

ORDINANCE 120-A

AN AMENDMENT TO ORDINANCE 120 AND 55 OF THE TOWNSHIP OF WASHINGTON IMPOSING RESTRICTIONS WITH RESPECT TO HIGHWAYS AND BRIDGES UNDER THE JURISDICTION OF THE TOWNSHIP OF WASHINGTON; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; AND PROVIDING FOR THE AUTHORITY TO ISSUE PERMITS PERMITTING MOVEMENT OF VEHICLES OF SIZE AND WEIGHT IN EXCESS OF THE RESTRICTIONS IN ACCORDANCE WITH THE CONDITIONS AND/OR SECURITY AS THE TOWNSHIP DEEMS NECESSARY TO COVER THE COST OF REPAIRS AND RESTORATION NECESSITATED BY THE PERMITTED MOVEMENT OF SUCH VEHICLES; REPEALING ORDINANCES 17 and 78 OF THE TOWNSHIP OF WASHINGTON.

WHEREAS, the operation of vehicles in excess of a particular weight or size may damage and/or destroy highways and/or bridges under the jurisdiction of the Township of Washington; and

WHEREAS, the operation of vehicles in excess of a particular weight or size upon the highways and/or bridges of the Township may create a hazardous traffic condition or other safety concern; and

WHEREAS, the Pennsylvania Motor Vehicle Code, 75 Pa. C.S.A. §6109 authorizes local municipalities by Ordinance, to prohibit or restrict the use of highways at places or by particular classes of vehicles whenever the highway or portion of the highway may be seriously damaged by the use or the movement of the vehicles that would constitute a safety hazard; and

WHEREAS, the Second Class Township Code, specifically 53 Pa. SA §66506, allows the Board of Supervisors to adopt Ordinances necessary for the maintenance of the peace, health and welfare of the Township and its citizens; and

WHEREAS, the Board of Supervisors of the Township of Washington, County of Westmoreland and Commonwealth of Pennsylvania have enacted Ordinance No. 55 to regulate

hauling in excess of posted weight limit and providing provisions for the issuance of permits;
and

WHEREAS, the Board of Supervisors of the Township of Washington, County of Westmoreland and Commonwealth of Pennsylvania passed Ordinance 120 to designate the specific restricted highways and bridges under the jurisdiction of the Township of Washington and providing, inter alia, for procedures for the issuance of permits; and

WHEREAS, the Board of Supervisors of the Township of Washington, County of Westmoreland and Commonwealth of Pennsylvania deems it in the best interest and welfare of the citizens of Washington Township to amend the rules and regulations regarding the issuance of permits for the operation of oversized and overweight vehicles on the highways and bridges under the jurisdiction of the Township of Washington.

NOW, THEREFORE, be it resolved and ordained by the authority of the Board of Supervisors of the Township of Washington, County of Westmoreland and Commonwealth of Pennsylvania as follows:

SECTION 1:

SECTION 3 PERMITS of Ordinance 120 shall be amended to read as follows: The Chief of Police shall have the authority to issue permits for movement of vehicles in excess of the weight restrictions set forth under SECTION 1 with respect to highways and bridges under the jurisdiction of the Township of Washington, and the Chief of Police shall have the authority to issue permits for the operation of trucks upon Kiski Park Drive and may require such undertaking or the posting of such security as necessary to cover the cost of maintenance, repairs and restoration necessitated by the permitted movement of such vehicles in addition to the

administrative, engineering and solicitor costs incurred by the Township in determining the propriety in issuing such permits in accordance with the procedures as set forth in Ordinance 55.

SECTION 2:

Any permit issued by the Chief of Police in accordance with the provisions of Ordinance 55 is revocable by the Chief of Police upon five (5) days written notice to the permittee.

SECTION 3:

Ordinance 55 of the Township of Washington SECTION 4(d)(1)(iii) shall be amended to read as follows:

Schedule of bonding amounts. The Township will from time to time, but not more often than annually, publish a revised schedule of bonding amounts based on increased or decreased maintenance, repair and restoration costs.

SECTION 4:

Ordinance 55 of the Township of Washington SECTION 4(d)(3) is amended to read as follows:

Additional security. When the amount of damage in excess of normal maintenance to a posted highway is estimated by the Township to constitute seventy-five percent (75%) or more of the amount of the security, the Township may do one or more or any combination of the following:

- (i) Revoke the permit issued to the permittee;
- (ii) Require additional security as the Township shall determine without regard to the limits as set forth for Type 1, 2 and 3 permits;

- (iii) Require that the permittee maintain or reconstruct the posted highway within thirty (30) days.

In addition, the Township may require the permittee, prior to the issuance of the permit, to post security equal to the total cost of repair and restoration if the Township reasonably believes that the activities to be conducted on the highway by the permittee will cause excessive and significant damage to the highway.

SECTION 5:

Ordinance No. 120 is hereby amended to add the following additional Section:

SECTION 9: MODIFICATIONS AND ADDITIONS.

(A) The Township of Washington reserves the right to add to, delete and/or modify the list of restricted highways and bridges as set forth in Section 1 and/or change the weight restriction on any restricted highway and/or bridge, without the necessity of enacting a new Ordinance or amending any existing Ordinance(s), provided that the necessary engineering and/or traffic study is conducted and filed with the Township Secretary.

(B) The Township of Washington reserves the right, without enacting a new Ordinance or amending any existing Ordinance(s) to designate additional highways and/or bridges, or sections thereof, throughout the Township that would be subject to further restrictions regarding the size, type and/or class of vehicle utilizing same, provided that the appropriate engineering and/or traffic study is conducted and filed with the Township Secretary.

SECTION 6:

Ordinances 17 and 78 of the Township of Washington are hereby repealed.

SECTION 7:

In all other respects, Ordinance Nos. 55 and 120, except to the extent inconsistent herewith, are hereby ratified and confirmed.

SECTION 8:

Any reference as set forth herein, in Ordinance 55 or in Ordinance 117 regarding the authority being vested in the Chief of Police to perform and do any act may be delegated to a designee as determined by the Chief of Police, who shall have the same authority, severally, as the Chief of Police, under this Ordinance, Ordinance 55 or Ordinance 117.

SECTION 9:

This Ordinance shall take effect in five (5) days.

ORDAINED AND ENACTED INTO LAW BY THE BOARD OF SUPERVISORS OF WASHINGTON TOWNSHIP, WESTMORELAND COUNTY, PENNSYLVANIA at a duly assembled meeting held this 12th day of December, 2002.

ATTEST:

Andrew P. Sattin
Secretary

WASHINGTON TOWNSHIP

Rick [Signature]
Chairman

Joseph P. Dalecos
Vice-Chairman

John G. Swacker
Member

ORDINANCE NO. 120

**AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON
IMPOSING RESTRICTIONS WITH RESPECT TO
HIGHWAYS AND BRIDGES UNDER THE JURISDICTION OF
THE TOWNSHIP OF WASHINGTON;
PROVIDING PENALTIES FOR THE VIOLATION THEREOF;
AND PROVIDING FOR THE AUTHORITY TO ISSUE
PERMITS PERMITTING MOVEMENT OF VEHICLES
OF SIZE AND WEIGHT IN EXCESS OF THE RESTRICTIONS
IN ACCORDANCE WITH THE CONDITIONS AND/OR SECURITY
AS THE TOWNSHIP DEEMS NECESSARY TO COVER THE COSTS OF
REPAIRS AND RESTORATION NECESSITATED BY THE
PERMITTED MOVEMENT OF SUCH VEHICLES**

WHEREAS, the operation of vehicles in excess of a particular weight or size may damage and/or destroy highways and/or bridges under the jurisdiction of the Township of Washington; and

WHEREAS, the operation of vehicles in excess of a particular weight or size upon the highways and/or bridges of the Township of Washington may create a hazardous traffic condition or other safety concern; and

WHEREAS, the Pennsylvania Motor Vehicle Code, 75 Pa. C.S.A. §6109 authorizes local municipalities, by Ordinance, to prohibit or restrict the use of highways at places or by particular classes of vehicles whenever the highway or portion of the highway may be seriously damaged by the use or the movement of the vehicles would constitute a safety hazard; and

WHEREAS, the Second Class Township Code, specifically, 53 Pa.S.A. §66506, allows the Board of Supervisors to adopt Ordinances necessary for the maintenance of the peace, health and welfare of the Township and its citizens; and

WHEREAS, the Board of Supervisors of the Township of Washington, County of Westmoreland and Commonwealth of Pennsylvania deems it in the best interest and welfare of the citizens of Washington Township to regulate the size and weight of vehicles using certain highways and bridges under the jurisdiction of the Township of Washington.

NOW, THEREFORE, be it resolved and ordained by the authority of the Board of Supervisors of Washington Township, Westmoreland County and Commonwealth of Pennsylvania and it is hereby resolved and ordained by the authority of the same as follows:

SECTION 1 RESTRICTED HIGHWAYS AND BRIDGES

No person shall be permitted to operate a vehicle or combination having a gross weight in excess of 20,000 pounds upon Adams Court, Ashbaugh Road, Ashbaugh Road Culvert, Beatty Street, Beech Road, Beighley Road, Blueberry Drive, Crestwood Drive, Culp Road, Donna Drive, Dwel-Mar Drive, Echo Ridge, Edgewood Drive, Evans Road, Exton Lake Road, Fox Road, Francis Road, George Drive, Gill Road, Grange Drive, Highview Drive, Hilltop Drive, Hoover Drive, Jackson Drive, Jefferson Drive, King Arthur Drive, Kiskiminetas Drive, Larimer Trail, Lily Street, Lockwood Road, Maiolie Road, Maple Drive, Maple Hill Drive, Marco Road, Martin Drive, McQuilkin Drive, Meadow Highlands Drive, Meadowview Drive, Monroe Court, Muffley Drive, Old Mill Road, Owens Road, Orr Road, Patricia Drive, Pfeffer Road, Pfeffer Road Culvert (concrete slab), Pfeffer Road Culvert (corrugated steel pipe culvert), Pine Run

Church Road, Pine Run Church Road Culvert, Pleasant View Drive, Quarry Lane, Raintree Drive, Ridge Drive, Shady Lane, Shaner Acres Drive, Silvis Road, Skylark Drive, Stewart Drive, Stewart Drive Culvert, Thompson Road, Townsend Road, Turack Road, Turkey Ridge Road, Walker Road, Washington Road, Watson Road, Watt Road, Wilma Drive, Woodland Road, Woodland Park Drive, Yockey Road, Yockey Road Culvert, Young Drive, Zupal Road, Zupal Road Culvert.

SECTION 2 RESTRICTED TRAFFIC

No trucks, as that term is defined in the Pennsylvania Motor Vehicle Code §102, shall be operated upon Kiski Park Drive.

SECTION 3 PERMITS

The Chief of Police shall have the authority to issue permits for movement of vehicles in excess of the weight restrictions set forth under Section 1 with respect to highways and bridges under the jurisdiction of the Township of Washington and the Chief of Police shall have the authority to issue permits for the operation of trucks upon Kiski Park Drive and may require such undertaking or the posting of such security as necessary to cover the costs of repairs and restoration necessitated by the permitted movement of such vehicles in addition to the administrative and engineering costs incurred by the Township in determining the propriety in issuing such permits. Any such permits issued by the Chief of Police shall be done in accordance with the posting and bonding procedures, rules and regulations utilized by the Commonwealth of Pennsylvania, Department of Transportation regarding the issuance of like permits.

SECTION 4 POSTING AND ENFORCEMENT

a. The Chief of Police shall have the authority to erect official traffic control devices in the same manner as required by 75 Pa. C.S.A. §4902(e)

b. The Washington Township Police Department in conjunction with the Pennsylvania State Police shall have the authority to issue citations for violations of this Ordinance and to enforce the provisions hereof.

SECTION 5 VIOLATIONS, FINES AND PENALTIES

a. Any person operating a vehicle or combination upon a highway or bridge in violation of a prohibition or restriction imposed under Section 1 is guilty of a summary offense and 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 3000 pounds over the maximum allowable weight.

b. Any person operating a truck in violation of Section 2 is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than \$25.00 and not more than \$100.00.

c. All proceedings shall be processed in the manner provided for the enforcement of summary offences under the Pennsylvania Rules of Criminal Procedure.

SECTION 6 CONFORMANCE WITH OTHER LAWS

This Ordinance is not intended to be a substitute for, nor eliminate the necessity of compliance with any and all other Federal, State or Local laws, rules, ordinances and regulations which are now or which may in the future be in effect which pertain to the use and operation of

vehicles upon the highways of the Commonwealth of Pennsylvania and the Township of Washington.

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 holding shall not effect the validity of the remaining portions hereof and for this purpose the provisions of this Ordinance are hereby declared to be severable.

SECTION 8 EFFECTIVE DATE

This Ordinance shall take effect in five (5) days.

ORDAINED AND ENACTED INTO LAW BY THE BOARD OF SUPERVISORS OF WASHINGTON TOWNSHIP, WESTMORELAND COUNTY, PENNSYLVANIA at a duly assembled meeting held this 8th day of November, 2001.

ATTEST:

WASHINGTON TOWNSHIP

Audrey A. Sattus
Secretary

Joseph P. Dalcors
Chairman
Kahel [Signature]
Vice-Chairman

ABSENT
Supervisor