

**BRADY'S BEND TOWNSHIP
ARMSTRONG COUNTY, PENNSYLVANIA**

ORDINANCE NO. _____ - 2010

AN ORDINANCE OF THE TOWNSHIP OF BRADY'S BEND, ARMSTRONG COUNTY, PENNSYLVANIA, IMPOSING RESTRICTIONS AS TO THE WEIGHT OF VEHICLES OPERATED UPON CERTAIN TOWNSHIP RAODS; PROVING FOR THE ISSUANCE OF PERMITS FOR MOVEMENT OF VEHICLES OF WEIGHTS IN EXCESS OF RESTRICTIONS AND PRESCRIBING PENALTIES FOR VIOLATIONS.

WHEREAS, upon the review of the inspection and report of Keller Engineering, Inc., dated Nov. 2009, Project Number 2855-1, the Supervisors of Brady's Bend Township have determined that it is in the best interest of the residents of the Township to impose vehicle weight restrictions upon vehicular traffic on certain township roads.

NOW THEREFORE, be it enacted, ordained and resolved and it is hereby enacted, ordained and resolved by the Board of Supervisors of the Township of Brady's Bend of Armstrong County and the Commonwealth of Pennsylvania, as follows:

Section 1. Short Title. This Ordinance shall be known as "Motor Vehicle Weight Limitation Ordinance of 2010."

Section 2. Statutory Authority. This Ordinance is enacted pursuant to the authority conferred by the Vehicle Code, Act of 1976, June 17, P.L. No. 81, Section 1, effective July 1, 1977 (thereafter codified at 75 Pa.C.S. § 101 et seq.), as amended, and is intended to include and be subject to all provisions of Section 4902 of the abovesaid Vehicle Code and all Pennsylvania Department of Transportation regulations promulgated or to be promulgated under abovesaid Vehicle Code, by way of illustration and no limitation, under Sections 4902(1) 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. § 101 et seq., as amended.

Local Traffic – Emergency vehicles and school buses, defined hereafter 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 only be reached via a posted highway, and vehicles and combinations going to or coming from a residence or farm located on a posted highway or which can be reached only via 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 designated by the State Police under Section 6106 of the Vehicle Code (relating to designation of emergency vehicles of the Pennsylvania State Police).

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

Section 4. Findings of the Supervisors. The Board of Supervisors Has determined and hereby determines based upon the above referenced engineering studies conducted by Keller Engineers, Inc., 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 as follows:

See Exhibit "A" attached hereto and incorporated herein by reference.

Section 5. Vehicle Weight Limits Established.

(a) Pursuant to the findings set forth in Section herein, and by authority of Section 4902 of the Vehicle Code and regulations promulgated thereunder, no motor vehicle or combination shall be operated upon any of the roads listed in Section 4, Exhibit "A", with gross weight in excess of the weight limits listed for said road in said Section 4, Exhibit "A."

(b) Local traffic as defined herein shall be exempted from the restrictions imposed under Section 5(a) 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 the 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.

Section 6. Permits and Security. The Board of Supervisors of Brady's Bend Township may issue permits for the movement of motor vehicles or combinations with weights in excess of the restrictions imposed under Section 4, Exhibit "A", herein 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 Township shall erect or cause to be erected and maintained restriction signs designating the restrictions at the end or the portion of the 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 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 8. Penalties for Violation. Any person operating a motor vehicle 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 \$75.00. Provided however, that any person convicted of operating a vehicle with a gross weight greater than three thousand (3,000) pounds above the maximum posted weight limit shall, upon conviction, be sentenced to pay a base fine of \$150.00 plus an additional \$150.00 for each five hundred (500) pounds, or part thereof in excess of three thousand (3,000) pounds over the maximum allowable weight.

Section 9. 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 would have been adopted had such unconstitutional, illegal, or invalid sentence, clause or section not been included herein.

Section 10. Effective Date. 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 are inconsistent herewith.

ENACTED AND ORDAINED into law this _____ day of _____, 2010.

ATTEST:

BOARD OF SUPERVISORS
BRADY'S BEND TOWNSHIP
ARMSTRONG COUNTY, PENNSYLVANIA

Sheila Markel, Secretary

James Curran, Chairman

Ron Ford, Supervisor

Jeff Yough, Supervisor

**BRADY'S BEND TOWNSHIP
ARMSTRONG COUNTY, PENNSYLVANIA**

ORDINANCE NO. _____ - 2010

EXHIBIT "A"

WEIGHT LIMITS FOR THE ROADS OF BRADY'S BEND TOWNSHIP

ROAD NUMBER	ROAD NAME	WEIGHT LIMIT
T-324	Rohrbach Road	10 ton
T-328	Jones Road	10 ton
T-329	Pine Run-Bartkovich Road	10 ton
T-332	Bishop Road	10 ton
T-338	Poncic Road	10 ton
T-394	Keener Road	10 ton
T-396	River Road	10 ton
T-418	Gameland Road	10 ton
T-427	Cemetery Road (East)	10 ton
T-427	Cemetery Road (West)	10 ton
T-625	Snow Hill Road	10 ton
T-647	Butternut Road	10 ton
T-649	Holder Hill Road	10 ton
T-650	Mary George Road	10 ton
T-671	Main Hill Road	10 ton
T-672	High Street	10 ton
T-673	Philips Street	10 ton
T-727	Rottman Road	10 ton
T-781	Foringer Road	10 ton
T-810	Hiles Road	10 ton
T-841	Cove Run Road	10 ton
T-850	Roseville Road	10 ton
T-851	Seybertown Road	10 ton
T-880	Iron Furnace Road	10 ton
T-881	Foust Road	10 ton
T-882	Water Plant Road	10 ton
T-920	Kaylor-Frogstown Road	10 ton
T-921	Kaylor-Petrolia Road	10 ton
T-922	Paraski Road	10 ton