

BOROUGH OF TOPTON
BERKS COUNTY, PENNSYLVANIA

Ordinance No. 7-2022

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," AN AMENDMENT TO CHAPTER 70, TITLED, "GENERAL PROVISIONS," TO ADD NEW SECTIONS PRECLUDING ENTRY OF COMMERCIAL VEHICLES WITH GROSS VEHICLE WEIGHT RATING OF 10,000 POUNDS OR MORE ONTO BOROUGH PROPERTY EXCEPT FOR MAKING OF DELIVERIES, EMERGENCY VEHICLES, EMERGENCY CONDITIONS, OR AS AUTHORIZED BY THE BOROUGH MANAGER, PROVIDING FOR NOTICE AND POSTING OF 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 to Chapter 70, titled "General Provisions, the following:

Section 70.08. Commercial Vehicles Prohibited on Borough Property. It shall be unlawful for a person to enter Borough property, including Borough parks and recreational areas, water or sewer treatment plant areas, or the property of any Borough-owned building with a commercial vehicle with a gross vehicle weight rating (GVWR) of 10,000 pounds or more, with the exception of the following:

- a) The making of deliveries of goods or supplies ordered by or on behalf of the Borough, or other official Borough business;
- b) Emergency vehicles responding or preparing to respond to an emergency where there is an imminent threat to health or safety;
- c) To take refuge from emergency conditions where there is an imminent threat to health or safety, provided that the vehicle is removed once the imminent threat has ended; or,
- d) As authorized by the Borough Manager or designee of the Borough Manager.

Section 70.09. Trespass by Motor Vehicle. Any person violating Section 70.08, above, shall be deemed to be in violation of Section 3717 of the Pennsylvania Vehicle Code, 75 Pa.C.S. § 3717, titled "Trespass by Motor Vehicle," and, upon conviction thereof, shall be subject to a fine of Fifty Dollars (\$50.00), plus costs of prosecution, in addition to

finest and penalties which may be assessed under Sections 3717(e), (f), and (g) of the Vehicle Code.

Section 70.10. Sign Placement. The placement of signs on Borough property, prohibiting entry of unauthorized vehicles and/or warning of penalties for unauthorized entry or use of Borough property, is hereby authorized, and any such signage in place is hereby ratified and confirmed.

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 A. Foral
(Vice) President

Attest: Courtney M. Corcoran
Secretary

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

By: [Signature]
Mayor