

Upon motion by Brian P. McGrath, seconded by Richard P. Figaski, the following Ordinance was duly enacted, 2 voting in favor of enactment, 0 voting against enactment.

**ORDINANCE 2015-5**

**An Ordinance approving use of those electronic and other speed timing devices authorized under the Pennsylvania Vehicle Code, and containing repealor and severability clauses.**

**WHEREAS**, the Pennsylvania Vehicle Code, in its Section 3368 and otherwise, has authorized use by police of various speed timing devices subject to such provisions as are set forth in said statute(s); and

**WHEREAS**, Millcreek Township Ordinance No. 82-9, enacted on July 26, 1982, authorized use by Millcreek Township police officers of speed timing devices specified in said ordinance; and

**WHEREAS**, due to technological advances and revisions to the Vehicle Code, the Board of Supervisors believes that it is appropriate for the protection of public safety to amend and restate the 1982 authorization of use of electronic speed timing devices.

**IT IS HEREBY ENACTED AND ORDAINED** by the Board of Supervisors of Millcreek Township, Erie County, Pennsylvania as follows:


1.01. The Millcreek Township Police Department and its officers are hereby authorized to use all electronic and other speed timing devices authorized by Section 3368 and any other provision of the Pennsylvania Vehicle Code, as the same may be amended in the future, within the Township of Millcreek for the purpose of enforcing the various traffic laws and regulations in Millcreek Township as are established by the Vehicle Code and/or duly enacted ordinances of the Township.

1.02. The Millcreek Township Police Department and its officers are authorized to operate and use said speed timing devices, and results obtained from use of said devices may be used in any judicial proceedings to establish the speed of motor vehicles on public streets and highways within Millcreek Township.

1.03. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or its application to any person, property or circumstances is for any reason held invalid or unconstitutional by any court, such holding shall not be construed to affect the validity of any of the remaining provisions of this Ordinance or its application, for such portion shall be deemed as a separate, distinct and independent provision from the remaining provisions which shall be and remain in full force and effect. It is hereby declared the legislative intent that this Ordinance would have been adopted had such valid or unconstitutional provision of its application not been included herein.

1.04. All Ordinances or parts of any Ordinances inconsistent herewith are hereby repealed.

**BE IT ENACTED** this 12<sup>th</sup> day of May, 2015.

  
Richard P. Figaski, Secretary