

TOWNSHIP OF SOUTH MIDDLETON  
CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 09 OF 2004

AN ORDINANCE PROHBITING VEHICLES OF A CERTAIN WEIGHT ON TWO BRIDGES LOCATED OVER TRIBUTARIES TO HUNTERS RUN LOCATED ON PINE SCHOOL ROAD NEAR 200 PINE SCHOOL ROAD, AND ESTABLISHING PENALTIES FOR VIOLATION.

WHEREAS, the Township of South Middleton is a Local Authority under the Pennsylvania Vehicle Code (Act of June 17, 1976, P.L. 162, No. 81, as amended (75 Pa C.S.A 101, et. seq.), having certain roads or highways under its jurisdiction; and

WHEREAS, pursuant to Chapter 49 of said Vehicle Code, said Township of South Middleton may impose restrictions as to the weight or size of vehicles operated upon a highway or bridge,

WHEREAS, pursuant to Section 6109 (e) of said Vehicle Code, said Township of South Middleton has caused certain engineering and traffic investigations to be made of certain of its roads or highways, and

WHEREAS, said investigations have determined that restricting truck traffic is warranted under PENNDOT Publication 201, Sections 201.81 (b) (2); and

NOW, THEREFORE, BE IT ENACTED AND ORDAINED and it is hereby enacted and ordained by the Board of Township Supervisors in and for the Township of South Middleton, Cumberland County, Pennsylvania, as follows:

SECTION 1: PREAMBLE AND POLICY

The foregoing paragraphs are incorporated herein as the background and policy of this Ordinance.

SECTION 2: DEFINITIONS AND INTERPRETATION

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

SECTION 3: ESTABLISH WEIGHT LIMITS ON TWO BRIDGES ON PINE SCHOOL ROAD AND ESTABLISH PENALTIES FOR VIOLATION

(a) The following weight limits on the respective bridges shall be imposed as follows:

1. Single span bridge over a tributary to Hunters Run along Pine School Road (T-683). This bridge is identified as Bridge SM-1 in an inspection report dated October 2003 prepared by Benatec Associates. This bridge is the westernmost bridge of a pair a bridges located near 200 Pine School Road. The weight limit shall be 20 tons.
2. Single span bridge over a tributary to Hunters Run along Pine School Road (T-683). This bridge is identified as Bridge SM-2 in an inspection report dated October 2003 prepared by Benatec Associates. This bridge is the easternmost bridge of a pair a bridges located near 200 Pine School Road. The weight limit shall be 20 tons.

(b) Official signs shall be erected within the legal right-of-way limits in such a position as to face traffic approaching the intersection, as per Section 4902 (e) of the Pennsylvania Vehicle Code.

SECTION 4: VIOLATION

The operation of a vehicle exceeding the weight restrictions establishing upon the bridges constitutes a violation.

SECTION 5: PENALTY

Upon conviction by a District Justice shall pay a fine in an amount consistent with the applicable fine set forth in the Pennsylvania Motor Vehicle Code at the time of the violation.

Current applicable section 4902 (g) defines penalties as:

*(g) Penalty.--*

1. *Any person operating a vehicle or combination upon a highway or bridge in violation of a prohibition or restriction imposed under subsection (a) 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.*
2. *Any person operating a vehicle or combination in violation of a prohibition or restriction imposed under subsection (b) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than \$25 and not more than \$100.*

SECTION 6: SEVERABILITY

The provisions of this Ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, illegal or otherwise invalid, that decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is declared to be the legislative intention that this Ordinance would have been enacted had the unconstitutional, illegal or otherwise invalid provisions not been included in the Ordinance.

SECTION 8: EFFECTIVE DATE

This Ordinance shall take effect immediately, and in accordance with existing law.

ENACTED AND ORDAINED this 25<sup>th</sup> day March of 2004.

ATTEST:

BOARD OF SUPERVISORS  
SOUTH MIDDLETON TOWNSHIP:

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Sandra A. Quickel  
Township Secretary

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Ronald L. Reeder, Chairman

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Thomas E. Faley, Vice Chairman

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James N. Baker

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Phyllis W. Givler

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Bryan A. Gembusia