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ORDINANCE NO. _____

UNION TOWNSHIP,
WASHINGTON COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE TOWNSHIP OF UNION, WASHINGTON COUNTY, COMMONWEALTH OF PENNSYLVANIA, IMPOSING RESTRICTIONS AS TO THE WEIGHT OF VEHICLES OPERATED UPON CERTAIN TOWNSHIP ROADS; PROVIDING FOR THE ISSUANCE OF PERMITS FOR MOVEMENT OF VEHICLES OF WEIGHTS IN EXCESS FOR RESTRICTIONS; AND PRESCRIBING PENALTIES FOR VIOLATIONS

WHEREAS, the Union Township Board of Supervisors had an engineering study dictating the appropriate weight limits of its Township roads; and

WHEREAS, the Board of Supervisors of Union Township believes it necessary to protect the integrity of its roads and to place any undue expense for repair and maintenance of the same caused by vehicles over the weight limits thereon on the respective owners; and

WHEREAS, the Board of Supervisors of Union Township believe it to be in the best interest and welfare of its residents to adopt this ordinance.

NOW, THEREFORE, BE IT ORDAINED and RESOLVED, and it is hereby ordained and resolved, by the Board of Supervisors of the Township of Union, Washington County, and Commonwealth of Pennsylvania, as follows:

SECTION 1: SHORT TITLE - This Ordinance shall be known as Motor Vehicle Weight Limitation Ordinance of Union Township.

SECTION 2: ENACTMENT - This Ordinance is enacted pursuant to the authority conferred by the Vehicle Code, Act of 1976, June 17, P.L. 1962, No. 81, Section 1, effective July 1, 1977 (75 Pa.C.S.A. Sec. 101 et seq.), as amended and is intended to include and be subject to all provisions of Section 4902 of the Vehicle Code, 75 Pa.C.S.A., Section 4902 and all Pennsylvania Department of Transportation regulations promulgated or to be promulgated under the Vehicle Code, by way of illustration and not limitation, under Sections 4902(1) and 6103 (75 Pa. C.S.A., Section 4902(f) and 6103).

SECTION 3: DEFINITIONS - The following words when used in this Ordinance shall have the following meanings, unless the context clearly indicates otherwise:

Motor Vehicle - any vehicle or combination as defined and/or governed by the Vehicle Code, 75 Pa.C.S.A., Section 101 et seq., as amended.

Local Traffic - emergency vehicles and school buses, defined hereinafter, vehicles and

combinations or governmental entities and utilities where their contractors are engaged in construction or maintenance on a posted highway or in a location which can be reached only via a posted highway, and vehicles and combinations going to or coming from a residence or farm located on a posted highway or which can be reached only via a posted highway.

Emergency Vehicle - a fire department vehicle, police vehicle, ambulance, blood delivery vehicle, Armed Forces emergency vehicle, one private vehicle of a fire or police chief or assistant chief, or ambulance corps commander or assistant commander, or of a river rescue commander used for answering emergency calls, or other vehicle designated by the State Police under Sec. 6106 of the Vehicle Code (relating to designation of emergency vehicles by Pennsylvania State Police).

School Bus - a motor vehicle designated for carrying more than ten (10) passengers, exclusive of the driver, and used for the transportation of school children.

SECTION 4 – FINDINGS OF THE BOARD OF SUPERVISORS OF UNION TOWNSHIP – The Board of Supervisors has determined and hereby determines based upon applicable engineering studies that all Township roads may be damaged or destroyed unless the permissible weight of motor vehicles is restricted to no greater than ten (10) ton weight limits listed.

SECTION 5: VEHICLE WEIGHT LIMITS ESTABLISHED

(A) Pursuant to the findings under Section 4, supra, and by authority of Section 4902 of the Vehicle Code and regulations promulgated thereunder, no motor vehicle or combination shall be operated upon any of the roads listed in Section 4 with gross weight in excess of the weight limits listed for said road in Section 4.

(B) Local traffic as defined herein shall be exempted from the restrictions imposed under Section (A) above. However, if the Board of Supervisors determines that any local traffic is likely to damage the road, the Board of Supervisors will so notify the registrants of the motor vehicle or combination and will also notify State Police. After two (2) business days following delivery of the notice, or after five (5) days following mailing of the notice, such local traffic vehicles shall not exceed the weight limits except in accordance with Section 7 hereof.

SECTION 6: PERMITS AND SECURITY – The Board of Supervisors of Union Township may issue permits for the movement of motor vehicles or combinations with weights in excess of the restrictions imposed under Section 4, supra, and may require such undertaking or security as they deem necessary to cover the costs of anticipated or probable repairs and restoration necessitated by the permitted movement of vehicles.

All actions taken under authority of this section shall be taken in accordance with the rules and regulations adopted by the Commonwealth of Pennsylvania, Department of Transportation, as found in Title 67 of the Pennsylvania Code.

SECTION 7: ERECTION OF SIGNS - The Township shall erect or cause to be erected and maintained restriction signs designating the restrictions at the end of the portion of road restricted as provided in this Ordinance. In the case of a restriction on a road, which has not begun or ended at an intersection with an unrestricted highway, the Township shall also place an advance informational sign at the intersection nearest each end of the restricted portion of the road, which would allow drivers to avoid the restricted portion of road.

SECTION 8: PENALTIES FOR VIOLATION - Any person operating a motor vehicle or combination upon a road or bridge in violation of a prohibition or restriction imposed under Section 4 is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$300.00, except that any person convicted of operating a vehicle with a gross weight in excess of a posted weight shall, upon conviction, be sentenced to pay a fine of \$ 75.00 plus \$75.00 for each 500 pounds, or part thereof, in excess of 3,000 pounds over the maximum allowable weight.

SECTION 9: SEVERABILITY - The provision of this Ordinance are severable. If any sentence, clause, or section of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, or sections of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors of Union Township that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, or section not been included herein.

SECTION 10: This ordinance shall become effective five (5) days after enactment.

SECTION 11: REPEALS All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed insofar as they may be inconsistent herewith.

ORDAINED AND ENACTED INTO LAW by the Board of Supervisors of the Township of Union in lawful session assembled this _____ day of _____, 2010.

ATTEST:

**UNION TOWNSHIP
BOARD OF SUPERVISORS**

Judith L. Taylor,
Secretary/Treasurer

Stephen J. Parish, Jr., Chairman

Larry Spahr, Vice-Chairman

(SEAL)

Scott P. Tkach

Linda S. Evans

Andrew M. Tullai

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