

IN RE APPEAL FROM THE ENACTMENT	:	IN THE COURT OF QUARTER SESSIONS
	:	OF
OF AN ORDINANCE BY THE	:	CAMBRIA COUNTY, PENNSYLVANIA
	:	
TOWNSHIP OF CAMBRIA, COUNTY OF	:	NO. <i>12</i> SEPTEMBER SESSIONS 1972
CAMBRIA, STATE OF PENNSYLVANIA	:	

APPEAL FROM ENACTMENT OF ORDINANCE

1. The appellant is Stephen J. Siciliano, 904 Sunnehanna Drive, Johnstown, Pennsylvania.

2. The Township of Cambria is a municipal corporation having its office at the Oswald Building, West High Street, Ebensburg, Pennsylvania.

3. At a meeting held July 31, 1972, the Supervisors of Cambria Township did adopt an ordinance, inter alia, restricting traffic on Route T601 from its intersection with the Mylo By-Pass Ramp to one-way travel in a south-westerly direction only. Said ordinance took effect August 5, 1972.

4. Appellant is the lessee of land in Cambria Township, Cambria County, Pennsylvania, upon which is erected the Jamesway Plaza, a shopping center, and he is a person aggrieved and entitled to appeal from the enactment of said ordinance pursuant to the provisions of the Second Class Township Code, (53 P.S. § 65741).

5. Appellant claims that the said ordinance is illegal for the following reasons:

a. The said ordinance was not properly advertised in accordance with the provisions of the Second Class Township Code.

b. The Township Supervisors lacked the legal authority to impose one-way traffic on Route T601.

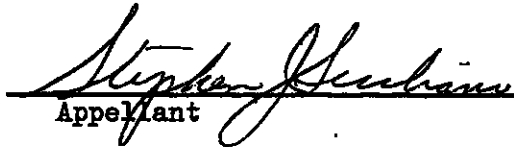
c. The ordinance is vague in that it does not state for what distance traffic is restricted to one-way.

d. The action of the Supervisors in adopting the ordinance was arbitrary, capricious, an abuse of discretion and was not related to the protection of public health, safety or welfare.

e. The ordinance constitutes a taking of appellant's property without due process of law.

f. The Supervisors have not adopted uniform traffic regulations throughout the Township of Cambria, and no traffic study was made to determine the need for the traffic restriction.

WHEREFORE, APPELLANT PRAYS YOUR HONORABLE COURT to allow an appeal from the action of the Cambria Township Supervisors in adopting the foregoing ordinance, to fix security as required by the Second Class Township Code and to issue a supersedeas against the enforcement of said ordinance.

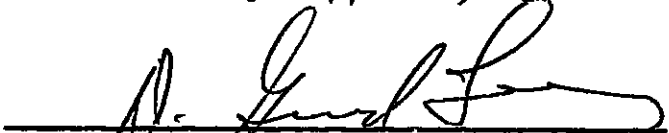
  
Appellant

STATE OF PENNSYLVANIA :  
 : SS:  
COUNTY OF CAMBRIA :

Before me the undersigned, a Notary Public, personally appeared Stephen J. Siciliano, who being duly sworn according to law did depose and say that the facts contained in the foregoing appeal are true and correct to the best of his knowledge, information and belief, and further, that the appeal was not taken for delay but because he believes that he has suffered an injustice.

  
Stephen J. Siciliano

Sworn to and subscribed by me this 18<sup>th</sup> day of AUGUST 1972.

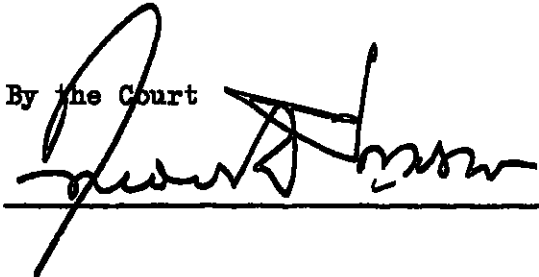
  
Notary Public D. GERARD LONG  
Notary Public, Ebensburg Boro, Cambria Co.  
My Commission Expires December 10, 1973

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CAMBRIA, STATE OF PENNSYLVANIA	:	

O R D E R

Now, this <sup>22</sup> day of August, 1972, the within petition having been read and considered, the appeal is allowed and the appellant is directed to enter into a recognizance in the amount of \$200. <sup>00</sup>/<sub>100</sub> with sufficient surety, to prosecute this appeal with effect and for the payment of costs. Further, this appeal shall act as a supersedeas to stay the enforcement of the ordinance appealed from.

By the Court



J.

No. R.D. 1 September Sessions 1972

IN THE COURT OF QUARTER SESSIONS  
OF  
CAMBRIA COUNTY, PENNSYLVANIA

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APPEAL FROM ENACTMENT  
OF ORDINANCE

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GILBERT E. CAROFF  
ATTORNEY AT LAW  
410 WALLACE BUILDING  
JOHNSTOWN, PENNA.

FILED  
CLERK OF COURTS  
CAMBRIA CO. PA.

AUG 23 12 17 PM '72

STEPHEN D. USLACKOVICH  
CLERK OF COURTS