

**SCHUYLKILL TOWNSHIP
SCHUYLKILL COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2023- 1

**AN ORDINANCE OF THE TOWNSHIP OF SCHUYLKILL, COUNTY OF
SCHUYLKILL, COMMONWEALTH OF PENNSYLVANIA IMPOSING
RESTRICTIONS AS TO THE WEIGHT OF VEHICLES OPERATED UPON THE
ENTIRE LENGTH OF SANDERSON STREET (T-506) BETWEEN THE
INTERSECTION WITH STATE ROUTE 1013(CATAWISSA STREET) AND ENDING
AT THE INTERSECTION WITH WATER STREET (T-528) AT 13 TONS; PROVIDING
FOR THE ISSUANCE OF PERMITS AND THE POSTING OF SECURITY FOR THE
MOVEMENT OF VEHICLES OF A WEIGHT IN EXCESS OF RESTRICTIONS; AND
PRESCRIBING PENALTIES FOR VIOLATIONS.**

WHEREAS, the Board of Supervisors have determined that certain Township Roads may be seriously damaged or destroyed unless vehicles of excessive weight are prohibited including the Township Road known as Sanderson Street and numerically designated as T-506; and

WHEREAS, The Pennsylvania Motor Vehicle Code, 75 Pa. C.S.A Section 4902(a) provides that local authorities may prohibit the operation of vehicles and may impose restrictions as to the weight or size of vehicles operating upon Township Roads; and

WHEREAS, the Township engineers, Alfred Benesch & Company, have conducted and completed a Road Posting Engineering Study for Sanderson Street, which was evaluated over its entire length starting at the intersection with State Route 1013 known as Catawissa Street and ending at the intersection with Water Street (T-528): Said study being dated for July of 2022 and designated as project number 31308.02 (Task 3); and

WHEREAS, the Road Posting Engineering Study was approved at the regular monthly meeting of the Board of Supervisors which convened on July 11, 2022 and the conclusions within said study provide for the imposition of weight restriction on the said Sanderson Street at 13 tons; and

WHEREAS, the Board of Supervisors of Schuylkill Township have determined that imposition of weight restriction on Sanderson Street is and will be in the best interest of the Township and its tax paying residents; and

WHEREAS, the Township has complied with all applicable prerequisites and/or requirements including the applicable engineering and traffic study as recognized by law with regard to the weight restrictions and the instillation of traffic devises; and

WHEREAS, the Pennsylvania Motor Vehicle Code, 75 Pa. C.S.A. Section 4902(a) provides that school buses, emergency vehicles and vehicles making local deliveries or pick-ups may be exempted from imposed weight restrictions; and

WHEREAS, the Pennsylvania Motor Vehicle Code, 75 Pa. C.S.A. Section 4902(g) provides for penalties for any person operating a vehicle in violation of restriction imposed.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Schuylkill, County of Schuylkill and Commonwealth of Pennsylvania as follows:

SECTION 1. Whereas Clauses. The foregoing Whereas clauses are incorporated herein as if the same were fully set forth again at length.

SECTION 2. Title. The title of this Ordinance shall be the "Schuylkill Township Sanderson Street (T-506) Weight Limit Ordinance".

SECTION 3. Enactment. This Ordinance is enacted pursuant to the authority conferred by the "Vehicle Code", Act of 1976, June 17, 1962, No. 81, Section 1, effective July 1, 1977 (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 Pa. C.S.A. §4902 and all Pennsylvania Department of Transportation regulations promulgated under the "Vehicle Code", by way of illustration and not limitation, under Sections 4902(1) and 6103 of the Motor Vehicle Code (75 Pa. C.S.A. §4902 and 6103).

SECTION 4. Definitions. Definitions set forth in Section 102 of the Pennsylvania Motor Vehicle Code 75 Pa. C.S.A §102 and the PennDOT regulations found at 67 Pa. Code 1089.1 et seq. as amended from time to time shall apply in interpreting the provisions of this Ordinance. Other definitions include the following:

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 other vehicle designated by the Pennsylvania State Police under § 6106 of the "Vehicle Code" (relating to designation of emergency vehicles by Pennsylvania State Police).

Excess Maintenance – Maintenance or restoration or both of a posted highway in excess of normal maintenance, caused by use of over-posted-weight vehicles.

Local Traffic- emergency vehicles, school buses, vehicles of governmental agencies and utilities where their contractors are engaged in maintenance or construction on a posted highway or at a location which can only be reached by the posted highway; and vehicles going to or coming from a residence, commercial establishment or farm located on a posted highway. This definition shall incorporate definitions set forth in PennDOT regulations as amended from time to time.

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.

Over-posted-weight vehicle- A vehicle or combination having a gross weight in excess of the posted weight limit.

Person- any individual, partnership, corporation, association, institution, cooperative enterprise, governmental entity or agency or any other legal entity which is recognized by law. In any provision of this Ordinance prescribing a fine or penalty, the person shall include the members, Officers and/or Directors of any corporation or other legal entity having members, Officers and/or Directors.

PennDOT- Pennsylvania Department of Transportation and successors.

Posted highway- A highway having a posted weight limit.

Posted weight limit- A restricted weight limit posted on a highway under authority of 75 Pa. C.S. Section 4902.

Road Posting Engineering Study- being the Road Posting Engineering Study prepared and authored by David Lloyd Horst registered professional engineer of the Alfred Benesch & Company Group and designated as Project No. 31308.03 (Task 3) and dated July 2022.

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.

Township- The Township of Schuylkill, County of Schuylkill, Commonwealth of Pennsylvania.

SECTION 5. Findings of the Board of Supervisors. The Board of Supervisors have determined and hereby determine based upon weight and size restrictions and based on highway conditions and studies that Sanderson Street shall be damaged or destroyed unless the permissible weight of motor vehicles is restricted to the weight limits imposed herein.

SECTION 6. Weight Limit for Sanderson Street (T-506).

- A. Based on the results of the Road Posting Engineering Study, the weight limit applied to Sanderson Street (T-506) shall be 13 tons.
- B. Pursuant to the findings of the Road Posting Engineering Study set forth above and by authority of Section 4902 of the Motor Vehicle Code and regulations promulgated thereunder, no motor vehicle or combination shall be operated upon Sanderson Street with gross weight in excess of 13 tons as established.
- C. Exemptions. The following vehicles shall be exempted from the weight restrictions imposed by this Ordinance: emergency vehicles, school buses, and local traffic as defined in the applicable PennDOT regulations and in this Ordinance. If the Township determines that local traffic being driven to or from a particular destination is likely to damage Sanderson Street, then upon notice required by law vehicles considered local traffic with

a gross weight in excess of the weight limit using the posted road to or from that destination shall not be exempt.

SECTION 7. Permits and Bonds required for use by overweight vehicles. Any person desiring to operate or to move any truck, tractor, trailer, semi-trailer, commercial vehicle, construction equipment or other vehicle or equipment of any nature whatsoever in excess of the weight limit as imposed herein over the said Sanderson Street as restricted as to weight, with the specific exemptions set forth above, shall apply to the Township for a permit for the movement of such vehicle in the manner established by this Ordinance. If it is determined by the Board of Supervisors that such movement requested by the Applicant for the permit can be made without causing excessive damage to the road, or the destruction of the road or a traffic hazard to other users of the road and the public, then the Board of Supervisors may grant such permits subject to and conditioned upon the execution of an **Excess Maintenance Agreement** in the form approved by the Board of Supervisors, the provisions of security in the nature of surety bond or other security approved by the Township for the protection of the Township and Sanderson Street, and the performance of all other requirements proposed by the applicable Pennsylvania Department of Transportation regulations relating to hauling in excess of posted weight limits as amended and such other reasons or conditions as may be appropriate under the circumstances and as imposed by the Supervisors and this Ordinance.

Said permit application shall be referred to the Township Road Master and the Board of Supervisors as well as the Township Engineer who shall thereafter place the issue on the agenda for a meeting of the Board of Supervisors at a regular scheduled meeting; and consult with a third party consultant as necessary to determine the amount of security/ bond to be posted by the Applicant and the amount of security shall be calculated in accordance with Title 67 Chapter 189 of the Pennsylvania Code or its equivalent and thereafter present a recommendation to the Supervisors to include the amount of security to be posted by the Applicant if the permit is approved.

No permit will be issued until the Application is approved by the Board of Supervisors at a scheduled public meeting; and if required, security has been posted with the Township Secretary; and the person receiving the permit shall execute and deliver to the Township an excess maintenance agreement substantially in the form of the agreement adopted from time to time by the Board of Supervisors and which is reasonably required to meet applicable state and local regulations. The Board of Supervisors may, by resolution, delegate the authority to approve permits and set security to the Road Master and/or other official or appointee of the Township.

The Board of Supervisors also retain their right and authority to impose conditions or restrictions on the permit as may be reasonable and necessary for the protection of Sanderson Street and the public such as but not limited to time and manner of use.

The Township shall maintain all records relating to any permit granted for so long as the permit remains in effect and for a reasonable time thereafter.

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 and Department of Transportation as found in Title 67 of the Pennsylvania Code.

SECTION 8. Erection of Signs. The Township shall erect or cause to be erected and maintained restriction signs designating the weight limit restrictions at its beginning and terminus with the intersections of State Route 1013 (Catawissa Street) and the intersection with Water Street (T-528) as well as any other portions of Sanderson Street deemed necessary or appropriate for proper notice of the weight restrictions to be imposed.

SECTION 9. Enforcement. Enforcement of this Ordinance shall be by action brought before District Magistrate and the manner provided for the enforcement of Summary Offenses and under applicable Sections of the Pennsylvania Motor Vehicle Code and the Pennsylvania Rules of Criminal Procedure and any other manner permitted by law by any member of the Schuylkill Township Police Department and/or Pennsylvania State Police and/or any Municipal Police Department providing mutual aid to the Township at any given time.

SECTION 10. Penalty for Violation. Any person operating or responsible for operation of a vehicle or combination upon a road in violation of prohibitions and restrictions set forth in this Ordinance or in violation of the terms of a permit issued in accordance with this Ordinance, and/or in violation of any Excess Maintenance Agreement required under this Ordinance shall be guilty of a Summary Offense and upon conviction by a Magisterial District Justice pay a fine consistent with the applicable Sections of the Pennsylvania Motor Vehicle Code in effect at the time of the violation which currently is § 4902(g) of the Motor Vehicle Code, 75 Pa. C.S. § 4902(g).

SECTION 11. Severability. If any provisions, paragraph, clause, word, sentence, section, or subsection 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 intent of the Board of Supervisors of Schuylkill Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause or section not been included herein.

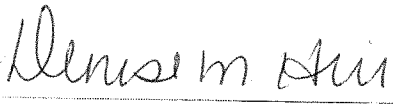
SECTION 12. Repealer. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed insofar as they may be inconsistent herewith.

SECTION 13. Effective Date. This Ordinance shall become effective five (5) days after enactment.


ENACTED and ORDAINED this 6th day of march, 2023

ATTEST:

SCHUYLKILL TOWNSHIP



Denise Hill, Secretary



Charles Fayash, Chairman