

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

ORDINANCE 2009-01

AN ORDINANCE OF THE BOROUGH OF PICTURE ROCKS, LYCOMING COUNTY, PENNSYLVANIA, IMPOSING RESTRICTIONS AS TO THE WEIGHT OF VEHICLES OPERATED UPON CERTAIN BOROUGH STREETS; 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.

BE IT ORDAINED AND RESOLVED, and it is hereby ordained and resolved by the Borough Council of Picture Rocks, County of Lycoming, Commonwealth of Pennsylvania, as follows:

SECTION 1. SHORT TITLE

This Ordinance shall be known as “Motor Vehicle Weight Limitation and Bonding Ordinance of Picture Rocks Borough”.

SECTION 2. ENACTMENT

This Ordinance is enacted pursuant to the authority conferred by the “Vehicle Code”, Act of 1976, June 17, 1962, No. 81, Section 81, 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).

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 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 a 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 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 4. FINDINGS OF THE COUNCIL OF THE BOROUGH OF PICTURE ROCKS

The Borough Council has determined and hereby determines based upon weight and size restrictions based on highway conditions and studies and otherwise that the following roads be damaged or destroyed unless the permissible weight of motor vehicles is restricted to the weight limits listed. A complete list of the roads, identified by their Road Name, Part of the Road Restricted and Weight Limit, is attached hereto as Exhibit “A” and is made a part hereof.

SECTION 5. VEHICLE WEIGHT LIMITS ESTABLISHED

(A) Pursuant to the findings under Section 4 supra., and by authority of § 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 with gross weight in excess of the weight limits listed for said road in Section 4.

(B) Local Traffic as defined herein shall be exempt from the restrictions imposed under Section (A) 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 and will also notify the State Police. After two (2) business days of 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

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 Secretary who shall:

- a. Place the issue on the agenda for a meeting of the Borough Council; and
- b. Consult with the 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
- c. Present a recommendation to the 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 the Borough Council at a scheduled public meeting and, if required, security has been posted with the Borough Secretary. The Borough Council may, by resolution, delegate the authority to approve permits and set security to the Secretary or 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.

SECTION 7. 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 8. PENALTIES FOR VIOLATION

Any person operating a motor vehicle or combination upon a road or bridge in violation of a prohibition or restriction imposed under Section 4 shall, upon conviction by a Magisterial 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 \$75.00, 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.
- (2) Any person operating a vehicle or combination in violation of a prohibition imposed under subsection (b) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than \$25.00 and not more than \$100.00.

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. It is hereby declared to be the intent of the Borough Council that 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 immediately.

SECTION 11. REPEALS

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

DULY ENACTED AND ORDAINED this 5th day of January, 2009, by the Borough Council of Picture Rocks, Lycoming County, Pennsylvania in lawful session duly assembled.

ATTEST:

BOROUGH OF PICTURE ROCKS

By: William M. Dorman
William Dorman, Secretary

By: Larry C. Nunn, President
Larry C. Nunn, President

DULY approved this 5th day of January, 2009.

By: David L. Bender
David L. Bender, Mayor

PICTURE ROCKS BOROUGH
LYCOMING COUNTY, PENNSYLVANIA

EXHIBIT "A"

<u>ROAD NAME</u>	<u>BETWEEN</u>	<u>WEIGHT LIMIT</u>
Arrow Head Circle	Entire Road	25 tons
Bartlow Drive	Entire Road	20 tons
Bennett Lane	Entire Road	25 tons
Boston Cove Road	Entire Road	20 tons
Boston Road	Entire Road	20 tons
Center Street	Entire Road	20 tons
Church Street	Entire Road	25 tons
Court Street (to School & Park)	Entire Road	20 tons
Elm Street	Entire Road	25 tons
Factory Street	Entire Road	25 tons
Judy Lane	Entire Road	25 tons
Nunn Lane	Entire Road	25 tons
Railroad Street	Bennett Lane to SR 864	No Weight Limit
Railroad Street	SR 864 to North Dead End	10 tons
Taylor Hill Road	Entire Road	20 tons
Water Street	Entire Road	20 tons