

ORDINANCE NO. 76

AN ORDINANCE OF THE TOWNSHIP OF SOUTH HUNTINGDON, WESTMORELAND COUNTY, PENNSYLVANIA, SETTING RESTRICTIONS ON SIZE, WEIGHT AND TYPE OF VEHICLE AND LOAD ON CERTAIN STREETS AND BRIDGES AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Board of Supervisors of the Township of South Huntingdon, Westmoreland County, Pennsylvania as follows:

SECTION I. VEHICLE WEIGHT LIMITS ESTABLISHED ON CERTAIN STREETS AND BRIDGES:

1. On the following bridges and streets, or parts of streets, by authority granted by Section 4902(a) of the Vehicle Code, it shall be unlawful for any person or persons to drive any vehicle or combination having a gross weight in excess of the maximum prescribed below for that bridge or street or part of street, as the case may be:

<u>Street or Bridge</u>	<u>Between</u>	<u>Maximum Gross Weight</u>
Apples Mill Road Twp. Rd. No. 427	From S.R. 3043 to Sewickley Township Line	10 Tons
Boy Scout Camp Road Twp. Rd. No. 676	From S.R. 0981 to Cul de Sac	10 Tons
State Hill Road Twp. Rd. No. 377	From S.R. 0981 to T504 (North Mt. Etna Rd.)	10 Tons
North Mt. Etna Road Twp. Rd. No. 504	From T377 (State Road Hill) to T317 (Mt. Etna Road)	10 Tons
Mt. Etna Road Twp. Rd. No. 317	From T504 (North Mt. Etna Rd.) to T313	10 Tons
Mt. Etna Road Twp. Rd. No. 317	From T313 to T393	10 Tons
Mt. Etna Horne Road Twp. Rd. No. 393	From T317 to S.R. 3035	10 Tons
Mt. Etna Horne Road Twp. Rd. No. 393	From S.R. 3093 to S.R. 3033	10 Tons
Hoffman Road Twp. Rd. No. 364	From S.R. 3033 to end of paved surface	10 Tons
Eureka Hill Road Twp. Rd. No. 374	From Smithton Borough to T364 (Hoffman Road)	10 Tons
Tietze Road Twp. Rd. No. 388	From S.R. 0981 to T361	10 Tons
Williams Road Twp. Rd. No. 390	From T361 to S.R. 3035	10 Tons
Williams Road Twp. Rd. No. 390	From T361 to T318	10 Tons
Smithton Pike Twp. Rd. No. 318	From T390 to S.R. 3031	10 Tons
Smithton Pike Twp. Rd. No. 318	From T390 to S.R. 0031	10 Tons
Sportsman Road Twp. Rd. No. 384	From S.R. 3042 to S.R. 0136	10 Tons
Kosor Road Twp. Rd. No. 677	From S.R. 0031 to dead end	10 Tons
Strikertown Road Twp. Rd. No. 404	From S.R. 0031 to S.R. 3061	10 Tons

Markeys Road Twp. Rd. No. 404	From S.R. 3010 to T413	10 Tons
David Shotts Road Twp. Rd. No. 413	From T404 to Cul de Sac	10 Tons
Reduction Road Twp. Rd. No. 439	From SR 3031 to T413	10 Tons
Painter Road Twp. Rd. No. 378	From S.R. 3031 to T447	10 Tons
Sherbondy Road Twp. Rd. No. 447	From T378 to S.R. 3059	10 Tons
Kildigin Road Twp. Rd. No. 523	From S.R. 0031 to end of paved area	10 Tons
Mendon Road Twp. Rd. No. 518	From S.R. 0031 to T366	10 Tons
Nichols Road Twp. Rd. No. 366	From T518 to dead end	10 Tons
Albright Road Twp. Rd. No. 366	From T518 to S.R. 3035	10 Tons
McCune Road Twp. Rd. No. 363	From S.R. 3035 to T382	10 Tons
McCune Road Twp. Rd. No.	From T382 to T365	10 Tons
Weaver Road Twp. Rd. No. 365	From S.R. 3037 to T381	10 Tons
Manns Road Twp. Rd. No. 362	From S.R. 3037 to S.R. 0981	10 Tons
Hodges Road Twp. Rd. No. 510	From S.R. 3037 to East Huntingdon Township Line	10 Tons
Oden Road Twp. Rd. No. 661	From S.R. 0031 to T387	10 Tons
Malone Road Twp. Rd. No. 459	From S.R. 0031 to S.R. 3037	10 Tons
Gressly Road Twp. Rd. No. 455	From S.R. 3037 to S.R. 3010	10 Tons
Stillwagon Road Twp. Rd. No. 526	From S.R. 3010 to S.R. 0031	10 Tons
Shortcut Road Twp. Rd. No. 660	From T387 to S.R. 3037	10 Tons

2. Definitions. The following words and terms, when used in this Section, shall have the following meanings unless the context clearly indicates otherwise:

**EXCESS MAINTENANCE** - maintenance or restoration or both of a posted highway in excess of normal maintenance, caused by use of over posted weight vehicles.

**HIGHWAY** - the cartway, berm, drainage facilities and right-of-way of any public street, avenue, road or alley, together with bridges or other drainage structures of the same within the Township of South Huntingdon.

**LOCAL TRAFFIC** - the following shall be regarded as local traffic for the purpose of subsection (3), of this Section:

A. Emergency Vehicles.

B. School Buses.

C. Vehicles and combinations of governmental agencies and utilities or



their contractors engaged in construction or maintenance on a posted highway or in a location which can be reached only via a posted highway.

- D. 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.

**NORMAL MAINTENANCE** - the usual and typical activities necessary to maintain the roadway, shoulders and drainage facilities in the state of repair existing at the date of the inspection prescribed in subsection (4) of this Section.

**OVER POSTED WEIGHT VEHICLE** - a vehicle or combination having a gross weight in excess of a posted weight limit.

**PERSON** - any natural person, partnership, association, firm, corporation or other legal entity.

**POSTED BRIDGE** - a bridge having a posted weight limit. However, if a bridge is part of a street, road or portion thereof which is designated as having a posted weight limit, then such weight limit shall likewise apply to said bridge.

**POSTED HIGHWAY** - a highway having a posted weight limit.

**POSTED WEIGHT LIMIT** - a restricted weight limit posted on a highway under authority of §4902 of the Vehicle Code (75 Pa.C.S. §4902).

**POSTING AUTHORITY** - the Township of South Huntingdon.

3. Local Traffic.

- A. Over posted weight local traffic may exceed posted weight limits if the posting authority determines that an over posted weight vehicle or vehicles being driven to or from a particular destination or destinations will not likely cause damage to the highways.
- B. If the posting authority determines that one or more over posted weight vehicles which are also considered as local traffic vehicles are likely to damage the posted highway and/or posted bridge, the posting authority will so notify the registrants of the over posted weight vehicle or other owners of the destination or destinations or both of such over posted weight vehicles and shall 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 by regular mail, such over posted weight vehicles shall not exceed the posted weight limits, except in accordance with provisions of subsection (4), of this Section.
- C. With the exception of emergency vehicles and school buses, which shall require no further documentation, the following types of documents shall constitute evidence that a vehicle is engaged in local traffic:
- (1) A bill of lading, shipping order or similar document which shows a destination on the posted highway.
  - (2) Certification, in writing, by the operator, owner or property official of any entity engaged in such trafficking, which describes and affirms the local traffic nature of the activity in which the vehicle is engaged and which is dated on or prior to the date of the over posted weight activity.

4. Permit. No over posted weight vehicle, except local traffic authorized under subsection (3), of this Section, shall be driven, operated, parked, located or situated on a posted highway unless the posting authority has issued a permit for the vehicle or vehicles in accordance with this Section. The application for any permit shall be made in writing to the Township Secretary on a form prescribed by the Township, and the person submitting such application shall specifically describe the vehicle or vehicles and the load to be driven, operated or transported, together with the particular highway for which a permit to operate is requested and whether such permit is requested for a single trip or for more than a single trip. Each permit issued under this Section shall be issued for a period of sixty (60) days unless otherwise provided at the time of issuance



of the permit, and said permit shall be valid only so long as the permittee complies with all of the terms and conditions of this Section and of the permit. In the event of a violation of the permit or terms and conditions of this Section, said permit shall be, by said action, revoked and said person shall not be permitted to continue any activities on a posted highway without first having obtained a new permit.

A. Types of Permits. Permits to be issued under this Section shall include the following:

- (1) A Type 1 permit may be issued for a single over posted weight vehicle on a single posted highway or portion thereof. Said permit must be carried and shall be valid only when located in the over posted weight vehicle.
- (2) A Type 2 permit may be issued for a number of over posted weight vehicles being driven, operated, parked, maintained or located on a particular posted highway or portion thereof if said vehicles all operate between a common destination. A Type 2 permit shall be issued only upon request of an applicant and after the posting authority determines that it is not feasible to issue a Type 1 permit for each vehicle involved in the prohibited activity.
- (3) A Type 3 permit shall be issued to permit an over posted weight vehicle to operate on more than one posted highway or portion thereof within the Township. Said Type 3 permit shall be carried and shall only be valid if located within the over posted weight vehicle. A Type 3 permit shall be issued only if the posting authority determines the damage to the posted highway covered by the permit will be minimum because of the limited number of moves by the over posted weight vehicle and short term use of the highways anticipated by the permittee.

B. Excess Maintenance Agreement. The issuance of a permit to exceed a posted weight limit or limits shall be conditioned upon the prior execution of a written agreement between the Township and the permittee, whereby the permittee shall accept responsibility, both financial and otherwise, for excess maintenance of the posted highway or portion thereof to be used by the permittee.

C. Security. Except as provided in subsection (4) of this subsection (C), the permittee shall be required to provide security in favor of the posting authority to assure compliance with the excess maintenance agreement.

(1) Amount of Security. Amount of security shall be as follows:

(a) Type 1 and Type 2 Permits. Type 1 and Type 2 shall include:

- (i) Six Thousand dollars per linear mile for unpaved highways to be maintained at a level consistent with the type of highway.
- (ii) Twelve Thousand Five Hundred dollars per linear mile for paved highways to be maintained at a level consistent with the type of highway.
- (iii) Fifty Thousand dollars per linear mile for any highway which the posting authority allows to be maintained below a level consistent with the type of highway.

(b) Type 3 Permits. Ten Thousand dollars.

(c) The above bonding requirements shall be in the amount as determined from time to time by the Pennsylvania Department of Transportation and as the same is published in a revised schedule of bonding amounts issued by said Department. The Township hereby incorporates herein, by reference thereto, said schedules of amounts as from time to time determined by the Pennsylvania Department of Transportation.

(2) Form of Security. The security may be in the form of a performance bond with surety by a company authorized to do business in the Commonwealth; or, at the option of the permittee, in the form of a certified or cashier's check, bank account, or irrevocable letter of credit in favor of



the posting authority; or in some other form of security acceptable to the posting authority.

- (3) **Additional Security.** When the amount of damage in excess of normal maintenance to a posted highway is estimated by the posting authority to constitute seventy-five (75%) percent or more of the amount of the security, the posting authority may require the highway to be maintained or reconstructed within thirty (30) days, unless the permittee agrees to provide such additional security as the posting authority shall determine.
- (4) **Self-Bonding.** the posting authority may authorize self-bonding, if it determines, on the basis of the financial ability of the permittee, that it is unlikely that the posting authority will be unable to collect a judgement rendered against the permittee for failure to comply with the maintenance agreement.
  - (a) The posting authority shall require corporate officers, stockholders and their spouses to execute a self-bond if the posting authority, in its sole judgement, determines the financial ability of the permittee corporation is insufficient in itself to justify self-bonding.
  - (b) The posting authority shall require the permittee to execute liens on real or personal property or both as a condition for authorizing self-bonding.
  - (c) The posting authority reserves the right to change, alter, increase or decrease the above self-bonding requirements as it deems in the best interest of the Township.

D. Multiple Permittees. Multiple permittees shall conform with the following:

- (1) **Agreement to Share Excess Maintenance Responsibility.** If two or more persons wish to obtain Type 1 or Type 2 permits to operate over posted weight vehicles on the same posted highway or portion thereof, they may agree among themselves as to their relative responsibility for the cost of excess maintenance; and the posting authority will enter into agreements and accept security on the basis of the agreed shares.
- (2) **Determination by Posting Authority.** If multiple applicants for Type 1 or Type 2 permits cannot agree on their relative responsibility, the posting authority will determine their relative shares, and will enter into agreement with and accept security from any person agreeing to such determination.
- (3) **Subsequent Permit Applicants.** Subsections (1) and (2) of this subsection shall apply even if one or more persons have already entered into a Type 1 or Type 2 permit agreement and posted security when another person expresses the desire to obtain a Type 1 or Type 2 permit to operate over posted weight vehicles on the same posted highway.

E. Determination of Highway Condition. Determination of highway condition shall consist of the following:

- (1) **Inspection.** Representatives of the posting authority and of the permittee or permittees will make an onsite inspection of the posted highway immediately before issuance of each permit in order to determine its condition.
- (2) **Reinspection.** The posted highway will be reinspected:
  - (a) Upon issuance of any new permit.
  - (b) From time to time as the posting authority determines repairs may be required.
  - (c) Upon termination of any permit, in order to determine the amount of damage for which the permittee or permittees are responsible.
- (3) **Type 3 Permits.** Before and after using a Type 3 permit on any posted highway specified in the permit, the representatives of the permittee and the posting authority will make an onsite inspection to determine the relative condition of the highway before and after the use and to assess any excess maintenance caused by the permittee.



(4) Notification of Inspections and Reinspections. All Type 1 and Type 2 permittees on a posted highway or portion thereof will be notified of all inspections and reinspections on the highway or portion and may participate in the inspections and reinspections.

(5) Inspection Costs. The inspection costs of the posting authority shall be paid by the permittee or permittees. The estimated costs of such inspections shall be paid in advance at the time of issuance of a permit.

F. Administrative Fee. The posting authority will charge an administrative fee, in an amount to be established by resolution of the Board of Supervisors of the Township of South Huntingdon, for issuance of each permit, in addition to the inspection and security set forth above.

G. Penalties. Any person operating a vehicle or combination upon a highway or bridge with a gross weight in excess of the posted weight shall, upon conviction thereof, be sentenced to pay a fine of One Hundred Fifty dollars plus One Hundred Fifty dollars for each five hundred (500) pounds, or part thereof, in excess of three thousand (3000) pounds over the maximum allowable weight plus costs, and in default of payment of said fine and costs, to imprisonment for a term not to exceed thirty (30) days.

H. Liability. Any person operating any vehicle, object or contrivance upon any highway of the Township of South Huntingdon shall be liable for all damages which said vehicle, object or contrivance causes to said highway as a result of the driving, operation, location, parking or maintenance of such vehicle, object to contrivance upon said highway in excess of the maximum weight provided by this Section or by law, even though the same may be authorized by a permit issued under this section.

SECTION II. RESTRICTIONS ON SIZE OF VEHICLES ON CERTAIN STREETS AND BRIDGES.

1. On the following bridges and streets or parts of streets, by authority granted by Section 4902(a) of the Vehicle Code, it shall be unlawful for any person to drive any vehicle or combination in violation of the size restriction prescribed below for that bridge or street or part of street:

<u>Street or Bridge</u>	<u>Between</u>	<u>Restrictions</u>
-------------------------	----------------	---------------------

(Reserved)

2. Any person who violates any provision of this Section shall be prosecuted under Section 4902(a) and Section 4902(g-1) of the vehicle Code, and, upon conviction, shall be sentenced to pay a fine of Seventy-Five dollars and costs.

SECTION III. RESTRICTIONS AS TO WEIGHT AND SIZE OF VEHICLES ON CERTAIN STREETS AND BRIDGES.

By reason of hazardous traffic conditions and other safety factors, by authority granted by Section 4092(b) of the vehicle Code, it shall be unlawful for any person to drive any vehicle or combination in violation of the restriction prescribed below for that bridge or street:

<u>Street or Bridge</u>	<u>Between</u>	<u>Restrictions</u>
-------------------------	----------------	---------------------

(Reserved)

2. Any person who violates any provision of this Section shall be prosecuted under Section 4902(a) and Section 4902(g-1) of the Vehicle Code and, upon conviction, shall be sentenced to pay a fine of not less than Twenty-Five dollars and costs.

SECTION IV: TRUCK TRAFFIC RESTRICTED ON CERTAIN STREETS.

1. It shall be unlawful for any person to drive a vehicle other than a passenger car on any of the following streets or parts of streets:

Street

Between

(Reserved)

Provided: Nothing in this Section shall prohibit any person from driving an emergency vehicle on any of those streets or parts of streets, or from driving on any of those streets or parts of streets a truck or other commercial vehicle making local deliveries to or pickup from premises located along that street or part of street.

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of Twenty-Five dollars and costs.

SECTION V:

The provisions of this Ordinance shall be severable and, if any of the provisions hereof shall be invalid or unenforceable, the remaining provisions of this Ordinance shall remain in effect.

SECTION VI:

All Ordinances or parts of Ordinances conflicting with any of the provisions of this Ordinance are hereby repealed, insofar as the same affects this Ordinance.

ENACTED this 8th day of October, 1998.

TOWNSHIP OF SOUTH HUNTINGDON

By: Scott Painter  
Chairman

ATTEST: Cindy Thorne  
Secretary