

**BOROUGH OF ROSSLYN FARMS**

**ORDINANCE NO. \_\_\_\_\_ - 2018**

**AN ORDINANCE OF THE BOROUGH OF ROSSLYN FARMS, ALLEGHENY COUNTY, PENNSYLVANIA PROHIBITING ALL COMBINATION TRUCKS WITH BEDS IN EXCESS OF THIRTY THREE FEET IN LENGTH FROM TRAVELING ON BOROUGH ROADS AND PRESCRIBING CERTAIN EXCEPTIONS THERETO; AUTHORIZING THE ENFORCEMENT OF TRUCK TRAFFIC RESTRICTIONS; REQUIRING THE ERECTION OF TRAFFIC SIGNS ALONG BOROUGH ROADS; ESTABLISHING VIOLATIONS AND PENALTIES; ADDING DEFINITIONS AND INTERPRETATIONS AND REPEALING INCONSISTENT ORDINANCES**

**WHEREAS**, the Borough of Rosslyn Farms is organized under the Pennsylvania Borough Code, 8 Pa.C.S. § 101 et seq., and, as such, is a "local authority" as that term is defined in Section 102 of the Pennsylvania Vehicle Code (herein, "Vehicle Code"), 75 Pa.C.S. § 102; and

**WHEREAS**, Pursuant to Sections 4902(a) and (b) of the Vehicle Code, 75 Pa.C.S. § 4902(a) and (b), the Council of the Borough of Rosslyn Farms is empowered to restrict the size of certain vehicles upon roads of the Borough of Rosslyn Farms to prevent damage to said roads by the use or the movement of vehicles exceeding a certain size or when the use of such vehicles would render traffic conditions unsafe; and

**WHEREAS**, Pursuant to Sections 4902(a) and (b) of the Vehicle Code, 75 Pa.C.S. § 4902(a) and (b), prior to imposition of such restrictions, the Borough of Rosslyn Farms must conduct an engineering and traffic study in conformity with regulations imposed by the Commonwealth of Pennsylvania, Department of Transportation; and

**WHEREAS**, the Council of the Borough of Rosslyn Farms authorized the Borough Engineers Kevin A. Brett, P.E. and John R. Heyl, P.E., CPESC of Lennon, Smith, Souleret Engineering, Inc. to conduct an engineering and traffic study to determine the accessibility constraints of truck traffic within the Borough of Rosslyn Farms (the "Traffic Study"); and

**WHEREAS**, the Traffic Study dated August 30, 2018, and accompanying Turning Radius Analysis Drawings (Sheets Nos. 1 through 13 of 13), dated August 30, 2018, are incorporated herein by reference and will be kept on file in the Borough Office; and

**WHEREAS**, the Traffic Study concluded that with one exception combination trucks with beds in excess of thirty three feet are not capable of negotiating any of the roads within the Borough of Rosslyn Farms and these size trucks may cause damage to Borough roads, sewers, storm drains, curbs, signage, trees, utility posts and sidewalks and/or render traffic conditions in the Borough unsafe; and

**WHEREAS**, Pursuant to Sections 6102(b) and 6109(b)(1) of the Vehicle Code, 75 Pa.C.S. §§ 6102(b) and 6109(b), the power to impose such restrictions may be exercised solely by ordinance of the Council of the Borough of Rosslyn Farms; and

**WHEREAS**, Pursuant to Sections 4902(e) and 6109(c) of the Vehicle Code, 75 Pa.C.S. §§ 4902(e) and 6109(c), upon adoption of such ordinance, appropriate signage must be erected in accordance with state regulations; and

**WHEREAS**, the Council of the Borough of Rosslyn Farms, pursuant to the Traffic Study, finds that the roads, sewers, storm drains, curbs, signage, trees, utility posts and sidewalks of the Borough have been weakened or damaged and traffic conditions in the Borough rendered unsafe by combination truck traffic; and

**WHEREAS**, the Council of the Borough of Rosslyn Farms, pursuant to the Traffic Study, has determined that the truck traffic restrictions in this Ordinance are appropriate.

**NOW THEREFORE, BE IT ORDAINED AND ENACTED** and it is hereby ordained and enacted by the Council of the Borough of Rosslyn Farms, Allegheny County, Pennsylvania, as follows:

**SECTION 1. Definitions and Interpretation.** The following terms in this Ordinance shall have the meaning set forth below:

- A. *Borough Road.* An alley, avenue, boulevard, highway, freeway, parkway, lane, street, viaduct and any other ways used by a motor vehicle and publicly maintained by the Borough.
- B. *Council.* The Council of the Borough of Rosslyn Farms, Allegheny County, Pennsylvania.
- C. *Emergency Vehicle.* A fire department vehicle, police vehicle, ambulance, blood delivery vehicle, armed forces emergency vehicle, one private vehicle of a fire or police chief or assistant chief, or ambulance corps commander or assistant commander, or of a river rescue commander used for answering emergency calls, or other vehicle designated by the state police under Section 6106 of the Vehicle Code (relating to designation of emergency vehicles by Pennsylvania State Police).
- D. *Local Traffic.* The following shall be regarded as Local Traffic for the purposes of this Ordinance: (1) Emergency Vehicles; (2) School Buses; (3) Motor Vehicles of governmental agencies and utilities or their contractors engaged in construction or maintenance on a Borough Road or in a location which can be reached only by a Borough Road; (4) Motor Vehicles going to or coming from a residence, commercial establishment, or farm located on a Borough Road and which can only be reached by a Borough Road.
- E. *Motor Vehicle.* Any vehicle or combination, as defined and/or governed by the Vehicle Code, 75 Pa.C.S. § 102, as amended.
- F. *Person.* An individual, partnership, public or private association or corporation.
- G. *Regulations.* The regulations promulgated at 67 Pa. Code § 189.1 et seq., as amended.

- H. *School Bus.* A Motor Vehicle designated for carrying more than 10 passengers, exclusive of the driver, and used for the transportation of school children.
- I. *Combination Truck.* A “truck tractor,” “semitrailer,” “trailer,” and “motor carrier vehicle” as those terms are defined in the Vehicle Code, 75 Pa.C.S. § 102, as amended.

**SECTION 2. Truck Traffic Restrictions.**

- A. It shall be unlawful for any Person to operate or move, or the Person to cause or knowingly permit to be operated or moved, upon any Borough Road a Combination Truck with a bed in excess of 33 feet. Notwithstanding the foregoing, a Combination Truck with a total length, including the length of the Motor Vehicle and any attachment thereto (e.g., a trailer), of 43 feet and under may travel south on Kings Highway and Rosslyn Road to Penn-Lincoln Parkway (I-376).
- B. Motor Vehicles with a total length, including the length of the Motor Vehicle and any attachment thereto (e.g., a trailer) of 30 feet and longer shall not make a left turn from Pilgrim Road to Park Road or a right turn from Park Road to Pilgrim Road
- C. Local Traffic shall be exempt from the restrictions of this Section.

**SECTION 3. Erection of Signs.** The Borough shall erect or cause to be erected and maintained traffic signs designating the restrictions in Section 2 of this Ordinance. These traffic signs shall be erected in compliance with state Regulations and the Traffic Study dated August 30, 2018, and accompanying Turning Radius Analysis Drawings (Sheets Nos. 1 through 13 of 13), dated August 30, 2018. The Traffic Study and Drawings will be kept on file in the Borough Office.

**SECTION 4. Enforcement.** The Scott Township Police Department, or other police department providing services to the Borough, pursuant to any and all legislative authority, has been and is being hereby confirmed as having full and regulatory powers to enforce all provisions of the Vehicle Code and all provisions of this Ordinance, according to and as permitted by the terms and provisions of the said Vehicle Code and this Ordinance.

**SECTION 5. Violations and Penalties.** Any Person operating a Combination Truck or Motor Vehicle upon a Borough Road in violation of a prohibition or restriction imposed under this Ordinance shall be guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of no more than \$500.00, and in default of payment thereof, to imprisonment for a term not to exceed thirty (30) days

**SECTION 6. Repealer.** Any ordinance, chapter, section, subsection, paragraph, sentence, clause, phrase or portion of any ordinance conflicting with the provisions of this Ordinance is hereby repealed to the extent of such conflict.

**SECTION 7. Severability.** If any section, subsection, paragraph, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion thereof.

**SECTION 8. Effective Date.** This Ordinance shall take effect immediately after the date of adoption by the Council of the Borough of Rosslyn Farms, as set forth below.

**ORDAINED, ADOPTED AND ENACTED**, by the Council of the Borough of Rosslyn Farms, Allegheny County, Pennsylvania the 5th day of November, 2018.

**ATTEST:**

**BOROUGH OF ROSSLYN FARMS**

\_\_\_\_\_  
Carolyn Bucci, Borough Secretary

By: \_\_\_\_\_  
Steven Tassarò, President of Council

EXAMINED and APPROVED this 5th day of November, 2018.

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James G. Stover, Mayor

APPROVED AS TO FORM:

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Daniel C. Conlon, Esq.  
Solicitor

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