

WEST NANTMEAL TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 2017-7

AN ORDINANCE OF WEST NANTMEAL TOWNSHIP,
CHESTER COUNTY, PENNSYLVANIA, IMPOSING
RESTRICTIONS AS TO THE WEIGHT OF VEHICLES
OPERATED UPON CERTAIN TOWNSHIP ROADS;
PROVIDING FOR THE ISSUANCE OF PERMITS FOR
MOVEMENT OF VEHICLES OF WEIGHTS IN EXCESS OF
RESTRICTIONS; AND PRESCRIBING PENALTIES FOR
VIOLATIONS.

BE IT ENACTED AND ORDAINED, by the Board of Supervisors of West Nantmeal Township that the following ordinance shall be adopted and provided as set forth below.

SECTION 1. This ordinance shall read as follows:

WEST NANTMEAL TOWNSHIP

MOTOR VEHICLE WEIGHT LIMITATION ORDINANCE

- A. Short title. This Ordinance shall be known as "Motor Vehicle Weight Limitation Ordinance of West Nantmeal Township."
- B. Enactment. This section is enacted pursuant to the authority conferred by the "Vehicle Code," Act of 1976, June 17, P.L. 1962, No. 81, Section 1, effective July 1, 1977 (75 Pa.C.S.A. Sec. 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., Section 4902 and all Pennsylvania Department of Transportation regulations promulgated or to be promulgated under the Vehicle Code, by way of illustration and not limitation, under Sections 4902(1) and 6103 (75 Pa.C.S.A., Section 4902(f) and 6103).
- C. 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, 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 Sec. 6106 of the Vehicle Code (relating to designation of emergency vehicles by Pennsylvania State Police).

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.

MOTOR VEHICLE

Any vehicle or combination as defined and/or governed by the "Vehicle Code," 75 Pa.C.S.A., Section 101 et seq., as amended.

SCHOOL BUS

A motor vehicle designated for carrying more than 10 passengers, exclusive of the driver, and used for the transportation of school children.

- D. Findings of the Board of Supervisors of West Nantmeal Township. The Board of Supervisors has determined and hereby determines based upon engineering studies conducted by the Pennsylvania Department of Transportation and otherwise that the following roads may be damaged or destroyed unless the permissible weight of motor vehicles is restricted to the weight limits listed.

Street Name	Between	Weight Limit (Ton)
Bollinger Road	Woods Road and Creek Road	15 (except combinations 22 tons)

- E. Vehicle weight limits established.
 - (1) Pursuant to the findings under Subsection D, supra, and by authority of Section 4902 of the Vehicle Code and regulations promulgated thereunder, no motor vehicle or combination shall be operated upon any of the roads listed in Subsection D with gross weight in excess of the weight limits listed for said road in Subsection D.
 - (2) Local traffic as defined herein shall be exempted from the restrictions imposed under Subsection E(1) 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 business days following delivery of the notice, or after five days following mailing

of the notice, such local traffic vehicles shall not exceed the weight limits except in accordance with Subsection F hereof.

- F. Permits and security. The Board of Supervisors of West Nantmeal Township may issue permits for the movement of motor vehicles or combinations with weights in excess of the restrictions imposed under Section D, supra., and may require such undertaking or security as they deem necessary to cover the costs of anticipated or probable repairs and restoration necessitated by the permitted movement of vehicles. 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.
- G. 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 section. 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.
- H. 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 Subsection D 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."

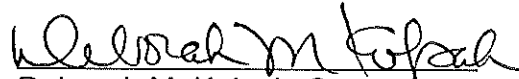
SECTION 2. Severability. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the Board of Supervisors of West Nantmeal Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 3. Repealer. All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

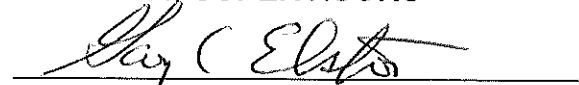
SECTION 4. Effective Date. This Ordinance shall become effective five days after its enactment as law provides.

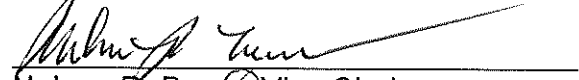
ENACTED AND ORDAINED this 26th day of December, 2017.

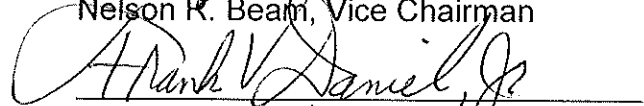
ATTEST:


Deborah M. Kolpak, Secretary

**WEST NANTMEAL TOWNSHIP
BOARD OF SUPERVISORS**


Gary C. Elston, Chairman


Nelson R. Beam, Vice Chairman


Frank V. Daniel, Member