

ORDINANCE NO. 09-2

AN ORDINANCE OF PAINT TOWNSHIP, SOMERSET COUNTY, PENNSYLVANIA, ESTABLISHING A SINGLE COMPREHENSIVE ORDINANCE TO REGULATE THE KINDS AND CLASSES OF VEHICULAR TRAFFIC ON CERTAIN ROADS, ROADWAYS AND HIGHWAYS WITHIN THE JURISDICTION OF PAINT TOWNSHIP, SOMERSET COUNTY, PENNSYLVANIA, AND PROVIDING FOR PENALTIES FOR VIOLATIONS THEREOF.

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

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SECTION 1. Definitions

A. Words and phrases, when used in this Ordinance, shall have the meanings ascribed to them in the Pennsylvania Vehicle Code (the Act of June 17, 1976, P.L. 162 No. 81), as amended, except that, in this Chapter, the words "street", "road" and "roadway" may be used interchangeably with the word "highway", and shall have the same meaning as the word "highway" as defined in the Pennsylvania Motor Vehicle Code.

B. In this Ordinance, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine.

SECTION 2. Restrictions on Weight of Vehicle

A. On those highways, roads and roadways and portions of highways, roads and roadways under their jurisdiction, Paint Township Board of Supervisors can hereby, by resolution, establish weight limits and designate highways, roads and roadways and portions of highways, roads and roadways as weight restricted by the authority of Section 4902(a), and all other relevant sections, of the Pennsylvania Motor Vehicle Code, said weight limits and restrictions are listed and described in Appendix A, which is incorporated hereto by reference and made a part of this Ordinance.

B. It shall be unlawful for any person, as said term is defined in the Pennsylvania Motor Vehicle Code, to operate on any of the highways, roads or roadways or portions of highways, roads or roadways designated by the Paint Township Board of Supervisors as weight restricted, any vehicle having a gross weight in excess of the maximum weight prescribed for each highway, road or roadway or portion of highway, road or roadway, said maximum is indicated in Appendix A.

C. Posting

Paint Township shall erect or cause to be erected and maintained restriction signs designating the restrictions on said highways, roads or roadways or portions of highway, roads or roadways as is required in accordance with the provisions of Section 4902(e) of the Pennsylvania Vehicle Code or any successor section which may hereafter be enacted with respect to the same subject matter.

SECTION 3. **Permits and Security**

A. The Paint Township Supervisors may issue permits and/or enter into “Excess Maintenance Agreements”, the contents and provisions thereof as solely determined by the Supervisors, for the movement of vehicles exceeding the maximums prescribed in Appendix A. with respect to highways, roads, or roadways, or a portion of highway, roads or roadways for which the aforementioned weight restrictions have been applied, and the Supervisors of said Township may require for any such undertaking such sufficient security as they deem necessary in their sole discretion to cover the cost of maintenance, repairs and restoration necessitated by the permitted movement of any such vehicles as well as sufficient insurance for the Township’s protection.

B. Before the Paint Township Supervisors may issue permits and/or enter into “Excess Maintenance Agreements” or other Agreement for the movement of vehicles having a gross weight exceeding the maximum prescribed in this Ordinance or any Releases thereof, any applicant must first pay to Paint Township any and all costs incurred by the Township for review of any application and/or preparation of any permits, Agreements or Releases, including but not limited to, secretarial and legal expenses and which costs shall be solely determined by the Paint Township Supervisors.

C. In the event that more than one user of the Township highways, roads, or roadways, or portions thereof, has obtained a permit and/or entered into an “Excess Maintenance Agreement” with the Supervisors for movement of vehicles having a gross weight exceeding the maximums prescribed in Appendix A., the Paint Township Supervisors may assess and proportion, in their sole discretion, the maintenance and restoration costs among the users on a periodic basis or upon the termination of the permit and/or “Excess Maintenance Agreement.”

SECTION 4. **Penalties**

A. Weight Violations

Any person as said term is defined in the Pennsylvania Motor Vehicle Code, who violates any provision of this Ordinance, shall be prosecuted under Section 4902(a) of the Pennsylvania Motor Vehicle Code, or successor section, and upon conviction, shall be sentenced to pay a fine in accordance with the provisions of Section 4902(e) of the Pennsylvania Motor Vehicle Code or any successor section which may hereinafter be enacted with respect to the same subject matter.

SECTION 5. Repealer Clause

A. Any Ordinance or a portion of any ordinance inconsistent herewith shall be deemed specifically repealed hereby.

SECTION 6. Severability


A. The provisions of this Ordinance are severable and if any provisions shall be held illegal, invalid, or unconstitutional, such illegality, invalidity or unconstitutionality shall not affect or impair any other remaining provisions.

SECTION 7. Effective Date

A. This Ordinance shall take effect five (5) days after enactment.

ORDAINED AND ENACTED this 20th **day of** April, **2008.**

PAINT TOWNSHIP SUPERVISORS



David E. Blough, Chairman



Andrew Tvardzik, Vice Chairman

Kenneth P. Holsopple, Secretary

APPENDIX A.

**PAINT TOWNSHIP HIGHWAYS, ROADS AND ROADWAYS AND PORTIONS OF
PAINT TOWNSHIP HIGHWAYS, ROADS AND ROADWAYS FOR WHICH GROSS
WEIGHT OF VEHICLES SHALL NOT EXCEED THE MAXIMUM WEIGHT
DESCRIBED AS FOLLOWS:**

Road and/or Road #	Between	Weight Limit
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