

Upon motion by _____, seconded by _____, the following Ordinance was duly enacted, _____ voting in favor of enactment, _____ voting against enactment.

ORDINANCE 2000-14

An Ordinance of the Township of Millcreek to declare it unlawful for operators of motor vehicles to cause said motor vehicle to travel across private property in an attempt to avoid a traffic signal, a traffic control device or an intersection; to require that the operator of a motor vehicle traveling upon a private street, private drive or other private property at any location not an “urban district” subject to the provisions of Section 3344 of the Vehicle Code come to a full stop prior to entering upon a public street or highway; to establish fines for violation and prescribe enforcement; and containing severability and repealor clauses.

WHEREAS, Millcreek Township has developed numerous public streets which, together with State highways under authority of the Pennsylvania Department of Transportation, traverse the Township; and

WHEREAS, growth and development of the Township has resulted in a substantial increase in the volume of traffic upon streets and State highways within the Township; and

WHEREAS, traffic signals and other traffic control devices, including but not limited to stop and yield signs, have been installed at many intersections within the Township to protect the health, welfare and safety of the general public and those operating vehicles upon the streets and highways; and

WHEREAS, the actions of certain operators involving the traveling across private property in an effort to avoid a traffic signal, another traffic control device or an intersection have been noted, and the Board of Supervisors finds such action to pose unreasonable risk of harm to other motorists and to persons on and about said private properties; and

WHEREAS, many private streets, private drives, private parking areas, private driveways and private alleys intersect with or have access to Township streets and State highways; and

WHEREAS, Section 3344 of the Vehicle Code, 75 Pa. C.S.A. § 3344, obligates the driver of a vehicle emerging from an alley, building, private road or driveway within an urban district to stop the vehicle immediately prior to driving onto a sidewalk extending across such alley, building entrance, private road or driveway, or, should there be no sidewalk area, to stop at the point nearest the street to be entered where the driver has a view of approaching traffic; and

WHEREAS, an “urban district” subject to the provisions of Section 3344 of the Vehicle Code is defined in 75 Pa. C.S.A. § 102 as the territory contiguous to and including any street which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than 100 feet for a distance of a quarter mile or more; and

WHEREAS, with a population substantially in excess of 50,000 persons and heavily developed

residential, commercial and industrial areas, the Board of Supervisors finds that imposition upon all drivers of vehicles emerging from private property onto a public street, a State highway or a sidewalk along the same, even in an area not defined in the Vehicle Code as an “urban district,” of the duty to stop before entering upon or crossing the same is in the best interest of the general health, safety and welfare.

IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Millcreek, Erie County, Pennsylvania, and it is ordained and enacted, as follows:

1.01 Driving Across Private Property to Avoid Traffic Signal, Control Device or Intersection

No operator of a motor vehicle shall cause said motor vehicle to travel across private property, including but not limited to any off-street parking area, private road or private drive, in an attempt to avoid either a traffic signal, a traffic control sign or device or an intersection in the direction of such operator’s travel.

1.02 Emerging from Private Property onto Sidewalk, Public Street or State Highway

A. Unless otherwise directed by official traffic control devices erected in accordance with provisions of Subchapter B of Chapter 31 of the Pennsylvania Vehicle Code (relating to traffic control devices), 75 Pa. C.S.A. §§ 3111 to 3115, the driver of a vehicle emerging from an alley, public or private building, private road, private drive, driveway or other private property in a section of Millcreek Township not within an “urban district” as defined in 75 Pa. C.S.A. § 102 and subject to the provisions of 75 Pa. C.S.A. § 3344 as may be amended shall stop the vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across the said alley, public or private building entrance, private road, private drive, driveway or other private property or, in the event there is no sidewalk area, shall stop at the point nearest the street to be entered where the driver has a view of approaching traffic.

B. This Section is not intended to amend Section 3344 of the Vehicle Code. This Section is intended to impose on operators of motor vehicles in all sections of the Township not an “urban district” the same duty to stop before entering onto a sidewalk, public street or State highway as is imposed in an urban district, so as to ensure a general duty to stop and a right of way in favor of persons and vehicles on sidewalks, public streets and State highways.

1.03 Penalties for Violation; Enforcement

A. Any person convicted of violation of this Section by the District Justice having appropriate jurisdiction shall pay a fine of Fifty Dollars (\$50.00), plus all costs of prosecution and all attorney’s fees incurred by the Township in enforcement, in accordance with Ordinance Nos. 96-8 and 96-9.

B. The fine prescribed for a second violation of this Ordinance and payable upon conviction by the District Justice, shall be One Hundred Dollars (\$100.00). The fine prescribed for a third and all subsequent violations of this Ordinance and payable upon conviction shall increase by Fifty Dollars (\$50.00) for each subsequent violation.

C. Enforcement of this Ordinance shall be by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, and in accordance with 53 P.S. § 66601, as amended. All fines and penalties collected for the violation of this Ordinance shall be paid to the Township Treasurer.

D. This Ordinance shall be enforced by the Millcreek Township Police Department .

1.04 Severability

- 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.

1.05 Repealor

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

BE IT ENACTED this 22nd day of August, 2000.

Suzanne R. Weber, Secretary

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