

WARREN TOWNSHIP

Ordinance No. 1 of 2022

**AN ORDINANCE OF THE TOWNSHIP
OF WARREN, FRANKLIN COUNTY, PENNSYLVANIA,
IMPOSING RESTRICTIONS AS TO THE WEIGHT OF VEHICLES
OPERATED UPON CERTAIN TOWNSHIP ROADS; 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 by the Board of Supervisors of the Township of Warren, County of Franklin, and Commonwealth of Pennsylvania, as follows:

I. SHORT TITLE

This Ordinance shall be known as ‘Motor Vehicle Weight Limitation and Bonding Ordinance of Warren Township’.

II. ENACTMENT

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”, by way of illustration and not limitation, under Sections 4902(1) and 6103 (75 Pa. C.S.A. §§ 4902(f) and 6103).

III. DEFINITIONS

The following terms used in this Ordinance shall have the following meanings, unless the context clearly indicates otherwise:

Emergency Vehicle – A fire department vehicle, police vehicle, ambulance, blood delivery vehicle, Armed Forces emergency vehicle, 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 section 6106 of the “Vehicle Code” (relating to designation of emergency vehicles by Pennsylvania State Police).

Excess Maintenance – Maintenance or restoration or both (but not betterment) of a posted highway in excess of normal maintenance, caused by use of over-posted-weight vehicles.

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 farm located on a posted highway or which can be reached only via a posted highway. Delivery or pickup of logs or other forest products to or from permanent processing mills located on or reachable only through posted highways shall be considered local traffic. Delivery or pickup of coal to or from permanent coal reprocessing or preparation plants located on or reachable only through posted highways and not on the same posted highway as a site at which coal is extracted shall be considered local traffic.

Motor Vehicle – Any vehicle or combination as defined and/or governed by the “Vehicle Code,” 75 Pa. C.S. § 101 et seq., as amended.

Normal Maintenance – The usual and typical activities necessary to maintain the roadway, shoulders and drainage facilities in the state of repair existing at the date of the inspection prescribed in 67 Pa. Code Chapter 189.4(f)(1) (relating to use under permit).

Over-Posted-Weight Vehicle – A vehicle or combination having a gross weight in excess of a posted weight limit.

Posted Highway – A highway having a posted weight limit.

Posted Weight Limit – A restricted weight limit posted on a highway under authority of 75 Pa. C.S. § 4902.

Municipality – The Pennsylvania Department of Transportation when in reference to State designated highways, and Warren Township when in reference to all other streets and highways.

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.

IV. FINDINGS OF THE BOARD OF SUPERVISORS OF WARREN TOWNSHIP

The Board of Supervisors hereby determines, based on the December 2021 “Township Roads Weight Restriction Study” conducted by Martin & Martin, that the following roads are at risk of being damaged or destroyed unless the permissible weight of motor vehicles is restricted to the weight limits listed as follows:

Road Name	Weight Limit
Red Rock Road (T-301)	10 tons
Fort Davis Road (T-302)	10 tons

Furnace Road (T-303)	10 tons
Forge Road North (T-304)	10 tons
Forge Road South (T-304)	10 tons
Ward Drive (T-306)	10 tons
Sylvan Drive (T-685)	10 tons

V. VEHICLE WEIGHT LIMITS ESTABLISHED

(A) Pursuant to the above findings and by authority of section 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 may be exempted from the restrictions imposed under Section (A) above. However, if the Board of Supervisors determines that any local traffic is likely to damage the road, the Board of Supervisors 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 except in accordance with Section 6 hereof.

VI. PERMITS AND SECURITY

Individuals or entities wishing to operate vehicles in excess of established weight limits on restricted weight Township roads may apply for a permit to do so on a form provided by the Township. Said permit application will be referred to the Township Roadmaster who shall:

- a) Place the issue on the agenda for a meeting of the Board of Supervisors; and
- b) Consult with the Township Engineer as necessary to determine the amount of security/bond, calculated in accordance with Title 67, Chapter 189 of the Pennsylvania Code or its equivalent, to be posted by the applicant; and
- c) Present a recommendation to the Supervisors 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 Board of Supervisors at a scheduled public meeting and, if required, security has been posted with the Township Secretary. The Board of Supervisors may, by resolution, delegate the authority to approve permits and set security to the Roadmaster or other official of the Township. 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.

VII. ERECTION OF SIGNS

The Township shall erect or cause to be erected and maintained restriction signs designating the restrictions within 25 feet of each end of a portion of highway restricted as provided in this ordinance. In the case of a restriction on a bridge or on a highway which does not begin or end at an intersection with an unrestricted highway, the Commonwealth or local authorities shall also place an advance informational sign at the intersection nearest each end of the restricted bridge or portion of highway which would allow drivers to avoid the restricted bridge or portion of highway.

VIII. 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 this ordinance 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.

IX. SEVERABILITY

The provisions of this ordinance are severable. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by any Court or competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision, and such portion shall not affect the validity of the remaining portions hereof.

X. REPEAL

This ordinance repeals the portions of any and all other resolutions and ordinances which are inconsistent with the terms of this ordinance. Any and all such provisions not inconsistent with this ordinance are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Board of Supervisors of the Township.

XI. ENACTMENT

This ordinance shall take effect five (5) days after enactment.

DULY ENACTED AND ORDAINED this ___ day of March, 2022, by the Board of Supervisors of Warren Township, Franklin County, Pennsylvania, in lawful session duly assembled.