

ORDINANCE NO. 2015-2

AN ORDINANCE REGULATING TRAFFIC IN THE TOWNSHIP OF PORTAGE, COUNTY OF CAMBRIA AND STATE OF PENNSYLVANIA, IMPOSING PENALTIES FOR VIOLATION AND REPEALING CERTAIN PRIOR ORDINANCES.

WHEREAS, the Township of Portage heretofore adopted Ordinance No. 1993-2 providing for the regulation of traffic and parking in the Township;

WHEREAS, the said Ordinance Number 1993-2, adopted March 11, 1993, was amended by Ordinance Number 1993-4, adopted July 8, 1993, by Ordinance Number 1994-3 adopted July 21, 1994, by Ordinance Number 2012-4 adopted July 18, 2012, by Ordinance Number 2012-8 adopted December 19, 2012, by Ordinance Number 2013-3 adopted December 27, 2013, and by Ordinance Number 2014-1 adopted August 6, 2014.

WHEREAS, the purpose of this Ordinance is to regulate traffic by placing traffic control restrictions (Speed Limit Signs) at certain location as indicated by an Engineering and Traffic Study completed by the Pennsylvania Department of Transportation;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township Board of Supervisors of the Township of Portage, and **IT IS HEREBY ORDAINED AND ENACTED** by the authority of the same as follows:

ARTICLE I.

SECTION 1. - DEFINITIONS AND INTERPRETATION

(a) Words and phrases, when used in this Ordinance, shall have the meaning ascribed to them in the Vehicle Code of Pennsylvania, as now in force, or as hereafter amended, enacted or reenacted, except where the context clearly indicates a different meaning.

(b) In this Ordinance, the singular shall include the plural, the plural shall include the singular and the masculine shall include the feminine and the neuter.

ARTICLE II. - TRAFFIC REGULATIONS

SECTION 1. - SPEED LIMITS ESTABLISHED

On the following streets, roads, alleys and highways in the Township, the maximum speed limit is hereby established as follows:

1. A 25-mile per hour speed limit is established on State Route 2012, also known as Dulancey Drive, from Segment 0010/0381 to Segment 0020/0000 (954 Feet West of T-406 Jamestown Road).
2. A 35-mile per hour speed limit is established on State Route 2012 from Segment 0020/0000 to Segment 0030/1051 (Intersection with T-415 Ida Drive).
3. A 45-mile per hour speed limit is established on State Route 201 2 from Segment 0030/1051 to Segment 0040/1400 (Intersection with T-412 Benscreek Road).
4. A 35-mile per hour speed limit is established on State Route 2012 from Segment 0040/1400 to Segment 0060/0018.
3. Any township authorized police officer may at any time use a mechanical, electrical or electronic device to calculate the average speed of a vehicle by measuring the elapsed time between any two points on any highway, roadway or traffic way within the Township. Any person who shall operate a motor vehicle as that term is defined in the Motor Vehicle Code of Pennsylvania, at a speed in excess of that established therefore, upon any street(s), road(s), alley(s) and/or highways specified in this section shall be subject to the fines and penalties set forth herein.

SECTION 2. - DAMAGE

It shall be unlawful for any person or persons to deface, damage, knock down, remove, obstruct in any manner and/or to interfere with any traffic sign, signal and/or marking.

SECTION 3. - PENALTY

Should any person or persons be found in violation of any provision of this ordinance, such person or persons shall be fined at the maximum amount set forth in the Pennsylvania Motor Vehicle Code, including but not limited to, suspension and/or points, and costs of prosecution, and, in default of payment of such costs and fine to undergo imprisonment for not more than thirty (30) days, and shall be liable for all damage caused to Township property and the costs to replace any signs, signals and/or markings.

- a. Any person violating the speed limit set forth herein is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of: \$35.00 for violating this maximum speed limit. Any person exceeding the maximum speed limit by more than five miles per hour shall pay an additional fine of \$2 per mile for each mile in excess of five miles per hour over the maximum speed limit. (75 Pa.C.S.A. § 3362).
- b. Any person who shall operate a motor vehicle as that term is defined in the Pennsylvania Vehicle Code (75 Pa.C.S. § 101 et. seq.), at a speed in excess of that established herein, upon any street(s), alley(s) and/or roadways specified in this ordinance shall be subject to a fine and/or penalty in accordance with those fines and/or penalties, set forth in the Pennsylvania Vehicle Code, including but not limited to, suspension and/or points.

ARTICLE III

The fine, penalty, or late charge set forth above, shall be in accordance with the maximum legally permissible dollar amount permitted by statutes of the Commonwealth of Pennsylvania and the case law of the Commonwealth of Pennsylvania. It is specifically provided that each separate violation of this Ordinance by a vehicle or combination shall be deemed a separate violation punishable by a separate fine, penalty, cost, or late charge.

ARTICLE IV

It is the intent of the municipality that the provisions of this Ordinance are severable and the invalidity of any section, subsection, clause or provision of this Ordinance shall not affect to impair the validity of any other part of this Ordinance which can be given effect without the invalid part or parts.

ARTICLE V

All Ordinances or parts of Ordinances inconsistent herewith, be and the same are hereby repealed insofar as inconsistent only. The provisions of this Ordinance, so far as they are consistent with those Ordinances and regulations in force immediately prior to the enactment of this Ordinance, are intended as a continuation of such prior Ordinances and regulations and not as new enactments.

ARTICLE VI

This Ordinance shall be effective immediately, or as soon as legally permissible, and shall remain in effect unless and until subsequently appealed or amended.

ORDAINED and ENACTED at a duly assembled public meeting by the Township of Portage, Cambria County, Pennsylvania on this 15th day of April, 2015.

ATTEST:

TOWNSHIP OF PORTAGE:

Michelle Kostan
Secretary

BY: William Coogan
Supervisor

BY: Richard A. Dehorsky
Supervisor

BY: Jeffrey W. Karo
Supervisor

