

ORDINANCE NO: 102

AN ORDINANCE AMENDING ORDINANCE NO. 22, ORDAINED AND ENACTED JANUARY 31, 1972 ESTABLISHING WEIGHT LIMITS ON TOWNSHIP ROUTES AND BRIDGES IN THE TOWNSHIP OF JACKSON, CAMBRIA COUNTY, PENNSYLVANIA, AND IMPOSING PENALTIES FOR VIOLATION.

WHEREAS, the Township of Jackson, Cambria County, Pennsylvania heretofore adopted Ordinance No. 22, establishing weight limits on Township Routes;

WHEREAS, the Township of Jackson is desirous of complying with all provisions contained in 75 Pa. C.S. § 4902; and,

WHEREAS, the purpose of this Ordinance is to amend Ordinance No. 22, Ordained and Enacted January 31, 1972.

NOW THEREFORE, be it ORDAINED and ENACTED by the Township of Jackson, Cambria County, Pennsylvania and it is hereby ORDAINED and ENACTED by authority of the same as follows:

SECTION I.

Section 1 of Ordinance No. 22 shall continue in full force and effect, subject to the condition that in the event any provision contained in 75 Pa. C.S. § 4902(a) and (b) is not specifically included in Section 1 of Ordinance No. 22, Ordinance No. 22 is amended to authorize the Township of Jackson to impose 12 ton vehicle weight limits on all Township Routes and Bridges and to incorporate all authority and provisions set forth in 75 Pa. C.S. § 4902(a) and (b).

SECTION II.

Section 2 of Ordinance No. 22 is amended to indicate that the Ordinance shall be in accordance with the provisions of Act No. 81 Section 1, P.L. 162, (75 Pa. C.S. § 4902), amended June 17, 1976, effective July 1, 1977; amended June 18, 1980, Act No. 68, Section 5, P.L. 229, effective in 60 days.

SECTION III.

No person or entity shall be permitted to operate a vehicle or combination with a weight, gross weight and/or total weight, loaded, partially loaded, and/or unloaded, in excess of twelve (12) tons on any Township road / route / bridge or portions thereof without first obtaining a permit from the Township. The Township imposes a \$25.00 permit fee, per road, which shall be paid by the operator prior to the issuance of any permit. The Township imposes a \$50.00 per mile, per road inspection fee which shall be paid by the operator prior to the issuance of the permit. No permit shall issue from the Township without satisfying the following conditions:

- (a) The operator must first obtain and pay for an engineering study to be performed by the Township Engineer, which establishes that weight in excess of twelve (12) tons shall not damage and/or destroy the Township road/route/bridge or portion thereof, or create a hazardous traffic condition or create an unsafe condition.
- (b) In the event the Engineering study set forth in subparagraph (a) above is presented to the Township, the operator shall post a bond/security in a form acceptable to the Township in an amount in accordance with Pa. DOT regulations plus ten (10%) percent for the benefit of the Township.

- (c) The bond set forth in subparagraph (b) above shall be payable for the benefit of the Township and shall be paid over to the Township in an amount which shall fully and completely compensate the Township for repair and/or replacement of the roadway and bridge, including engineering costs, inspection costs, material, and labor.
- (d) In the event the Township Engineer determines that the proposed operation of the vehicle or combination may damage or destroy the Township road/route/bridge or a portion thereof, and/or create a hazardous traffic condition and/or other unsafe condition, the Township reserves the right to not issue a permit to exceed the weight restriction.
- (e) School buses and emergency vehicles are exempted from the restrictions imposed herein in accordance with the authority of 75 Pa. C.S. § 4902.

SECTION IV.

Section 3 of Ordinance No. 22 is amended to incorporate the penalty provisions set forth in 75 Pa. C.S. § 4902(g) and shall provide as follows:

- (a) Any person operating a vehicle or combination upon a highway or bridge in the township in violation of a prohibition or restriction imposed under this Ordinance or 75 Pa. C.S. §4902 is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of seventy-five and 00/100 (\$75.00) Dollars, 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 one hundred fifty and 00/100 (\$150.00) Dollars plus one hundred fifty and 00/100 (\$150.00) Dollars for each five hundred (500) pounds, or part thereof, in excess of three thousand (3,000) pounds over the maximum allowable weight.
- (b) Any person operating a vehicle or combination in violation of a prohibition or restriction imposed under 75 Pa. C.S. § 4902(b) and a correlating portion of this Ordinance, is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of One Hundred and 00/100 (\$100.00) Dollars.

SECTION V.

The fine, penalty, or late charge set forth above, shall be in accordance with the maximum legally permissible dollar amount permitted by statutes of the Commonwealth of Pennsylvania and the case law of the Commonwealth of Pennsylvania. It is specifically provided that each separate violation of this Ordinance by a vehicle or combination shall be deemed a separate violation punishable by a separate fine, penalty, cost, or late charge.

SECTION VI.

It is the intent of the municipality that the provisions of this Ordinance are severable and the invalidity of any section, subsection, clause or provision of this Ordinance shall not affect to impair the validity of any other part of this Ordinance which can be given effect without the invalid part or parts.

SECTION VII.

All Ordinances or parts of Ordinances inconsistent herewith, be and the same are hereby repealed insofar as inconsistent only. The provisions of this Ordinance, so far as they are consistent with those Ordinances and regulations in force immediately prior to the enactment of this Ordinance, are intended as a continuation of such prior Ordinances and regulations and not as new enactments.

SECTION VIII.

This Ordinance shall be effective immediately, or as soon as legally permissible and shall remain in effect unless and until subsequently appealed or amended.

ORDAINED and ENACTED at a duly assembled public meeting by the Township of Jackson, Cambria County, Pennsylvania on this 17th day of April, 1997.

ATTEST:

TOWNSHIP OF JACKSON:

George E. Bunkey
Secretary

BY: William G. Hadrick
Supervisor

BY: George R. Cooper
Supervisor

BY: _____
Supervisor