

ORDINANCE

No. 1 of 2007

PERRY TOWNSHIP

AN ORDINANCE SETTING FORTH THE WEIGHT LIMITS FOR VEHICLES TRAVELING UPON ROADS LOCATED IN THE TOWNSHIP AND OWNED BY THE TOWNSHIP, AND SETTING THE REQUIREMENTS FOR PERMITS FOR VEHICLES IN EXCESS OF THOSE WEIGHT LIMITS.

WHEREFORE, Ordinance No. 23 of the Perry Township Supervisors set forth requirements that vehicles having a gross weight in excess of 15,000 pounds shall be required to apply for a permit and post a bond prior to traveling upon any Township road;

WHEREFORE, the purpose of this Ordinance is to establish and update the regulations for the weight of vehicles and to establish a bonding procedure for over weight vehicles;

WHEREFORE, the Perry Township Supervisors have had engineering studies done of the Township roads in order to ascertain the proper weight limits for the Township roads;

THEREFORE, intending to legally bound, the Township hereby enacts the following Ordinance:

1. The weight limit for all roads owned by Perry Township is hereby established at 20,000 pounds. Vehicles in excess of 20,000 pounds, unless they fall into one of the exceptions in Paragraph 6, must obtain a permit pursuant to Paragraph 2.

2. Permits for gross vehicles in excess of 20,000 pounds must be obtained from the Secretary of the Township prior to operating any overweight vehicle on the Township Roads. A bond, at not less than \$6,000.00 per mile, shall be required at the same time the permit is submitted, before a permit can be issued. The bond shall be issued by a company acceptable to the Township. The Township also has the authority to accept monetary proceeds in lieu of a bond. The Township is under no authority to issue a permit for any overweight vehicle if the Township determines the road cannot handle the weight of that vehicle. The Township Supervisors, by resolution, may increase or decrease the bonding amount per mile for the individual roads or all the roads in the Township.

3. Prior to the bond being issued, an applicant for an overweight vehicle permit shall enter into an agreement with the Township, which will require the applicant to maintain and repair the affected roadway during the period of the use thereof, and furthermore to be responsible for any repairs necessary after the period of time in which the overweight vehicle is utilized on the Township roads.

4. Applicants may combine under one bond and one agreement more than one vehicle, and may utilize more than one road, so long as the vehicles and roads are all specified on the agreement. Any roads utilized by the applicant must be specifically listed on the bond. Furthermore, roads must be bonded for a minimum of one mile per road, and the bonding requirements are rounded up to the nearest one mile increment.

5. **Bridges.** Vehicles cannot cross any bridge in the Township if the Gross Weight of the vehicle exceeds the posted weight limit, unless a permit is issued by the Township. The Township shall only issue a permit if the applicant provides the appropriate bond and if the Township Supervisors determine the bridge can handle the weight of the vehicle.

6. **EXCEPTIONS.** The following vehicles are hereby except from applying for an overweight permit as specified in Paragraph 2 of this Ordinance:

- a) School buses, transit buses and Emergency Vehicles.
- b) Garbage trucks.
- c) Township Vehicles and Vehicles owned by companies doing work on behalf of the Township, or other governmental agencies and utility companies.
- d) Local traffic, which is defined as any vehicle making a delivery to a location within the Township. This exception does not include vehicles that transport items FROM a location within the Township, including the removal of dirt, timber, coal and other natural resources, or any other material.
- e) Two axle pickup trucks.
- f) Vehicles used for agricultural or farming purposes, although this exception does not apply to the removal of timber.

7. Any subcontractors or other companies working on behalf of the applicant must be specifically listed on the bond.

8. **POSTING.** The Township will be responsible to post the appropriate signs in compliance with this Ordinance.

9. **ENFORCEMENT.** This Ordinance may be enforced by the Perry Township Police by filing a Summary Citation at the District Justice Office. This Ordinance may also be enforced by the Township Solicitor by filing an action to recover damages against the applicant for any damages caused by the applicant to the Township roads that have not been repaired by the applicant. The Township shall have the authority to file an action against any driver, owner or lessee of any vehicle that has not complied with this Ordinance in order to recover the costs necessary to repair the damage caused by the overweight vehicle.

10. **PENALTIES.** Any person driving a vehicle on Township roads in excess of the limits set forth in this Ordinance and without a permit shall pay a fine of \$75.00 plus \$75.00 for each 500 pounds, or part thereof, in excess of 3,000 pounds over the allowable weight limit.

11. If any provision of this Ordinance is determined to be unenforceable, then all other provisions of this Ordinance remain in full force and effect.

12. This Ordinance shall be effective five days after this date. Furthermore, Ordinance No. 23, dated February 6, 1964 and the Ordinance dated November 17, 1950, or any other Resolution or Ordinance, dealing with overweight vehicles, are hereby repealed.

THIS ORDINANCE was enacted this 27 day of February, 2007.