

INDIAN LAKE BOROUGH

ORDINANCE NO. 154

AN ORDINANCE OF THE BOROUGH OF INDIAN LAKE, SOMERSET COUNTY, PENNSYLVANIA, IMPOSING RESTRICTIONS ON THE WEIGHT OF VEHICLES OPERATING UPON THE BOROUGH ROADS OR BRIDGES; PROVIDING FOR THE ISSUING OF SPECIAL PERMITS FOR MOVEMENT OF VEHICLES OF WEIGHTS IN EXCESS OF MAXIMUM WEIGHT ESTABLISHED; AND PRESCRIBING PENALTIES FOR VIOLATIONS

BE IT ENACTED AND ORDAINED by the Borough Council of Indian Lake Borough, Somerset County, Pennsylvania, and it is hereby enacted and ordained by authority of the same, as follows:

WHEREAS, Pennsylvania Vehicle Code, 75 Pa.C.S.A. § 4902(a) provides that local authorities may prohibit the operation of vehicles and may impose restrictions as to the weight, size and class of vehicles operating upon Borough roads; and,

WHEREAS, the Borough has determined that certain of its roads or bridges may be damaged or destroyed unless the permissible size or weight of vehicles is reduced and that the motorists' safety and the public safety would be thereby enhanced; and,

WHEREAS, Pennsylvania Vehicle Code, 75 Pa.C.S.A. § 4902(a) provides that school buses, emergency vehicles and vehicles making local deliveries or pickups may be exempted from imposed weight restrictions; and,

WHEREAS, CME Engineering of Somerset, Pennsylvania, conducted an engineering and traffic study of the roads and bridges within the Borough dated August 12, 2009, which study is the basis of the weight limitation restrictions hereinafter set forth and which study is incorporated hereby by reference; and,

WHEREAS, Pennsylvania Vehicle Code, 75 Pa.C.S.A. § 4902(e), provides that the local authorities shall post weight limit restrictions imposed via Pennsylvania Vehicle Code, 75 Pa.C.S.A. § 4902(a), on signs within twenty-five (25) feet of each end of a subject bridge or portion of highway restricted; and,

WHEREAS, Pennsylvania Vehicle Code, 75 Pa.C.S.A. § 4902(g), provides for penalties for any person operating a vehicle in violation of a weight restriction imposed; and,

WHEREAS, Borough Council of Indian Lake Borough has the authority to impose weight restrictions pursuant to the Pennsylvania Vehicle Code, that it has determined that in the best

interests of the Borough, its residents and the general public, in accordance with the engineering and traffic studies performed.

NOW THEREFORE, IT IS HEREBY ENACTED and ORDAINED as follows:

Section 1. Definitions

The following words when used in this Ordinance shall have the following definitions except where the context clearly indicates otherwise:

Emergency Vehicle – A fire department vehicle, police vehicle, ambulance, blood-delivery vehicle, armed forces emergency vehicle, or a vehicle used for answering emergency calls, or other vehicle designated by the Pennsylvania State Police under § 6106 of the Pennsylvania Vehicle Code (relating to designation of emergency vehicles by the Pennsylvania State Police).

Motor Vehicle – Any vehicle or combination which is defined and/or governed by the Pennsylvania Vehicle Code, 75 Pa.C.S.A. § 101, et seq., as amended.

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

Section 2. Findings of the Borough Council of Indian Lake Borough

The Borough Council of Indian Lake Borough has determined and hereby determines that the roads and bridges under the jurisdiction of the Borough may be damaged or destroyed unless the permissible weight of motor vehicles or combinations is restricted to vehicles with a maximum weight of ten (10) tons, exempting weight restrictions for school buses, emergency vehicles and vehicles making local deliveries or pickups and that the weight restriction shall be posted according to Pennsylvania Department of Transportation's specifications on signs within twenty-five (25) feet of the end of each bridge or portion of road restricted as provided in this Ordinance.

Section 3. Permits and Security

The Borough Council of Indian Lake Borough may issue permits for the movement of motor vehicles or combinations of size and weight in excess of the restrictions imposed and may require security as the Council deems necessary to cover the costs of anticipated or probable repairs and/or restoration necessitated by the permitted movement of vehicles.

All actions taken under the authority of this section shall be taken in accordance with the rules and regulations adopted from time to time by the Council and in the absence thereof 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 4. Penalties for Violation

Any individual or entity found to have violated any of the provisions of this Ordinance shall be guilty of a summary offense, and upon conviction thereof, shall be sentenced to pay a fine not exceeding One Thousand (\$1,000.00) Dollars, or undergo imprisonment for a period not exceeding thirty (30) days, or both. Each additional day or provision of this Ordinance violated shall constitute a separate offense.

Section 5. Severability

The provisions of this Ordinance are 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 Council of Indian Lake Borough that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause or section not been included herein.

Section 6. Repeals

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

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

ENACTED and ORDAINED this 10th day of MARCH, 200~~9~~¹⁰, by the Borough Council of Indian Lake in public session duly assembled.

BOROUGH COUNCIL OF INDIAN LAKE
BOROUGH, SOMERSET COUNTY,
PENNSYLVANIA

Attest:

Thomas R. Myant
Borough Secretary

(Seal)

[Signature]
President
Patricia A. Dewar
Richard W. Stein
Carl M. Coma
[Signature]
[Signature]
[Signature]

APPROVED this 10th day of MARCH, 2009-2010
[Signature]
Mayor