

**BOROUGH OF ALBURTIS  
LEHIGH COUNTY, PENNSYLVANIA**

Ordinance No. 575

(Duly Adopted October 12, 2022)

AN ORDINANCE PROHIBITING VEHICLES LONGER THAN THIRTY-FIVE (35) FEET ON CHURCH STREET BETWEEN FRANKLIN STREET AND SCENIC VIEW DRIVE (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 Alburtis Police Department has concluded that Church Street, from Franklin Street to Scenic View Drive has inadequate turning radii and horizontal width for vehicles greater than thirty-five (35) feet in length, particularly at Franklin Street, which has resulted in numerous incidents where trucks have been unable to properly turn from Church Street onto Franklin Street, with the trucks becoming stuck, thus blocking the intersection and causing significant backups. The stop sign for Franklin Street at Church Street has been torn down on several occasions, and there have also been incidents where parked vehicles were struck as the trucks attempted to correct and make this turn. These conditions create a safety hazard, and justify prohibiting vehicles longer than thirty-five (35) feet on Church Street between Franklin Street and Scenic View Drive, except for local deliveries; and

**WHEREAS**, Sections 6109(c) of the Vehicle Code, 75 PA. CONS. STAT. § 6109(c), 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(e) of the Department of Transportation Regulations, 67 PA. CODE § 212.117(e), 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 Church Street between Franklin Street and Scenic View Drive; and

**WHEREAS**, on October 5, 2022, the Borough published a public notice in the *East Penn Press*, a newspaper of general circulation in the Borough of Alburtis, of its intention to consider and adopt on this Ordinance on October 12, 2022;

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

**SECTION 1.** Codified Ordinances § 41-1102 (relating to Traffic Control—Other Regulations—Regulation of Vehicles by Kind, Class, Size, or Weight) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

**§ 41-1102 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>
1.	South Main Street	Franklin Street (SR 3001)	School Street
<u>2.</u>	<u>Church Street</u>	<u>Franklin Street</u> <u>(SR 3001)</u>	<u>Scenic View Drive</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 Alburtis, this 12<sup>th</sup> day of October, 2022, in lawful session duly assembled.

BOROUGH COUNCIL  
BOROUGH OF ALBURTIS

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Ronald J. DeIaco, President

Attest:

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Sharon Trexler, Borough Manager

**AND NOW**, this 12<sup>th</sup> day of October, 2022, the above Ordinance is hereby **APPROVED**.

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Kathleen Palmer, Mayor