

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY, PENNSYLVANIA, REGULATING THE RIGHTS AND DUTIES OF PEDESTRIANS IN CROSSWALKS WITHIN THE BOROUGH OF WAYNESBORO.**

BE IT ENACTED AND ORDAINED by the Mayor and Borough Council of the Borough of Waynesboro, Franklin County, Pennsylvania, and it is enacted and ordained by the authority of the same:

**SECTION I. TITLE.**

This ordinance shall be known and may be cited as the Regulating and Duties of Pedestrians in Crosswalks Ordinance of 2010.

**SECTION II. OBEDIENCE OF PEDESTRIANS TO TRAFFIC – CONTROL DEVICES AND REGULATIONS.**

- A. **TRAFFIC–CONTROL DEVICES:** A pedestrian shall obey the instructions of a police officer or other appropriately attired person authorized to direct, control or regulate traffic.
- B. **TRAFFIC AND PEDESTRIAN–CONTROL SIGNALS:** Local authorities by ordinance may require pedestrians to obey traffic and pedestrian-control signals as provided in Section X (relating to traffic-control signals) and Section XI (relating to pedestrian-control signals).

**SECTION III. RIGHT-OF-WAY OF PEDESTRIANS IN CROSSWALKS.**

- A. **GENERAL RULE:** When traffic-control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection.
- B. **EXERCISE OF CARE BY PEDESTRIAN:** No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle, which is so close as to constitute a hazard.

- C. **LIMITATION ON VEHICLES PASSING:** Whenever any vehicle is stopped at any crosswalk at an intersection or at any marked crosswalk to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle.

**SECTION IV. PEDESTRIANS CROSSING AT OTHER THAN CROSSWALKS.**

- A. **GENERAL RULE:** Every pedestrian crossing a roadway at any point other than within a crosswalk at an intersection or any marked crosswalk shall yield the right-of-way to all vehicles upon the roadway.
- B. **BETWEEN CONTROLLED INTERSECTIONS IN THE TOWN CENTER & DOWNTOWN BUSINESS DISTRICTS:** Between adjacent intersections in the Town Center District (TC) and the Downtown Business District (DBD) at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk. See Attachment "A" for a more detailed description of the Town Center and Downtown Business Districts.
- C. **CROSSING INTERSECTION DIAGONALLY:** No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic-control devices or at the direction of a police officer or other appropriately attired person authorized to direct, control or regulate traffic. When authorized to cross diagonally, pedestrians shall cross only in accordance with the signal pertaining to the crossing movements.

**SECTION V. PEDESTRIANS WALKING ALONG OR ON ROADWAY.**

- A. **MANDATORY USE OF AVAILABLE SIDEWALK:** Where a sidewalk is provided and its use is practicable, it is prohibited that any pedestrian walk along and upon an adjacent roadway.
- B. **ABSENCE OF SIDEWALK:** Where a sidewalk is not available, any pedestrian walking along and upon a roadway shall walk only on a shoulder as far as practicable from the edge of the roadway.
- C. **ABSENCE OF SIDEWALK AND SHOULDER:** Where neither a sidewalk nor a shoulder is available, any pedestrian walking along and upon a roadway shall walk as near as practicable to an outside edge of the roadway and, if on a two-way roadway, shall walk only on the left side of roadway.

- D. **RIGHT-OF-WAY TO VEHICLES:** Except as otherwise provided in this ordinance, any pedestrian upon a roadway shall yield the right-of-way to all vehicles upon the roadway.

**SECTION VI. PEDESTRIANS SOLICITING RIDES OR BUSINESS.**

A. **NO PERSON SHALL:**

- (1) Stand on a roadway for the purpose of soliciting a ride.
- (2) Stand on a roadway for the purpose of soliciting employment, business or contributions from the occupant of any vehicle.
- (3) Stand on or in proximity to a roadway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a roadway.

**SECTION VII. RIGHT-OF-WAY OF PEDESTRIANS ON SIDEWALKS.**

- A. The driver of a vehicle emerging from or entering an alley, building, private road or driveway shall yield the right-of-way to any pedestrian approaching on any sidewalk extending across the alley, building entrance, road or driveway.

**SECTION VIII. PEDESTRIANS TO YIELD TO EMERGENCY VEHICLES.**

- A. **GENERAL RULE:** Upon the immediate approach of an emergency vehicle making use of audible and visual signals every pedestrian shall yield the right-of-way to the emergency vehicle.
- B. **EXERCISE OF CARE BY DRIVER:** This section does not relieve the driver of an emergency vehicle from the duty to drive with due regard for the safety of all persons using the roadway nor from the duty to exercise due care to avoid colliding with any pedestrian.

**SECTION IX. BLIND PEDESTRIANS.**

- A. **GENERAL RULE:** The driver of a vehicle shall yield the right-of-way to any totally or partially blind pedestrian carrying a clearly visible white cane or accompanied by a guide dog and shall take such precautions as may be necessary to avoid injuring or endangering the pedestrian and, if necessary, shall stop the vehicle in order to prevent injury or danger to the pedestrian.

## **SECTION X. TRAFFIC – CONTROL SIGNALS.**

- A. **GENERAL RULE:** Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or color lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word legend, and the lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

### **(1) GREEN INDICATION:**

- (i) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn except that vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited.
- (ii) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may enter the intersection only to make the movement indicated by the arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
- (iii) Unless otherwise directed by a pedestrian-control signal as provided in Section XI (relating to pedestrian-control signals), pedestrians facing any green signal may proceed across the roadway within a crosswalk.

### **(2) STEADY YELLOW INDICATION:**

- (i) Vehicular traffic facing a steady yellow signal is thereby warned that the related green indication is being terminated or that a red indication will be exhibited immediately thereafter.
- (ii) Unless otherwise directed by a pedestrian-control signal as provided in Section XI (relating to pedestrian-control signals), pedestrians facing a steady yellow signal are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

(3) STEADY RED INDICATION:

- (i) Vehicular traffic facing a steady red signal alone shall stop at a clearly marked stop line, or if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection and shall remain standing until an indication to proceed is shown except as provided in subparagraph (ii).
- (ii) Unless signing is in place prohibiting a turn, vehicular traffic facing a steady red signal may enter the intersection to turn right after stopping as required by subparagraph (i). Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
- (iii) Unless otherwise directed by a pedestrian-control signal as provided in Section XI (relating to pedestrian-control signals), pedestrians facing a steady red signal alone shall not enter the roadway.

B. PLACES OTHER THAN INTERSECTIONS: In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

C. INOPERABLE OR MALFUNCTIONING SIGNAL: If a traffic-control signal is out of operation or is not functioning properly, vehicular traffic facing a:

- (1) Green or yellow signal may proceed with caution as indicated in subsection A. (1) and A. (2).
- (2) Red or completely unlighted signal shall stop in the same manner as at a stop sign, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign as provided in Section §3323 of the Pennsylvania Vehicle Code Title 75 (relating to stop signs and yield signs).

## **SECTION XI. PEDESTRIAN – CONTROL SIGNALS.**

A. **GENERAL RULE:** Whenever special pedestrian-control signals exhibiting words or symbols are in place, the signals shall indicate as follows:

- (1) **WORD "WALK" OR WALKING PERSON SYMBOL:** Pedestrians facing the signal shall proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.
- (2) **PHRASE "DON'T WALK" OR UPRAISED HAND SYMBOL:** Pedestrians shall not start to cross the roadway in the direction of the signal, but any pedestrian who has partially completed his or her crossing on the "Walk" signal shall proceed to a sidewalk while the "Don't Walk" signal is showing.
- (3) **FLASHING "WALK":** Pedestrians facing the signal are cautioned that there is possible hazard from turning vehicles, but pedestrians may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.
- (4) **FLASHING "DON'T WALK" SIGNAL:** Pedestrians shall not start to cross the roadway in the direction of the signal, but any pedestrian who has partially completed crossing during the "Walk" signal shall proceed to a sidewalk, and all drivers of vehicles shall yield to the pedestrian.

## **SECTION XII. CRIMINAL PENALTIES.**

Any person who violates any provision of this ordinance or any order of the Borough of Waynesboro pursuant to this ordinance commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than one hundred dollars (\$100.00) for each separate offense. The Borough of Waynesboro's Police Department is authorized to issue or file citations for summary violations under this ordinance, and the Borough of Waynesboro's Solicitor is hereby authorized to prosecute these offenses. For purposes of this section, a summary offense may be prosecuted before any Magisterial District Justice for the Borough of Waynesboro.

## **SECTION XIII. REPEALER.**

All other ordinances or parts thereof, which are in conflict with this ordinance, are hereby repealed.

**SECTION XIV. VALIDITY.**

The provisions of this ordinance are severable, and if any section, clause, sentence, part, or provisions thereof shall be held illegal, invalid, or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, clauses, sentences, parts, or provisions of this ordinance. It is hereby declared to be the intent of the Borough Council that this ordinance would have been adopted if such illegal, invalid, or unconstitutional section, clause, sentence, part, or provisions had not been included herein.

**SECTION XV. EFFECTIVE DATE.**

This ordinance shall become effective on the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

ENACTED AND ORDAINED into an ordinance this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
President of Borough Council

Attest:

\_\_\_\_\_  
Secretary to Borough Council

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Mayor

# ATTACHMENT 'A'

TC = TOWN CENTER DISTRICT  
DBD = DOWNTOWN BUSINESS DISTRICT

