

**ORDINANCE NO. 10-07**

**DELAWARE TOWNSHIP, MERCER COUNTY, PENNSYLVANIA**

**AN ORDINANCE OF THE TOWNSHIP OF DELAWARE, MERCER COUNTY, PENNSYLVANIA ESTABLISHING RESTRICTIONS ON THE USE OF CERTAIN TOWNSHIP HIGHWAYS, AUTHORIZING THE SUPERVISORS TO IMPOSE RESTRICTIONS AS TO WEIGHT, PROVIDING FOR THE ISSUANCE OF PERMITS, AND PROVIDING FOR PENALTIES IN THE EVENT OF VIOLATION.**

AND NOW, this 19th day of October, 2007, the Supervisors of Delaware Township, Mercer County, Pennsylvania, do hereby enact and ordain as follows:

WHEREAS, the Supervisors are by virtue of the Laws and Constitution of the Commonwealth of Pennsylvania, including the provisions of the Act of 1976, June 17, P.L. 162, No. 81, S 1, et. seq. (75 Pa.C.S.A. Section 4902, et. seq.), as the same may be hereinafter amended, empowered to establish limitations and restrictions as to the weight or size of vehicles operated upon certain Township highways; and

WHEREAS, the Supervisors have examined the condition of certain Township highways and, based upon completed Engineering and Traffic Studies, have determined that certain restrictions should be imposed upon certain highways of the Township under the circumstances herein set forth.

NOW THEREFORE, the Supervisors do enact and ordain and it is enacted and ordained for Delaware Township, Mercer County, Pennsylvania, as follows:

**SECTION 1.**

The following words when used in this Ordinance shall have the meaning ascribed to them in this Section, except in those instances where the context clearly indicates a different meaning:

**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 a river rescue commander used for answering emergency calls or other vehicle designated by the State Police under Section 6016 of the Vehicle Code (relating to designation of emergency vehicles by Pennsylvania State Police).



**Local Delivery Vehicle** - Any motor vehicle which is utilized for the provision of consumer services, including utility and refuse services or repairs, to the property owners located upon Township roads.

**Motor Vehicle** - Any vehicle or combination which is defined and/or governed by the "Vehicle Code," 75 Pa.C.P.S. Section 101, et. seq., as amended.

**School Bus** - A motor vehicle designed for carrying more than ten passengers, exclusive of the driver, and used for the transportation of school children.

## SECTION 2.

The Supervisors have hereby determined that certain roads under the jurisdiction of the Township may be damaged and destroyed unless the permissible weight limit of motor vehicles or combinations is limited, and accordingly, no motor vehicle having a gross weight in excess of twenty thousand (20,000) pounds shall be operated upon the following sections of roads and highways owned and/or maintained by Delaware Township and located within the jurisdiction of Delaware Township:

<u>TOWNSHIP ROAD</u>	<u>ROUTE</u>	<u>FROM</u>	<u>TO</u>
1. Hopper Road	T-500	State Route 3022	State Route 4007
2. Rock School Road	T-502	River Road	State Route 4012
3. Patricia Circle	T-505	Patricia Drive West Rd.	Westerly terminus
4. Patricia Drive West Road	T-506	Hopper Road	Easterly terminus
5. Patricia Drive East Road	T-507	Hopper Road	Southerly terminus
6. Lucille Drive	T-508	Patricia Drive West Rd.	Easterly terminus
7. Jean Drive	T-509	Patricia Drive East Rd.	Easterly terminus
8. Willadell Road	T-535	East Lake Road	Hopper Road
9. McDowell Road	T-538	State Route 3041	State Route 4014
10. Beil Hill Road	T-542	River Road	State Route 58



<u>TOWNSHIP ROAD</u>	<u>ROUTE</u>	<u>FROM</u>	<u>TO</u>
11. Bend Hill Road	T-552	State Route 3022	Creek Road
12. Creek Road	T-554	State Route 4014	Jefferson Township line
13. Stamm Road	T-556	State Route 4024	Westerly terminus
14. Quarry Road	T-558	State Route 4014	State Route 1008
15. Young Road	T-560	State Route 58	Salem Road
16. Wasser Road	T-584	State Route 1008	Young Road
17. Pew Road	T-586	State Route 58	Jefferson Township line
18. Haas Road	T-588	St. Johns Road	St. Johns Road
19. East Lake Road	T-589	State Route 3022	Pymatuning Township line
20. Shearer Road	T-590	State Route 1008	Salem Road
21. Kremis Road	T-592	State Route 1008	Otter Creek Township line
22. Homer Road	T-593	State Route 3041	Easterly terminus
23. Line Road	T-595	Pew Road	Cool Spring Township line
24. Grove Road	T-608	State Route 58	Line Road
25. Folk Road	T-610	State Route 3024	State Route 1008
26. Heckman Road	T-612	Haas Road	State Route 4027
27. Bower Road	T-630	State Route 3024	Line Road
28. Gladys Road	T-632	State Route 4028	Northerly terminus
29. Red Foot Road	T-634	State Route 1008	Bush Road
30. Hamburg Road	T-635	State Route 4024	Haas Road
31. Bush Road	T-636	Otter Creek Twp. line	Fairview Township line
32. River Road	T-637	State Route 4014	Pymatuning Township line



<u>TOWNSHIP ROAD</u>	<u>ROUTE</u>	<u>FROM</u>	<u>TO</u>
33. Stull Road	T-639	State Route 4014	State Route 4014
34. St. Johns Road	T-641	State Route 58	Fairview Township line
35. Mill Street	T-643	State Route 4024	Fredonia Borough line
36. Beil Hill Road Extension	T-655	Beil Hill Road	State Route 4014
37. Salem Road	T-681	State Route 58	State Route 4027

### **SECTION 3.**

The Supervisors shall cause the affected section of roads and highways to be posted for the applicable prohibitions and limitations, said posting to be in accordance with the requirements of the Pennsylvania Motor Vehicle Code and other applicable laws and regulations of the Commonwealth of Pennsylvania.

### **SECTION 4.**

The Supervisors may issue permits for movements of vehicles in excess of the prohibitions and restrictions established hereunder. Applications for a permit shall be made in writing to the Township and shall contain such information as the Township shall require pertaining to the applicant, area of operations and municipal roads to be traveled, and:

a. The application shall also include a description of all motor vehicles and equipment to be used in the transporting of all materials. Such list shall include among other things each vehicle's registration number, plate number, make, model and color.

b. The application shall also include a copy of all valid local, state and/or federal permits, contracts and agreements which are required to be obtained by the operator or owner of the motor vehicle.

c. Shall be accompanied by a signed "Excess Maintenance Agreement" which, inter alia, obligates the permittee to make repairs of damages caused to the roads, including bridges and appurtenances, by the permittee's activities. It shall be presumed that damages to the roads, including bridges and appurtenances, were caused by the permittee, when such damages occurred during the dates of the permittee's permit, unless the permittee provides sufficient evidence to rebut this presumption. In addition, the permittee shall agree that it is responsible to regularly broom off the roadway of any debris resulting from the permittee's activities and that it shall not remove debris by a process causing damage to the seal coating of the roadway.



d. Submit such bond or other collateral acceptable to and in the favor of the Township as the Township may require to ensure faithful compliance with the provisions of this Ordinance.

The requirements of this Section 4. shall be deemed to run in the favor of the Township, and the failure of the Township to insist upon compliance with each of the requirements set forth herein shall not render this Ordinance moot or otherwise preclude the Township from seeking enforcement of the various provisions of the Ordinance.

A separate permit must be obtained for each motor vehicle operating in excess of the prohibitions established hereunder, and the permit so issued shall be carried in said motor vehicle at all times during which it shall be operated on or across the section of Township road so permitted.

*Donald J. Korman*  
Supervisor

#### **SECTION 5.**

Emergency Vehicles, Local Delivery Vehicles and School Buses are hereby exempt from the permit requirements of this Ordinance.

#### **SECTION 6.**

There is hereby established an application fee of one hundred dollars (\$100.00) for the above referenced permit which application fee may be raised or lowered by subsequent resolution of the Township.

ATTEST

#### **SECTION 7.**

Should any section or portion of this Ordinance be found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the remaining portions of this Ordinance which shall remain in full force and effect.

#### **SECTION 8.**

Any person, firm or corporation operating a vehicle or combination of vehicles upon the portions of Township roads designated in Section 2. of this Ordinance in violation of a prohibition or restriction imposed under this Ordinance shall, upon conviction of summary proceedings, be sentenced to pay a fine of seventy five dollars (\$75.00) for each violation, plus one hundred fifty dollars (\$150.00) for each 500 pounds or part thereof in excess of 3,000 pounds over the maximum allowable weight. In default of payment of the fine, said persons shall be sentenced to ten (10) days in jail.

IN WITNESS WHEREOF, the Supervisors of Delaware Township, Mercer County, Pennsylvania have adopted and enacted this Ordinance the day and year first above written.

SUPERVISORS OF DELAWARE TOWNSHIP

Donald L. Krenn  
Supervisor

Carl P. Shover  
Supervisor

Donald K. Minsky  
Supervisor

ATTEST:

Melissa L. Osborne  
10-19-07