

**WILMERDING BOROUGH
ORDINANCE NO. 1046**

**AN ORDINANCE REDUCING AND SETTING THE SPEED
LIMIT ON HERMAN AVENUE TO 15 MPH;
EFFECTIVE DATE.**

WHEREAS, Herman Avenue is located within the Borough of Wilmerding under the ownership and control of the Borough of Wilmerding; and

WHEREAS, concerns have arisen about safety and risks at the previously established speed limit of 25 mph on Herman Avenue in the area of Westinghouse Arts Academy Charter School; and

WHEREAS, the police and other members of the public have observed dangerous traffic conditions and near misses of accidents particularly involving motor vehicles, pedestrians and students accessing the school on Herman Avenue between Westinghouse Avenue and Commerce Street; and

WHEREAS, due to these safety concerns, the Borough Council directed the Borough Engineer to conduct an engineering and traffic study of Herman Avenue to determine the most appropriate and safe speed for said roadway; and

WHEREAS, the regulation and setting of speed limits is authorized for local municipalities on streets or highways within their physical boundaries pursuant to the Pennsylvania Motor Vehicle Code, 75 Pa. C. S. §6109; and

WHEREAS, the Pennsylvania Motor Vehicle Code authorizes local authorities to establish a reasonable and safe maximum limit on highways and roadways under their respective jurisdictions upon the basis of an engineering and traffic study pursuant to the Pennsylvania Motor Vehicle Code, 75 Pa. C. S. §3363; and

WHEREAS, the Borough Engineer performed and completed an engineering and traffic study following the Pennsylvania Department of Transportation approved procedure which is shown on form TE-101, attached hereto as Exhibit "A" to this Ordinance; and

WHEREAS, the results of the traffic and engineering study described above conclude that due to the limited visibility of pedestrians, number of parked vehicles, and not having a school zone speed limit posted on this roadway, the speed limit is recommended to be reduced to 15 mph on Herman Avenue between Westinghouse Avenue and Commerce Street; and

WHEREAS, this Ordinance is being enacted in the best interest, health and safety of the residents and motorists who use Herman Avenue in Wilmerding Borough.


NOW, THEREFORE, IT IS HEREBY ORDAINED AS FOLLOWS:

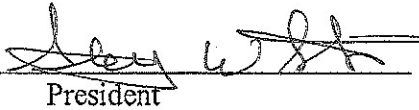
1. All of the Whereas clauses recited above are incorporated herein and made a part of this Ordinance as if set forth fully.
2. The necessary and required engineering and traffic study has been conducted and completed by the Borough Engineer with the final determination that the speed limit on Herman Avenue should be reduced to 15 mph between Westinghouse Avenue and Commerce Street.
3. The maximum speed limit is set at 15 mph on Herman Avenue between Westinghouse Avenue and Commerce in Wilmerding Borough.
4. After the effective date of this Ordinance, it shall be unlawful for any person to operate any motor vehicle on Herman Avenue between Westinghouse Avenue and Commerce Street at a speed in excess of 15 mph after posting of the established speed limit in accordance with Pennsylvania Department of Transportation regulations on Herman Avenue.
5. On or before the effective date of this Ordinance establishing the maximum speed limit on Herman Avenue between Westinghouse Avenue and Commerce Street in the Borough of Wilmerding, the appropriate officials and/or employees of Wilmerding Borough shall post Herman Avenue between Westinghouse Avenue and Commerce Street with official traffic control signage erected in accordance with the Pennsylvania Motor Vehicle Code and Pennsylvania Department of Transportation.
6. The Borough of Wilmerding Police Department is hereby authorized to monitor, control and enforce the maximum speed limit of 15 mph established on Herman Avenue between Westinghouse Avenue and Commerce Street pursuant to the Pennsylvania Motor Vehicle Code.
7. The penalties and/or fines imposed for any violation of this Ordinance shall be in accordance with the provisions specified in the Motor Vehicle Code of Pennsylvania.
8. Any Ordinance of the Borough of Wilmerding inconsistent with any of the provisions of this Ordinance is hereby repealed.
9. The provisions of this Ordinance are severable, and should any part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such judgment shall not affect the validity of the Ordinance as a whole or any remaining part or provision thereof, other than the part so declared to be invalid.
10. This Ordinance shall become effective and enforceable on the day after the posting of all required signage notifying the public of the 15 mph speed limit on Herman Avenue between Westinghouse Avenue and Commerce Street.

ORDAINED into law this 4th day of June, 2020.

ATTEST:

WILMERDING BOROUGH

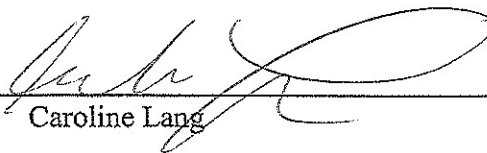
By 
Secretary

By 
President

CERTIFICATION

I, Caroline Lang, hereby certify that I am the Secretary of Wilmerding Borough, and that the within Ordinance was advertised in accordance with law and enacted at a regular meeting of the Borough Council duly convened, at which a quorum was present and voted in favor thereof.

CERTIFIED this 4th day of June, 2020


Caroline Lang