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BOROUGH OF CLINTONVILLE
VENANGO COUNTY, PENNSYLVANIA

ORDINANCE NO. 44

AN ORDINANCE REGULATING AND RESTRICTING THE OPERATION OF VEHICLES UPON ALL ROADS IN BOROUGH OF CLINTONVILLE, VENANGO COUNTY, COMMONWEALTH OF PENNSYLVANIA, INCLUDING BOTH PAVED AND UNPAVED, FIXING AND REGULATING THE WEIGHT AND LOADS THEREON OF THE AFORESAID VEHICLES; PROVIDING FOR THE MAINTENANCE OF THE ROADS OF THE BOROUGH AND FOR ALLOCATION OF COST TO THOSE WHO CAUSE DAMAGE TO THE ROADS DUE TO WEIGHT IN EXCESS OF LIMITS; PROVIDING FOR THE ISSUANCE OF PERMITS, POSTING OF BONDS AND PROVIDING FOR VIOLATIONS THEREOF.

WHEREAS, the Borough of Clintonville, Venango County, Pennsylvania have jurisdiction of and are responsible for the maintenance of various roads in the aforesaid Borough, and

WHEREAS, the said Borough Roads by reasons of deterioration and climatic conditions including but not limited to rain, snow, frost, may be seriously damaged or destroyed unless the use of vehicles is prohibited or the permissible weights thereof reduced, and

WHEREAS, all of the tax payers of the municipality contributes to the building and maintenance of the aforesaid roads.

NOW THEREFORE, be it enacted and it is hereby enacted and ordained by the Borough of Clintonville, Venango County, Pennsylvania, that

SECTION 1: Declaration of Purpose. It is the purpose of this Ordinance:

1. To prevent destruction and deterioration of those roads which are regularly used by vehicles which exceed 20,000 pounds loaded weight;

2. To provide funds for the repair and maintenance of such roads;

3. To allocate the cost of repairing and maintaining roads which are regularly used by vehicles having a loaded weight in excess of 20,000 pounds and damaged thereby;

4. To provide for health, safety and welfare of residents and users of Borough Roads.

SECTION 2: Definitions.

1. "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway.

2. "Person" means any individual, firm, partnership, association, corporation, company or organization of any kind.

SECTION 3: Application of ordinance.

This ordinance shall be applicable to any vehicle which operates on or over Borough Roads at least twice in a seven day period or any vehicle that has as its loading point or destination point a place where more than one vehicle in excess of 20,000 pounds loaded weight per week is loaded or driven.

SECTION 4: Weight Limit.

It is unlawful for any person to operate or drive on, upon or over any Borough Road, any vehicle in excess of 20,000 pounds loaded weight.

SECTION 5: Erection of Signs.

The Borough of Clintonville, Venango County, shall cause to be erected at the termini of said Borough Roads, and maintain the same, official signs bearing the words "Ten Ton Weight Limit".

SECTION 6: Permits.

1. The Borough may grant a heavy hauling permit for the travel over, on, or upon Borough Roads by vehicles in excess of 20,000 pounds loaded weight.

2. Applications for permits shall be made in writing to the Borough on a form supplied by the Borough.

3. Each applicant may be required by the Borough to submit a cash bond and/or surety bond in such amounts and/or enter into a Heavy Hauling Agreement on the terms which the Borough deem appropriate.

4. Each applicant shall submit any information reasonably required and requested by the Borough and related to the enforcement of this ordinance.

5. Each applicant shall submit a monthly summary of total tonnage hauled or transported over said roads which shall include a listing of tonnage hauled or transported over each road separately, whenever requested by the Borough or when permits for the use of the same road are issued to more than one (1) person.

6. A failure to comply with any provision hereof shall render the permit null and void.

SECTION 7: Use of Bond Money for Maintenance of Roads.

1. The cash bond and/or surety bond required by Section 6 (3) hereof shall be used by the Borough to pay for the repair of any damage to its roads caused by the operation of any vehicle in excess of 20,000 pounds loaded weight.

2. The Borough shall determine the cost of such damage. It may use the following factors, and other factors found appropriate under the circumstances:

a. The cost per mile per year of repairs made to the roads over which the vehicles of the permit holders have traveled as compared to the average cost per mile per year of municiiple road repairs.

b. Historical cost of maintenance before use by permit holder's trucks as compared with costs after the trucks have traveled the road.

c. Condition damaged by vehicles in excess of the 20,000 pound loaded weight limit attributable to or in any way related to the permit holder.

d. Extent of traffic not attributable to permit holder compared with the extent of vehicle traffic of the permit holder.

3. If several permit holders use the same road, the Borough shall adjust the amount to be contributed from each in accordance with a comparison of the total tonnage carried by each permit holder.

4. The Borough shall determine when such road repairs are needed.

5. The municipality shall return the unused portion of the bond to the permit holder when the permit holder's operation of vehicles upon Borough Roads ceases and the permit holder requests in writing the cancellation of his permit and a refund of the unused portion of the bond.

SECTION 8: Enforcement.

Any police officer or Borough Mayor may stop a vehicle, upon request or signal, to secure such information as

the officer or Mayor may believe to be necessary to enforce the provisions of this ordinance including but not limited to certified weight slips from either the point of origin or loading point or the point of destination of said vehicle.

SECTION 9: Penalty.

Any person violating any of the provisions of this Ordinance shall upon conviction thereof be subject to a fine not in excess of the Three Hundred (\$300) Dollars for each and every offence and in default of payment of any fine and costs imposed shall be committed to the County Jail for a period or not more than Thirty (30) days or both. Each day that a person shall continue to violate this Ordinance shall constitute a separate offense punishable by fine and/or term of imprisonment.

SECTION 10: Separability.

If any section, subsection, sentence, clause, phrase or other portion of the 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 thereof.

SECTION 11: Ordinances Repealed.

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance heretofore enacted or promulgated by the Borough are hereby repealed.

ORDAINED AND ENACTED into law by the Borough
Council of the Borough of Clintonville in lawful session
assembled this 4th day of May, 1982.

BOROUGH OF CLINTONVILLE

(BOROUGH SEAL)

ATTEST:

Louise Donaldson
Borough Secretary

By Leroy O. Myers
President of Council

APPROVED this 4th day of May, 1982

John E. Masten
Mayor