

ORDINANCE NO. 13

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY, COUNTY OF INDIANA AND COMMONWEALTH OF PENNSYLVANIA, PROVIDING FOR THE WEIGHT RESTRICTIONS ON TOWNSHIP ROADS.

WHEREAS, it has been determined by the Board of Supervisors of the Township of Montgomery, County of Indiana and Commonwealth of Pennsylvania, that the roads and streets, owned and/or maintained by said Township are being damaged and subject to damage as a result of being subjected to heavier loads than those for which they were designed or which they can support; and

WHEREAS, the Board of Supervisors of the Township of Montgomery believes that additional regulations are necessary to adequately protect the health, safety, and welfare of the residents of the Township and all others who may use the said roads or streets, and to safeguard the integrity of said roads and streets;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Montgomery Township, Indiana County, Pennsylvania, and it is hereby ORDAINED AND ENACTED as follows:

SECTION 1. That from and after the effective date of this Ordinance, no vehicle or mechanized equipment of any kind or type whatsoever in excess of ten (10) tons gross weight, including cargo, whether motor propelled, or otherwise, shall be permitted to travel upon any road or street of Montgomery Township, Indiana County, Pennsylvania, without a special permit; provided

that there be exempted from this weight limitation school buses, emergency vehicles and vehicles making local deliveries or pickups and provided further that this prohibition shall not apply to any road in the Township which is owned and maintained by the Commonwealth of Pennsylvania

SECTION 2. The Board of Supervisors may grant a permit for the travel on township roads of vehicles of a gross weight, with cargo, in excess of ten (10) tons, provided that the Supervisors find that the said travel is necessary for the health, safety, or welfare of one or more persons or businesses within the Township and providing the Supervisors determine that the said transportation will not unduly damage any Township road or street. An application for a permit shall be accompanied by an application fee of Five Dollars (\$5.00). The application fee is not refundable.

SECTION 3. In the event a permit is granted, the Board of Supervisors shall require the applicant to furnish a bond sufficient to guarantee repair of any damage which may be sustained by said roads or streets as a result of the use made by the applicant.

SECTION 4. Any person who shall violate the provisions of this Ordinance shall be guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of Seventy-Five Dollars (\$75.00), except that any person convicted of operating a vehicle with a gross weight in excess of a posted weight limit

shall, upon conviction, be sentenced to pay a fine of One Hundred Fifty Dollars (\$150.00) plus One Hundred Fifty Dollars (\$150.00) for each 500 pounds, or part thereof, in excess of 3,000 pounds over the maximum allowable weight.

SECTION 5. In the alternative, and in the event that the provisions of Section 4 herein are adjudged invalid, any person who shall violate the provisions of this Ordinance shall be subject to conviction of a summary offense before any Magistrate having proper jurisdiction and shall be subject to a fine not in excess of Three Hundred Dollars (\$300.00) for each and every offense and the costs thereof; default of payment of such fine and costs, said person convicted shall be imprisoned for a period not exceeding thirty (30) days, as provided in Section 65741 of the Second Class Township Code.

SECTION 6. This Ordinance is severable and should any section or provision hereof be declared invalid by any Court of competent jurisdiction, such decision shall not affect the validity of the rest of the Ordinance and it is hereby declared to be the legislative intent of the Supervisors of Montgomery Township that this Ordinance is considered to be adopted as if such invalid provisions had not been included therein.

SECTION 7. All Ordinances or parts of Ordinances conflicting with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 8. This Ordinance shall become effective five (5) days after enactment.

ORDAINED AND ENACTED this *2nd* day of *July*, 1986.

TOWNSHIP OF MONTGOMERY

*John M. Bunde*  
\_\_\_\_\_  
Supervisor

*James H. Reese*  
\_\_\_\_\_  
Supervisor

Attest:

*Virginia Dudak*  
\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Supervisor