borough Council of the Borough of Alburdis, Lehigh County, Pennsylvania, as follows:

SECTION 1. Codified Ordinances § 41-1102 (relating to Traffic Control—Other Regulations—Truck Prohibition Areas) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 41-1102 ~~Truck Prohibition Areas~~ Regulation of Vehicles by Kind, Class, Size, or Weight.

(a) Vehicles Longer than Thirty-five (35) Feet. Vehicles longer than thirty-five (35) feet are prohibited in the following areas (except for local deliveries):

<u>Street</u>	<u>From:</u>	<u>To:</u>
<u>1. South Main Street</u>	<u>Franklin Street</u> <u>(SR 3001)</u>	<u>School Street</u>

SECTION 2. As provided in Codified Ordinances § 41-104 (relating to Traffic Control—General Provisions—Official Signs), the Borough shall erect and maintain

official traffic control devices for all locations ordained under Codified Ordinances § 41-1102 as amended by this Ordinance, in accordance with regulations of the Pennsylvania Department of Transportation, including the applicable provisions of the Federal Highway Administration's Manual on Uniform Traffic Control Devices (MUTCD).

DULY ORDAINED and **ENACTED** by the Borough Council of the Borough of Alburdis, this 12th day of November, 2014, in lawful session duly assembled.

BOROUGH COUNCIL
BOROUGH OF ALBURDIS

Steven R. Hill, President

Attest:

Sharon Trexler, Executive Secretary

AND NOW, this 12th day of November, 2014, the above Ordinance is hereby APPROVED.

Kathleen Palmer, Mayor