**ORDINANCE NO. 2022-1396**

**MIDDLETOWN BOROUGH, DAUPHIN COUNTY, PENNSYLVANIA**

**AN ORDINANCE OF THE BOROUGH OF MIDDLETOWN, DAUPHIN COUNTY, PENNSYLVANIA, AMENDING CHAPTER 252, VEHICLES AND TRAFFIC, TO DESIGNATE THE INTERSECTION AT PINE STREET AND OAK HILL DRIVE A FOUR-WAY STOP**

**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 erect and maintain stop signs and yield signs and other official traffic-control devices on intersections of highways in its jurisdiction. 75 Pa.C.S. § 6124; *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 any ordinance designating a Borough intersection or junction of roadways as a stop or yield intersection or junction until official traffic control devices giving notice of the ordinance are erected upon the highway or part thereof affected; *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,** at its regular meeting held December 7, 2021, Borough Council directed Herbert, Rowland & Grubic, Inc. (“HRG”) to conduct a traffic study of East Roosevelt Avenue and the surrounding roadways; *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 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 the conversion of the existing two-way stop control at the intersection of Pine Street and Oak Hill Drive to a four-way stop; *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 the added language underlined:

§ 252-15 Stop Intersections. The following intersections (in addition to intersections with the through streets established by § 252-14 above) are hereby established as stop intersections, and official stop signs shall be erected (or are ratified if previously erected) in such a position upon the first-named street as to face traffic approaching the second-named street in the direction or directions indicated. Every driver of a vehicle approaching any such intersection upon the first-named street, in the direction or directions indicated in each case, shall come to a full stop before entering any such intersection.

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| --- | --- | --- |
| **Stop Sign on** | **Direction of Travel** | **At Intersection of** |
| Pine Street | Both | Oak Hill Drive |

1. **TRAFFIC CONTROL DEVICES.** The Borough Council authorizes the installation of traffic control devices (stop signs) on Pine Street at Oak Hill Drive. 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 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.

**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.

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 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