

ORDINANCE NO. 96-01

TOWNSHIP OF MORGAN
GREENE COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE TOWNSHIP OF MORGAN, COUNTY OF GREENE, PENNSYLVANIA, ESTABLISHING WEIGHT LIMITS FOR MOTOR VEHICLES ON TOWNSHIP ROADS, REQUIRING THE ISSUANCE OF A PERMIT TO OPERATE OVERWEIGHT MOTOR VEHICLES UPON TOWNSHIP ROADS, PROVIDING FOR THE POSTING OF SECURITY FOR THE USE OF SAID ROADS, AND SETTING FORTH PENALTIES FOR VIOLATIONS THEREOF.

WHEREFORE, it is the intent of the Township of Morgan, (hereinafter referred to as "Township"), to insure that the Township shall be guaranteed the means to repair its roads and/or bridges or other appurtenant or integral structures, that have been or may be structurally damaged by vehicles having excessive gross weight; and

WHEREFORE, it is hereby expressly declared that, it is not the purpose or intent of the Township to discriminate against or in any way to impose undue hardship, upon any individual, group, company or other business entity; and

WHEREFORE, it is now deemed necessary for the protection of the health, cleanliness, comfort and safety of the citizens of the Township to enact this Ordinance; and

WHEREFORE, the Supervisors of the Township desire to make provisions for the requirement and issuance of a Township permit for the operation of overweight motor vehicle equipment upon Township roads; and

WHEREFORE, the Pennsylvania Motor Vehicle Code, 75 Pa.C.S. §4901 et.seq. provides authority to enact ordinances relating to the subject of this Ordinance and the procedure thereof; and

NOW THEREFORE, pursuant to the authority conferred upon it by the Pennsylvania Motor Vehicle Code and the Second Class Township Code, the Board of Supervisors of the Township of Morgan, County of Greene, Pennsylvania, does hereby enact this Ordinance as aforementioned by ENACTING AND ORDAINING the following:

SECTION 1. SHORT TITLE. This Ordinance shall be known as the "Overweight Vehicle Permit Ordinance."

SECTION 2. GENERAL SCOPE. The subject matter of this Ordinance is the establishment of a permit requirement for the movement of overweight motor vehicles on Township roads, the establishment of weight restrictions on Township roads and the providing for the posting of security thereof.

SECTION 3. DEFINITIONS. For the purposes of this Ordinance, the following words, when used herein, shall have the following meanings:

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 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).

Motor Vehicle - Any vehicle or combination which is defined and/or governed by the "Vehicle Code", 75 Pa. C.P.S. §101 et. seq., as amended.

Overweight Vehicle - This term shall have the meaning ascribed by Chapter 49 of the Pennsylvania Motor Vehicle Code, as amended.

Permit - A permit under this Ordinance shall be a prior written authorization, issued by the Township Secretary at the direction of the Township Roadmaster or the individual in charge of maintenance of the roadways within the Township limits, which shall allow the operation of an overweight vehicle for the time period and within the time restrictions specified on the permit, but in no case shall a permit under this Ordinance be valid for more than one (1) year from the date of issuance.

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 4. WEIGHT LIMITS. By the authority of the Pennsylvania Motor Vehicle Code, the maximum gross weight limit for all motor vehicles or combinations thereof, including but not limited to, tractors of all types and farm and construction machinery, is hereby established at ten (10) tons on all streets, roadways or parts thereof, which are owned and maintained by the Township, unless otherwise specifically designated.

SECTION 5. GENERAL RULE.

It shall be unlawful for any individual or company to operate upon any roadway of the Township any overweight vehicle at any time or for any distance. Only overweight vehicles that are operated pursuant to the permit issued in accordance with this Ordinance shall be permitted to operate upon the roadways of this Township for the dates and times and under the conditions set forth in that permit only.

SECTION 6. EXCEPTIONS.

Nothing in this Ordinance shall prohibit the following vehicles from using the streets and roads designated above:

- A. All emergency vehicles and school buses.
- B. Any vehicle making an isolated delivery of consumer goods.
- C. Any person or entity, posting the security required by the Township, for the use of said streets or roads by excessive weight vehicles.

SECTION 7. ISSUANCE OF PERMIT.

A. Any individual or company that desires to operate upon any Township roadway any overweight vehicle shall make application to the Township for a permit to so operate any overweight vehicle. This application shall state, at minimum, the name and address of the owner and responsible party for the overweight vehicle, the weight of the vehicle, the roadways upon which this vehicle will travel and the dates and times that this vehicle will travel upon those roadways within the Township. The applicant shall also furnish a daytime telephone number for the use of the Township, should additional information be necessary.

B. Application for this permit shall be made no less than ten (10) business days prior to the date that the applicant requests permission to operate any overweight vehicle upon Township roads.

C. The Township reserves the right to refuse to issue any permit if additional information is requested from the applicant and the applicant either fails or refuses to supply such information.

D. Any permit issued under this Ordinance may, at the discretion of the Township, detail certain restrictions upon the operation of said overweight vehicle. Any decision by the Township to limit, restrict or otherwise subject the operation of any overweight vehicle to additional regulations shall be made in the sole discretion of the Township taking into consideration potential damage to any Township roadway, the safety of operation and any other relevant consideration.

E. Every application for a permit under this Ordinance shall be accompanied by an application fee of One Hundred Fifty (\$150.00) Dollars. Said fee shall be payable only by cash or certified check drawn on a United States bank.

SECTION 8. INSPECTION OF VEHICLES.

A. Any individual or company that makes application for a permit under this Ordinance shall make available, at the request of the Township, the overweight vehicle proposed to be operated upon Township roadways, during normal business hours.

B. Any overweight vehicle shall meet the requirements of the Chapter 49 of the Pennsylvania Motor Vehicle Code, 75 Pa.C.S., and any other applicable statutes or regulations established by this Commonwealth.

SECTION 9. REVOCATION OR DENIAL OF PERMITS.

A. The Township reserves the right to revoke any permit issued under this Ordinance at any time for cause shown.

B. Any licensee who operates his or her vehicle contrary to the terms and restrictions of the permit issued under this Ordinance shall be subject to immediate revocation of the permit.

C. Revocation of permits shall be made either in writing, via first class, U.S. certified mail, return receipt requested or by oral notification to the operator of the overweight vehicle by either the Township Secretary, the Township Roadmaster or other individual responsible for the maintenance of township roadways, or by any police officer with jurisdiction within the Township.

D. Applications for permits shall be denied, in the sole discretion of the Township, in any case where the operation of the overweight vehicle may cause or will cause damage to Township roadways or where said overweight vehicle cannot be operated safely.

SECTION 10. SECURITY. Security shall be posted in all cases of the use of posted roads by excessive weight vehicles, as required by the Township, except only for those instances where the potential damage is deemed to be minimal, as determined by the Township, or for those vehicles set forth in Section 6.

SECTION 11. OTHER REMEDIES. By the adoption of this Ordinance, the Township shall not be deemed to have waived, nor does it waive, relinquish, or in any manner give up any other legal remedies it may have in Law or in Equity, Civil or Criminal, or through any other lawful means, to remedy, enforce, sue or prosecute for violations of this Ordinance.

SECTION 12. PENALTIES.

A. Penalty for violation without permit - Any person operating a vehicle, combination or load that is in violation of, or not in compliance with any prohibition or restriction imposed by this Ordinance on any Township road or bridge, and without a permit, shall upon conviction be sentenced to pay a fine of One Hundred Fifty and 00/100 (\$150.00) Dollars plus One Hundred Fifty and 00/100 (\$150.00) Dollars for each 500 pounds, or part thereof, in excess of three thousand (3,000) pounds over the maximum allowable weight and the costs for the proceedings thereof.

B. Penalty for violation of permit - Any person whose vehicle, combination or load is in violation of, or not in compliance with, any condition of a permit, and any person who violates or fails to comply with any condition of a permit while operating or transporting a vehicle, combination or load, in

addition to any other violation prohibited by this chapter, commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$500 for each violation.

B. Penalty for operation with an invalid permit - Any person who operates or moves an oversize or overweight vehicle, combination or load with an expired, void or invalidated permit, in addition to any other violation prohibited by this chapter, commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$1,000 for each violation.

C. Impounding of vehicles - Any vehicle operated upon the roadways of this Township that is suspected of being an overweight vehicle and for which a permit under this Ordinance is not held by the operator or owner shall be subject to immediate inspection. If it is found that such vehicle is an overweight vehicle and does not possess a permit under this Ordinance to operate upon Township roadways, then that vehicle will be subject to immediate impounding until a permit is applied for and issued under this Ordinance or until the vehicle can be towed or otherwise removed from the Township without violating the provisions of this Ordinance.

SECTION 13. SEVERABILITY. The provisions of this Ordinance are hereby declared severable, and if any of its provisions shall be held to be invalid or unconstitutional, or otherwise void for any reason, such decision shall not affect or impair any of the remaining provisions hereof; it is hereby declared to be the intent of the Township that this Ordinance

would have been adopted if such invalid, unconstitutional, or otherwise void provision had not been included herein.

SECTION 14. REPEALER. Any Ordinance containing any provision inconsistent herewith to the extent that such provisions are inconsistent, those provisions are also hereby repealed.

ORDAINED AND ENACTED INTO LAW by the Board of Supervisors of the Township of Morgan in lawful session assembled this 14th day of May, 1996.

TOWNSHIP OF MORGAN

By: Shirl Barnhart
Shirl Barnhart
Chairman, Board of Supervisors

By: George E. Handford
George E. Handford, Vice Chairman

By: Gene A. Morris
Gene A. Morris, 3rd Member

ATTEST:

Relda K. Litterer
Secretary

(Seal)

Prepared by:

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