

ORDINANCE NO. _____ 2017

AN ORDINANCE OF THE BOROUGH OF SOUTH GREENSBURG, COUNTY OF WESTMORELAND AND COMMONWEALTH OF PENNSYLVANIA, IMPOSING RESTRICTIONS AS TO THE WEIGHT OF VEHICLES OPERATING UPON A PORTION OF HUFF AVENUE EXTENSION, 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, officials of the Borough of South Greensburg observed that the Borough roadway of Huff Avenue Extension, between the intersections of State Route 119 and Keystone Avenue, experienced significant damage due to the increased traffic of commercial motor vehicles hauling material, greatly exceeding the weight of normal traffic and the design parameters of the roadway; and

WHEREAS, the Borough commissioned an “Engineering and Traffic Study for Restrictions as to Weight, Size, Kind or Class, or Type of Load Based on Highway, Bridge, or Traffic Conditions,” which disclosed that it was necessary to impose a weight limit of six (6) tons on this portion of the Huff Avenue Extension (the study is attached hereto as Exhibit A); and

WHEREAS, the Borough desires to impose a weight limit of six (6) tons on the Huff Avenue Extension, between the intersections of State Route 119 and Keystone Avenue, and to otherwise generally create a process regarding weight restrictions.

NOW, THEREFORE, be it enacted and ordained by Counsel of the Borough of South Greensburg in a regular meeting assembled and by authority of the same:

SECTION 1. The Borough of South Greensburg Code is amended to strike section 159-17, to be replaced as follows:

§ 159-17. Motor Vehicle Weight Limitation and Bonding

A. 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 (75 Pa.C.S.A. §§4902(f) and 6103).

B. DEFINITIONS. The following words when used in this Section 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 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,” 75 Pa.C.S.A., §101 *et seq.*, as amended (relating to designation of emergency vehicles by Pennsylvania State Police).

Local Traffic – emergency vehicles and school buses, defined hereinafter, 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 or which can be reached only via a posted highway.

Motor Vehicle – any vehicle or combination as defined and/or governed by the “Vehicle Code.”

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 75 Pa.C.S.A. §189.4(f)(1) (relating to use under permit).

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

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.A. §4902.

Municipality – The Department, as to State designated highways and local authorities, as to all other streets and highways.

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.

C. FINDINGS. The Borough of South Greensburg Council hereby determines, after having observed highway conditions and conducted studies, that the following weight restrictions identified in Schedule X (§159-46), attached to and made a part of this Section, are required in order to limit unnecessary damage to the roadways caused by vehicle weights and dimensions that exceed the design of said roadways.

D. VEHICLE WEIGHT LIMITS ESTABLISHED

(1) Pursuant to the findings under §159-17(C), and by authority of 75 Pa.S.C.A. §4902 and regulations promulgated thereunder, no motor vehicle or combination shall be operated upon any of the roads listed in §159-46 with gross weight in excess of the weight limits listed for said road in §159-46.

(2) Local traffic as defined herein may be exempted from the restrictions imposed under subsection D(1) above. However, if the Borough Council determines that any local traffic is likely to damage the road, the Borough Council will so notify the registrants of the motor vehicle or combination thereof and will also notify State Police. After two (2) business days following 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 §159-17(E) hereof. Note, 75 Pa.C.S. §4902(a) provides that “School buses, emergency vehicles and vehicles making local deliveries or pickups may be exempted from restriction on the use of highways imposed under this subsection.”

E. PERMITS AND SECURITY. Individuals or entities wishing to operate vehicles in excess of established weight limits on restricted weight Borough roads may apply for a permit to do so on a form provided by the Borough, said permit application will be referred to the Borough Council President, or other designated decision-maker, who shall:

(1) Place the issue on the agenda for a meeting of the Borough Council; and

(2) Consult with the Borough Engineer and/or Third Party Consultant, as necessary, to determine the amount of security/bond to be posted by the applicant. The amount of security shall be calculated in accordance with Title 67, Chapter 189 of the Pennsylvania Code or its equivalent; and

(3) Present a recommendation to Council 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 Council at a scheduled public meeting and, if required, security has been posted with the Borough Secretary. Council may, by resolution, delegate the authority to approve permits and set security to any other official of the Borough. 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.

F. ERECTION OF SIGNS. The Borough shall erect or cause to be erected and maintained restriction signs designating the restrictions at the end of the portion of road restricted as provided in §159-46. In the case of a restriction on a road which has not begun or ended at an intersection with an unrestricted highway, the Borough 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 road.

G. PENALTIES FOR VIOLATION. Any person operating a motor vehicle or combination thereof upon a road or bridge in violation of a prohibition or restriction imposed under §159-46 shall, upon conviction by a Magisterial District Justice, pay a fine consistent with the applicable section of the Pennsylvania Motor Vehicle Code in effect at the time of the violation. Note, see 75 Pa.C.S.A. §4902(g).

SECTION 2. 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 Council of the Borough of South Greensburg that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause or section not been included herein.

SECTION 3. This Ordinance shall become effective five (5) days after enactment.

SECTION 4. Section 159-46 is amended to insert the following as the first item on the Schedule:

Name of Street	Max. Gross Weight (Pounds)	Location
Huff Avenue Extension	12,000	State Route 119 to Keystone Avenue

SECTION 5. That the Mayor, Borough Council President, and Borough Secretary of the Borough of South Greensburg, and/or any other proper officer or employee of the Borough of South Greensburg, are hereby authorized and directed to take any and all action necessary to carry into effect this ordinance, including the ordering and placing of appropriate roadway signage, and to sign any and all necessary documents required to carry into effect this Ordinance.

SECTION 6. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

ORDAINED AND ENACTED into an Ordinance of the Borough of South Greensburg
this ___ day of _____, 2017, by Council for the Borough of South Greensburg.

BOROUGH OF SOUTH GREENSBURG

By: _____
Clentin C. Martin, President of Council

ATTEST:

Secretary

Examined and approved this _____ day of
_____, 2017.

By: _____
Betty Dobies, Mayor