

**BOROUGH OF CLARKS SUMMIT
COUNTY OF LACKAWANNA
COMMONWEALTH OF PENNSYLVANIA
ORDINANCE NO. 2021-01**

**AN ORDINANCE AMENDING SECTION 304 OF CHAPTER 15, MOTOR VEHICLES
AND TRAFFIC, OF THE CODE OF THE BOROUGH OF CLARKS SUMMIT
IN ORDER TO EXPAND AND UPDATE THOSE ROADWAYS
WHERE TRUCK TRAFFIC IS PROHIBITED**

WHEREAS, the Borough of Clarks Summit (the “Borough”) is a Borough and Municipality in the Commonwealth of Pennsylvania organized and governed according to the Borough Code; and

WHEREAS, 8 Pa. C.S.A. § 1201, *et seq.* (hereinafter, “the Borough Code”) authorizes Borough Council to regulate, among other things, parking (Section 1202(31)); the streets (Section 1202(12)); the towing of vehicles, (Section 1202(34)); and the general regulation of nuisances and protections for the health, safety and welfare of the public (Sections 1202(4) and 1202(5))(See 8 Pa. C.A. §1202 (4), (5), (12), (31) and (34)); and

WHEREAS, the Borough Council has been granted broad powers under the Borough Code to act for the benefit of the public welfare; and

WHEREAS, the Borough Council had previously adopted Chapter 15 of the Borough Code (relating to “Motor Vehicles and Traffic”) on or about November 2, 1983 through Ordinance 1983-05, which has been updated by Borough Council through multiple amendments; and

WHEREAS, it has been over 20 years since the Borough updated the list of roadways on which truck traffic is prohibited and Borough Council has determined that it is necessary for the safety of Borough’s residents and property owners that the list be expanded and updated to include numerous other roadways, or portions thereof, by amending Section 304 of Chapter 15 of the Borough’s Ordinances, in the manner provided below:

NOW, THEREFORE, it is hereby ORDAINED and ENACTED by the Borough Council of the Borough of Clarks Summit, County of Lackawanna and Commonwealth of Pennsylvania, as follows:

Section 1. Revised §15-304. Truck Traffic Restricted on Certain Roadways.

1. Definitions. The following words and phrases when used in this Section shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

“Borough”. The Borough of Clarks Summit in Lackawanna County, Pennsylvania.

“Combination.” Two or more vehicles physically interconnected in tandem.

“Emergency vehicle.” A State or county emergency management vehicle, fire department vehicle, police vehicle, sheriff vehicle, ambulance, advanced life support squad vehicle, basic life support squad vehicle, emergency canteen support service organization vehicle, blood delivery vehicle, human organ delivery vehicle, hazardous material response vehicle and armed forces emergency vehicle.

“Gross combination weight rating.” The value specified by the manufacturer as the loaded weight of a combination.

“Gross vehicle weight rating.” The value specified on the Federal weight certification label by the manufacturer as the loaded weight of a single vehicle.

“Gross weight.” The combined weight of a vehicle or combination of vehicles and its load excluding the driver's weight.

“Motor carrier vehicle.”

(1) A truck, truck tractor or combination having a gross vehicle weight rating, gross combination weight rating, registered gross weight, registered combination weight or actual gross weight of 17,001 pounds or more.

(2) A truck, truck tractor or combination engaged in interstate commerce and having a gross vehicle weight rating, gross combination weight rating, registered gross weight, registered combination weight or actual gross weight of 10,001 pounds or more.

“Motor vehicle.” A vehicle which is self-propelled except an electric personal assistive mobility device or a vehicle which is propelled solely by human power.

“Registered gross weight.”

- (1) The maximum gross weight at which a vehicle or combination is registered in the Commonwealth of Pennsylvania to operate upon a highway, which shall include the weight at which a vehicle or combination is registered for operation in the Commonwealth of Pennsylvania under the Vehicle Code.
- (2) if there is no registered gross weight in the Commonwealth of Pennsylvania, then the term shall mean the maximum gross weight at which a vehicle or combination registered in another state is registered or otherwise authorized to operate by such state.

“Roadway” The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel, including ways which are designated as “streets”, “roads” and “avenues” in the Borough.

“Truck.” A motor vehicle designed primarily for the transportation of property. The term includes motor vehicles designed with seats that may be readily removed and reinstalled if those vehicles are primarily used for the transportation of property.

“Truck tractor.” A motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

“Vehicle.” Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon rails or tracks. The term does not include a self-propelled wheelchair or an electrical mobility device operated by and designed for the exclusive use of a person with a mobility-related disability.

“Vehicle Code” 75 Pa. C.S. § 101, et seq. (as amended)

2. It shall be unlawful for any person to drive a motor carrier vehicle on any of the following roadways in the Borough.

Roadway Name	Portion of Roadway
Atherton Street	Entire length
Bedford Street	Center Street to West Grove Street
Bissell Street	West Grove Street to Knapp Road
Center Street	Entire length
Depot Street	Entire length
Earl Street	Winola Road to Melrose Avenue
Electric Street	Winola Road to Center Street
Florence Street	Winola Road to Woodlawn Avenue
Grandview Street	Entire length
Greenwood Avenue	Entire length
Hemlock Drive	Entire length
Highland Avenue	State Street to Glenburn Road
Jefferson Street	Morgan Highway (SR 307) to Sleepy Hollow Road
Knapp Road	Entire length
Lansdowne Avenue	Front Street to South Abington Road
Maple Avenue	South State Street to South Abington Road
Marion Street	Winola Road to West Grove Street
Park Avenue	Entire length
Sleepy Hollow Road	Entire Length
Sunset Street	Entire Length

3. Nothing in this Section shall prohibit any person from driving an emergency vehicle on any of the roadways or parts of roadways identified in this Section. Nothing in this Section shall prohibit any person from driving a motor carrier vehicle on any of those roadways and parts of those roadways when the person is making local deliveries to or pickups from premises located along those roadways and parts of those roadways.
4. Any person who violates any provision of this Section shall be required to pay a penalty of One Hundred Dollars (\$100.00) for each separate violation.

Section 2. Severability

If any sentence, clause, section or part of this ordinance is, for any reason, found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of Borough Council that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 3. Existing Ordinances, Resolutions and Policies

All relevant ordinances, regulations, and policies of the Borough not amended shall remain in full force and effect.

Section 4. Conflicting Ordinances, Resolutions and Policies

All ordinances regulations, and policies of the Borough or parts thereof conflicting with any provisions of this ordinance are hereby repealed insofar as the same affects this ordinance.

Section 5. Effective Date

This Ordinance shall be effective immediately upon passage and approved in the manner prescribed by law.

ORDAINED AND ENACTED into an Ordinance this 7th day of April, 2021

Borough Council of the Borough of Clarks Summit



GERMAINE CAREY
Council President

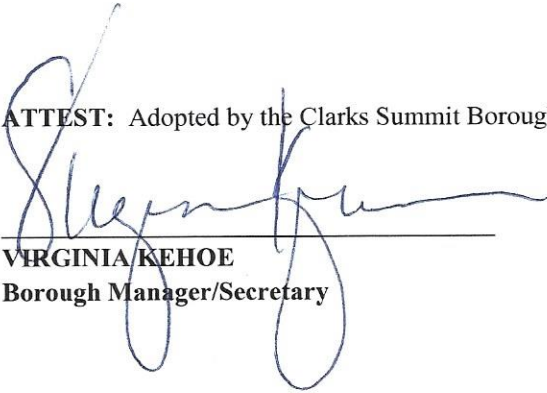
APPROVED:

Approved this 7th date of April, 2021



HERMAN JOHNSON
Mayor; Borough of Clarks Summit

ATTEST: Adopted by the Clarks Summit Borough Council this 7th date of April, 2021.



VIRGINIA KEHOE
Borough Manager/Secretary

