

**PITTSTON TOWNSHIP**  
**Luzerne County, Pennsylvania**

**ORDINANCE NO. 2-01 of 2021**

AN ORDINANCE OF THE TOWNSHIP OF PITTSTON, LUZERNE COUNTY, PENNSYLVANIA, ESTABLISHING A PROCEDURE FOR EXERCISING DISCRETION AS TO SPEED LIMITS ON PUBLIC HIGHWAYS AND TOWNSHIP ROADS AS PERMITTED TO LOCAL AUTHORITIES BY REASON OF 75 PA.C.S.A. §3362 and §3363 OF THE MOTOR VEHICLE CODE OF PENNSYLVANIA

BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Pittston, Luzerne County, Pennsylvania, as follows:

**Section 1. Short Title.**

This Chapter shall be known and may be cited as the Pittston Township Speed Limit Procedural Ordinance.

**Section 2. Purpose and Legislative Intent.**

The purposes of this article is to establish a flexible procedure for the Board of Supervisors to exercise discretion as to speed limits on public highways as permitted to local authorities by the Pennsylvania Motor Vehicle Code and to authorize the Township Board of Supervisors to exercise said discretion by resolution, without prior or subsequent advertising.

**Section 3. Definitions and Word Usage.**

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this Chapter to have the meanings indicated:

*Board of Supervisors* shall mean the governing body of Pittston Township.

*Township* shall mean the Township of Pittston, Luzerne County, Pennsylvania.

*Township Road, Public Highway, road, and street* shall refer to and include all the streets, alleys and other public ways which have been accepted for maintenance by the Supervisors and comprise part of the Township road system. It shall mean and include the entire right-of-way of such Township roads and shall not be limited to the paved portion, cartway or berm.

#### **Section 4. Procedure for Establishing Speed Limits**

A. In the event that any elected official or employee of the Street Department of Pittston Township is of the opinion that any public highway in Pittston Township is in danger of serious damage or destruction unless the speed of vehicles using it be restricted or is of the opinion that the safety of traffic, persons, or property on any public highway is greater or less than is reasonable and safe under the conditions found to exist upon any such highway or part thereof, the said official or employee shall make that fact known to the Township Manager in writing.

B. Upon receipt of any written request made pursuant to the provisions of Subsection A, the Township Manager shall refer the matter to the Township Engineer, specifying the public highway involved and the opinion of the official or Township employee pertinent thereto.

C. The Township Engineer shall, when the said matter has been referred to him, investigate the desirability of a reduced or increased speed on the public highway involved. The Engineer shall, within thirty (30) days after referral, make a report, in writing, which shall state the findings resulting from the investigation and make recommendation on the subject of a reduced or increased speed limit on the said highway.

D. The Board of Township Supervisors does hereby reserve the right to establish a speed limit lower or higher than that prevailing on any public highway within the Township, subject, however, to the limitations set out in 75 Pa. C.S.A. § 3362 of the said Motor Vehicle Code, as amended.

E. The Board of Township Supervisors may establish the said speed limitations by resolution, without prior or subsequent advertising, at any regular or special meeting of the Board of Supervisors. No resolution establishing such speed shall be adopted by the Board of Supervisors until it has received the report of the Township Engineer hereinabove referred to.

#### **Section 5. Erection of Signs**

Upon enactment of a resolution establishing or altering the speed limit on a highway in the Township of Pittston, the Township Manager shall forthwith direct the Superintendent of Township Roads to erect official signs, conforming with the provisions of 75 Pa. C.S.A. § 3362 of said Motor Vehicle Code, on the public highway involved in the action of the Board of Supervisors. The signs shall be placed at intervals and in accordance with the rules and regulations specified in 75 Pa. C.S.A. § 3362(b) of the Motor Vehicle Code.

**Section 6. Operation in Violation of Speed Limit Prohibited.**

After the adoption of a resolution setting or altering a speed limit in accordance with the terms of this article, and after the erection of the official signs, it shall be unlawful for any person to operate any vehicle on the public highway specified in the resolution of the Board of Supervisors at a speed greater than that set forth in the said resolution.

**Section 7. Violations and Penalties**

Any individual, firm, corporation, or other legal entity who violates this Ordinance or any Resolution enacted pursuant to this Ordinance shall be subject to such fines and penalties as established under the Pennsylvania Motor Vehicle Code, Pa. C.S.A. Title 75, as amended or succeeded.

**Section 8. Repealer**

All prior Ordinances, Resolutions or parts thereof in conflict or inconsistent with any of the provisions of this Ordinance are hereby repealed to the extent of the inconsistency.

**Section 9. Severability**

The provisions of this Ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, invalid, unenforceable or beyond the power of the Township of Pittston, said provision or provisions shall not be construed to affect the validity of any of the remaining portions of this Ordinance. It is hereby declared as the intent of the Supervisors of the Township of Pittston that this Ordinance would have been adopted had such unconstitutional, invalid or unauthorized provision or provisions not been included therein.

**Section 10. Effective Date**

This Ordinance shall take effect and be in force five (5) days after its enactment by the Board of Supervisors of the Township of Pittston as provided by law.

ENACTED AND ORDAINED THIS 16<sup>th</sup> day of FEBRUARY 2021 by the Board of Supervisors at a meeting duly convened.

ATTEST:

  
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SECRETARY

BOARD OF SUPERVISORS  
PITSTON TOWNSHIP

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

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

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