

BOROUGH OF TOPTON
BERKS COUNTY, PENNSYLVANIA

Ordinance No. 5-2022

AN ORDINANCE OF THE BOROUGH OF TOPTON, BERKS COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES OF THE BOROUGH OF TOPTON, BERKS COUNTY, PENNSYLVANIA TO ADD TO TITLE VII, TITLED "TRAFFIC CODE" A CHAPTER 74, TITLED, "MAXIMUM SPEED LIMITS," SETTING THE MAXIMUM SPEED LIMIT ON ALL BOROUGH STREETS AS TWENTY-FIVE MILES PER HOUR (25 MPH), PROVIDING FOR NOTICE AND POSTING OF SPEED LIMIT SIGNS, AND PROVIDING FOR ENFORCEMENT AND PENALTIES

IT IS HEREBY ENACTED AND ORDAINED by the Borough Council of the Borough of Tipton, Berks County, as follows:

Section 1. Amendment to Borough Code of Ordinances. The Code of Ordinances of the Borough of Tipton, Berks County, Pennsylvania, Title VII, titled "Traffic Code," shall be amended to add Chapter 74, as follows:

CHAPTER 74. MAXIMUM SPEED LIMITS

Section 74.01. Maximum Speed Limits Established. Unless a lower speed limit has been specifically enacted, the speed limit on the following Borough Streets shall be reduced to twenty-five miles per hour (25 mph):

- | | |
|---------------------|--------------------|
| - Barkley Street | - Hoch Avenue |
| - Birch Drive | - Home Avenue |
| - Broad Alley | - Jefferson Street |
| - Butcher Shop Lane | - Juliet Avenue |
| - Callowhill Street | - Keller Street |
| - Caloric Circle | - Klein Avenue |
| - Celia Avenue | - Locust Street |
| - Centre Avenue | - Main Street |
| - Charles Drive | - Maple Drive |
| - Cherry Street | - Marshall Avenue |
| - Cleveland Street | - Meck Alley |
| - Croll Street | - Old Tipton Road |
| - Dogwood Drive | - Palm Drive |
| - Franklin Street | - Penn Street |
| - Freehall Street | - Pine Drive |
| - Furnace Street | - St. John Street |

- Haas Street
- Hamsher Avenue
- Heffner Street
- Henningsville Road
- Herbein Drive
- High Street
- Sisco Lane
- Smith Street
- Spruce Street
- Walnut Drive
- Washington Street

Section 74.02. Notice and Posting of Speed Limit Signs.

(a) On or after the effective date of this Chapter, the Borough shall post the affected streets with official traffic control devices (speed limit signs), erected and placed in accordance with the Pennsylvania Vehicle Code, 75 Pa. C.S. § 3362 (a)(1.2), and the regulations of the Pennsylvania Department of Transportation.

(b) Any speed limit signs and traffic control devices setting the speed limit as provided in this Chapter which are already in place shall be ratified and confirmed.

Section 74.03. Enforcement. The Fleetwood Borough Police Department, any successor thereto authorized to provide police services to the Borough, and any other duly authorized law enforcement officials of the Commonwealth of Pennsylvania are hereby authorized to monitor, control, and enforce the maximum speed limit set forth in this Chapter pursuant to the Pennsylvania Vehicle Code, 75 Pa. C.S. § 3362 (a)(1.2) and (c) by the use of currently approved speed timing devices or such other electrical speed timing devices or speed monitoring devices, as may hereafter be authorized by the Commonwealth of Pennsylvania.

Section 74.04. Fines and Penalties. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of \$35.00. Any person exceeding the maximum speed limit by more than five miles per hour shall pay an additional fine of \$2 per mile for each mile in excess of five miles per hour over the maximum speed limit. The penalties and/or fines imposed for violations of this Ordinance shall be in accordance with the penalty specified in the Pennsylvania Vehicle Code, 75 Pa. C.S. § 3362 (c).

Section 2. Severability. The provisions of this Ordinance are severable, and in the event that any provision is held invalid, void, illegal, or unconstitutional by any Court, it is the intent of the Borough Council of the Borough of Topton that such determination by the Court shall not affect or render void the remaining provisions of this Ordinance. It is the declared intent of the Borough Council of the Borough of Topton that this Ordinance would have been enacted if any provision subsequently declared to be void, invalid, illegal or unconstitutional had not been included at the time of enactment.

Section 3. Repealer. If any ordinance or enactment, other than an ordinance or enactment setting a lower maximum speed limit on a Borough street or portion thereof, is inconsistent or in direct conflict with this Ordinance, that conflicting ordinance or enactment is hereby repealed, but only to the extent of the inconsistency or conflict.

Section 4. Effective Date. This Ordinance shall be effective on the earliest date allowed by applicable law.

DULY ENACTED AND ORDAINED this 14th day of November, 2022.

BOROUGH OF TOPTON
BERKS COUNTY, PENNSYLVANIA

By: Michelle L. Tora
(Vice) President

Attest: Carmel M. Corcoran
Secretary

APPROVED as an Ordinance this 14 day of November, 2022.

By: [Signature]
Mayor