

**LEHIGH TOWNSHIP
NORTHAMPTON COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2019- 3

AN ORDINANCE OF THE TOWNSHIP OF LEHIGH, COUNTY OF NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA AMENDING AND REVISING CHAPTER 163, VEHICLES AND TRAFFIC, OF THE CODE OF THE TOWNSHIP OF LEHIGH, NORTHAMPTON COUNTY BY IMPOSING RESTRICTIONS AS TO THE WEIGHT OF VEHICLES OPERATED UPON TIMBERLINE ROAD BETWEEN MOUNTAIN VIEW DRIVE (S.R. 0946) AND LEHIGH DRIVE (S.R. 0248) AT 12 TONS; ON SOUTH COTTONWOOD ROAD BETWEEN MOUNTAIN VIEW DRIVE (S.R. 0946) AND LEHIGH DRIVE (S.R. 0248) AT 12 TONS; ON CHERRYVILLE ROAD AT 12 TONS AND ON INDIAN TRAIL ROAD AT 15 TONS; 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.

WHEREAS, the Township of Lehigh adopted Ordinance No. 2003-1, enacting the Code of Ordinances of the Township of Lehigh (hereinafter referred to as the “Code”); and

WHEREAS, the Lehigh Township Board of Supervisors desires to amend the Code of Ordinances of the Township of Lehigh to revise and replace certain provisions of Chapter 163 relating to the imposition of weight restrictions of vehicles operated upon certain roadways within the Township of Lehigh; and

WHEREAS, the Pennsylvania Vehicle Code, 75 Pa.C.S.A. §4902(a) provides that local authorities may prohibit the operation of vehicles and may impose restrictions as to the weight or size of vehicles operating upon Township roads; and

WHEREAS, Hanover Engineering Associates, Inc. conducted and completed a Weight Limit and Truck Restriction Study for Timberline Road between Mountain View Drive (S.R. 0946) and Lehigh Drive (S.R. 0248); on South Cottonwood Road between Mountain View Drive (S.R. 0946) and Lehigh Drive (S.R. 0248); on Cherryville Road and on Indian Trail Road, dated February, 2017, as amended by letter dated May 7, 2018; and

WHEREAS, the conclusions stated in the Traffic Studies provide for the imposition of weight restrictions on the studied roadways; and

WHEREAS, the Township of Lehigh desires to amend Chapter 163, Vehicles and Traffic, Section 18, to restrict by weight the operation of trucks of any kind over and upon Timberline Road between Mountain View Drive (S.R. 0946) and Lehigh Drive (S.R. 0248); on South Cottonwood Road between Mountain View Drive (S.R. 0946) and Lehigh Drive (S.R. 0248); on Cherryville Road and on Indian Trail Road; and

WHEREAS, the Board of Supervisors of Lehigh Township has determined that imposition of weight restrictions on the aforementioned roadways will be in the best interests of the Township and its residents; and

WHEREAS, the Township has complied with all applicable pre-requisites and/or requirements, including the applicable engineering and traffic studies, under the law with regard to the weight restrictions and the installation of traffic devices; and

WHEREAS, the Pennsylvania Vehicle Code, 75 Pa.C.S.A. §4902(a) provides that school buses, emergency vehicles and vehicles making local deliveries or pickups may be exempted from imposed weight restrictions; and

WHEREAS, the Pennsylvania Vehicle Code, 75 Pa.C.S.A. §4902(g) provides for penalties for any person operating a vehicle in violation of the restriction imposed.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Lehigh, County of Northampton, and Commonwealth of Pennsylvania as follows:

SECTION 1. Whereas Clauses. The foregoing Whereas clauses are incorporated herein as if the same were fully set forth again at length.

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. Section 163-13 of the Code shall be amended to include the following definitions:

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 section 6106 of the "Vehicle Code" (relating to designation of emergency vehicles by Pennsylvania State Police).

Excess maintenance – Maintenance or restoration or both (but not betterment) of a posted highway in excess of normal maintenance, caused by use of over-posted-weight vehicles.

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., §101 et seq., as amended.

Normal maintenance – The usual and typical activities necessary to maintain the roadway, shoulders and drainage facilities in the state of repair existing at the date of the inspection prescribed in section 189.4(f)(1) (relating to use under permit).

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

Posted highway – A highway having a posted weight limit.

Posted weight limit – A restricted weight limit posted on a highway under authority of 75 Pa.C.S. Section 4902.

Municipality – The Department, as to State designated highways and local authorities, as to all other streets and highways.

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 Lehigh 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 will be damaged or destroyed unless the permissible weight of motor vehicles is restricted to the weight limits listed. A complete list of roads, identified by their Route Number, Road Name, Part of the Road Restricted and Weight Limit, is as follows:

<u>Route Number</u>	<u>Road Name</u>	<u>Between</u>	<u>Weight Limit</u>
T-814	Timberline Road	Mountain View Drive (S.R. 0946) and Lehigh Drive (S.R. 0248)	12 ton;
T-473	South Cottonwood Road	Mountain View Drive (S.R. 0946) and Lehigh Drive (S.R. 0248)	12 ton;
T-812	Cherryville Road	Entire Road	12 ton; and
T-811	Indian Trail Road	Entire Road	15 ton.

5. Vehicle Weight Limits Established.

- A. Pursuant to the findings of Hanover Engineering set forth above 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 below with gross weight in excess of the weight limits for said road in Section 4:
- B. Local traffic as defined herein may 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 the mailing of the notice, such local traffic vehicles shall not exceed the weight limits except in accordance with Section 6 hereof. Pa. C.S. Title 75 Section 4902(a) states "School buses, emergency vehicles and vehicles making local deliveries or pickups may be exempted from restriction on the use of highways imposed under this subsection."

SECTION 6. Permits and Security. Individuals or entities wishing to operate vehicles in excess of established weight limits on restricted weight Township roads or operate vehicles which are otherwise prohibited on certain 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, Public Works Director, Supervisor, Road Foreman, or other designated decision-maker 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 5 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.

See the current applicable section of Title 75 is 4902(g)

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 Lehigh Township that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause or section not been included herein.


SECTION 10. Repealer. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed insofar as they may be inconsistent herewith. Further, this Ordinance also specifically repeals Ordinance No. 2018-7.

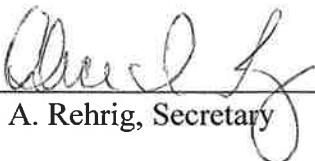
SECTION 11. Effective Date. This Ordinance shall become effective five (5) days after enactment.

ENACTED and ORDAINED this 12th day of MAY, 2019

LEHIGH TOWNSHIP

ATTEST:

By: 
Chairman, Board of Supervisors


Alice A. Rehrig, Secretary