

ORDINANCE 403

ORDINANCE REGULATING THE MAXIMUM WEIGHT OF MOTOR VEHICLES

403.1 DEFINITIONS

Definitions of words in this Ordinance are listed alphabetically in the Definitions Dictionary located at the beginning of the combined Ordinances of Delaware Township. These definitions are an integral part of the Ordinances of Delaware Township, which are incomplete without them. Any words not included in the Definitions Dictionary shall have the same meanings as those in the Motor Vehicle Code of the Commonwealth of Pennsylvania.

403.2 PURPOSE

The purpose of this Ordinance is to protect the public roads of the Township by limiting the weight of vehicles traveling over them at times when they are prone to special damage because of freezing and thawing conditions, and thereby to promote the public welfare.

403.3 PERIOD COVERED AND NOTICE

Weight limits established by this Ordinance shall apply to Township roads and highways during the months of January through May, or such period or periods during those months when the roads have been posted with a notice of a provision of this Ordinance and in accordance with the Motor Vehicle Code of the Commonwealth of Pennsylvania regarding location of posting and size of sign.

403.4 WEIGHT LIMIT

It shall be unlawful to drive, move, or operate a motor vehicle, or combination of motor vehicles, whose total gross weight exceeds ten (10) tons, over or upon any Township road or bridge, during the period described in Section 403.3, above. Gross weight shall include the weight of the vehicle or combination of vehicles, the weight of any load, and the weight of the driver and of any passengers.

403.5 EXCEPTIONS

A. Emergency vehicles (e.g., police, fire, ambulance, and rescue vehicles) and school buses are exempted from the provisions of this Ordinance.

B. If the Board of Supervisors determines that the public interest will be served thereby, it may at its discretion, and based on criteria established by it from time to time, issue a permit excepting any vehicle from the weight limits imposed by this Ordinance, which exception may include the imposition of a different weight limit, the limitation of the number of trips, the restriction of the distance to be traveled, or any other restriction that the Board considers appropriate.

C. The express intention of this provision is to allow such vehicles as emergency vehicles, vehicles carrying essential materials such as fuel, or school buses, to have access to Township roads whenever this is essential to the public welfare, and to permit any vehicle such access if it is shown that its denial will result in such hardship as will impair the public welfare.

403.6 PERMIT APPLICATION

Applications for permits to exceed the weight limit imposed by this Ordinance must be made in writing to the Board of Supervisors, on a form to be obtained from the Township Secretary, and must be accompanied by the prescribed fee.

403.7 DISPLAY OF PERMIT

A permit issued under the provisions of this Ordinance shall be displayed on the windshield of the vehicle for which it is issued in such a manner as to be clearly visible but not to obscure the vision of the driver.

403.8 REVOCATION OF PERMIT

Any permit issued under the provisions of this Ordinance may be revoked by the Board of Supervisors for cause shown.

403.9 FEE

Fees required under the provisions of this Ordinance shall be set from time to time by resolution of the Board of Supervisors, along with a procedure for collecting them. No application shall be considered filed until all fees are paid.

403.10 POSTING OF SECURITY

Any person issued a permit under the provisions of this Ordinance shall post a bond or other cash security in the amount of ten thousand dollars (\$10,000) for any damage caused by the vehicle to the road during the period covered by the permit.

403.11 ENFORCEMENT

The Township Roadmaster shall have the authority to enforce the provisions of this Ordinance, and may call upon other Township employees or Township officers, or upon law enforcement authorities, for assistance.

403.12 PENALTY

Any person who violates any provision of this Ordinance or who resists or interferes with any officers, agents, or employees of the Township who, in accordance with the provisions of this Ordinance, are in the performance of their duty, shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than seventy-five dollars (\$75.00) for each five hundred (500) pounds or part thereof in excess of one thousand (1000) pounds in excess of the maximum allowed gross weight, or three hundred dollars (\$300) for the removal or alteration of a weight limit sign, or, in default of payment, shall be imprisoned for a period of not more than five (5) days. Each day's continuance of each violation shall constitute a separate offense. All fines collected for the violation of this Ordinance shall be paid to Delaware Township.

403.13 ENACTMENT

The enactment of this Ordinance shall serve as a repeal of any ordinance inconsistent herewith.

This Ordinance shall be effective five (5) days from the date of adoption.

ADOPTED THIS 7th DAY OF January, 1985.

Jay A. Asper

Margaret Mary Jones

Thaddeus Paul

Delaware Township Board of Supervisors