

ORDINANCE NO. 1386

AN ORDINANCE RESTRICTING TRUCK TRAFFIC ON WALNUT STREET BETWEEN HOWERTOWN ROAD AND THE EASTERN TERMINUS OF WALNUT STREET AND ON NORTH 14TH STREET BETWEEN WALNUT STREET AND RACE STREET TO LOCAL DELIVERIES AND PROVIDING FOR THE PURCHASE AND INSTALLATION OF APPROPRIATE TRAFFIC CONTROL DEVICES AND PENALTIES FOR THE VIOLATION THEREOF

SECTION 1: LEGISLATIVE HISTORY AND BACKGROUND

WHEREAS, 75 Pa.C.S.A. 6101, *et. seq.*, codifies the regulation and operation of vehicles; and

WHEREAS, 75 Pa.C.S.A. 6122 (a) grants authority to the Borough of Catasauqua (hereinafter, "Borough") to erect traffic control devices for the purpose of regulating traffic on any highway within its boundary; and

WHEREAS, 75 Pa.C.S.A. 6109(a) grants power to the Borough to reasonably exercise its police power over highways within its physical boundaries and by means of traffic-control devices and restrict the use of streets or portions thereof by particular classes of vehicles whenever the highway may be seriously damaged by such use and regulate the use of designated streets by any class or kind of traffic; and

WHEREAS, Section 6109(c) requires that an ordinance regulating traffic as aforesaid require the erection of traffic control devices at entrances to the highway or the affected parts thereof; and

WHEREAS, Section 6109(e) requires that such action by the Borough be taken only after an engineering and traffic investigation meeting PennDOT requirements is performed; and

WHEREAS, Walnut Street between Howertown Road and its terminus is a Borough street, located within the Borough boundary; and

WHEREAS, North 14th Street between Walnut Street and Race Street is a Borough street, located within the Borough boundary; and

WHEREAS, the Borough requested that its engineer, The Pidcock Company perform an engineering and traffic study to assess the impact of truck traffic on the aforementioned streets; and

WHEREAS, by letter dated April 3, 2019, Brian Harman, P.E., PTOE, found that deteriorating pavement conditions observed along the aforementioned Streets meet the PennDOT warrants for the posting of truck restrictions; and

WHEREAS, Mr Harman recommended the posting of "No Truck" (R5-2) and "Except Local Delivery" (R5-2-3) signs on both ends of each street restriction; and

WHEREAS, Borough Council desires to adopt the recommendations of its traffic engineer.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Council of the Borough of Catasauqua, Lehigh County, Pennsylvania, as follows:

SECTION 2: ORDINANCE TEXT

1. Section 260 of Article 1 of the Code of the Borough of Catasauqua, sub-section 260-13, relating to **“Truck and other commercial vehicle traffic restricted on certain streets, weight limits established; violation and penalties** is hereby amended to add the following sub-section C:

“1. Trucks are hereby restricted to local deliveries, only, on the following streets or parts of streets:

- (a) Walnut Street, between Howertown Road to the west and the terminus of Walnut Street to the east.
- (b) North 14th Street, between Walnut Street to the north and Race Street to the South.

2. Penalties for violation of this sub-section shall, upon conviction thereof, be in accordance with the Pennsylvania Motor Vehicle Code, as the same may be amended from time-to-time.

3. Any person found guilty of violating an ordinance shall, in addition to fines and costs of prosecution be assessed reasonable attorneys’ fees incurred by the Borough in said prosecution or any other enforcement action.”

2. The Borough Manager is directed to purchase traffic-control devices of the type, and install the same at the locations, recommended by the Borough’s traffic engineer.

SECTION 3: SAVINGS CLAUSE

The provisions of this Ordinance are severable, and if any provisions hereof are declared illegal or invalid on constitutional or statutory grounds by any court of competent jurisdiction, then those provisions not specifically declared illegal or invalid shall remain in full force and effect.

SECTION 4: PROTANTO REPEAL

All Ordinances inconsistent herewith shall be and the same are hereby repealed to the extent of such inconsistency.

SECTION 5: EFFECTIVE DATE

This Ordinance shall take effect immediately upon Mayoral approval or as otherwise provided in

§3301.3(b)(2) or (3) of the Borough Code and the posting of the signage required herein.

ENACTED, ADOPTED AND ORDAINED on this ____ day of _____, 2019.

BOROUGH OF CATASAUQUA

BY: _____
Vincent Smith, Council President

ATTEST: _____
Secretary

AND NOW, this ____ day of _____, 2019, the above Ordinance is hereby **APPROVED** by the Mayor of the Borough of Catasauqua in due course.

Barbara Schlegel, Mayor