

ORDINANCE NO. 56

**ELK TOWNSHIP, WARREN COUNTY, PENNSYLVANIA**

**WEIGHT LIMIT AND ROAD CLOSING ORDINANCE**

**AND NOW**, this 30<sup>th</sup> day of January, 2002, the Supervisors of Elk Township, Warren County, Pennsylvania, do hereby Enact and Ordain as follows:

**WHEREAS**, the Supervisors are by virtue of the Laws and Constitution of the Commonwealth of Pennsylvania, including the provisions of the Act of 1976, June 17, P.L. 162, No 81, Section 1, et seq. (75 Pa. C.S.A. Section 4902, et seq.), as the same may be hereinafter amended, empowered to establish limitations and restrictions as to the weight or size of vehicles operated upon Township highways and bridges; and

**WHEREAS**, the Supervisors have caused an engineering study for road weight limit posting to be performed by the Township Engineer for the purpose of determining restrictions, if any, that should be imposed upon the highways of the Township; and

**WHEREAS**, having reviewed the recommendations of the Township Engineer, the Supervisors desire to impose weight limits for the protection of facilities maintained by the Township and for the welfare of the citizens utilizing said facilities; and

**WHEREAS**, the Supervisors are authorized by the Township Code as the same may be hereinafter amended to close any Township road when it determines that conditions have rendered that road unfit or unsafe for travel and immediate repair or maintenance because of the time of year or other condition is impractical and the Supervisors desire to make provision for the closing of any Township roadway in the event of such conditions.

**NOW, THEREFORE**, the Supervisors do Enact and Ordain, and it is Enacted and Ordained for Elk Township, Warren County, Pennsylvania, as follows:

**SECTION 1:**

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:

Agricultural Vehicle - A motor vehicle going to or coming from a farm located upon or adjacent to a Township highway which motor vehicle is being used for a purpose directly related to the farming operation. As used in the preceding sentence, the term farm is intended to mean any facility used for the primary purpose for the raising of animals, crops or other agricultural products. The term "Agricultural Vehicle" is intended to be narrowly defined and shall not include any vehicle (or multiple vehicles operated by or under contract with one individual or entity) making more than one trip to a single destination in any one 24-hour period.

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 6016 of the Vehicle Code (relating to designation of emergency vehicles by Pennsylvania State Police).

Local Delivery Vehicle - Any motor vehicle which is utilized for the provision of consumer services, including utility and refuse services or repairs, to property owners located upon Township roads. The term "Local Delivery Vehicle" is not intended to mean any vehicle utilized for commercial purposes including but not necessarily limited to vehicles hauling commercial commodities such as timber or oil. The term "Local Delivery Vehicle" is intended to be narrowly defined and shall not include any vehicle (or multiple vehicles operated by or under contract with one individual or entity) making more than one trip to a single destination in any one 24-hour period.

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.

School Bus - A motor vehicle designed for carrying more than ten (10) passengers, exclusive of the driver, and used for the transportation of school children.

Supervisors - The Supervisors of Elk Township, Warren County, Pennsylvania.

Township - Elk Township, Warren County, Pennsylvania.

Township Vehicle - Any motor vehicle owned by the Township or any motor vehicle in operation pursuant to a contract with the Township.

**SECTION 2:**

In accordance with the aforementioned engineering study, the Supervisors have hereby determined that the highways under the jurisdiction of the Township may be damaged and destroyed unless the permissible weight limit of motor vehicles or combinations is limited, and accordingly, the following restrictions are hereby imposed upon the following Township highways:

<u>Township Road No.</u>	<u>Township Road Name</u>	<u>Weight Limit (Tons)</u>
T-572	Coal Bed Road	10
T-590	Robin Hill Road	10
T-592	Anderson Road	10
T-609	Peterson Road	10
T-611	Hodge Road	10
T-615	Roper Hollow Road	10
T-617	Cornplanter Road	10
T-619	Hultberg Road	10
T-621	Reynolds Road East of T-622	10
T-622	King Road	10
T-621	Reynolds Road West of T-622	5

**SECTION 3:**

The other provisions of this Ordinance notwithstanding, the restrictions imposed by Section 2 of this Ordinance shall not be applicable to Agricultural Vehicles, Emergency Vehicles, Local Delivery Vehicles, School Buses and Township Vehicles.

**SECTION 4:**

The other provisions of this Ordinance notwithstanding, the Supervisors recognize that, from time to time, it may be possible because of improved climatic or other conditions to temporarily remove the restrictions imposed by Section 2 above. Accordingly, the Supervisors may, by Resolution, temporarily suspend the restrictions imposed by Section 2 above for all or any portion of the Township highways for a fixed or unfixd period of time. During the effective period of said Resolution, the highway (or portion thereof) so affected shall be regarded as having no weight limit. Upon the cancellation of said Resolution or upon the termination of

the effective period thereof, the restrictions imposed by Section 2 above shall automatically be reinstated without the requirement of any further action by the Supervisors.

**SECTION 5:**

The Supervisors shall cause the affected highways and bridges to be posted for the applicable prohibitions and limitations, said posting to be in accordance with the requirements of the Pennsylvania Motor Vehicle Code and other applicable laws and regulations of the Commonwealth of Pennsylvania.

**SECTION 6:**

The Supervisors may issue permits for movement of vehicles in excess of the prohibitions and restrictions established hereunder. Applications for a permit shall be made in writing to the Township and shall contain such information as the Township shall require pertaining to the applicant, area of operations and highways to be traveled, and;

a. Upon specific request by the Township, the application shall also include a copy of all valid local, state or federal permits, contracts and agreements which are required to be obtained by the operator or owner of the motor vehicle.

b. Shall be accompanied by a signed "Excess Maintenance Agreement" which, inter alia, obligates the permittee to make repairs of damages caused to the highways by the permittee's activities.

c. Submit such bond or other collateral acceptable to and in the favor of the Township as the Township may require to ensure faithful compliance with the provisions of this Ordinance.

The types of permits issued by the Township are as follows:

A Type 1 permit authorizes use of a particular posted highway or portion thereof by an over-posted weight vehicle. A Type 1 permit is valid only for the vehicle for which it is issued.

A Type 2 permit authorizes use of a particular posted highway or portion thereof by any number of over-posted weight vehicles being driven to or from a common destination. A Type 2 permit will be issued only upon the request of the permittee, and if the Township determines that it is not feasible to issue a Type 1 permit for each vehicle. For example, a Type 1 permit may not be appropriate when numerous over-posted weight vehicles must haul to and from the place of business of the applicant.

The requirements of this Section 6 shall be deemed to run in the favor of the Township, and the failure of the Township to insist upon compliance with each of the requirements set forth herein shall not render this Ordinance moot or otherwise preclude the Township from seeking enforcement of the various provisions of this Ordinance.

**SECTION 7:**

Applicants applying for a Type 1 permit shall pay an application fee of FIFTY DOLLARS (\$50.00) for the above referenced permit. In the event that a single applicant shall, at one time, make application for more than one Type 1 permit, the fee for the second any succeeding applications submitted that date shall be FIVE DOLLARS (\$5.00) each. The application fees described in this Section 7 may be raised or lowered by subsequent Resolution of the Township.

The Type 1 permit issued pursuant to this Ordinance is valid only for the vehicle described in that Type 1 permit, and the Type 1 permit so issued shall be carried in said motor vehicle at all times during which it shall be operated within the jurisdiction of the Township.

**SECTION 8.**

Applicants applying for a Type 2 permit shall pay an application fee of TWO HUNDRED FIFTY DOLLARS (\$250.00). The Type 2 permit will be valid only for the areas of operation designated thereon. The permittee under a Type 2 permit shall be authorized to make photocopies of said permit for distribution to vehicles operating under said permit. The permittee under a Type 2 permit shall notify the Township of the names of all companies or individuals to whom the permittee has issued a photocopy of the Type 2 permit and authorized use of the Type 2 permit; the permittee shall also notify the Township of the number of such photocopies issued and any change thereto. AN OVER-POSTED WEIGHT VEHICLE SHALL ONLY BE AUTHORIZED TO OPERATE UNDER A TYPE 2 PERMIT IF THE TYPE 2 PERMIT IS CARRIED IN SAID MOTOR VEHICLE AT ALL TIMES DURING WHICH IT SHALL BE OPERATED WITHIN THE JURISDICTION OF THE TOWNSHIP AND IF THE OWNER OR OPERATOR OF SAID OVER-POSTED WEIGHT VEHICLE IS SHOWN AS AN

AUTHORIZED COMPANY OR INDIVIDUAL ON THE LIST PROVIDED BY THE PERMITEE TO THE TOWNSHIP.

The application fee described in this Section 8 may be raised or lowered by subsequent Resolution of the Township.

**SECTION 9:**

Any person, firm or corporation operating a vehicle or combination of vehicles upon a Township highway or bridge in violation of a prohibition or restriction imposed under this Ordinance or subsequently adopted resolution shall, upon conviction of summary proceedings, be sentenced to pay a fine of SEVENTY-FIVE DOLLARS (\$75.00) for each violation, plus ONE HUNDRED FIFTY DOLLARS (\$150.00) for each 500 pounds or a part thereof in excess of 3,000 pounds over the maximum allowable weight. In default of payment of the fine, said persons shall be sentenced to ten (10) days in jail.

**SECTION 10:**

In addition to the other provisions of this Ordinance, the Supervisors of the Township may temporarily close any Township road or portion thereof upon the adoption of a Resolution determining that conditions have rendered that road or portions thereof unfit or unsafe for travel. Upon the adoption of any such Resolution, the Supervisors shall cause said road to be properly marked at its extremities. The Supervisors may issue permits for movement of vehicles upon the closed road or a portion thereof. The Township shall issue only Type 1 permits and the applications shall be made in accordance with Sections 6 and 7 of this Ordinance. Any person, firm or corporation operating a vehicle or combination of vehicles upon a Township road which has been closed in accordance with the provisions of this Section shall, upon being found liable therefor in a civil enforcement proceeding, pay a fine of not more than SIX HUNDRED DOLLARS (\$600.00) and not less than THREE HUNDRED DOLLARS (\$300.00) per violation, plus all court costs, including reasonable attorney's fees incurred by the Township. Each separate event of operation upon a closed highway shall be regarded as a separate violation.

**SECTION 11:**

All previous ordinances (including Ordinance 46) and resolutions of Elk Township inconsistent with this Ordinance and any amendments thereto are hereby rendered void.

**SECTION 12:**

Should any section or portion of this Ordinance be found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the remaining portions of this Ordinance which shall remain in full force and effect.

**SECTION 13:**

This Ordinance shall become effective five (5) days after the date of its adoption.

IN WITNESS WHEREOF, the Supervisors of Elk Township have Adopted and Enacted this Ordinance the day and year first above written.

**ELK TOWNSHIP SUPERVISORS**

ATTEST: (SEAL)

  
*Phyllis O'Kull*  
SECRETARY

*January 30, 2002*

*Kelly P. Ferris*  
*Garret Anderson*  
*Robert A. Owen*