

**PORTAGE TOWNSHIP
CAMBRIA COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2013-2

AN ORDINANCE OF THE TOWNSHIP OF PORTAGE, CAMBRIA 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 heretofore adopted Ordinance No. 1999-5 on September 2, 1999, which amended the weight limits on Township Roads and Bridges originally established in Ordinance No. 1997-5 in the Township of Portage, Cambria County, Pennsylvania and prescribed penalties for violations thereof; and

WHEREAS, the Municipality heretofore adopted Ordinance No. 2011-7 on December 21, 2011, which amended Ordinance No. 1997-5, and regulated the weight limits on Township Roads and Bridges in the Township of Portage, Cambria County, Pennsylvania and prescribed penalties for violations thereof.

BE IT ORDAINED and RESOLVED, and it is hereby ordained and resolved, by the Board of Supervisors of the Township of Portage, County of Cambria and Commonwealth of Pennsylvania, as follows:

SECTION 1: SHORT TITLE — This Ordinance shall be known as "Motor Vehicle Weight Limitation Ordinance of Portage Township."

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 P&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 Portage Township herein, and the Board of Supervisors have determined that the bridges and 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 — A fire department vehicle, police vehicle, ambulance, blood delivery vehicle, Armed Forces emergency vehicle, one private vehicle of a fire or police chief assistant 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 and 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 or farm 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 PORTAGE TOWNSHIP

— The Board of Supervisors have determined and hereby determine based upon engineering studies prepared by the Consulting Engineers and otherwise that the following roads and bridges, 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:

<u>ROUTE#</u>	<u>STREET NAME</u>	<u>Weight Limit (Ton)/Distance</u>
T-352	PUMP STATION ROAD - From Caldwell Ave to Summerhill Twp line	10 TONS - .11 miles
T-353	POPISH ROAD - From SR-2006 Springhill Rd to SR-2010 Frankstown Rd	10 TONS - 1.87 miles
T-354	CALDWELL AVENUE EXTENSION - From Portage Borough to Summerhill Twp line	10 TONS - .85 miles
T-388	CEMETERY ROAD - From SR-2006 Springhill Rd to SR-2006 Springhill Rd	10 TONS - 2.9 miles
T-356	SHADY SPRINGS ROAD - From T-388 Cemetery Road To SR-2006 Springhill Rd.	10 TONS - .79 miles
T-357	EAST WESLEY AVENUE - From SR-2006 Springhill Rd. to T-358 Allen St.	10 TONS - .25 miles
T-358	ALLEN STREET - From SR-2006 Springhill Rd. to T-357 E. Wesley Ave.	10 TONS - .82 miles

T-372	GIGGUETOWN ROAD – From SR-0164 to SR-2010 Frankstown Rd	10 TONS - 1.04 miles
T-386	LAKE VIEW AVENUE – From T-354 Caldwell Ave to T-590 Sonman Ave.	10 TONS - .08 miles
T-406	JAMESTOWN ROAD - From SR-0053 to SR- 2012 Dulancey Drive	10 TONS .86 miles
T-407	SPORTSMAN ROAD - From SR-0053 to Munster Twp Line	8 TONS - 1.87 miles
T-408	PLANE ROAD - From SR-0053 to SR-0053	10 TONS - 1.07 miles
T-411	HUFFORD ROAD - From SR-0053 to T-414 Robel Road	8 TONS - .90 miles
T-412	BENSCREEK ROAD - From SR-0053 to SR-2012 Dulancey Drive	8 TONS - .28 miles
T-413	CLUB ROAD - From SR-2012 Dulancey Drive to SR-2012 Dulancey Drive	10 TONS - .46 miles
T-414	ROBEL ROAD – From SR-0164 to Summerhill Township line	10 TONS - 1.21 miles
T-415	IDA DRIVE - form SR-2012 Dulancey Drive to end of T-415 Ida Drive	8 TONS - .26 miles
T-521	STRAWBERRY ROAD - from SR-2012 Dulancey Drive to Washington Twp line	8 TONS - .65 miles
T-668	EAST KNOX AVENUE – From SR-2006 Springhill Rd. to Dead End	10 TONS - .08 miles
T-670	STORM STREET – From SR-0164 to Dead End	10 TONS - .27 miles
T-674	ALLIANCE STREET – From SR-0164 to T-670 Storm St.	10 TONS - .26 miles

T-676	LUTHER STREET – From SR-2006 Springhill Road to Dead End	10 TONS - .19 miles
T-700	ACADEMY DRIVE – From T-358 Allen St. to Dean End	10 TONS - .10 miles
No #	ZIMMERMAN LANE – From SR-0164 to Dead End	10 TONS - .30 miles
No #	COUNTRY LANE – From SR-0164 to Dead End	10 TONS - .13 miles

SECTION 6: VEHICLE WEIGHT LIMITS ESTABLISHED

1. Pursuant to the findings under Section 5, above, and by authority of Section 4902 of the Vehicle Code, as amended, and the regulations promulgated thereunder, no motor vehicle or combination shall be operated upon any of the roads listed in Section 5 with gross weight in excess of the weight limits listed for said road in Section 5.
2. Vehicles making local deliveries or pick-up (i.e. within Portage Township) exceeding the weight limits may do so, provided it is not of a continuous repetitive daily nature. Local traffic as defined herein shall be exempted from the restrictions imposed under Section 5 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 the State Police. After two (2) business days following delivery of the notice, or after five (5) days following mailing the notice, such local traffic vehicles shall not exceed the weight limits except in accordance herewith.

SECTION 7: PERMITS AND SECURITY — The Board of Supervisors of PORTAGE Township may issue permits for the movement of motor vehicles or combinations with weights in excess of the restrictions imposed under Section 5 above 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, as amended.

No person or entity shall be permitted to operate a vehicle or combination with a weight, gross weight and/or total weight, loaded, partially loaded, and/or unloaded, in excess of the weight/tons set forth herein on any Township road / route / bridge or portions thereof without first obtaining a permit from the Township. The Township imposes a \$25.00 permit fee, per road, which shall be paid by the operator prior to the issuance of any permit. The Township imposes a \$50.00 per mile, per road inspection fee which shall be paid by the operator prior to the issuance of the permit. No permit shall issue from the Township without satisfying the following conditions:

- (A) The operator must first establish that weight in excess of tons set forth herein shall not damage and/or destroy the Township road/route/bridge or portion thereof, or create a hazardous traffic condition or create an unsafe condition.

- (B) In the event the operator establishes that weight in excess of tons set forth herein shall not damage and/or destroy the Township road/route/bridge or portion thereof, or create a hazardous traffic condition or create an unsafe condition, the operator shall post a bond/security in a form acceptable to the Township in an amount in accordance with Pa. DOT regulations for the benefit of the Township.
- (C) The bond set forth in subparagraph (B) above shall be payable for the benefit of the Township and shall be paid over to the Township in an amount which shall fully and completely compensate the Township for repair and/or replacement of the roadway and bridge, including engineering costs, inspection costs, material, and labor.
- (D) In the event the Township Engineer determines that the proposed operation of the vehicle or combination may damage or destroy the Township road/route/bridge or a portion thereof, and/or create a hazardous traffic condition and/or other unsafe condition, the Township reserves the right to not issue a permit to exceed the weight restriction.
- (E) School buses and emergency vehicles are exempted from the restrictions imposed herein in accordance with the authority of 75 Pa.C.S. § 4902.

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 or bridge 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 highway or bridge in the township in violation of a prohibition or restriction imposed under this Ordinance or 75 Pa.C.S. §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.

Any person operating a vehicle or combination in violation of a prohibition or restriction imposed under 75 Pa. C.S. § 4902(b) and a correlating portion of this Ordinance, is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of One Hundred and 00/100 (\$100.00) Dollars.

The fine, penalty, or late charge set forth above, shall be in accordance with the maximum legally permissible dollar amount permitted by statutes of the Commonwealth of Pennsylvania and the case law of the Commonwealth of Pennsylvania. It is specifically provided that each separate violation of this Ordinance by a vehicle or combination shall be deemed a separate violation punishable by a separate fine, penalty, cost, or late charge.

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 PORTAGE 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.

SECTION 12: REPEALS — All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed insofar as they may be inconsistent herewith.

ORDAINED and ENACTED at a duly assembled public meeting by the Township of Portage, Cambria County, Pennsylvania on this 7th day of August, 2013.

ATTEST:

Ruby Moore
Secretary

TOWNSHIP OF PORTAGE:

BY: *Richard Choveky*
Supervisor

BY: *Donald Selig*
Supervisor

BY: *Jeffery M. Lantz*
Supervisor