

# FRANKLIN TOWNSHIP

Erie County, Pennsylvania

## VEHICLE WEIGHT RESTRICTION ON TOWNSHIP ROADS; POWER TO CLOSE OR RESTRICT TRAVEL ON ROADWAYS

### ORDINANCE NO. 3 OF 2004

**AN ORDINANCE GRANTING POWERS TO CLOSE ROADS, RESTRICT TRAFFIC OR IMPOSE WEIGHT RESTRICTIONS ON VEHICLES BEING OPERATED UPON ROADWAYS WITHIN FRANKLIN TOWNSHIP.**

**WHEREAS**, for the maintenance and protection of roads within Franklin Township, it is necessary that safeguards be taken and restrictions be imposed on the use of Township roads by heavy hauler vehicle operators;

**WHEREAS**, weather conditions have caused the Franklin Township Board of Supervisors to close certain Franklin Township roadways, including, but not limited to, Silverthorn, West Stancliff, and Eureka Roads. Specifically, deep frost has caused large sinkholes to erupt on dirt/gravel and paved roads within the township;

**WHEREAS**, it is further the intention and desire of the Franklin Township Board of Supervisors to take such action that will significantly reduce or eliminate the damage to the roadways of Franklin Township;

**WHEREAS**, the use of heavy hauling equipment upon roadways in Franklin Township and the damage caused to such roadways by traffic, if not properly regulated, imposes a significant financial burden upon the Franklin Township taxpayers; and

**WHEREAS**, the provisions of 75 P.S. §4902(a) authorizes the imposition of weight restrictions upon roadways seasonally in March, April and May or whenever the highway by reason of deterioration, rain, snow, frost eruption or other climatic conditions or emergencies are such that the highway may be damaged or destroyed unless the permissible weight is reduced or traffic is restricted.

**NOW, THEREFORE**, in consideration of the foregoing concerns, it is hereby enacted and ordained as follows:

**Section A.** In the event that the Franklin Township Board of Supervisors shall determine that weather or other conditions have resulted in the deterioration of certain Franklin Township roadways, the Board may impose emergency restrictions upon the use of such roadways.

(1) The Township Roadmaster may be delegated the authority to act in the Board's stead. The Roadmaster shall report actions taken under this Ordinance

to the Board of Supervisors for their ratification at their next regular or special meeting.

**Section B.** The Board's emergency powers include the following restrictions, during the period of the emergency:

(1) Closing of road(s)

(2) A ban on all traffic on the road(s), except for emergency and authorized vehicles;

(3) A ban on all traffic on the road(s) in excess of ten (10) tons Gross Vehicle Weight, or such other maximum weight that may be established by the Township Engineer.

**Section C.** In the case of an emergency, the declaration of emergency shall set forth the roads affected, the nature of the restrictions and the period of time that the restrictions shall remain in effect.

**Section D.** Additionally, the Board of Supervisors upon recommendation of the Township Engineer, for the same reasons stated above, shall cause the road(s) listed by the Engineer in his study of roads requiring seasonal weight restriction, to be posted with weight limit signs or weight limit signs with seasonal weight limit advisory. The restrictions that may be imposed shall be the same as those in Section B supra.

**Section E.** The Board shall communicate this exercise of emergency powers or seasonal posting to the Pennsylvania State Police and, as necessary, local television, radio and print media by issuance of a press release.

**Section F.** The Board shall cause the affected roads to be conspicuously posted with the Gross Vehicle Weight limit. The weight limit signs shall be posted at both ends of the affected roads, as well as in the area of any intersection with such roads, within twenty-five (25') feet of such intersection.

**Section G.** Any person operating a vehicle or combination upon weight restricted or closed road(s) in violation of the this Ordinance is guilty of a summary offense and shall, upon conviction for violating Section B (1) or B (2), be sentenced to pay a fine of Seventy-Five (\$75.00) Dollars. Any person convicted of the restriction found at B (3) shall be sentenced to pay a fine of One Hundred Fifty (\$150.00) Dollars, plus One Hundred Fifty (\$150.00) Dollars for each five hundred (500) pounds, or part thereof, in excess of three thousand (3,000) pounds over the maximum allowable weight. Violations on separate days shall be considered separate and distinctive offenses.

**Section H.** Nothing herein shall be deemed to prevent the township from commencing any action in law or equity against any individual or entity in order to recover the full amount of any loss that it may suffer, or to seek any other remedy.

**Section I.** Any permittee or licensee of the Township or State, such as a building/zoning permit, logging permit, garbage hauling permit, or similar authorization, that would normally cause an individual or entity to operate vehicles on any of the weight restricted or closed roads, which operation would constitute a violation of this Ordinance, shall be stayed during any posting.

(1) Written notification to the permittee in person or by first class mail to the last known address of the permittee or telephonic notification to a hauler's place of business shall be considered sufficient and proper notice under this Ordinance.

(2) Permittees or licensees are under an affirmative obligation, once notified, to inform heavy haulers of the prohibition to travel or weight restrictions.

(3) If an emergency posting or a seasonal posting is in effect and if a permittee has been given proper notice of postings, the possession of a permit or license shall not be a defense to a prosecution of any party for a violation of this Ordinance.

**Section J.** This Ordinance shall be enforceable by the Pennsylvania State Police under the laws of this Commonwealth including the penalties therein.

**Section K.** This Ordinance may also be enforced by the Township filing a criminal summons with the appropriate District Justice.

**Section L.** Ordinance #2 of 1994, Emergency Weight Limit Posting; Ordinance #1 of 1994, Fry Road Weight Limit Posting; and Ordinance #2 of 1996, Silverthorn Weight Limit Posting are hereby repealed.

(1) The Board of Supervisors hereby declares that the powers granted in the above repealed ordinances are intended to be incorporated into this Ordinance.

**Section M.** This Ordinance shall go into effect five (5) days from the date that this Ordinance is approved by the Franklin Township Board of Supervisors.

ORDAINED AND ENACTED into law by the Board of Supervisors of Franklin Township this \_\_\_\_ day of \_\_\_\_\_, 2004.

**APPROVAL PAGE  
FRANKLIN TOWNSHIP ORDINANCE NO. 3 OF 2004**

FRANKLIN TOWNSHIP  
BOARD OF SUPERVISORS

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JOHN J. SACHAR  
Chairman

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C. JARRETT MILLER  
Vice Chairman

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DAVID G. HENDERSON  
Supervisor

Attest:

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BONNIE J. BERNHARDT  
Secretary/Treasurer

I hereby certify that the foregoing Ordinance was advertised in the Albion News on the \_\_\_\_\_ day of \_\_\_\_\_, 2004, a newspaper of general circulation in the municipality and was duly enacted and approved as set forth at the regular meeting of the Franklin Township Board of Supervisors held on the \_\_\_\_\_ of \_\_\_\_\_, 2004.

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BONNIE J. BERNHARDT  
Secretary/Treasurer