

**UNION DALE BOROUGH COUNCIL
UNION DALE BOROUGH
SUSQUEHANNA COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2008-50

**UNION DALE BOROUGH ORDINANCE PROVIDING FOR THE POSTING OF
A BOND OR SIMILAR SECURITY BY CERTAIN USERS OF BOROUGH
ROADS AND/OR BRIDGES AND FURTHER ASSESSING DAMAGES OR
REPAIRS AGAINST SAID USERS**

WHEREAS, the Council of Union Dale Borough, Susquehanna County, Pennsylvania, having been charged under the Laws of the Commonwealth of Pennsylvania with the duty to maintain and generally care for the roads and/or bridges of Union Dale Borough; and

WHEREAS, circumstances have become known to the members of council that a person, persons, partnership and/or corporation will be using township roads and/or bridges in such a way that could foreseeably cause substantial damage to said roads and/or bridges beyond normal usage, wear and tear and could be solely attributed to said person, persons, partnership and/or corporation; and

WHEREAS, said ordinance shall specifically include but not be limited to entities using the borough roads and/or bridges for the transportation of timber products and/or oil and gas equipment and any other usage that result in extraordinary weights.

NOW THEREFORE, be it hereby ordained by the Council of Union Dale Borough, Susquehanna County, Pennsylvania, that if such circumstances present themselves, the Supervisors shall:

1. Be notified by anyone using equipment and/or vehicles on township roads and/or bridges and/or it could be foreseen that substantial damage could occur to said roads and/or bridges beyond normal usage wear and tear. Said notification shall be in writing to the Borough Secretary.
2. Require the posting of a bond or other similar security as the Council deems adequate, in such amount as in the discretion of the supervisors as is necessary to cover the possible damages and repairs thereof, inflicted upon the roads

and/or bridges. Said bond and/or similar security must be approved by the Council as to the securing entity and amount.

3. Demand assurances that all vehicles which may be used by the person, persons, partnership and/or corporation, will be in full compliance with all vehicle codes, and in particular, compliance with any and all weight restrictions on bridges which said vehicles may travel over within the borough.
4. To withhold such monies from said bond or security to repair such damages inflicted upon the roads and/or bridges which, after a reasonable and qualified inspection, can be directly attributable to the person, persons, partnership and/or corporation that posted the bond.
5. Any Union Dale Borough Council Member, permit officer, and/or law enforcement official having jurisdiction within the township confines shall be an authorized enforcer of this ordinance.
6. Said enforcement officer shall have the power to issue an immediate cease and desist order as to the use of any township road and/or bridge being adversely affected through the use of the roadway and/or bridge by the aforementioned person, persons, partnership and/or corporation that results in or could foreseeably result in damages over and above normal usage and wear and tear.
7. In the event of a continued use of a borough road and/or bridge by an aforementioned person, persons, partnership and/or corporation after a cease and desist order is issued to said individual and/or entity, said individual and/or entity shall be subject to a fine in a minimum amount of \$50 and a maximum amount of \$300 per violation. Each and every usage of a borough road and/or bridge by a violating party shall be considered a separate and independent violation under this ordinance.

ORDAINED this 1st day of December, 2008, by the Council of Union Dale Borough, Susquehanna County, Pennsylvania.

UNION DALE BOROUGH COUNCIL

William H. Wolfe Jr.

Patricia Cunniff
Keith L. Lister

Attest: Barbara