

CHERRY TOWNSHIP  
BUTLER COUNTY  
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 34

AN ORDINANCE OF THE TOWNSHIP OF CHERRY, BUTLER COUNTY, PENNSYLVANIA, ENACTING A VEHICLE WEIGHT RESTRICTION ORDINANCE BY: (1) ADOPTING THE VEHICLE WEIGHT LIMITS ESTABLISHED BY PENNSYLVANIA LAW, (2) ESTABLISHING PROVISIONS FOR FUTURE WEIGHT RESTRICTIONS ON CERTAIN ROADS AND BRIDGES PURSUANT TO WEIGHT LIMIT STUDY OF SENATE ENGINEERING, (3) ESTABLISHING EXEMPTIONS TO WEIGHT LIMITS, (4) ESTABLISHING PERMITS AND SECURITY FOR OVERWEIGHT VEHICLES, (5) PROVIDING FOR THE ERECTION OF SIGNS, (6) ESTABLISHING PENALTIES, AND (7) PROVIDING FOR SEVERABILITY AND REPEALS.

Be it ordained and enacted by the Cherry Township Board of Supervisors as follows:

§1-101. – Vehicle Weight Limit Established

It shall be unlawful for a person to operate a vehicle upon any Township road that exceeds the weight outlined in the Pennsylvania State Vehicle Code, Title 75, Chapter 49, §4901, et. seq. (hereinafter referred to as the "Motor Vehicle Code").

§1-102. – Vehicle Weight Limits Established on Certain Streets and Bridges

On the following bridges and streets or parts of streets, by authority granted to the Township by the Motor Vehicle Code, and pursuant to weight limit studies of Senate Engineering, it shall be unlawful for any person or persons to drive any vehicle or combination having a gross weight in excess of the maximum prescribed below for that bridge or street or part of street, as the case may be.

Street or Bridge	Between	Maximum Gross Weight
TR 416 Pipestem Road	Dead end at Clay Township line to SR 4006	10 ton
TR 418 North Beaver Dam Road	Clay Township line to SR 4006	10 ton

Street or Bridge		Between	Maximum Gross Weight
TR 422	Hungarian Road	Clay Township line to SR 4006	10 ton
TR 424	Sunbury Road	Clay Township line to Slippery Rock Township Line	10 ton
TR 426	Coaltown Road	SR 4006 to SR 4010	10 ton
TR 427	Windy Road	SR 4010 to TR 430	10 ton
TR 428	Grubb Road	TR 538 to SR 4010	10 ton
TR 430	New Hope Road	SR 4010 to Marion Township line	10 ton
TR 438	Ferguson Road	TR 539 to Marion Township line	10 ton
TR 464	Brimstone Road	Clay Township line to SR 0308	10 ton
TR 510	Swope Road	TR 564 to Washington Township line	10 ton
TR 511	Christie Road	Washington Township line to Washington Township line	10 ton
TR 512	Pry Road	SR 0308 to TR 464	10 ton
TR 514	Findlay Road	TR 533 to SR 4006	10 ton
TR 533	Wolford Road	TR 416 to SR 0308	10 ton
TR 534	Chambers Road	SR 4010 to TR 428	10 ton
TR 535	Saniga Road	Slippery Rock Township line to TR 426	10 ton
TR 536	Tinker Road	SR 0308 to Dead end	10 ton
TR 537	Pleasant Valley Road	Dead end to Washington Township line	10 ton
TR 538	Redbrush Road	TR 426 to SR 0308	10 ton
TR 539	Roenigk Road	TR 430 to Marion Township line	10 ton
TR 540	Moniteau Road	TR 428 to TR 537	10 ton
TR 541	Atwell Road	Marion Township line to SR 0308	10 ton
TR 542	Kyle Road	SR 0308 to Marion Township line	10 ton
TR 560	Harrisville Road	SR 410 to Marion Township line	10 ton
TR 560	Harrisville Road	T537 to ½ mile south of SR 4010	10 ton
TR 700	Pry Circle	SR 0308 to SR 0308	10 ton
TR 710	Horse Road	SR 4006 to SR 4006	10 ton

§1-103. – Exemptions

The following motor vehicles shall be exempted from the restrictions imposed under §§1-101 and 102, above:

1. School Buses; as used herein, the term “school bus” shall refer to a motor vehicle designed for carrying more than ten (10) passengers, exclusive of the driver, and used for the transportation of school children.
2. Emergency Vehicles; as used herein, the term “emergency vehicle” shall refer to a fire department vehicle, police vehicle, ambulance, blood-delivery vehicle, armed forces

emergency vehicle, or a vehicle used for answering emergency calls, or other vehicle designated by the State Police pursuant to the Motor Vehicle Code (relating to designation of emergency vehicles by Pennsylvania State Police).

3. Vehicles and combinations of governmental agencies and utilities or their contractors engaged in construction or maintenance on a posted highway or in a location which can be reached only via a posted highway, and/or

4. Vehicles and combinations going to or coming from a residence, commercial establishment, or farm located on a posted highway or which can be reached only via a posted highway.

#### §1-104. – Permits and Security

The Board of Supervisors may issue permits for the movement of motor vehicles or combinations of size and weight in excess of the restrictions imposed under §§1-101 and 102 and require such undertaking or security as the Board of Supervisors deems necessary to cover the cost of anticipated or probable repairs and/or restoration necessitated by the permitted movement of vehicles.

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, Chapter 189, of the Pennsylvania Code.

#### §1-105. – Erection of Signs

The Township shall erect or cause to be erected and maintained restriction signs designating the restrictions at each end of a bridge or portion of road restricted as provided in §1-102. In the case of a restriction on a bridge or on a road which does not begin or end at an intersection with an unrestricted road, the Township shall also place an advance informational sign at the intersection nearest each end of the restricted bridge or portion of road which would allow drivers to avoid the restricted bridge or portion of road. No person

shall be found to have violated any section of this Ordinance unless the restriction sign designating the restricted bridge or portion of road to traffic moving in the direction the person was driving was posted as required in this Section. However, failure to post the restriction sign designating the restricted bridge or portion of road to traffic moving in the opposite direction or failure to post any advance informational sign shall not constitute a defense to a violation of this Section.

§1-106. – Penalties

A. Any person found to have violated any of the provisions of this Ordinance shall be guilty of a summary offense, and upon conviction thereof, shall be sentenced to pay a fine not exceeding One Thousand (\$1,000.00) Dollars, or undergo imprisonment for a period not exceeding thirty (30) days, or both. Each additional day or provision of this Ordinance violated shall constitute a separate offense.

B. In addition, any person who violates §1-101 of this Ordinance shall be prosecuted under the Motor Vehicle Code, and, upon conviction, shall 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, and costs, including the Township's reasonable attorney fees and costs.

C. In addition, any person who violates §1-102 of this Ordinance shall be prosecuted under the Vehicle Code and, upon conviction, shall be sentenced to pay a fine of \$75.00 plus \$75.00 for each 500 pounds, or part thereof, in excess of 3,000 pounds over the maximum allowable weight, and costs, including the Township's attorney's fees and costs.

§1-107. – 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 section of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors of the Township of Cherry that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause or section not been included herein.

§1-108. – Repeals

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

§1-109. – Effective Date

This Ordinance shall be effective five (5) days after adoption.

**ADOPTED** this 3rd day of January, 2012.

CHERRY TOWNSHIP BOARD OF SUPERVISORS:

By: Frank W. Kirby  
Chairman

By: David A. Mischler  
Vice-Chairman

By: MS [Signature]  
Supervisor

ATTEST:

Carolyn R. Yeager  
Carolyn Yeager, Secretary