

LACKAWAXEN TOWNSHIP, PIKE COUNTY, PENNSYLVANIA

ORDINANCE NO. 117

AN ORDINANCE OF THE TOWNSHIP OF LACKAWAXEN, PIKE COUNTY, PENNSYLVANIA, ESTABLISHING WEIGHT RESTRICTIONS ON VARIOUS TOWNSHIP ROADS AND PROVIDING FOR PENALTIES FOR VIOLATION THEREOF

WHEREAS, Lackawaxen Township has had a survey conducted of various Township roads so as to document their physical condition and weight bearing capacity; and,

WHEREAS, Lackawaxen Township is in receipt of a report dated June 10, 2019 by Mitchell D. Jacobs, Professional Engineer, recommending that certain weight limitations be placed on various roads throughout the Township; and,

WHEREAS, pursuant to the authority granted under Title 75, the Pennsylvania Motor Vehicle Code, §4902 and the Second Class Township Code, it is deemed that restrictions on the use of these various roads be established.

NOW, THEREFORE, be it ordained by the Board of Supervisors of Lackawaxen Township, Pike County, Pennsylvania, as follows:

SECTION 1. APPLICABILITY

The following roads shall have the weight limits herein indicated:

	<u>Rt. No.</u>	<u>Road Name</u>	<u>Road Miles</u>	<u>Road Weight Limit</u>
A.	T-393	Westcolang Road	4.50 Miles	10 Tons
B.	T-394	Pine Forest Road	1.16 Miles	<u>10</u> Tons

SECTION 2. ROAD USE PERMIT

Any vehicle with a gross vehicle weight over twenty thousand pounds (20,000) must obtain a road use permit on a form to be provided by the Township and post a fee of Forty Dollars (\$40.00) for the first mile or portion thereof and Twenty-five Dollars (\$25.00) for each additional mile (prorated) for road inspection, excepting for those activities exempted by Section 3 hereof. Such permits shall be valid for one (1) calendar year or such portion of a year as remains when application is made. Such permits may also be applied for on a project basis to cover all vehicles involved. No such vehicles shall use any Township Road during the period of March 1 through April 15 of any calendar year except by prior approval of the Township Roadmaster.

SECTION 3. FINANCIAL GUARANTEES

No other vehicles in excess of the weight limit shall travel upon said roads unless bond is posted to the Township pursuant to Chapter 189 of the Pennsylvania Department of Transportation regulations, as amended, or such other regulations as may now or hereafter be adopted, said bond to be in a cash, certified check, bond certificate or other form satisfactory to the Board of Supervisors of Lackawaxen Township, either in cash or with corporate surety, conditioned upon the faithful compliance of the provisions of this Ordinance. The principal amount of the bond shall be in an amount as determined

by the Board of Supervisors of Lackawaxen Township to reasonably assure the extraordinary repair and maintenance of the road(s) covered by the bond for the duration of the use of said roads by each applicant, except that the following vehicles may be exempt from bonding regulations:

- A. School buses;
- B. Residential solid waste vehicles;
- C. Government-owned/Township public works vehicles;
- D. Fire and other emergency vehicles; and,
- E. Vehicles with only two axles (one front and one rear).
- F. Residential fuel delivery vehicles;
- G. Utility-owned vehicles and vehicles owned by their contractors only when constructing or maintaining a posted highway; and
- H. Implements of husbandry.

unless they are causing the excess damage to the highway.

The Township Board of Supervisors may also enter other hold harmless agreements with applicants as an alternative to such bonds, provided such agreements are deemed to provide equal or better financial guarantees to the Township to ensure the proper repair of any roads damaged. All financial agreements shall apply to both contractors and sub-contractors, with the former assuming all responsibility in those cases where sub-contractors are involved.

SECTION 4. VIOLATIONS AND PENALTIES

Any person who shall violate this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of One Hundred Fifty Dollars (\$150.00) for each five hundred pounds (500 lbs.), or part thereof, in excess of three thousand pounds (3,000 lbs.) over the maximum allowable weight, plus costs of prosecution. In addition, the Township reserves the right to proceed with appropriate actions at law or equity to enjoin violations of this Ordinance and to seek money damages for costs of repair of any physical damage caused to said road as a result of a violation of this Ordinance.

SECTION 5. VALIDITY AND REPEALER

If any section or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portions thereof. This Ordinance shall also specifically repeal Ordinance No. 117 of 2022 and all other provisions of Township Ordinances inconsistent herewith.

ORDAINED AND ENACTED by the Board of Supervisors of Lackawaxen Township, Pike County, Pennsylvania, this ____ day of _____, 20____.