

ORDINANCE 2021-03

AN ORDINANCE OF THE BOROUGH OF NEWVILLE, CUMBERLAND COUNTY, PENNSYLVANIA ESTABLISHING PENALTIES AND RESTITUTION OF DAMAGES CAUSED BY COMMERCIAL TRUCKING COMPANIES, COMMERCIAL TRUCK DRIVERS WHO CAUSE PROPERTY DAMAGE AND PERSONAL INJURIES WHEN OPERATING THEIR VEHICLES ILLEGALLY ON BOROUGH STREETS WHICH PROHIBIT COMMERCIAL VEHICLES FOR SAFETY OF THE RESIDENTS OF THE BOROUGH OF NEWVILLE

WHEREAS, the Newville Borough Council with intent to protect the safety of all persons and property has obtained a professional street study in reference to street conditions and the ability of large commercial trucks to navigate the borough streets. In addition, PennDOT has completed a traffic study in regard to the intersection of Main and High Street; and

WHEREAS, the Borough of Newville, pursuant to the Borough Code, Section 1202 (6) and (24), 53 P.S. 46202 (6) and (74), has the power to adopt such regulations as may be necessary for the health, safety, and welfare of the Borough; and

WHEREAS, a serious traffic problem exists within the Borough of Newville created by commercial trucking carriers of freight together with independent commercial trucking companies which attempt to operate their commercial motor vehicles on streets which are not designed to be used by them; and

WHEREAS, commercial tractor and trailers are unable to safely make said turn damaging property, including utility poles, pavement, and sidewalks and risking the lives of persons; and

WHEREAS, said damage requires clean up and utility repairs and endangers pedestrian and vehicle traffic; and

WHEREAS, commercial trucking carriers as well as independent commercial carriers need to correct the problem by traveling their commercial tractor and trailers on approved roads which are able to safely enable the commercial carrier to deliver their cargo in an efficient and safe manner.

WHEREAS, based on multiple traffic studies, extensive signage alerts the Commercial Truck Driver to the illegal turns at the intersection of Main and High Street as well as operating on streets which have banned the operation of large trucks to include: Big Spring Avenue, Broad Street, Cherry Street, Corporation Street, Parsonage Street, Springfield Avenue, and Washington Street.

NOW, THEREFORE BE, BE IT ENACTED AND ORDAINED and it is hereby adopted by the Newville Borough Council as follows:

1. This Ordinance applies to any Commercial Trucking Company or the operator of Commercial Motor Vehicle on the streets of the Borough of Newville whether the streets are owned by the Commonwealth of Pennsylvania or the Borough of Newville. A Commercial Motor Vehicle is defined as:

- a. Any vehicle which has a gross weight rating or gross vehicle weight of 26,001 or more pounds;
- b. Any vehicle which has a gross combination weight rating or gross combination weight of 26,001 pounds or more whichever is greater, inclusive of a towed unit with a gross vehicle weight rating or gross vehicle weight of 10,000 pounds, whichever is greater;
- c. If the vehicle is designed to transport sixteen (16) or more passengers, including the driver, or is a school bus.

2. The operation of commercial motor vehicles on streets within the Borough of Newville which are designated by the Truck Restriction Study dated June of 2021, are subject to restriction. **These streets include portions of Corporation Street; Big Spring Avenue; West Street; Parsonage Street; Springfield Avenue; Washington Street; Cherry Street; and Broad Street.** These streets will be designated with No Truck signage (R5-2) and Except Local Deliveries signs (R5-2-3). Violations of these restricted streets will be subject to civil fines, with reasonable legal fees and costs, together with restitution for any damage caused by the commercial motor vehicles which violate these restrictions.

3. Any Commercial Trucking Carrier who has employed a driver or a driver of leased vehicle of the Carrier who has violated the Ordinance will make the Commercial Carrier absolutely liable for the violation as well as any subsequent violation of any other driver employed or leased by the Carrier.

4. **PENALTIES:**

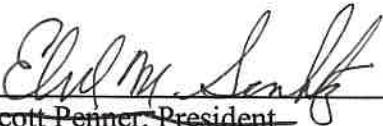
- a. A civil fine for the first violation of this Ordinance will be \$600.00 with restitution for any damages, attorney fees and costs.
- b. Each subsequent violation of this Ordinance by an Independent Commercial Driver or any subsequent driver of the same Commercial Motor Carrier will be issued the maximum civil fine of \$600.00 with restitution for any damages, attorney fees and costs

to the operator of the Commercial Motor Vehicle in addition to the owner of said Commercial Motor Vehicle.

5. This Ordinance shall take effect five (5) days from enactment.

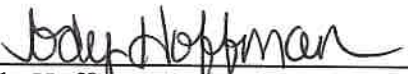
DULY ENACTED AND ORDAINED this 31st day of August, 2021, by the Council of the Borough of Newville, Pennsylvania, in lawful session duly assembled.

BOROUGH OF NEWVILLE




~~Scott Penner, President~~
Newville Borough Council
Edward M. Sinkovitz, Vice President

Attest:



Jody Hoffman, Borough Secretary

Examined and approved this 31st day of August, 2021.



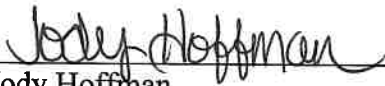
Randy L. Finkey, Mayor
Borough of Newville
Cumberland County, Pennsylvania

CERTIFICATION

I hereby certify that the foregoing is a true and correct copy of Ordinance 2021-03 which was duly enacted by affirmative vote of a majority of the members of the Newville Borough Council at a regular meeting held on August 31, 2021 at 7:00PM; at which meeting a quorum was present; the said Ordinance has been duly recorded in the Ordinance Book of the Newville Borough Council, that said Ordinance remains in full force and effect, without amendment, alteration or repeal, as of the date of this Certificate.

I further certify that the meeting at which the Newville Borough Council adopted said Ordinance was a public meeting, duly held after giving public notice of the date, time and place of such meeting by posting and publishing such notice at the time and in the manner required by Act No. 84 of the General Assembly of the Commonwealth of Pennsylvania, approved July 3, 1986 and Act No. 15 of the General Assembly of the Commonwealth of Pennsylvania approved April 14, 2020.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Borough, this 31th day of August, 2021.



Jody Hoffman
Borough Secretary/Treasurer

(seal)

