

**TOWNSHIP OF SOUTH MIDDLETON
CUMBERLAND COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2018-04

**AN ORDINANCE PROHIBITING VEHICLES OF A CERTAIN WEIGHT ON A
BRIDGE LOCATED ON RED TANK ROAD, AND ESTABLISHING PENALTIES FOR
VIOLATION.**

WHEREAS, the Township of South Middleton (hereinafter, the "Township") 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.) (hereinafter, the "Code"), having certain roads or highways under its jurisdiction; and

WHEREAS, pursuant to Chapter 49 of said 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 the Code, the Township has caused certain engineering and traffic investigations to be made of certain of its roads or highways, and

WHEREAS, said investigations were completed, as summarized in a letter from Brian O'Neil, P.E. at Rettew, dated September 25, 2018, determining that restricting truck traffic is warranted under PennDOT Publication 201, Sections 201.81 (b) (2); and

WHEREAS, the Supervisors have, with the assistance of the engineering investigation referenced above, determined that the highways under the jurisdiction of the Township may be damaged and destroyed unless the permissible weight limit of motor vehicles or combinations is limited; 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, 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 Code, 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 Code.

SECTION 3: ESTABLISH WEIGHT LIMIT ON A BRIDGE ON RED TANK ROAD AND ESTABLISH PENALTIES FOR VIOLATION

(a) The following weight limit on the bridge shall be imposed as follows:

Single span bridge over a tributary to the Yellow Breeches Creek on Red Tank Road (T-542). This bridge is located approximately 1.5 miles south of the intersection of Red Tank Road with Park Drive (SR 2003). The weight limit shall be seven (7) 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 Code.

SECTION 4: VIOLATION

The operation of a vehicle exceeding the weight restrictions established 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 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 more than \$500.

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.

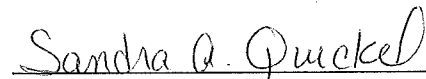
SECTION 8: EFFECTIVE DATE

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


ENACTED AND ORDAINED this 25th day October of 2018.

ATTEST:

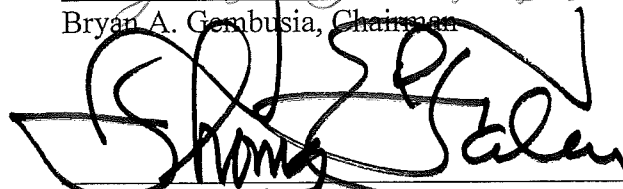
**BOARD OF SUPERVISORS
SOUTH MIDDLETON TOWNSHIP:**



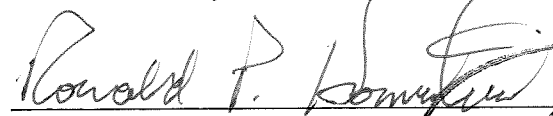
Sandra A. Quickel
Township Secretary




Bryan A. Gembusia, Chairman




Thomas E. Faley, Vice Chairman



Ronald P. Hamilton



R. Duff Manweiler



Walter G. Reighard

