

TOWNSHIP OF SOUTH MIDDLETON
CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO.1 OF 2002

AN ORDINANCE ESTABLISHING WEIGHT RESTRICTIONS
FOR WEST PINE STREET AND SAND BANK ROAD
AND PENALTIES FOR THE VIOLATION THEREOF.

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

WHEREAS, Article XXXII of the Second Class Township Code confers upon the township the responsibility for maintenance of roads within the township; and

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

WHEREAS, said investigations have determined that certain streets require weight restrictions in order to maintain the structural integrity of the roadway, to promote safe vehicular and pedestrian travel, and to provide for the proper maintenance of certain roads; and

WHEREAS, the Township deems it in the best interests of its residents and the users of said roads and highways to preserve the structural integrity of the roadway by restricting use by heavy vehicles; and

WHEREAS, the Township deems weight limitations on certain roads to be consistent with its duty to promote the public health, safety and welfare; and

WHEREAS, the Township believes vehicular weight limitations on West Pine Street and Sandbank Road to be necessary for the proper maintenance and use of said roads and necessary for the promotion of the public health, safety and welfare.

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: INCORPORATION OF ENGINEERING AND TRAFFIC STUDY

The engineering/traffic study applicable to West Pine Street and Sandbank Roads is incorporated herein as if set forth at length.

SECTION 4: WEIGHT RESTRICTIONS ESTABLISHED AND PENALTIES FOR VIOLATION THEREOF

- (a) **WEIGHT RESTRICTIONS** – Vehicles in excess of three (3) tons gross vehicular weight shall be prohibited from traveling or traversing on West Pine Street and Sandbank Road from the township’s boundary line with the Borough of Mt. Holly Springs to the Township’s boundary with Dickinson Township.
- (b) **SIGNAGE** – The Township shall erect signs at or near the aforesaid Township boundaries on both West Pine Street and Sandbank Road. Said signage shall advise those traversing said roads of the weight restriction herein established.
- (c) **EXCEPTIONS** – The following shall be exempt from the restrictions and penalties set forth in this Ordinance:
 - 1) Vehicles providing local deliveries;
 - 2) Vehicles with less than five wheels;
 - 3) School buses;
 - 4) Vehicles used for agricultural purposes;
 - 5) Such other vehicles the owner or operator of which has secured a permit from the governing body or its designee. Anyone seeking a permit under this section shall make written request to the Township. Such request shall be promptly considered. Issuance of a permit hereunder shall be within the discretion of the governing body.
- (d) **WARNING** – Any owner of a vehicle and person operating a vehicle in violation of this Ordinance shall first receive a written warning from the Township. Said written warning shall be mailed to the driver and owner of the vehicle by regular mail. A

copy of said warning shall be maintained by the township and shall be sufficient proof of the receipt of the warning.

- (e) PENALTIES – Upon conviction by a District Justice, the owner and/or operator of a vehicle operated on West Pine Street or Sandbank Road in violation of this Ordinance shall pay a fine as set forth in the Pennsylvania Motor Vehicle Code at the time of the violation, said fine not to exceed three hundred dollars (\$300).

SECTION 5: 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 6: CONTINUATION OF EXISTING REGULATIONS

The provisions of this Ordinance shall not affect any existing Rule, Regulation, Ordinance or Resolution pertaining to the use of West Pine Street and Sandbank Road unless any said prior Rule, Regulation, Ordinance or Resolution is deemed to be inconsistent with the terms of this Ordinance. In such case, the terms of this Ordinance shall supersede and take precedence over any such Rule, Regulation, Ordinance or Resolution.

SECTION 7: EFFECTIVE DATE

This Ordinance shall take effect upon adoption.

ENACTED AND ORDAINED this 28th day of February 2002.

ATTEST:

BOARD OF SUPERVISORS
SOUTH MIDDLETON TOWNSHIP:

Sandra A. Quickel
Township Secretary

Thomas E. Faley, Chairman

R. Duff Manweiler

James N. Baker

Phyllis W. Givler

Ronald L. Reeder