

ORDINANCE NUMBER 2024-121

Amending Ordinance 2017-92

LANCASTER TOWNSHIP, BUTLER COUNTY, PENNSYLVANIA

AN ORDINANCE IMPOSING RESTRICTIONS ON OVER-POSTED-WEIGHT VEHICLES OPERATING UPON POSTED TOWNSHIP ROADS; EXEMPTING CERTAIN LOCAL TRAFFIC; PROVIDING FOR THE ISSUANCE AND ADMINISTRATION OF OVER-POSTED-WEIGHT VEHICLE PERMITS; AND PRESCRIBING PENALTIES FOR VIOLATIONS.

BE IT ORDAINED and RESOLVED, and it is hereby ordained and resolved, by the Board of Supervisors of the Township of Lancaster, County of Butler, Commonwealth of Pennsylvania, as follows:

SECTION 1: SHORT TITLE. This Ordinance shall be known as the "Lancaster Township Over-Posted-Weight Vehicle Ordinance."

SECTION 2: DEFINITIONS. The following words when used in this Ordinance shall have the following meanings, unless the context clearly indicates otherwise:

Emergency Vehicle - A fire department vehicle, police vehicle, ambulance, blood delivery vehicle, Armed Forces emergency vehicle, or other vehicle used for answering emergency calls, or other vehicle designated by the State Police under Section 6106 of the Vehicle Code (relating to designation of emergency vehicles by Pennsylvania State Police), 75 Pa.C.S. § 6106.

Local Traffic - The following over-posted-weight vehicles shall be regarded as local traffic:

- (1) Emergency vehicles;
- (2) School buses;
- (3) Vehicles and combinations or their contractors engaged in a business specifically located within the Industrial Zone and going to and from the business located within the Industrial Zone traveling on East Lancaster Road between the Industrial Zone and Route 19 only, unless the Road Master has determined that one or more classification of such over-posted-weight vehicles is causing or likely to damage the road, and
- (4) Vehicles and combinations of governmental agencies and utilities or their contractors engaged in construction or maintenance on a posted road or in a location which can be reached only via a posted road; and
- (5) Vehicles and combinations going to or coming from a residence, commercial establishment, or farm located on a posted road or which can be reached only via a posted road unless the Road Master has determined that one or more classification of such over-posted-weight vehicles is causing or likely to damage the road or the over-posted weight vehicles travel the posted road in excess of five (5) times per day.

Over-Posted-Weight Vehicle - A vehicle or combination having a gross weight in excess of a posted weight limit.

Posted Road - A road having a posted weight limit.

Posted Weight Limit - A restricted weight limit posted on a road under authority of Section 4902 of the Vehicle Code, 75 Pa.C.S. § 4902.

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

Township - Lancaster Township, Butler County, Pennsylvania.

SECTION 3: RESTRICTIONS BASED ON ROAD CONDITIONS. Pursuant to Section 4902(a) of the Vehicle Code, 75 Pa.C.S. §4902(a), no over-posted-weight vehicle or combination, except local traffic, shall be operated on a posted road or part of road, as the case may be, with a gross weight in excess of the posted weight limit, unless an over-posted-weight vehicle permit has been issued by the Township,

SECTION 4: ERECTION OF SIGNS. The Township shall erect and maintain signs designating weight restrictions at each intersection along weight restricted roads. In the case of a restriction on a road which does not begin or end at an intersection with an unrestricted road, the Township shall also place an advance informational sign at the intersection nearest each end of the restricted portion of the road which would allow drivers to avoid the restricted portion of road.

SECTION 5: NON-EXEMPT LOCAL TRAFFIC.

A. Over-posted-weight local traffic vehicles may exceed posted weight limits unless the Road Master determines that one or more classification of such vehicle is causing or likely to damage the road.

B If the Road Master determines that one or more classification of over-posted-weight local traffic vehicle is causing or likely to damage the roads, the Road Master will so notify the registrants of the vehicles or owners of the destination or destinations, or both, and will also notify the State and local police. After two (2) business days following delivery of the notice, or after five (5) days following mailing of the notice, such over-posted-weight vehicles shall not exceed the posted weight limits unless an over-posted-weight vehicle permit has been issued by the Township.

SECTION 6: PERMITS REQUIRED. No over-posted-weight vehicle, except local traffic, shall be driven on a posted road with a gross weight in excess of the posted weight limit unless the Township has issued a permit for the vehicle or vehicles. To obtain an over-posted-weight vehicle permit, the registrant of the vehicle shall file a permit application with the Township in a form and including such additional information, materials, agreements, fees, and security as may be required by the Township.

SECTION 7: PERMIT ADMINISTRATIVE FEES. The Board of Supervisors may prescribe reasonable fees for the issuance of over-posted-weight vehicle permits. The fee schedule may be set and may be revised from time to time by resolution of the Board of Supervisors and shall be available for public inspection in the Township office.

SECTION 8: PERMITS.

A. Over-posted-weight vehicle permits shall be classified as follows:

(1) Type 1 Permit: Authorizes the use of a particular posted road or portion thereof by an over-posted-weight vehicle or combination. Type 1 Permits are valid only when carried in the over-posted-weight vehicle.

(2) Type 2 Permit: Authorizes the use of a particular posted road or portion thereof by any number of over-posted-weight vehicles or combinations being driven to or from a common destination. Type 2 Permits will be issued only upon the request of the applicant and if the Township determines that it is not feasible to issue a Type 1 Permit for each vehicle (for example, most over-posted-weight vehicles hauling to and from the place of business of the applicant belong to or are hauling under contract with customers or suppliers of the applicant).

B. Road Use and Maintenance Agreement. Prior to the issuance of a permit to exceed a posted weight limit or limits, the permit holder shall be required to sign a written agreement to accept financial responsibility for excess maintenance, repair, and restoration of the posted road or portion thereof to be used by the permit holder. Under the agreement, the permit holder will be required to pay for all excess road maintenance, repair, and restoration costs which include, but are not limited to, costs incurred for extensive patching and base repair, reshaping shoulders that have heaved because of heavy load hauling, and repairing crushed pipes.

C. Security. The permit holder shall be required to provide security in favor of the Township to assure compliance with the road use and maintenance agreement. The amount of financial security for Type 1 and Type 2 Permits shall be as follows:

- (1) \$7,500 per linear mile for unpaved roads to be maintained at a level consistent with the type of road.
- (2) \$12,500 per linear mile for paved roads to be maintained at a level consistent with the type of road.
- (3) \$50,000 per linear mile for any road which the Township allows to be maintained below a level consistent with the type of road.

D. Form of Financial Security.

- (1) Financial security may be in the form of a performance bond with surety by a company authorized to do business in the Commonwealth; or at the option of the permit holder, in the form of a certified or cashier's check; or in some other form of security acceptable to the Township.
- (2) The performance bond shall have an expiration date of no earlier than 90 days after the expiration of the term of the road use and maintenance agreement. The Township, at its discretion, may accept a security having an earlier expiration date, provided the security states that it will automatically be renewed for a period of at least one (1) year from any present or future expiration date unless the Township receives notice in writing from the issuer at least 60 days prior to the expiration date that the issuer elects to not further extend the security, and that if such notice is given the Township may draw on the security to the amount of its unused balance on or before the relevant expiration date.

E. Additional Security. When the amount of maintenance, repair, or restoration to a posted highway is estimated by the Township to constitute 75% or more of the amount of the financial security, the Township may require the road to be maintained, repaired, or restored within 30 days unless the permit holder agrees to provide such additional financial security as the Township shall determine.

F. Multiple Permit Holders. If more than one Type 1 or Type 2 Permit holder is using the same posted road, the relative shares of excess maintenance, repair, and restoration costs shall be determined by:

- (1) Agreement to Share Excess Maintenance Responsibility. If two or more persons wish to obtain a Type 1 Permit or a Type 2 Permit to operate over-posted-weight vehicles on the same posted road or portion thereof, they may agree among themselves as to their relative responsibility for the cost of excess maintenance, repair, and restoration and the Township will enter into agreements and accept financial security on the basis of the agreed shares.
- (2) Determination by Township. If multiple applicants for a Type 1 Permit or a Type 2 Permit cannot agree on their relative responsibility, the Township will determine their relative shares for the cost of excess maintenance, repair, and restoration by pro-rating the costs based on the number of trips or tonnage hauled and will enter into agreements and accept financial security on such basis.
- (3) Subsequent Permit Applicants. Subparagraphs (1) and (2), above, shall apply even if one or more persons have already entered into a road use and maintenance agreement, posted financial security, and been issued a Type 1 Permit or a Type 2 Permit, when another person files an application for a Type 1 Permit or a Type 2 Permit to operate over-posted-weight vehicles on the same posted road.

SECTION 9: ISSUING AUTHORITY. The **Road Master** may from time to time designate a representative of the Township to be responsible for issuing over-posted-weight vehicle permits.

SECTION 10: ROAD INSPECTIONS AND COSTS.

A. Initial Inspection. The permit holder and a Township representative shall conduct an on-site inspection of the posted road immediately prior to the issuance of each permit to determine the relative condition of the road. During the inspection, the Township representative and the permit holder shall complete a detailed report documenting the condition of the road and any areas of concern. The permit holder and the Township representative shall drive the route together and shall videotape the permitted route so that the condition of the route is memorialized.

B. Re-Inspection. The posted road shall be re-inspected:

- (1) Upon issuance of any new permit;
- (2) From time to time as the Township determines repairs may be required; or

- (3) Upon of the expiration of permit in order to determine and assess the amount of damage for which the permit holder or holders are responsible.

C. Notification of Inspections and Re-Inspections. All permit holders on a posted road or portion thereof will be notified of all inspections and re-inspections on the road or portion thereof, and may participate in the inspections and re-inspections.

D. Inspection Fees and Costs. Permit holders shall reimburse the Township for inspection fees and costs in accordance with the schedule adopted and revised from time to time by resolution of the Board of Supervisors.

SECTION 11: SUSPENSION OF PERMITS.

A. The Township is authorized to suspend over-posted-weight vehicle permits for a particular road or portion thereof if the Township determines, in its sole discretion, that immediate maintenance, repairs, or restoration to the road are required. All permit holders shall immediately cease the operation of all over-posted-weight vehicles upon receipt of the Township's suspension notice. The operation of over-posted-weight vehicles shall not be permitted to resume until the damages are repaired. If repairs are made by the Township, vehicle operation shall not be permitted to resume until the Township is fully reimbursed by the permit holders for the allocated cost of such repairs. If a permit holder does not reimburse the Township for such costs within 30 days of invoicing, the financial security posted by the permit holder shall be used to cover the allocated repair costs. The permit holder shall be required to replace or replenish the financial security to the original amount required under the permit prior to resuming operation of over-posted-weight vehicles.

B. The Township shall have the authority to order the suspension of over-posted-weight vehicle permits if the Township determines, in its sole discretion, that conditions created by the freeze and thaw cycle or any other weather related phenomena significantly increase the likelihood of over-posted-weight vehicles causing damage to the road. All permit holders shall immediately cease the operation of all over-posted-weight vehicles upon receipt of the Township's suspension notice. The operation of over-posted-weight vehicles shall not be permitted to resume until the Township determines, in its sole discretion, that road and weather conditions have stabilized enough to allow the operation of over-posted-weight vehicles.

C. The Township shall provide written notice of permit suspension to all permit holders, using the effected road.

SECTION 12: REVOCATION OF PERMITS.

A. The Township may revoke an over-posted-weight vehicle permit if it determines, in its sole discretion, that the permit holder and/or vehicle fails to comply with the requirements of this ordinance, any condition(s) attached to the issuance of the permit, or any other applicable statute, ordinance, or regulation.

B. The Township shall provide written notice of the revocation to the permit holder.

C. The permit holder may appeal the revocation order to the Board of Supervisors, provided that a written application for an appeal is filed within ten (10) days after receipt of

revocation order, in a form and including such additional information, materials and fees as may be required by the Township,

D. At the appeal hearing, the Township and the permit holder shall present any evidence bearing on the propriety of the revocation. At the conclusion of the hearing the Board of Supervisors shall:

- (1) Affirm the permit revocation; or
- (2) Reverse the permit revocation; or
- (3) Reinstate the permit upon a finding that the permit holder and/or vehicle has been brought into compliance with the requirements of this ordinance, any condition(s) attached to the issuance of the permit, or any other applicable statute, ordinance, or regulation.

SECTION 13: PENALTIES FOR VIOLATIONS.

A. Penalty for Operation Without a Permit. Any person operating a vehicle, combination or load with a gross weight in excess of a posted weight limit without a permit commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$150.00, plus \$150.00 for each 500 pounds, or part thereof, in excess of 3,000 pounds over the maximum allowable weight, plus costs.

B. Penalty for Violation of Permit Any person whose vehicle, combination or load is in violation of or not in compliance with any condition of a permit and any person who violates or fails to comply with any condition of a permit while operating or transporting a vehicle, combination or load commits a summary offense and shall, upon conviction, be sentenced to pay a fine of up to \$500.00 for each violation. Each day that a violation continues, and each vehicle or vehicle run, shall constitute a separate offense. Said fines are in addition to, and not in lieu of, any other penalties established by this ordinance.

C. Penalty for Operation with an Invalid Permit. Any person who operates a vehicle, combination or load with an expired, void, invalidated, suspended, or revoked permit commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$1,000.00 for each violation. Each day that a violation continues, and each vehicle or vehicle run, shall constitute a separate offense. Said fines are in addition to, and not in lieu of, any other penalties established by this ordinance.

SECTION 14: 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 Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, or section not been included herein.

SECTION 15: REPEALER. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed insofar as they may be inconsistent herewith.

The entire Ordinance can be reviewed at the Township Offices by appointment or during regular business hours, Tuesday, Wednesday, Thursday 8:30am to 4:30pm or call 724-452-7213 to receive a copy or consult the website at , www.lancaster-township.com.

Persons with disabilities who need an accommodation to attend or participate in the public meeting should contact the Township Manager at least 5 business days before the meeting.