

ORDINANCE NO. 63

AN ORDINANCE OF WAYNE TOWNSHIP, ERIE COUNTY, PENNSYLVANIA IMPOSING RESTRICTIONS AS TO THE WEIGHT OF VEHICLES OPERATING UPON THE TOWNSHIP ROADS OR BRIDGES; PROVIDING FOR THE ISSUING OF SPECIAL PERMITS FOR MOVEMENT OF VEHICLES OF WEIGHT IN EXCESS OF MAXIMUM WEIGHT ESTABLISHED; AND PRESCRIBING PENALTIES FOR VIOLATIONS.

WHEREAS, an engineering and traffic study has been completed by the township's engineer for the purpose of posting township roads for a reduced weight limit; and,

WHEREAS, the engineering and traffic study determined that certain roads within the township may be damaged or destroyed unless the permissible weight of vehicles is reduced and further determined that the use of excessive weight vehicles creates a hazardous traffic condition within the township; and,

WHEREAS, the Supervisors of Wayne Township deem it to be in the best interest and general welfare of the citizens and residents of Wayne Township to restrict the weight of vehicular traffic on certain roads located within the township; and,

WHEREAS, the Second Class Township Code and the Pennsylvania Vehicle Code, as amended, authorizes a township to regulate the use of roads, streets, sidewalks, footpaths, and public ways and to impose restrictions as to the weight of vehicles operated on the same;

NOW THEREFORE, BE IT ORDAINED, and it is hereby ordained, by the Board of Supervisors of Wayne Township, Erie County, a political subdivision of the Commonwealth of Pennsylvania, as follows:

SECTION 1. SHORT TITLE: this Ordinance shall be known and may be cited as the Wayne Township Weight Limit Ordinance.

SECTION 2. DEFINITIONS: Words and phrases, when used in this ordinance, except for sections to which different or additional definitions apply, shall have the meanings ascribed to them in the Pennsylvania Vehicle Code, as amended, except that, in this ordinance the word "road" shall have the same meaning as the word "highway" as defined in the Pennsylvania Vehicle Code The following words when used in this ordinance shall have the meaning ascribed to them in this section:

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 a river

vehicle commander used for answering calls or other vehicle designated by the State Police under section 6106 of the Vehicle Code relating to designation of emergency vehicles by the Pa. State Police.

Motor Vehicle — Any vehicle or combination which is defined and/or governed by the Vehicle Code, as amended.

School Bus — A motor vehicle designed for carrying more than ten passengers, exclusive of the driver, and used for the transportation of school children.

SECTION 3. VEHICLE WEIGHT LIMITS ESTABLISHED ON CERTAIN ROADS:

Except as herein specifically provided to the contrary, it shall be unlawful for any person or persons to drive any vehicle or combination having a gross weight in excess of 20,000 pounds or 10 tons on the following township roads or parts of township roads located within Wayne Township:

TOWNSHIP ROAD NUMBER	TOWNSHIP ROAD NAME	TOTAL MILES	
T826	Mill	1.02	From intersection with LR 2027 to Warren Count Line.
T301	Simmons Road	1.02	From intersection with LR 2025 to LR 2027
T925	Bemis Road	.31	From intersection with T822 to IR 2025
T567	Greeley Road	.68	From intersection with T822 to LR2025
T822	Sciota Road	2.48	From intersection with T561 to LR2025
T501	Hereford Road	1.57	From intersection with LR 2025 to Warren Count Line
T499	Crosseut Road	1.39	From intersection with LR2025 to Route 426
T818	Sciota Street		From intersection with LR2025 to Corry City Line
T535	Wheelock Road	1.64	From intersection with T800 to Route 426
T798	King Road	1.07	From intersection with LR2022 to Route 6
T503	Country Club Road	.45	From intersection with T818 to the CCC property
T497	Thompson Road		From intersection with LR2021 to LR2023

T533	Foilett Road	.36	From intersection with T790 to LR2024
T800	Buffalo Road	1.88	From intersection with five Points to the NY State Line
T790	Stuart Road	2.72	From intersection with LR2026 to Route 89N
T495	Ladd Road	46	From intersection with Route 89N to Stuart & Stuart to its end
T467	Proctor Road	1.31	From intersection with Route 89N to LR2021
T465	Fenno Road	.71	From the intersection with Route 89N to the Amit T . Line
T788	Messenger Road	98	From the intersection with T303 to Union Townshi Line
T561	State Line Road	2.19	From the intersection with Route 426 east to LR 2025
T561	State Line Road	4.0	From the intersection with LR2026 east to Route 426
T820	Russell Road	1.15	From the intersection with T501 to the Corry City Line
T808	Hatchery Road	.21	From the intersection with Route 6 to LR2022
T809	W. Smith Street Ext.	.74	From the intersection with Route 6 to the Co City Line
T810	Hillcrest Drive	.65	From the intersection with T809 in its entirety
T303	Turnpike Road	.63	From the intersection with Route 89N to Union Township Line

SECTION 4. EXCLUSIONS: Notwithstanding the foregoing provisions to the contrary, nothing in this ordinance shall prohibit any person from driving an emergency vehicle or school bus on any of the roads on which a weight restriction is imposed, or from driving on any of these roads a truck or other commercial vehicle making local deliveries to or pick-ups from the premises located along any township roadway. Local traffic criteria is defined by PENNDOT. (See appendix A) Local log trucks haulers may request a Municipal Local Traffic Letter. (See appendix B)

SECTION 5. SIGNAGE: The township shall post signs designating the weight restriction within 25 feet of each end of any highway restricted as to the weight of vehicles operated thereon.

SECTION 6. AGREEMENTS AND/OR BONDS FOR OVER WEIGHT VEHICLES: The Supervisors of Wayne Township are hereby authorized and empowered to prescribe the terms of any agreement and/or bond which may be posted by any firm or

person desiring to operate a motor vehicle upon the township roads listed in Section 3 hereof. The terms of the agreement or the amount of bond shall be fixed by the Supervisors of Wayne Township. The terms and conditions of the agreement and/or bond shall be such that the road user shall promptly, faithfully and properly restore the township road which is to be used to the condition in which it existed prior to the time the overweight use began.

SECTION 7. PENALTY FOR VIOLATION: Any person who violates any provision of this ordinance shall be prosecuted under Section 4902 of the Pennsylvania Vehicle Code, and upon conviction, shall be sentenced to pay a fine of One Hundred Fifty (\$150.00) Dollars, plus One Hundred Fifty (\$ 150.00) for each five hundred (500) pounds, or part thereof, in excess of 3000 pounds over the maximum allowable weight, plus costs.

SECTION 8. SEVERABILITY: If any subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 9. REPEALS: All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed in so far as they may be inconsistent herewith.

ENACTED AND ORDAINED THIS




THE BOARD OF SUPERVISORS OF
WAYNE TOWNSHIP

As recorded on page

of the Wayne Township Ordinance Book

Appendix A

Local Traffic Criteria	Example
Emergency Vehicles	Fire trucks, ambulances/EMS, police, etc.
School buses	N/A
Vehicles making local deliveries or pickups	Mail trucks, parcel delivery services (UPS, FedEx, etc.), and any other vehicle making a local delivery or local pickup
Vehicles and combinations of governmental agencies and utilities or their contractors engaged in construction or maintenance on a posted roadway or in a location which can be reached only via a posted roadway	Municipal vehicles, contracted municipal vehicles, and utility company vehicles performing maintenance or construction on a posted roadway or on another roadway that is only accessible by a posted road
Vehicles and combinations going to or coming from a residence, commercial establishment, or farm located on a posted roadway, or which can be reached only via a posted roadway (self-certification could be required)	Freight vehicles with an origin or destination that includes a residential address, commercial address, or farm located on a posted roadway or along another road that is only accessible by a posted road

Local Traffic Criteria	Exemption Status	Examples
<p>Natural resource* extraction sites</p>	<p>NOT LOCAL TRAFFIC</p> 	<ul style="list-style-type: none"> • Gas or oil well sites during the development and drilling of the well. Once the well is in production and the hauling is reduced to a more maintenance function the Posting Authority may consider granting the User a local hauling letter • Log landings where the logs are extracted from the forest • Quarries • Coal Mines
<p>Traffic going to or from a permanent forest product mill along or only reachable via posted roadways</p>	<p>LOCAL TRAFFIC</p> 	<ul style="list-style-type: none"> • Hauling logs to or lumber from a permanent sawmill • Hauling to or from other timber processing operations such as pallet shops • Hauling to or from a log broker yard where logs are delivered, stored, and later moved out to other locations
<p>Traffic going to or from a permanent coal reprocessing or preparation plant located along or reachable via posted roadways on the same roadway as the extraction site</p>	<p>LOCAL TRAFFIC</p> 	<ul style="list-style-type: none"> • Vehicles going to or from a coal processing plant (not a coal mine) along a posted roadway or only accessible by a posted roadway

**Natural resources are defined as any material from natural sources having potential economic value including but not limited to timber, minerals, oil, gas, wind, and water. The term does not include food crops, animals, or animal products intended for human or animal consumption such as corn, wheat, and milk.*

"MUNICIPAL LOCAL TRAFFIC LETTER"

For use subject to the below listed provisions

Determination Type

The municipality has reviewed the anticipated heavy hauling request of the individual or company listed below. As a result of this review, the municipality has determined the hauler is taking the only available route to or from the stated destination and will not cause significant damage to the highway therefore should be considered "Local Traffic" in accordance with the provisions listed below.

IT IS AGREED:

This determination may be terminated at any time by the Municipality, acting through the Municipality or the Enforcement Authority, if it has been determined that fraud or abuse of the "Local Traffic" privilege exist.

This designation does not authorize the bearer to exceed any maximum vehicle size or weight limits or Department of Transportation Regulations other than exceeding said posted weight limit.

In order for this "Notice of Determination of Local Traffic" to be valid the original of this document shall be carried in the vehicle while traveling upon the highway specified. "NO PHOTO COPIES ARE PERMITTED" In the absence of this document the user may be subject to fines and penalties.

If deterioration occurs due to said heavy hauling, the bearer will be notified and required to enter into an Excess Maintenance Agreement.

Maximum Number of Loads

A maximum of _____ load(s) per day with a total not to exceed _____ load(s) per week, regardless of the number of vehicles utilized beginning at ____:____ AM/PM on _____, and ending at ____:____ AM/PM and on _____.

Hauler Information

Individual/Company: _____ EIN/SSN: _____

Address: _____

Vehicle License Number _____

Route Description

Township T- _____ or _____ Weight Limit _____ Tons

From: _____ To: _____

Certifications

I, the undersigned hereby certify the information supplied is correct to the best of my knowledge and belief.

User Signature _____ User Title _____ Date _____

Municipal Signature _____ User Title _____ Date _____

Contact for Verification of this determination please contact:

Municipal Name: _____
Address: _____
