

ORDINANCE NO. 3 OF 2013

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

BE IT ENACTED AND ORDAINED, by the Borough of Connoquenessing, County of Butler, and Commonwealth of Pennsylvania, as follows:

SECTION 1: SHORT TITLE - This Ordinance shall be known as "Motor Vehicle Weight Limitation Ordinance of Connoquenessing Borough."

SECTION 2: ENACTMENT - This Ordinance is enacted pursuant to the authority 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. 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(f) 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 – the following shall be regarded as local traffic: emergency vehicles and school buses, defined hereinafter, motor 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, commercial establishment, 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 defined and /or governed by the "Vehicle Code," (75 Pa.C.S.A., Section 101 et seq., as amended) or 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 or defined and/or governed by the "Vehicle Code," (75 Pa.C.S.A., Section 101 et seq., as amended).

SECTION: 4 - FINDINGS OF THE BOROUGH OF CONNOQUENESSING - The Borough has determined and hereby determines based upon engineering studies conducted by Gannett Fleming, Inc., Borough Engineer, in accordance with PennDOT Publications 201 and 221 and the Pennsylvania Local Roads Program and otherwise that the following roads may be damaged or destroyed unless the permissible weight of motor vehicles is restricted to the weight limits listed.

STREET NAME	WEIGHT LIMIT (TON)
South Main Street - beginning at Harmony Street and commencing south to Borough Line	10
Constitution Avenue	10

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 Main Street and Constitution Avenue with a 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 Borough determines that any local traffic is likely to damage the road, the Borough will so notify the registrants of the motor vehicle or combination and will also notify the 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. Proof of local traffic status shall include a bill of lading, shipping order or a similar document.

SECTION: 6 PERMITS AND SECURITY - The Borough of Connoquenessing 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 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 Borough shall erect or cause to be erected and maintained restriction signs designating the restrictions at each 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

borough 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 \$75, plus \$75 for each 500 pounds, or part thereof, in excess of 3,000 pounds over the maximum allowable gross 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 Borough of Connoquenessing 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.

ENACTED AND ORDAINED into law this _____ day of _____, 2013.

ATTEST:

CONNOQUENESSING BOROUGH

Borough Secretary

BY: _____

President

Mayor