

**TOWNSHIP OF FISHING CREEK
COLUMBIA COUNTY, PENNSYLVANIA**

ORDINANCE NO. 03-2009

**AN ORDINANCE OF THE TOWNSHIP OF FISHING CREEK,
COLUMBIA COUNTY, PENNSYLVANIA, IMPOSING RESTRICTIONS
AS TO THE WEIGHT OF VEHICLES OPERATED UPON CERTAIN
TOWNSHIP ROADS; PROVIDING FOR THE ISSUANCE OF PERMITS
AND THE POSTING OF SECURITY FOR THE MOVEMENT OF
VEHICLES OF A WEIGHT IN EXCESS OF RESTRICTIONS; 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 Fishing Creek, County of Columbia, and Commonwealth of Pennsylvania, as follows:

SECTION 1. SHORT TITLE

This Ordinance shall be known as 'Motor Vehicle Weight Limitation and Bonding Ordinance of Fishing Creek Township'.

SECTION 2. ENACTMENT

This Ordinance is enacted pursuant to the authority conferred by the "Vehicle Code", Act of 1976, June 17, 1962, No. 81, Section 1, effective July 1, 1977 (75 Pa.C.S.A. § 101 et seq.), as amended and is intended to include and be subject to all provisions of Section 4902 of the "Vehicle Code", 75 Pa.C.S.A. §4902 and all Pennsylvania Department of Transportation regulations promulgated under the "Vehicle Code", by way of illustration and not limitation, under Sections 4902(1) and 6103 (75 Pa. C.S.A. §~4902(f) and 6103).

SECTION 3. DEFINITIONS

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

Motor Vehicle - any vehicle or combination as defined and/or governed by the "Vehicle Code," 75 Pa. C.S.A., §101 et seq., as amended'.

Local Traffic - emergency vehicles and school buses, defined hereinafter, vehicles and combinations or governmental entities and utilities where their contractors are engaged in construction or maintenance on a posted highway or in a location which can be reached only via a posted highway, and vehicles and combinations going to or coming from a residence or farm located on a posted highway or which can be reached only via a posted highway.

Emergency Vehicle - a fire department vehicle, police vehicle, ambulance, blood delivery vehicle, Armed Forces emergency vehicle, one private vehicle of a fire or police chief or assistant chief, or ambulance corps commander or assistant commander, or of a river rescue commander used for answering emergency calls, or other vehicle designated by the State Police under §6106 of the "Vehicle Code" (relating to designation of emergency vehicles by Pennsylvania State Police).

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.

SECTION 4. FINDINGS OF THE BOARD OF SUPERVISORS OF FISHING CREEK TOWNSHIP

The Board of Supervisors has determined and hereby determines based upon weight and size restrictions based on highway conditions and studies and otherwise that the following roads be damaged or destroyed unless the permissible weight of motor vehicles is restricted to the weight limits listed. A complete list of the roads, identified by their Route Number, Road Name, Part of the Road Restricted and Weight Limit, is attached hereto as Exhibit "A" and is made a part hereof.

SECTION 5. VEHICLE WEIGHT LIMITS ESTABLISHED

(A) Pursuant to the findings under Section 4, supra., and by authority of §4902 of the "Vehicle Code" and regulations promulgated there under, no motor vehicle or combination shall be operated upon any of the roads listed in Section 4 with gross weight in excess of the weight limits listed for said road in Section 4.

(B) Local traffic as defined herein shall be exempted from the restrictions imposed under Section (A) above. However, if the Board of Supervisors determines that any local traffic is likely to damage the road, the Board of Supervisors will so notify the registrants of the motor vehicle or combination and will also notify State Police. After two (2) business days following delivery of the notice, or after five (5) days following mailing of the notice, such local traffic vehicles shall not exceed the weight limits except in accordance with Section 7 hereof.

SECTION 6. PERMITS AND SECURITY

Individuals or entities wishing to operate vehicles in excess of established weight limits on restricted weight Township roads may apply for a permit to do so on a form provided by the Township, Said permit application will be referred to the Township Roadmaster who shall:

- a. Place the issue on the agenda for a meeting of the Board of Supervisors; and

- b. Consult with the Third Party Consultant as necessary to determine the amount of security/bond to be posted by the applicant. The amount of security shall be calculated in accordance with Title 67, Chapter 189 of the Pennsylvania Code or its equivalent; and
- c. Present a recommendation to the Supervisors to include the amount of security to be posted by the applicant if the permit is approved.

No permit will be issued until the application is approved by the Board of Supervisors at a scheduled public meeting and, if required, security has been posted with the Township Secretary. The Board of Supervisors may, by resolution, delegate the authority to approve permits and set security to the Roadmaster or other official of the Township.

All actions taken under the authority of this section shall be taken 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 7. ERECTION OF SIGNS

The Township shall erect or cause to be erected and maintained restriction signs designating the restrictions at the end of the portion of road restricted as provided in this Ordinance. In the case of a restriction on a road which has not begun or ended at an intersection with an unrestricted highway, 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 8. PENALTIES FOR VIOLATION

Any person operating a motor vehicle or combination upon a road or bridge in violation of a prohibition or restriction imposed under Section 4 shall, upon conviction by a Magisterial District Justice, pay a fine consistent with the applicable section of the Pennsylvania Motor Vehicle Code in effect at the time of the violation.

The current applicable section of the Code, *4902(g)*, states:

(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.

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(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 9. 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 of Fishing Creek Township that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause or section not been included herein.

SECTION 10.

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

SECTION 11. REPEALS

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

DULY ENACTED AND ORDAINED this 11th day of November, 2009,
by the Board of Supervisors of the Township of Fishing Creek, Columbia County,
Pennsylvania.

BOARD OF SUPERVISORS OF
FISHING CREEK TOWNSHIP

By: Randy A. Hack
Chairman
Randall Kocher
Supervisor
Randall Laubach

ATTEST:

Julie K. Beishline
Secretary

(SEAL)

Fishing Creek Township, Columbia County

EXHIBIT "A"

Revised July 28, 2009

Route Number	Road Name	Between	Weight Limit
T563	Covered Bridge Rd	Entire Road	15 Tons
T565	Twin Bridge La	Entire Road	15 Tons
T567	MountainRd	From: SR 1020 To: SR 1025	15 Tons Revised 7/28/09
T567	MountainRd	From: SR 1025 To: Township Line	10 Tons
T569	Pealertown Rd	Entire Road	25 Tons
T570	Sportsman Club Rd	Entire Road	10 Tons
T571	HarrisonRd	Entire Road	15 Tons
T572	School House Rd	Entire Road	10 Tons
T573	Hemlock Dr	Entire Road	10 Tons *
T574	HillRd	Entire Road	10 Tons
T575	MapleRd	Entire Road	10 Tons
T576	HollowRd	Entire Road	15 Tons
T577	MartenasRd	Entire Road	10 Tons
T593	Deer RuriRd	Entire Road	10 Tons *
T595	ShultzRd	Entire Road	10 Tons
T596	WinniesRd	Entire Road	10 Tons
T597	Greenwood Rd	Entire Road	10 Tons *
T601	CemeteryRd	Entire Road	10 Tons *
T602	PoseyRd	Entire Road	10 Tons
T603	ChurchRd	Entire Road	10 Tons *
T629	Stillwater Cemetery Rd	Entire Road	15 Tons
T631	Paperdale Rd	From: T878 To: Stillwater Boro	15 Tons
T631	Paperdale Rd	From: T878 To: T571 = Harrison Rd	10 Tons*
T632	Kinney Hill Rd	Entire Road	10 Tons *
T651	KellerRd	From: Township Line To: T674=Posey Hill	15 Tons
T651	KellerRd	From: T674=Posey Hill To: T668=Kramer Hill	10 Tons"
T658	StopRd	Entire Road	10 Tons
T660	CrossRd	Entire Road	10 Tons
T661	Arc Rd	Entire Road	No Weight Limit
T663	Savage Hollow Rd	Entire Road	10 Tons *
T664	Albertson Rd	Entire Road	No Weight Limit
T666	BellesRd	Entire Road	10 Tons"
T668	Kramer Hill Rd	Entire Road	10 Tons

Fishing Creek Township, Columbia County

EXHIBIT A

Continued, Revised July 28, 2009

Route Number	Road Name	Between	Weight Limit
T674	Posey Hill Rd	Entire Road	20 Tons
T678	O'Brian Hill Rd	Entire Road	10 Tons *
T754	Zion Church Rd	Entire Road	15 Tons
T758	Minnow La	Entire Road	10 Tons *
T762	HollowRd	Entire Road	10 Tons *
T764	CountryRd	Entire Road	10 Tons *
T766	Mill Hill Rd	Entire Road	10 Tons *
T768	ShortRd	Entire Road	10 Tons *
T770	Fritz Dr	Entire Road	20 Tons
T772	Clover La	Entire Road	10 Tons *
T774	Three Springs Rd	Entire Road	10 Tons
T778	PineRd	Entire Road	10 Tons
T780	Honeytown Rd	Entire Road	10 Tons *
T784	Strawberry La	Entire Road	10 Tons
T788	Red Gravel Rd	Entire Road	10 Tons *
T800	Old Tioga Turnpike	From: SR 1025 To:T878 (South ofT878)	15 Tons
T800	Old Tioga Turnpike	From: T878 To: County Line (North of T878)	No Weight Limit
T809	OakRd	Entire Road	15 Tons
T810	Savage Hill Rd	Entire Road	20 Tons
T878	Bendertown Rd	Entire Road	15 Tons

* Indicates township roads rating less than 10 Tons. See report for details.