

ORDINANCE NO. 99

AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, FRANKLIN COUNTY, PENNSYLVANIA, IMPOSING RESTRICTIONS AS TO THE WEIGHT OF VEHICLES OPERATING UPON CERTAIN TOWNSHIP BRIDGES; PROVIDING FOR THE ISSUING OF SPECIAL PERMITS FOR MOVEMENT OF VEHICLES OF WEIGHT IN EXCESS OF MAXIMUM WEIGHT ESTABLISHED; AND PRESCRIBING PENALTIES FOR VIOLATIONS

WHEREAS, the Board of Supervisors deems it to be in the best interests and general welfare of the citizens and the residents of this Township to establish permissible weight limits for motor vehicles or combinations traveling across certain bridges in the Township; and

WHEREAS, authority to enact such ordinance is conferred by the "Vehicle Code," Act of 1976, June 17, P.L. 162, No. 81, Section 1, effective July 1, 1977 (75 Pa. C.S.A., Section 101 et seq., as amended).

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, and it is enacted and ordianed, by the Board of Supervisors of this Township as follows:

SECTION 1: FINDINGS OF THE BOARD OF SUPERVISORS

Based upon a bridge inspection completed by Nassaux-Hemsley, Inc., of Chambersburg, Franklin County, Pennsylvania, and William J. Walsh, P.E., in November 1985, the Board of Supervisors has determined and hereby determines that the following bridges under the jurisdiction of the Township may be damaged or destroyed unless the permissible weight of motor vehicles or combinations is reduced to the weight limits listed.

<u>Bridge</u>	<u>Maximum Gross Weight</u>	<u>Except In Combination</u>
Baer Road Bridge over Red Run Creek (T.370)	26 tons	34 tons
Skiway Road Bridge over Red Run Creek (T.808)	17 tons	30 tons

SECTION 2: DEFINITIONS

The following words, when used in this ordinance, shall have the meaning ascribed to them in this section except in those instances where the context clearly indicates a different meaning:

- (1) **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 Section 6106 of the Vehicle Code (relating to designation of emergency vehicles by Pennsylvania State Police).
- (2) **Motor Vehicle** - any vehicle or combination which is defined and/or governed by the Vehicle Code, 75 Pa. C.P.S., Section 101 et seq., as amended.
- (3) **School Bus** - a motor vehicle designed for carrying more than ten passengers, exclusive of the driver, and used for the transportation of school children.
- (4) **Vehicles Making Local Deliveries or Pickups** - vehicles or combinations going to or coming from a residence, commercial establishment, or farm, located on a highway which can be reached only via a public highway with a posted bridge for which proof of the local delivery is available. Proof of local delivery shall be a bill of lading, shipping order, or similar document which shows the destination beyond the posted bridge.

SECTION 3: VEHICLE WEIGHT LIMITS ESTABLISHED

(A) **Restrictions.** Pursuant to the findings under Section 1, no motor vehicle or combination shall, when operated on any of the bridges listed in Section 1, have a gross weight exceeding the Maximum Gross Weight limit listed for said bridge in Section 1.

(B) **Exceptions.** The following motor vehicles shall be exempted from the restrictions under subsection (A) above:

- (1) School buses.
- (2) Emergency vehicles.
- (3) Vehicles making local deliveries or pickups.

SECTION 4: 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 3, and require such undertaking or security as the Board 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 5: ERECTION OF SIGNS

The Township shall erect or cause to be erected and maintained restriction signs designating the restrictions at each end of the bridge restricted as provided in this ordinance. No person shall be convicted of violating any section of this ordinance unless the restriction sign designating the restricted bridge to traffic moving in the direction the person was driving was posted as required in this section. However, failure to post a restriction sign designating the restricted bridge to traffic moving in the opposite direction or failure to post any advance informational sign shall not constitute a defense to a violation of this section.

SECTION 6: PENALTIES FOR VIOLATION

Any person operating a motor vehicle or combination upon a bridge in violation of a prohibition or restriction imposed under Section 3 is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$75.00, 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 \$150.00 plus \$150.00 for each 500 pounds, or part thereof, in excess of 3,000 pounds over the maximum allowable weight.

SECTION 7: SEVERABILITY

If any section, subsection, sentence clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portions hereof. It is hereby declared to be the intent of the Board of Supervisors that this ordinance would have been adopted had such unconstitutional, illegal, or invalid section, subsection, sentence clause, phrase or portion not been included herein.

SECTION 8: CONFLICTING ORDINANCES

Any prior ordinance inconsistent with the provisions of this ordinance is hereby repealed to the extent of the conflict.

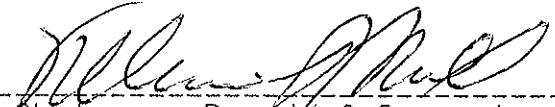
SECTION 9: EFFECTIVE DATE

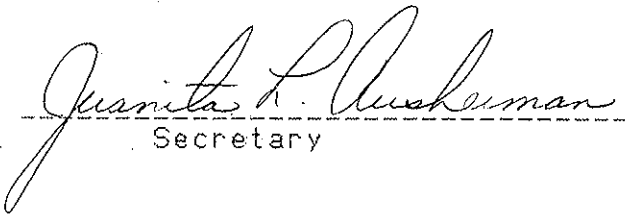
This ordinance shall become effective five days after the adoption hereof.

ENACTED AND ORDAINED this 20th day of October, 1986, in lawful session duly assembled.

ATTEST:

TOWNSHIP OF WASHINGTON
FRANKLIN COUNTY, PENNSYLVANIA

By 
Chairman, Board of Supervisors


Secretary