**ORDINANCE NO. 2022-1393**

**MIDDLETOWN BOROUGH, DAUPHIN COUNTY, PENNSYLVANIA**

**AN ORDINANCE OF THE BOROUGH OF MIDDLETOWN, DAUPHIN COUNTY, PENNSYLVANIA, AMENDING CHAPTER 252, VEHICLES AND TRAFFIC, TO DESIGNATE CERTAIN SECTIONS OF EAST ROOSEVELT AVENUE AS A ONE-WAY STREET**

**WHEREAS,** Section 1202(12) of the Borough Code, 8 Pa. C.S. § 1202(12), authorizes the Council of the Borough of Middletown to regulate public streets, sidewalks and curbs; *and*

**WHEREAS,** the Borough is further empowered to designate particular highways and roadways within its jurisdiction for use singularly by traffic moving in one direction. 75 Pa.C.S. § 6109(a)(4); *and*

**WHEREAS,** the Borough may enforce such declaration establishing any roadway, or part thereof, upon which traffic shall proceed in one direction at all or such times as indicated by the official traffic control devices. 75 Pa.C.S. § 3308(a); *and*

**WHEREAS,** such designation may be made only through the adoption of an ordinance by the Borough Council of the Borough of Middletown following the completion of an engineering and traffic study. 75 Pa.C.S. § 6109(b) and (e); *and*

**WHEREAS,** Section 6109, Subsection c, of the Vehicle Code, 75 Pa.C.S. § 6109(c), prohibits the implementation of an ordinance establishing a Borough street exclusively for use by traffic moving in one direction until official traffic control devices giving notice of the ordinance are erected at the entrance to the affected roadway; *and*

**WHEREAS,** the Borough Code further empowers the Council to provide for the erection, maintenance and operation of traffic control signals and devices in accordance with the Vehicle Code. 8 Pa.C.S. § 1708; *and*

**WHEREAS,** Borough Council directed Herbert, Rowland & Grubic, Inc. (“HRG”) to conduct a traffic study of East Roosevelt Avenue and the surrounding roadways for analysis as to the potential impacts deriving from a designation of East Roosevelt Avenue for use by traffic proceeding only in one direction at its regular meeting held December 7, 2021; *and*

**WHEREAS,** HRG completed its review of the existing conditions of East Roosevelt Avenue and surrounding roadways and provided to the Borough Council a report dated April 11, 2022 containing its evaluation and recommendations to the Borough; *and*

**WHEREAS,** the Borough Council has determined that the conditions precedent to the declaration of a street for use only in one direction, found in 67 Pa. Code § 212.113, have been satisfactorily met; *and*

**WHEREAS,** the Borough Council considers certain recommendations of HRG contained in said report to promote the health, safety, and welfare of the citizens of the Borough of Middletown, specifically: extending the restriction of travel along East Roosevelt Avenue by traffic exclusively traveling in the east to west direction from Pine Street to North Union Street; *and*

**WHEREAS,** in furtherance of the foregoing authority and findings, the Borough Council wishes to amend Chapter 252 (Vehicles and Traffic) of the Middletown Code.

**NOW THEREFORE, IT IS HEREBY ORDAINED AND ENACTED,** by the authority of the Borough Council of the Borough of Middletown, Dauphin County, Pennsylvania, that the Middletown Code, Part II (General Legislation), Chapter 252 (Vehicles and Traffic) is hereby amended in accordance with this Ordinance.

1. **AMENDMENTS.** Part II (General Legislation), Chapter 252 (Vehicles and Traffic) of the Middletown Code is hereby amended as follows with added language underlined and deleted language bolded/bracketed:

§ 252-10 One-way streets. The streets or parts of streets described below are hereby designated as one-way streets in the direction indicated, and it shall be unlawful for any person to drive a vehicle on any one-way street other than in the direction established for traffic on that street:

|  |  |  |
| --- | --- | --- |
| Name of Street | Direction of Travel | Limits |
| East Roosevelt Avenue | West | From Vine Street to **[Pine]** North Union Street  |

1. **TRAFFIC CONTROL DEVICES.** The Borough Council authorizes the installation of Do Not Enter, Wrong Way, and turn restriction traffic control devices along the affected route of East Roosevelt Avenue as necessary and appropriate to safely transition and designate the applicable stretches of both roadways from two-way to one-way travel. All traffic control devices shall be installed in accordance with the Pennsylvania Department of Transportation Publication 236, Handbook of Approved Signs, as amended. The travel restrictions shall not be effected on either road until all contemplated signs have been installed.
2. **SEVERABILITY.** If any section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance is declared by any reason to be illegal, unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of this Ordinance or Chapter 252 of the Middletown Code as a whole, or any other section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of this Ordinance or Chapter 252 of the Middletown Code. Borough Council hereby declares that it would have adopted this Ordinance and each section, subsection, phrase and word thereof, irrespective of the fact that any one or more of those sections, sub-sections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases or words may be declared illegal, unconstitutional or invalid.
3. **REPEALER.** All ordinances or parts of ordinances that are inconsistent herewith shall be and the same expressly are repealed.
4. **EFFECTIVE DATE.** This Ordinance shall become effective in accordance with applicable law.

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**BE IT DULY ORDAINED AND ENACTED** into law this \_\_\_\_\_ day of , 2022, by the Borough of Middletown, Dauphin County, Pennsylvania, in lawful session duly assembled.

 **BOROUGH COUNCIL OF THE**

 **BOROUGH OF MIDDLETOWN**

 BY:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Borough Council President

**ATTEST:**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Grace Miller

Borough Secretary

**AND NOW, THIS** \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2022, the foregoing Ordinance is approved.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 James H. Curry III

 Mayor

I hereby certify the foregoing Ordinance was advertised in the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2022, a newspaper of general circulation in the municipality and was duly enacted and approved as set forth at the regular meeting of the municipality’s governing body held on the \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2022.

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 Grace Miller

 Borough Secretary