

ORDINANCE NO. _____

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF
RIDGEBURY TOWNSHIP, BRADFORD COUNTY, PENNSYLVANIA,
IMPOSING RESTRICTIONS AS TO THE WEIGHT OF VEHICLES
OPERATED UPON CERTAIN TOWNSHIP ROADS; PROVIDING FOR
THE ISSUANCE OF PERMITS AND THE POSTING OF SECURITY FOR
THE MOVEMENT OF VEHICLES OF A WEIGHT IN EXCESS OF
RESTRICTIONS; AND PRESCRIBING PENALTIES FOR VIOLATIONS.**

BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by
The Board of Supervisors of the Township of Ridgebury, Bradford County,
Pennsylvania, as follows:

SECTION 1. SHORT TITLE

This Ordinance shall be known as the “Motor Vehicle Weight Limitation and Bonding Ordinance of Ridgebury Township”.

SECTION 2. ENACTMENT

This Ordinance is enacted pursuant to the authority conferred by the “Vehicle Code”, Act of 1976, June 17, 1962, No. 81, Section 1, effective July 1, 1977 (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 and all Pennsylvania Department of Transportation regulations promulgated under the “Vehicle Code” by way of illustration and not limitation, under Sections 4902 (1) and 6103 (75 Pa. C.S.A. §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 vehicles or combination as defined and/or governed by the Pennsylvania Vehicle Code, 75 Pa. C.S.A., §101 et seq., as amended.

Local Traffic - emergency vehicles and school buses, defined hereinafter, vehicles and combinations or governmental entities and where their contractors are engaged in construction or maintenance on a posted highway or in a location which can be reached only by way of 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 by 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 vehicles designated by the State Police under §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 RIDGEBURY TOWNSHIP

The Board of Supervisors has determined and hereby determines based upon weight and size restrictions and based upon highway conditions and studies and otherwise that the following roads will be damaged or destroyed unless the permissible weight of motor vehicles is restricted to the weight limits listed. A complete list of the roads, identified by their Route Number, Road Name, Part of the Road Restricted and Weight Limit, is attached hereto as Exhibit "A" and is made a part hereof.

SECTION 5. VEHICLE WEIGHT LIMITS ESTABLISHED

(A) Pursuant to the findings under Section 4, supra., and by authority of §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 (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

Individuals or entities wishing to operate vehicles in excess of established weight limits on restricted weight Township roads may apply for a permit to do so on a form provided by the Township. Said permit application will be referred to the Township Secretary who shall:

- a. Place the issue on the agenda for a meeting of the Board of Supervisors;
and;
- b. Consult with the Third Party Consultant as necessary to determine the amount of security/bond to be posted by the applicant. The amount of

security shall be calculated in accordance with Title 67, Chapter 189 of the Pennsylvania Code or its equivalent; and

- c. Present a recommendation to the Supervisors to include the amount of security to be posted by the applicant if the permit is approved.

No permit will be issued until the application is approved by the Board of Supervisors at a scheduled public meeting and, if required, security has been posted with the Township Secretary. **The Board of Supervisors shall, by resolution, set the amount of administrative, inspection and Third Party Consultation fees, and may delegate the authority to approve permits and set security to the Secretary or other official of the Township.**

All actions taken under the 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 weight 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 shall, upon conviction by a Magisterial District Justice, pay a fine consistent with the applicable section of the Pennsylvania Motor Vehicle Code in effect at the time of the violation.

The current applicable section of the Code, 4902(g) states:

(g) PENALTY-

(1) Any person operating a vehicle or combination upon a highway or bridge in violation of a prohibition or restriction imposed under subsection (g) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$75 for each offense, 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 plus \$150 for each 500 pounds, or part thereof, in excess of 3,000 pounds over the maximum allowable weight for each offense.

(2) Any person operating a vehicle or combination in violation of a prohibition or restriction imposed under subsection (b) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than \$25 and not more than \$100 for each offense.

SECTION 9. SEVERABILITY

The provisions of the Ordinance are severable. If any sentence, clause, or section of the 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 Ridgebury Township that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, or section not been included herein.

SECTION 10. REPEALER

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

SECTION 11. EFFECTIVE DATE

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

ENACTED AND ORDAINED this _____ day of _____ 2010, by the Board of Supervisors of Ridgebury Township, Bradford County, Pennsylvania.

BOARD OF SUPERVISORS OF
RIDGEBURY TOWNSHIP

BY: _____

Adopted this _____ day of _____ 2010.

Ridgebury Township Supervisors: _____

ATTEST: _____

