

**BOROUGH OF PICTURE ROCKS
LYCOMING COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2006-01

**AN ORDINANCE OF THE BOROUGH OF PICTURE ROCKS,
COUNTY OF LYCOMING, COMMONWEALTH OF PENNSYLVANIA,
PROHIBITING THE OPERATION OF VEHICLES IN EXCESS OF 20,000
POUNDS ON CEMETERY ROAD WITHOUT A PERMIT.**

WHEREAS, the Borough of Picture Rocks is a local authority under the Pennsylvania Vehicle Code, (Act of June 17, 1976, P.L. 162, No. 81), as amended (75 Pa. C.S.A. 101, et. seq.), having certain roads or highways under its jurisdiction; and

WHEREAS, pursuant to Chapter 49 of said Vehicle Code, said Borough of Picture Rocks may impose restrictions as to the weight or size of vehicles operated upon a highway or bridge; and

WHEREAS, pursuant to Section 6109(e) of said Vehicle Code, said Borough of Picture Rocks has had the Borough Engineer conduct an engineering and traffic review of Cemetery Road, a copy of which is attached hereto and made a part hereof as Exhibit "A"; and

WHEREAS, said survey has determined that continued operation of vehicles in excess of 20,000 pounds will damage or destroy Cemetery Road.

NOW, THEREFORE, it is **ENACTED** and **ORDAINED** by the Borough Council of the Borough of Picture Rocks, Lycoming County, Pennsylvania, as follows:

Section I. **Title.**

This Ordinance shall be known and may be cited as the "Picture Rocks Borough Road Weight Restriction Ordinance".

Section II. **Authority.**

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".

Section III. **Definitions.**

With the exceptions set forth below, words and phrases used in this Ordinance shall have the meanings ascribed to them in the Pennsylvania Vehicle Code (Act of June 17, 1976, P.L. 162, No. 81), as amended, except that in this Ordinance the word "road" may be used interchangeably with the word "highway" and shall have the same meaning as the word "highway" as defined in the Vehicle Code.

Local Traffic – emergency vehicles and school buses, defined hereinafter, vehicles and combinations of 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.

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

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.

Section IV. **Weight Limit on Borough Roads.**

(A) It shall be unlawful for any person without a permit from the Borough to operate a vehicle in excess of 20,000 pounds on the following Borough Roads:

<u>STREET NAME</u>	<u>BETWEEN</u>
Cemetery Road	From Boston Road to the Borough boundary line

(B) Local traffic, emergency vehicles and school buses as defined herein shall be exempted from the restrictions imposed under Section (A) above. However, if Borough Council determines that any local traffic is likely to damage the road, Borough Council will so notify the registrants of the motor vehicle or combination 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.

Section V. Issuance of Permits and Payment of Security.

(A) Individuals or entities wishing to operate vehicles in excess of 20,000 pounds 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 Secretary who shall:

1. Place the issue on the agenda for a meeting of the Borough Council; and
2. Consult with the Borough Engineer 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, PennDOT Publication 221 and/or their equivalent;
3. Present a recommendation to Borough Council to include the amount of security to be posted by the applicant if the permit is approved.
4. With the applicant and immediately prior to the issuance of the permit, perform a pre-use inspection of the portion of the road to be used.

(B) No permit will be issued until the application is approved by Borough Council at a scheduled public meeting, an Excess Maintenance Agreement has been executed by the applicant and proper security has been posted with the Borough Secretary.

(C) Fees for permits shall be established by Resolution of the Council of the Borough of Picture Rocks in accordance with applicable statutes and regulations and shall include:

1. Preliminary inspection fee;
2. Administrative fee;
3. Post-use inspection fee;
4. Any Borough Engineer consultation fees.

(D) The Borough Council may, by resolution, delegate the authority to approve permits, set security and enforce this Ordinance as set forth below to the Secretary or other official of the Borough.

Section VI. **Violations and Penalties.**

Any person who violates this Ordinance shall, upon conviction by a District Judge, pay a fine consistent with the applicable section of the Pennsylvania Motor Vehicle Code in effect at the time of the violation.

The current applicable section of the Code, 4902(g), states:

(g) PENALTY.--

(1) Any person operating a vehicle or combination upon a highway or bridge in violation of a prohibition or restriction imposed under subsection (a) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$75, 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 plus \$150 for each 500 pounds, or part thereof, in excess of 3,000 pounds over the maximum allowable weight.

(2) Any person operating a vehicle or combination in violation of a prohibition or restriction imposed under subsection (b) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than \$25 and not more than \$100.

Section VII. **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 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 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.

Section VIII. **Effective Date.**

This ordinance shall be effective immediately.

Section IX. **Severability.**

If any section, subsection, or clause of this ordinance is held, for any reason, to be invalid, such decision or decisions shall no affect the validity of the remaining portions of this ordinance.

DULY ORDAINED and **ENACTED** by the Borough of Council of the Borough of Picture Rocks, Lycoming County, Pennsylvania, on the 3rd day of April, 2006.

ATTEST:

BOROUGH OF PICTURE ROCKS

By: William Dorman
William Dorman, Secretary

By: Eugene R. Otterbein, Sr.
Eugene R. Otterbein, Sr., Council President

APPROVED this 13th day April, 2006

BY: David Bender
David Bender, Mayor