

BOROUGH OF LEESPORT, BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 490 2024

ORDINANCE OF THE BOROUGH OF LEESPORT, BERKS COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NUMBER 365, BY AMENDING ARTICLE I ENTITLED "TRAFFIC REGULATIONS", SECTION 1 ENTITLED "STOP INTERSECTIONS ESTABLISHED" TO RE-APPROVE A STOP INTERSECTION AT THE DEGLER AVENUE INTERSECTION WITH LEESPORT AVENUE, EASTBOUND, REPEALING THE STOP INTERSECTIONS ON LEESPORT AVENUE AT DEGLER AVENUE, NORTHBOUND AND SOUTHBOUND, CEDAR ALLEY AT LEESPORT AVENUE, EASTBOUND, NICHOLS STREET AT PINE STREET, EASTBOUND AND WESTBOUND, NICHOLS STREET AT REESER STREET, EASTBOUND AND WESTBOUND, RAILROAD AVENUE AT WEST WALL STREET, NORTHBOUND, CENTER STREET AT NORTH SCHUYLKILL AVENUE, NORTHBOUND, CEDAR ALLEY AT REESER STREET, WESTBOUND AND EASTBOUND, CEDAR ALLEY AT PINE STREET, WESTBOUND, BY AMENDING ARTICLE II TO CHANGE THE TITLE OF THE ARTICLE TO "RESTRICTIONS ON WEIGHT AND LENGTH OF VEHICLES", AND BY ADDING SECTION 2 TO ARTICLE II, ENTITLED "VEHICLE LENGTH LIMIT ESTABLISHED ON CERTAIN STREETS" TO PROHIBIT VEHICLES HAVING A LENGTH IN EXCESS OF 25 FEET ON PEACH STREET WEST OF ROUTE 61, BY AMENDING ARTICLE III ENTITLED "PARKING", SECTION 1 ENTITLED "PARKING PROHIBITED AT ALL TIMES IN CERTAIN LOCATIONS" TO PROHIBIT VEHICLES FROM PARKING ON WATER STREET, EAST AND WEST SIDE, BETWEEN WALL STREET AND A POINT 335' NORTH ON WATER STREET, SHACKAMAXON STREET, NORTH AND SOUTH SIDE, BETWEEN THE EAST CORNER OF WATER STREET TO A POINT 335' EAST ON SHACKAMAXON STREET, AND BY AMENDING ORDINANCE NUMBER 2022-484 THE LEESPORT BOROUGH PROPERTY MAINTENANCE CODE, BY AMENDING SECTION 302, ENTITLED "EXTERIOR PROPERTY AREAS", SUBSECTION 302.8, ENTITLED "MOTOR VEHICLES", SUBPARAGRAPH 302.8.1 TO PROVIDE CLARIFICATION OF WHAT CONSTITUTES A NON-PAVED AREA

WHEREAS, pursuant to 75 Pa.C.S.A. §3353 entitled "Prohibitions in Specified Places", Subsection (d) entitled "Restrictions by Appropriate Authorities", local authorities may by erection of official traffic-control devices prohibit parking of vehicles on any highway where engineering and traffic studies indicate parking would constitute a safety hazard or unduly interfere with the free movement of traffic; and

WHEREAS, pursuant to 75 Pa.C.S.A. §6109 entitled "Specific Powers of Departments and Local Authorities", Subsection (a) entitled "Enumeration of Police Powers", Number (1), a local authority may prohibit parking within its boundaries as a reasonable police power; and

WHEREAS, 75 Pa.C.S.A. §6109 entitled "Specific Powers of Departments and Local Authorities", Subsection (b) entitled "Actions by Local Authorities" requires traffic and parking

regulations by local authorities to be established by duly enacted ordinances of the governing body of the local authority; and

WHEREAS, 75 Pa.C.S.A. §6109 entitled "Specific Powers of Departments and Local Authorities", Subsection (c) entitled "When Traffic Control Devices Required" provides that a parking regulation by a local authority per 75 Pa.C.S.A. §6109(a)(1) shall not be effective until official traffic control devices giving notice of the traffic regulation are erected; and

WHEREAS, Leesport is organized as a Borough in the Commonwealth of Pennsylvania governed by the Borough Code of Pennsylvania, 8 Pa.C.S.A. § 101, et. seq.; and

WHEREAS, Section 1202(31) of the Borough Code of Pennsylvania, 8 Pa.C.S.A. § 1202(31), authorizes the Borough of Leesport to enact an Ordinance regulating parking accommodations to promote the convenience and protection of the public; and

WHEREAS, Council for the Borough of Leesport enacted Ordinance Number 365 on March 15, 1995 to regulate traffic and parking in the Borough; and

WHEREAS, Ordinance Number 365, Article III entitled "Parking", Section 1 Entitled "Parking Prohibited At All Times in Certain Locations" provides locations within the Borough where parking a vehicle is prohibited; and

WHEREAS, Ordinance Number 365, Article II entitled "Restrictions on Weight of Vehicle" Section 1 entitled "Restricted Gross Weight Limit Established on Certain Streets" provides locations within the Borough where driving a vehicle having a gross weight over 58,400 pounds is prohibited; and

WHEREAS, Ordinance Number 365, Article I entitled "Traffic Regulations", Section 1 entitled "Stop Sections Established" establishes certain intersections within the Borough as stop intersections; and

WHEREAS, Council for the Borough of Leesport desires to amend Ordinance Number 365, as amended, Article I entitled "Traffic Regulations", Section 1 entitled "Stop Sections Established" to re-approve a stop intersection at Degler Avenue, eastbound, at Leesport Avenue; and

WHEREAS, Council for the Borough of Leesport desires to amend Ordinance Number 365, as amended, to remove stop intersections on Leesport Avenue at Degler Avenue, northbound and southbound, Cedar Alley at Leesport Avenue, eastbound, Nichols Street at Pine street, eastbound and westbound, Nichols Street at Reeser Street, eastbound and westbound, Railroad Avenue at West Wall Street, northbound, Center Street at North Schuylkill Avenue, northbound, Cedar Alley at Reeser street, westbound and eastbound, Cedar Alley at Pine Street, westbound; and

WHEREAS, Ordinance Number 365, Article II is presently entitled "Restrictions of Weight of Vehicle"; and

WHEREAS, the Council for the Borough of Leesport wishes to change the title of Article II of Ordinance Number 365 to “Restrictions on Weight and Length of Vehicles ”and

WHEREAS, the Council for the Borough of Leesport wishes to add a new Section 2 to Article II of Ordinance Number 365, to be entitled “Vehicle Length Limit Established on Certain Streets”; and

WHEREAS, Council for the Borough of Leesport desires to amend Ordinance Number 365, as amended, Article II entitled “Restrictions on Weight of Vehicle”, Section 1 entitled “Restricted Gross Weight Limit Established on Certain Streets” to prohibit vehicles having a length greater than 25 feet on Peach Street west of Route 61; and

WHEREAS, Council for the Borough of Leesport desires to amend Ordinance Number 365, as amended, Article III entitled “Parking”, Section 1 Entitled “Parking Prohibited At All Times in Certain Locations” to prohibit vehicles from parking on Water Street, east and west side, between Wall Street and a point 335’ north on Water Street, Shackamaxon Street, north and south side, between the east corner of Water Street to a point 335’ east on Shackamaxon Street; and

WHEREAS, Council for the Borough of Leesport has amended Ordinance Number 365 from time to time; and

WHEREAS, the Borough Engineer has performed studies of the proposed changes in traffic regulations and determined that such regulations would comply with applicable standards;

WHEREAS, Ordinance Number 2022-484, the Leesport Borough Property Maintenance Code, at Section 302, entitled “Exterior Property Areas”, Subsection 302.8, entitled “Motor Vehicles”, Subparagraph 302.8.1, prohibits certain parking on non-paved areas; and

WHEREAS, the Council of the Borough of Leesport desires to amend Subparagraph 302.8.1 of Subsection 302.8 of Section 302 of Ordinance Number 2022-484 to clarify what constitutes a non-paved area;

BE IT ENACTED AND ORDAINED, by the Borough Council of the Borough of Leesport, Berks County, Pennsylvania (“Borough”) as follows:

SECTION 1. Ordinance Number 365, as amended, Article I entitled “Traffic Regulations”, Section 1 entitled “Stop Intersection Established” is amended to re-approve Number 18 and to repeal Numbers 19, 23, 46, 48, 58, 60, 88 and 91, which shall read in their entirety as follows:

Stop Street	Intersecting Street	Direction of Travel
...		
18. Degler Ave.	Leesport Ave.	Eastbound
...		
19. Leesport Ave. <u>Reserved</u>	Degler Ave.	Northbound & Southbound
...		
23. Cedar Alley <u>Reserved</u>	Leesport Ave.	Eastbound
...		
46. Nichols St. <u>Reserved</u>	Pine St.	Eastbound & Westbound
...		
48. Nichols St. <u>Reserved</u>	Reeser St.	Eastbound & Westbound
...		
58. Railroad Ave. <u>Reserved</u>	W. Wall St.	Northbound, Except right Turn
...		
60. Center St. <u>Reserved</u>	N. Schuylkill Ave.	Northbound
...		
88. Cedar Alley <u>Reserved</u>	Reeser St.	Westbound & Eastbound
...		
91. Cedar Alley <u>Reserved</u>	Pine St.	Westbound

SECTION 2. Ordinance Number 365, as amended, Article II entitled “Restrictions on Weight of Vehicle”, is hereby amended to change the title of Article II to “Restrictions on Weight and Length of Vehicles”.

SECTION 3. Ordinance Number 365, Article II, entitled Restrictions on Weight and Length of Vehicle” is hereby amended to add a new Section 2, entitled “Vehicle Length Limit Established on Certain Streets”, which new Section 2 shall read as follows:

Section 2. Vehicle Length Limit Established on Certain Streets.

(a) On the following streets or parts of streets, by authority granted by Section 4902(b) of the Vehicle Code, it shall be unlawful for any person or persons to drive any vehicle or combination having a length in excess of 25 feet:

1. Peach Street, west of Route 61

(b) Any person who violates any provision of this Section shall be prosecuted under Sections 4902(b) and 4902(g-2) of the Vehicle Code, and upon conviction, shall be sentenced to pay a fine of not more than \$500.00.

SECTION 4. Ordinance Number 365, as amended, Article III entitled “Parking”, Section 1 Entitled “Parking Prohibited At All Times in Certain Locations” is hereby amended to add areas prohibited from vehicles to park, which shall read in its entirety as follows:

Street	Side	Between
...		
22. Water St.	East & West	Wall St. and a point 335’ north on Water St.
23. Shackamaxon St.	North & South	East corner of Water St. to a point 335’ east on Shackamaxon St.

SECTION 5. Authorization is hereby granted for the erection of signs, where necessary, for notification and enforcement of the traffic and parking regulations established herein. Posting of said signs and notice shall be in accordance with all applicable laws and regulations.

SECTION 6. Ordinance Number 2022-484, the Leesport Borough Property Maintenance Code, as amended, is hereby amended by amending Section 302, entitled “Exterior Property Areas”, Subsection 302.8, entitled “Motor Vehicles”, Subparagraph 302.8.1, to read as follows:

302.8.1

Registered motor vehicles are prohibited from parking on any non-paved area in the front or side yards of a property for a period of greater than twelve (12) hours. Motor vehicles may be parked on non-paved areas in the rear yard providing that a solid fence, a minimum of six feet (6') tall, is erected around the rear yard in order to screen the contents of the yard from surrounding neighbors. For purposes of the Subsection 302.8.1, non-paved area means an area which is not surfaced with stone, asphalt, concrete, pavers, or other similar materials which maintain a mud-free, dust-free condition.

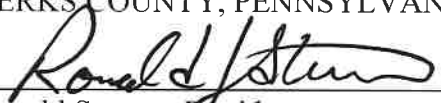
SECTION 7. The provisions of this Ordinance are severable, and if any provision, section, sentence, clause, or part of this Ordinance shall be held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such decision of the court shall not affect or impair the remaining provisions, sections, sentences, clauses, or parts of this Ordinance. It is hereby declared to be the intent of the Council of the Borough of Leesport that the remainder of the Ordinance shall be and shall remain in full force and effect.

SECTION 8. All existing ordinances or parts of ordinances which are contrary to the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

SECTION 9. The effective date of this Ordinance shall be immediately upon its enactment and approval by the Mayor.

ENACTED AND ORDAINED this 21st day of August, 2024.

COUNCIL FOR THE
BOROUGH OF LEESPORT,
BERKS COUNTY, PENNSYLVANIA



Ronald Strause, President

ATTEST:



Sandra Weiser-Pascavage, Borough Manager / Secretary


APPROVED this 21 day of August, 2024.



David J. Reimer, Mayor of the Borough

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing is a true and accurate copy of Ordinance No. 490-2024 adopted by the Council of the Borough of Leesport, Berks County, Pennsylvania at a public hearing following a regular meeting held on August 21, 2024, pursuant to notice as required by law.



Sandra Weiser-Pascavage
Borough Manager / Secretary