

ORDINANCE NO. 1-12-12

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF FRANKLIN TOWNSHIP, FAYETTE COUNTY, PENNSYLVANIA, IMPOSING RESTRICTIONS AS TO THE WEIGHT OF VEHICLES OPERATED UPON CERTAIN TOWNSHIP ROADS; PROVIDING FOR THE ISSUANCE OF PERMITS AND THE POSTING OF SECURITY FOR THE MOVEMENT OF VEHICLES OF A WEIGHT IN EXCESS OF RESTRICTIONS; AND PRESCRIBING PENALTIES FOR VIOLATIONS.

BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by The Board of Supervisors of the Township of Franklin, Fayette County, Pennsylvania, as follows:

SECTION 1. SHORT TITLE

This Ordinance shall be known as the "Motor Vehicle Weight Limitation and Bonding Ordinance of Franklin Township",

SECTION 2. ENACTMENT

This Ordinance is enacted pursuant to the authority conferred by the "Vehicle Code", Act of 1976, June 17, 1962, No. 81, Section I, effective July 1, 1977 (75 Pa. C.S.A. § 101 et seq.), as amended and is intended to include and be subject to all provisions of Section 4902 of the "Vehicle Code", 75 Pa. C.S.A. §4902 and all Pennsylvania Department of Transportation regulations promulgated under the "Vehicle Code" by way of illustration and not limitation, under Sections 4902 (1) and 6103 (75 Pa. C.S.A. §4902(f) and 6103).

SECTION 3. DEFINITIONS

The following words when used in this Ordinance shall have the following meanings, unless the context clearly indicates otherwise:

Motor Vehicle - any vehicles or combination as defined and/or governed by the Pennsylvania Vehicle Code, 75 Pa. C.S.A., § 101 et seq., as amended.

Local Traffic - emergency vehicles and school buses, defined hereinafter, vehicles and combinations or governmental entities and where their contractors are engaged in construction or maintenance on a posted highway or in a location which can be reached only by way of a posted highway, and vehicles and combinations going to or coming from a residence or farm located on a posted highway or which can be reached only by via a posted highway.

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 vehicles designated by the State Police under §6106 of the "Vehicle Code" (relating to designation of emergency vehicles by Pennsylvania State Police).

School Bus ~ a motor vehicle designated for carrying more than ten (10) passengers, exclusive of the driver, and used for the transportation of school children.

SECTION 4. FINDINGS OF THE BOARD OF SUPERVISORS OF FRANKLIN TOWNSHIP

The Board of Supervisors has determined and hereby determines based upon weight and size restrictions and based upon highway conditions and studies and otherwise that the following roads will be damaged or destroyed unless the permissible weight of motor vehicles is restricted to the weight limits listed. A complete list of the roads, identified by their Route Number, Road Name, Part of the Road Restricted and Weight Limit, is attached hereto as Exhibit "A" and is made a part hereof.

SECTION 5. VEHICLE WEIGHT LIMITS ESTABLISHED

(A) Pursuant to the findings under Section 4, supra., and by authority of §4902 of the "Vehicle Code" and regulations promulgated thereunder, no motor vehicle or combination shall be operated upon any of the roads listed in Section 4 with gross weight in excess of the weight limits listed for said road in Section 4.

(B) Local traffic as defined herein shall be exempted from the restrictions imposed under Section (A) above. However, if the Board of Supervisors determines that any local traffic is likely to damage the road, the Board of Supervisors will so notify the registrants of the motor vehicle or combination and will also notify State Police. After two (2) business days following delivery of the notice, or after (5) days following mailing of the notice, such local traffic vehicles shall not exceed the weight limits except in accordance with Section 7 hereof.

SECTION 6. PERMITS AND SECURITY

Individuals or entities wishing to operate vehicles in excess of established weight limits on restricted weight Township roads may apply for a permit to do so on a form provided by the Township. Said permit application will be referred to the Township Secretary who shall:

- a. Place the issue on the agenda for a meeting of the Board of Supervisors; and;
- b. Consult with the Third Party Consultant as necessary to determine the amount of security/bond to be posted by the applicant. The amount of security shall be calculated in accordance with Title 67, Chapter 189 of the Pennsylvania Code or its equivalent; and
- c. Present a recommendation to the Supervisors to include the amount of security to be posted by the applicant if the permit is approved.

No permit will be issued until the application is approved by the Board of Supervisors at a

scheduled public meeting and, if required, security has been posted with the Township Secretary. **The Board of Supervisors shall by resolution, set the amount of administrative, inspection and Third Party Consultation fees, and may delegate the authority to approve permits and set security to the Secretary or other official of the Township.**

All actions taken under the authority of this section shall be taken in accordance with the rules and regulations adopted by the Commonwealth of Pennsylvania, Department of Transportation, as found in Title 67 of the Pennsylvania Code.

SECTION 7. ERECTION OF SIGNS

The Township shall erect or cause to be erected and maintained weight restriction signs designating the restrictions at the end of the portion of road restricted as provided in this Ordinance. In the case of a restriction on a road which has not begun or ended at an intersection with an unrestricted highway, the Township shall also place an advance informational sign at the intersection nearest each end of the restricted portion of the road which would allow drivers to avoid the restricted portion of road.

SECTION 8. PENALTIES FOR VIOLATION

Any person operating a motor vehicle or combination upon a road or bridge in violation of a prohibition or restriction imposed under Section 4 shall, upon conviction by a Magisterial District Justice, pay a fine consistent with the applicable section of the Pennsylvania Motor Vehicle Code in effect at the time of the violation.

The current applicable section of the Code, 4902(g) states:

(g) PENALTY-

(1) Any person operating a vehicle or combination upon a highway or bridge in violation of a prohibition or restriction imposed under subsection (g) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$75 for each of Tense, except that any person convicted of operating a vehicle with a gross weight in excess of a posted weight shall, upon conviction, be sentenced to pay a fine of \$150 plus \$150 for each 500 pounds, or part thereof, in excess of 3,000 pounds over the maximum allowable weight for each offense.

(2) Any person operating a vehicle or combination in violation of a prohibition or restriction imposed under subsection (b) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than \$25 and not more than \$100 for each offense.

SECTION 9. SEVERABILITY

The provisions of the Ordinance are severable. If any sentence, clause, or section of the Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, or sections of this Ordinance. It is hereby declared to be the intent

of the Board of Supervisors of Franklin Township that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, or section not been included herein.

SECTION 10. REPEALER

All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed insofar as they may be inconsistent herewith.

SECTION 11. EFFECTIVE DATE

This Ordinance shall become effective five (5) days after enactment.

ENACTED AND ORDAINED this 19th day of December 2012, by the Board of Supervisors of Franklin Township, Fayette County, Pennsylvania.

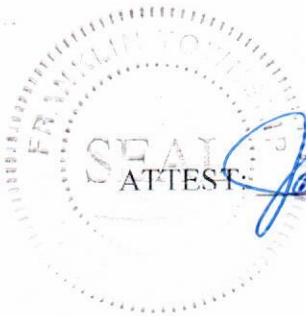
BOARD OF SUPERVISORS OF FRANKLIN TOWNSHIP

BY: W. T. McAl

Adopted this 19th day of December, 2012.

Franklin Township Supervisors:

W. T. McAl
Joseph R. M...
Melvin E. L...

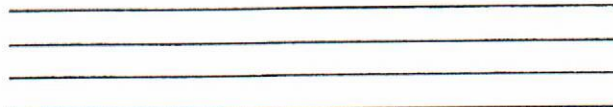


Gene W. D...

APPENDIX A

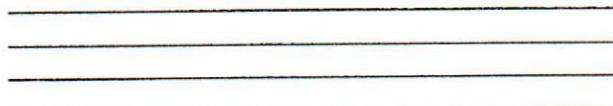
WIDMER ENGINEERING, INC. FINDING AND POSTING RECOMMENDATIONS

Elm Grove Road T656 Segment 1 of 1 1.29 miles
From SR 1043 Bitner Road to SR4010 Laurel Hill Road
Recommended restriction - 10 Tons
Existing Asphalt
Asphalt width 13'
Asphalt thickness 1.5"-2"
Posted speed limit - 25 mph
Posted weight limit - 3 Tons



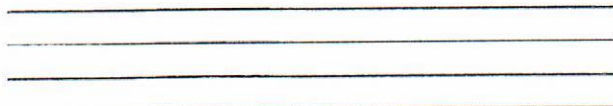
See photo attachment #1-2

Juniata Road T625 Segment 1 of 1 .20 miles
From SR1045 Cottom Road to Township Line
Recommended restriction - 10 Tons
Existing Asphalt
Asphalt width 14'
Asphalt thickness 3"
Posted speed limit - None noted
Posted weight limit - None noted



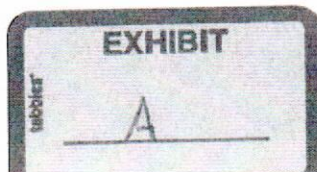
See photo attachment #3-4

Lenkey Road T701 Segment 1 of 1 .43 miles
From SR1010 Dickerson Road to Township Line
Recommended restriction - 10 Tons
Existing Asphalt
Asphalt width 10'
Asphalt thickness 1.5"
Posted speed limit - None noted
Posted weight limit - None noted



See photo attachment #5-6

Franklin Township
Weight Limit Study
August 2012
WE #12611



Sandrock Road T654

Segment 1 of 1

.75 miles

From SR1008 Virgin Run Road to End
Recommended restriction - 10 Tons
Existing Asphalt and Dirt
Asphalt width 12'-13'
Asphalt thickness 2"-3"
Posted speed limit - None noted
Posted weight limit - None noted

See photo attachment #13-14

Warchol Road T573

Segment 1 of 1

.38 miles

From 0201 to End
Recommended restriction - 10 Tons
Existing Asphalt
Asphalt width 13'
Asphalt thickness 1.5"
Posted speed limit - None noted
Posted weight limit - None noted

See photo attachment #15-16

Griffin Road T670

Segment 1 of 1

1.74 miles

From SR4028 Town & Country Road to Township Line
Recommended restriction - 10 Tons
Existing Asphalt
Asphalt width 13'-14'
Asphalt thickness 1"-1.5"
Posted speed limit - None noted
Posted weight limit - None noted

See photo attachment #17-18

Jacobs Lane T671 Segment 1 of 1 1.11 miles
From SR4028 Town & Country Road to T532 Curfew Road
Recommended restriction - 10 Tons
Existing Asphalt
Asphalt width 10'
Asphalt thickness 1.5"-2"
Posted speed limit - None noted
Posted weight limit - None noted

See photo attachment #19-20

Old Pittsburgh Lane T612 Segment 1 of 1 .40 miles
From SR0051 to SR0051
Recommended restriction - 10 Tons
Existing Asphalt
Asphalt width 12'
Asphalt thickness 1"
Posted speed limit - 25 mph
Posted weight limit - 10 Tons

See photo attachment #21-22

East End Road T540 Segment 1 of 1 .33 miles
From SR4016 Smock Road to T541 Colonial Avenue Extension
Recommended restriction - 10 Tons
Existing Asphalt
Asphalt width 14'
Asphalt thickness 3"
Posted speed limit - None noted
Posted weight limit - None noted

See photo attachment #23-24

APPENDIX A
WIDMER ENGINEERING, INC. FINDING AND POSTING RECOMMENDATIONS

1. Humbert Lane T499 Segment 1 of 2 .04 miles
From SR1043 Bitner Road to T577 Mountain View Road
Recommended restriction - 10 Tons
Existing Asphalt
Asphalt width 13'
Asphalt thickness 2.5"
Posted speed limit – none noted
Posted weight limit – none noted

See photo attachment #1-2

1. Humbert Lane T499 Segment 2 of 2 .35 miles
From T577 Mountain View Road to End
Recommended restriction - 10 Tons
Existing Asphalt
Asphalt width 15'
Asphalt thickness 2.5"-3"
Posted speed limit – none noted
Posted weight limit – none noted

See photo attachment #3-4

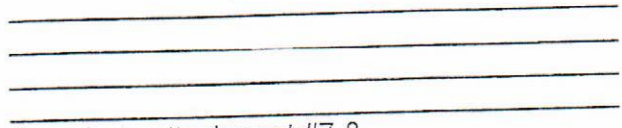
2. Riggan Hill Road T652 Segment 1 of 1 .60 miles
From SR1043 Bitner Road to Township Line
Recommended restriction - 10 Tons
Existing Gravel and Asphalt
Asphalt width 11'
Asphalt thickness 2"
Posted speed limit – none noted
Posted weight limit – none noted

See photo attachment #5-6

3. Pump Station Road T613
From SR4013 Strong Road to End
Recommended restriction - 10 Tons
Existing Asphalt
Asphalt width 12'
Asphalt thickness 1" Tar & Chip
Posted speed limit - none noted
Posted weight limit - none noted

Segment 1 of 1

.37 miles

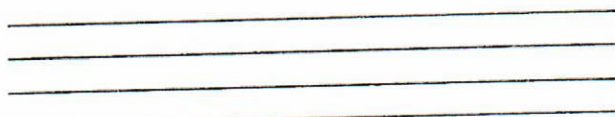


See photo attachment #7-8

4. Breeding Hill Road T575
From T622 Croftcheck Road to SR4032 Bolden Road
Recommended restriction - 10 Tons
Existing Asphalt
Asphalt width 12'
Asphalt thickness 1"-1.5"
Posted speed limit - none noted
Posted weight limit - none noted

Segment 1 of 1

1.05 miles

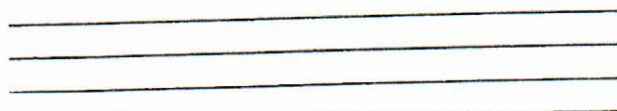


See photo attachment #9-10

5. Cooper Road T579
From SR4032 Bolden Road to T576 Grimplin Road
Recommended restriction - 10 Tons
Existing Asphalt
Asphalt width 13.5'
Asphalt thickness 2.5"-3"
Posted speed limit - none noted
Posted weight limit - none noted

Segment 1 of 1

.87 miles



See photo attachment #11-12

6. Cunningham School Road T574 Segment 1 of 1 1.17 miles
From SR4032 Bolden Road to T622 Croftcheck Road
Recommended restriction - 10 Tons
Existing Asphalt
Asphalt width 14.5'
Asphalt thickness 2"
Posted speed limit - none noted
Posted weight limit - none noted

See photo attachment #13-14

7. Grimplin Road T576 Segment 1 of 2 .61 miles
From SR4030 Reservoir Road to T579 Cooper Road
Recommended restriction - 10 Tons
Existing Asphalt
Asphalt width 14.5'
Asphalt thickness 2"-2.5"
Posted speed limit - none noted
Posted weight limit - none noted

See photo attachment #15-16

7. Grimplin Road T576 Segment 2 of 2 .27 miles
From T579 Cooper Road to T575 Breeding Hill Road
Recommended restriction - 10 Tons
Existing Asphalt
Asphalt width 14'
Asphalt thickness 2"-2.5"
Posted speed limit - none noted
Posted weight limit - none noted

See photo attachment #17-18

8. Croftcheck Road T622 Segment 1 of 1 .66 miles
From T575 Breeding Hill Road to T574 Cunningham School Road
Recommended restriction - 10 Tons
Existing Asphalt
Asphalt width 14'
Asphalt thickness 2.5"
Posted speed limit – none noted
Posted weight limit – none noted

See photo attachment #19-20

9. Morris Hollow Road T623 Segment 1 of 2 1.79 miles
From T574 Cunningham School Road to T626 Swiss Heights Road
Recommended restriction - 10 Tons
Existing Asphalt
Asphalt width 14'
Asphalt thickness 2"
Posted speed limit – none noted
Posted weight limit – none noted

See photo attachment #21-22

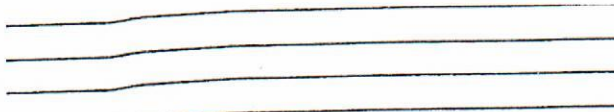
9. Morris Hollow Road T623 Segment 2 of 2 .19 miles
From T626 Swiss Heights Road to SR0051
Recommended restriction -10 Tons
Existing Asphalt
Asphalt width 14.5'
Asphalt thickness 3"
Posted speed limit – none noted
Posted weight limit – none noted

See photo attachment #23-24

10. Hawk Road T666
From SR1008 Virgin Run Road to End
Recommended restriction - 10 Tons
Existing Dirt
Dirt width 8'
Posted speed limit - none noted
Posted weight limit - 3 Tons

Segment 1 of 1

.50 miles

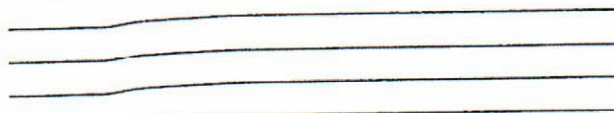


See photo attachment #25-26

11. Lake Road T702
From SR1008 Virgin Run Road to T547 Flatwoods Road
Recommended restriction - 10 Tons
Existing Asphalt
Asphalt width 12'-13'
Asphalt thickness 3"-4"
Posted speed limit - 15 mph
Posted weight limit - 10 Tons

Segment 1 of 2

.98 miles

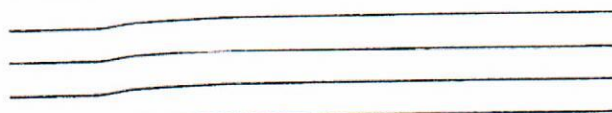


See photo attachment #27-28

11. Lake Road T702
From T547 Flatwoods Road to SR201
Recommended restriction - 10 Tons
Existing Asphalt
Asphalt width 15'
Asphalt thickness 2"-3"
Posted speed limit - none noted
Posted weight limit - none noted

Segment 2 of 2

.02 miles



See photo attachment #29-30

12. Brewer Road T611 Segment 1 of 1 .67 miles
From T532 Curfew Road to SR0051
Recommended restriction - 10 Tons
Existing Asphalt
Asphalt width 9' at Intersection
Asphalt thickness 2"-3"
Posted speed limit – none noted
Posted weight limit – none noted

See photo attachment #31-32

13. Curfew Road T532 Segment 1 of 2 .89 miles
From T611 Brewer Road to T671 Jacobs Lane
Recommended restriction - 10 Tons
Existing Asphalt
Asphalt width 14'
Asphalt thickness 3"
Posted speed limit – none noted
Posted weight limit – none noted

See photo attachment #33-34

13. Curfew Road T532 Segment 2 of 2 .49 miles
From T671 Jacobs Lane to SR0051
Recommended restriction - 10 Tons
Existing Asphalt
Asphalt width 13'-14'
Asphalt thickness 2"-3"
Posted speed limit – none noted
Posted weight limit – none noted

See photo attachment #35-36

14. Crabapple Road T669

Segment 1 of 2

.91 miles

From SR0051 to T668 Road

Recommended restriction - 10 Tons

Existing Asphalt

Asphalt width 12'-13'

Asphalt thickness 1.5"

Posted speed limit - none noted

Posted weight limit - none noted

See photo attachment #37-38

14. Crabapple Road T669

Segment 2 of 2

1.28 miles

From T668 Road to SR4028 Tippecanoe Road

Recommended restriction - 10 Tons

Existing Asphalt

Asphalt width 13'

Asphalt thickness 1"-1.5"

Posted speed limit - none noted

Posted weight limit - none noted

See photo attachment #39-40