

ORDINANCE OF NEW BEAVER BOROUGH NO. 1 of 2020

An Ordinance of New Beaver Borough, Lawrence County, Pennsylvania, Imposing Restrictions as to the Weight of Vehicles Operated Upon Certain Borough Roads, Providing For the Issuance of Permits For Movement of Vehicles of Weights In Excess of Restrictions; and Prescribing Penalties for Violations.

WHEREAS, the New Beaver Borough Council has determined and hereby determines based upon engineering studies conducted by the Borough's engineer that certain roads may be damaged or destroyed unless the permissible weight of motor vehicles is restricted to the proper weight;

WHEREAS, the purpose of this Ordinance is to establish the standard for the regulation for the weight of motor vehicles upon certain Borough Roads;

NOW THEREFORE, be it enacted and ordained by the New Beaver Borough Council, Lawrence County, Pennsylvania, and it is hereby enacted and ordained, as follows:

Section 1. Enactment.

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

Section 2. Weight Limit Establishment.

A. Pursuant to the findings of the engineering studies and in accordance with the authority granted under Section 4902 of the "Vehicle Code" and the promulgation of the regulations thereunder, no motor vehicle or combination thereof with a gross weight in excess of eight (8) tons shall be operated upon the following Borough roads:

1. Old Route 18 (North); From the Borough's Municipal Line to its intersection with Cortez Lane a distance of 0.9 miles; and,
2. Old Route 18 (South); From the Borough's Municipal Line to the Borough's Municipal Line south of Lindsay Lane a distance of 1.7 miles.

B. Pursuant to the findings of the engineering studies and in accordance with the authority granted under Section 4902 of the "Vehicle Code" and the promulgation of the regulations thereunder, no motor vehicle or combination thereof with a gross weight in excess of ten (10) tons shall be operated upon the following Borough roads:

1. Glenkirk Road; from the Borough's Municipal Line to its intersection with Wampum New Galilee Road, a distance of 2.1 miles;
2. Mallory Road; from its intersection with State Route 168 to its intersection with Shortcut Road, a distance of 0.9 miles; and,
3. Wampum New Galilee Road; from its intersection with Glenkirk Road to the Borough's Municipal Line, a distance of 1.9 miles.

Section 3. Permits and Security.

New Beaver Borough may issue permits for the movement of motor vehicles or combinations thereof with weights in excess of the restrictions set forth in Section 2 upon receipt of an appropriate application. Any such permits must be obtained from the Borough's Secretary prior to the movement of any such motor vehicle upon the Borough's roads enumerated in Section 2. A bond, issued by a company acceptable to the Borough and at an amount not less than \$12,500.00, prorated, per mile, shall be required at the time of the application for the permit. Any subcontractors, contractors or other companies working for or on behalf of the applicant shall be listed on the bond. The Borough, by and through the appropriate Resolution, reserves the right to adjust the amount of bond required for any Borough road enumerated in Section 2.

In addition to the permitting and bonding requirements, an applicant for a permit under this Section shall enter into an agreement with the Borough requiring and obligating the applicant to maintain and repair the Borough road during the applicant's use of the road and to repair, if necessary, the road at the conclusion of the applicant's use of said road.

All action 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 4. Bridges.

Motor vehicles cannot cross any bridge located within the Borough if the gross weight of the motor vehicle exceeds the posted weight limit unless a permit is issued by the Borough in accordance with Section 3. The Borough shall only issue a permit if the applicant complies with Section 3 and the Borough Council determine the bridge can handle the weight of the motor vehicle.

Section 5. Exemptions.

The following motor vehicles are exempt from the restrictions imposed under Section 2, as follows:

- A) Local traffic, as defined as a motor vehicle making a delivery to a location within the Borough but specifically excluding any motor vehicle transporting any items from a location within the Borough including without limitation dirt, coal, timber and any other natural resources or any other material;
- B) School buses, transit buses, and emergency vehicles;
- C) Borough vehicles, motor vehicles owned and operated by other governmental agencies and utility companies, and motor vehicles owned and operated by companies performing work on behalf of the Borough;
- D) Two axle pick-up trucks; and,
- E) Motor vehicles for agricultural and farming purposes excepting any such motor vehicles used for the removal of timber, coal or other natural resources.

Local traffic, as defined herein, shall be exempt from the restrictions imposed under Section 2 provided, however, if the Borough Council determines that any such local traffic is likely to damage the road then, in such an event, the Borough will so notify the owner and/or operator of the motor vehicle or combination thereof together with the Borough Police. After five (5) business days following notice to said owner and/or operator, such local traffic shall not exceed the weight limits except in accordance with Section 3 herein.

Section 6. Erection of Signs.

Signs shall be posted by the Borough at appropriate places advising motor vehicle operators of the restrictions and prohibitions of this Ordinance.

Section 7. Enforcement, Violations and Penalties.

Any person operating a motor vehicle or combination thereof upon a road or bridge in violation of a prohibition or restriction imposed under Section 2 is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$75.00, except that any person convicted of operating a vehicle with a gross weight in excess of a posted weight shall, upon conviction, be

sentenced to pay a fine of \$150.00 plus \$150.00 for each 500 pounds, or part thereof, in excess of 3,000 pounds over the maximum allowable weight.

This Ordinance may also be enforced by the Borough by the filing of an action, in equity or at law, so as to seek injunctive relief, monetary damages, or such other relief. The Borough shall have the authority to file any such action against the owner, operator or lessee of any motor vehicle that has not complied with the conditions of this Ordinance.

Section 8. 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 provision, sentences, clauses, or sections of this Ordinance. It is hereby declared to be the intent of the New Beaver Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause or section not been included herein.

Section 9. Repealer.

All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed insofar as they may be inconsistent herewith.

Section 10. Effective Date.

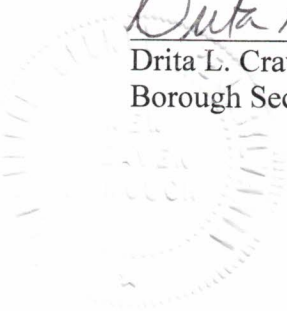
This Ordinance shall become effective five (5) days after its enactment.

Enacted and ordained this 10th day of February, 2020

DULY presented and adopted at a meeting of the Borough Council of New Beaver Borough, Lawrence County, Commonwealth of Pennsylvania, this 10th day of February, 2020.

ATTEST:

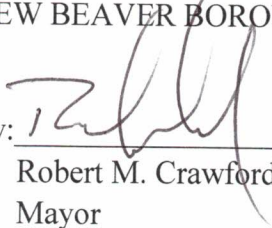
NEW BEAVER BOROUGH


Drita L. Crawford
Drita L. Crawford
Borough Secretary

By: David Hairhoger
David Hairhoger
President of Council

EXAMINED AND APPROVED by me this 10th day of February, 2020.

NEW BEAVER BOROUGH

By: 

Robert M. Crawford
Mayor