

ORDINANCE NO. 2011-3

AN ORDINANCE OF WILMINGTON TOWNSHIP, MERCER COUNTY, PENNSYLVANIA, IMPOSING RESTRICTIONS AS TO THE WEIGHT OF VEHICLES OPERATED UPON CERTAIN TOWNSHIP ROADS; PROVIDING FOR THE ISSUANCE OF PERMITS FOR MOVEMENT OF VEHICLES OF WEIGHTS IN EXCESS OF LIMITS; FOR RESTRICTIONS; AND PRESCRIBING PENALTIES FOR VIOLATIONS.

BE IT ORDAINED and RESOLVED, and it is hereby ordained and resolved, by the Board of Supervisors of Wilmington Township, Mercer County, Commonwealth of Pennsylvania, as follows:

SECTION 1: SHORT TITLE – This Ordinance shall be known as Motor Vehicle Weight Limitation Ordinance of Wilmington Township.

SECTION 2: ENACTMENT – This Ordinance is enacted pursuant to the authority conferred by the Vehicle Code, Act of 1976, June 17, P.L. 1962, No. 81, Section 1, effective July 1, 1977 (75 Pa. C.S.A. Sec. 101 et seq.), as amended and is intended to include and be subject to all provisions of Section 4902, Pa.C.S.A., Section 4902 and all Pennsylvania Department of Transportation regulations promulgated or to be promulgated under the Vehicle Code, by way of illustration and not limitation, under Sections 4902(1) and 6103 (75 Pa. C.S.A., Section 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 vehicle or combination as defined and/or governed by the Vehicle Code, 75 Pa. C.S.A., Section 101 et seq., as amended. **Local Traffic** – emergency vehicles and school buses, defined hereinafter, vehicles and combinations or government entities and utilities where their contractors are engaged in construction or maintenance on a posted highway or in a location which can be reached only via a posted highway, and vehicle and combinations going to or coming from a residence, farm, or business located on a posted highway or which can be reached only via a posted highway. **Emergency Vehicle** – a fire department vehicle, police vehicle, ambulance, Armed Forces emergency vehicle, one private vehicle of a fire or police chief or assistant chief, or other vehicle designated by the State Police under Sec. 6106 of the Vehicle Code (relating to designation of emergency vehicles by the 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 WILMINGTON TOWNSHIP – The Board of Supervisors has determined and hereby determines based upon engineering studies conducted by an engineer retained by Wilmington Township, Mercer County, Pennsylvania that the following roads may be damaged or destroyed unless the permissible weight of motor vehicles is restricted to the weight limits listed.

ROUTE NUMBERS	STREET NAME	BETWEEN	WEIGHT LIMIT (TON)
T-602	Anderson Road	New Castle-Mercer Road to Township Line	10 Tons
T-486	Angel Road	State Route 0018 to Pulaski-Mercer Road	10 Tons
T-307	Auction Road	Bethel Road to State Route 0158	10 Tons

T-546	Bend Road	Bethel Road to Township Line	10 Tons
T-439	Borowicz Road	State Route 0018 to State Route 0018	10 Tons
T-303	Brenneman Road	New Castle-Mercer Road to Indian Run Road	10 Tons
T-333	Briarwood Lane	State Route 0158 to end	10 Tons
T-305	Cowden Road	Angel Road to Bethel Road	10 Tons
T-574	East Branch Road	Route 0158 to Township Line	10 Tons
T-572	Ferris Road	State Route 0158 to Township Line	10 Tons
T-353	Garrett Road	State Route 0158 to Anderson Road	10 Tons
T-650	Indian Run Road	Township Line to New Castle-Mercer Road	10 Tons
T-620	Lusk Road	Brenneman Road to Township Line	10 Tons
T-654	Maplewood Drive	Cowden Road to Township Line	10 Tons
T-304	Means Road	Township Line to New Castle-Mercer Road	10 Tons
T-309	Mill Road	Bend Road and end	10 Tons
T-548	Number Eight Road	Orchard Road and Township Line	10 Tons
T-300	Orchard Road	State Route 0158 and Township Line	10 Tons
T-622	Rodgers Road	New Castle-Mercer Road and Township Line	10 Tons
T-302	Valley View Drive	Bethel Road to Bethel Road	10 Tons
T-488	Vance Road	Pulaski-Mercer Road to Township Line	10 Tons
T-354	White Chapel Road	Anderson Road and New Castle-Mercer Road	10 Tons
T-313	Willow Drive	Bethel Road to end	10 Tons

SECTION 5: VEHICLE WEIGHT LIMITS ESTABLISHED

(A) Pursuant to the findings under Section 4, supra., and by authority of Section 4902 of the Vehicle Code and regulation 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 notify the State Police. After (2) business days following delivery of the notice, or after five (5) days following mailing of the notice, such local traffic vehicles shall not exceed the weight limits except in accordance with Section 6 hereof.

SECTION 6: PERMITS AND SECURITY – The Board of Supervisors of Wilmington Township may issue permits for the movement of motor vehicles or combinations with weights in excess of the restrictions imposed under Section 4, supra., and may require such undertaking or security as they deem necessary to cover the costs of anticipated or probable repairs and restoration necessitated by the permitted movement of vehicles. All actions taken by 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 restriction signs designating the restrictions at the end 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 in violation of a prohibition or restriction imposed under Section 4 is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$75, 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.

SECTION 9: SEVERABILITY – The provision of this Ordinance is severable. If any sentence, clause, or section of this 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 Wilmington Township that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, or section not been included herein.

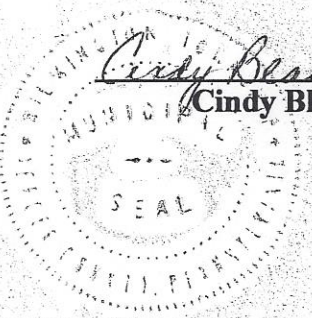
SECTION 10: This ordinance shall become effective five (5) days after enactment.

SECTION 11: REPEALS – All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed insofar as they may be inconsistent herewith.

ORDAINED AND ENACTED THIS 22nd day of December, 2011.

ATTEST:

**WILMINGTON TOWNSHIP,
MERCER COUNTY, PENNSYLVANIA**


Cindy Black
Cindy Black, Secretary

By: Anthony Vitril
Anthony Vitril, Chairman

By: Donald Whiting
Donald Whiting, Supervisor

By: Christopher Engelsiepen
Christopher Engelsiepen, Supervisor