

**BEFORE THE BOROUGH COUNCIL OF THE BOROUGH OF EMMAUS
LEHIGH COUNTY, PENNSYLVANIA**

ORDINANCE NO. 1199

**AN ORDINANCE AMENDING CHAPTER 15 §303 OF THE CODIFIED ORDINANCES,
SETTING HEIGHT RESTRICTIONS AND RESTRICTING TRACTOR TRAILER
TRAFFIC ON PORTIONS OF S. 2ND STREET AND S. 10TH STREET**

WHEREAS, it is the intention of Borough Council to amend § 303 of Chapter 15 of the Emmaus Borough Codified Ordinances to restrict traffic flow of vehicles of a certain size within the Borough of Emmaus; and

WHEREAS, there are two railroad overpasses over two sections of Borough streets; and

WHEREAS, the height restrictions of the railroad overpasses deem it impossible for vehicles of a certain height to travel the street; and

WHEREAS, during times when Interstate 78 traffic issues result detours, many tractor trailers attempt to pass through S. 2nd Street within the Borough of Emmaus; and

WHEREAS, as a result of this tractor trailer traffic attempting to navigate through S. 2nd Street where a railroad bridge exists that only allows for vehicles 13'3" in height or lower, significant delays, traffic jams, dangers, accidents, and costs are incurred by the Borough of Emmaus and its residents; and

WHEREAS, on S. 10th Street, a similar railroad overpass with similar height restrictions of 12'11" and similar concerns exist; and

WHEREAS, it is appropriate for the Borough of Emmaus to establish traffic restrictions on these sections of Borough streets to maintain the safety of all Borough citizens and travelers in the community.

NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED, that Chapter 15 §303 of the Codified Ordinances is amended to read as follows:

§ 15-303: Restrictions as to Weight and Size of Vehicles on Certain Streets and Bridges.

1. By reason of hazardous traffic conditions and other safety factors, by authority granted by Section 4902(b) of the Vehicle Code, it shall be unlawful for any person to drive any vehicle or combination in violation of the restriction prescribed below for that bridge or street or part of street.

Street or Bridge	Between	Restriction
S. 2 nd Street	Main Street and the Borough Line	No vehicles over 13'3" in height
S. 10 th Street	Chestnut Street and intersection of Pennsylvania Avenue	No vehicles over 12'11" in height


2. Any person who violates any provision of this section shall be prosecuted under §§ 4902(b) and 4902(g)(1) of the Vehicle Code, 75 Pa.C.S.A., and upon conviction, shall be sentenced to pay a fine of not less than \$75, except that any person convicted of operating a vehicle with a gross weight in excess of a posted weight shall, upon conviction, be sentenced to pay a fine of not less than \$150 plus \$150 for each 500 pounds, or part thereof, in excess of 3,000 pounds over the maximum allowable weight.

BE IT FURTHER ORDAINED AND ENACTED that the officers and employees of the Borough of Emmaus are hereby empowered and directed to erect such signs as may be necessary to notify the public of this Ordinance, and to issue citations for violations thereof, pursuant to the Codified Ordinances of the Borough and the Motor Vehicle Code.

BE IT FURTHER ORDAINED AND ENACTED that all existing Ordinances of the Borough or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed.


BE IT FURTHER ORDAINED AND ENACTED that if any section or provision of this Ordinance is declared by any Court of competent jurisdiction to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect the constitutionality, legality or validity of this Ordinance as a whole, nor the constitutionality, legality or validity of any other section or provision of this Ordinance other than the one so declared to be unconstitutional, illegal or invalid.

DULY ADOPTED this 6th day of April, 2020, in lawful session duly assembled.


 Shane M. Pepe
 Borough Manager


 Brent A. Labenberg
 Borough Council President

AND NOW, this 6th day of April, 2020, the above Ordinance is hereby **APPROVED** by the Mayor of the Borough of Emmaus in due course.


 LEE ANN GILBERT, Mayor
 Borough of Emmaus