

2014-1

AN ORDINANCE OF THE TOWNSHIP OF WEST MAHANAY, SCHUYLKILL COUNTY, 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 WEIGHT IN EXCESS OF RESTRICTIONS; AND PRESCRIBING PENALTIES FOR VIOLATIONS.

WHEREAS, the Municipality maintains roadways within the Township for the benefit of the public and in connection therewith has the right to regulate the use of the roads.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township of West Mahanoy, County of Schuylkill and Commonwealth of Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of the Supervisors of the Township on behalf of said Township:

SECTION 1. SHORT TITLE:

This Ordinance may commonly be referred to as the West Mahanoy Township "Motor Vehicle Weight Limitation Ordinance."

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 (75 Pa.C.S.A. §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. §4902, as amended, and all Pennsylvania Department of Transportation regulations promulgated or to be promulgated under the Vehicle Code.

SECTION 3. PURPOSE:

The purpose of this Ordinance is to promote and protect the general health, safety and welfare of the citizens within West Mahanoy Township herein, and the Board of Supervisors have determined that the roads herein designated may be damaged or destroyed unless use by vehicles is prohibited or the permissible size or weight of vehicles is reduced.

SECTION 4. DEFINITIONS:

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

Emergency Vehicle: Any fire department vehicle, police vehicle, ambulance, blood delivery vehicle, Armed Forces emergency vehicle, one private vehicle of a fire or police chief, or ambulance corps commander or assistance commander, or other vehicle designated by the state police under Section 6106 of the Vehicle Code (relating to designation of emergency vehicles by the Pennsylvania State Police).

Local Traffic: Emergency vehicles, Township public works vehicles, local delivery vehicles, residential solid waste trucks, school buses, 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 located on a posted highway which can be reached only via a posted highway.

Motor Vehicle: Any vehicle or combination as defined and/or governed by the Vehicle Code.

School Bus: A motor vehicle designed for the carrying of more than ten passengers, exclusive of the driver, and used for the transportation of school children.

Words and phrases, when used in this Ordinance, shall have the meaning ascribed to them in the Vehicle Code of Pennsylvania, as now enacted and in force, or as hereafter amended, enacted or reenacted except where the context of the Ordinance clearly evidences a different meaning. The singular shall include the plural and the masculine shall include the feminine and neuter.

SECTION 5. FINDINGS OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP.

The Board of Supervisors have determined and hereby determine that the following roads under the jurisdiction of the Township may be damaged or destroyed , or may create a safety problem, unless the permissible weight of motor vehicles is restricted and reduced to the weight limits listed.

ROUTE NUMBER	STREET NAME	BETWEEN	WEIGHT LIMIT (TON)
T-862	Line Street	Industrial Road/ East Pine	10
T-845	Willow Street	South Line/ Morea Road	10
T-847	Chestnut Street	South Line/	

SECTION 6. VEHICLE WEIGHT LIMITS ESTABLISHED:

(A) Pursuant to the findings under Section 5, supra, no motor vehicle or combination shall, when operated on any of the roads listed in Section 5, have a gross weight exceeding the weight limit listed for said road in Section 5.

SECTION 7. PERMITS AND SECURITY:

The Board of Supervisors of the Township may issue permits for the movement of motor vehicles or combinations of size and weight in excess of the restrictions imposed under Section 6, supra, and require such undertaking or security as the Board of Supervisors deems necessary to cover the cost of anticipated or probable repairs and/or restoration necessitated by the permitted movement of vehicles.

All actions taken under the authority of this section shall be taken in accordance with the rules and regulations adopted from time to time by the Board of Supervisors and in the absence thereof 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 8. 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 or bridge 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 the road.

SECTION 9. PENALTIES FOR VIOLATION:

Any person operating a vehicle or combination upon a road in violation of a prohibition or restriction imposed under this Ordinance or 75 Pa.C.S.A. §4902 is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of Seventy-Five and 00/100 (\$75.00) Dollars, 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 One Hundred Fifty and 00/100 (\$150.00) Dollars plus One Hundred Fifty and 00/100 (\$150.00) Dollars for each five hundred (500) pounds, or part thereof, in excess of three thousand (3,000) pounds over the maximum allowable weight.

SECTION 10. SEVERABILITY:

The provisions 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 West Mahanoy Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause or section not been included herein.

SECTION 11. EFFECTIVE DATE:

This Ordinance shall become effective five (5) days after its enactment.

ORDAINED AND ENACTED THIS 21th DAY OF May, 2014

ATTEST:


Secretary


Paul Martin


MaryAnn Wishneshy


David Lukashunas