

TOWNSHIP OF OHIO

ORDINANCE NO. 137

AN ORDINANCE OF THE TOWNSHIP OF OHIO, COUNTY OF ALLEGHENY AND THE COMMONWEALTH OF PENNSYLVANIA REPEALING TOWNSHIP OF OHIO ORDINANCE NO. 122 IN ITS ENTIRETY, LIMITING AND RESTRICTING THE OPERATION OF MOTOR VEHICLES, TRAILERS OR SEMI-TRAILERS UPON CERTAIN TOWNSHIP ROADS IN THE TOWNSHIP OF OHIO WITH RESPECT TO WEIGHTS AND LOADS THEREOF; PROVIDING THAT SPECIAL HAULING PERMITS MAY BE ISSUED AUTHORIZING THE OPERATION OR MOVEMENT OF MOTOR VEHICLES, TRAILERS OR SEMI-TRAILERS AND LOAD OF A WEIGHT EXCEEDING THE MAXIMUM LIMITATIONS HEREINAFTER SET FORTH UNDER CERTAIN CONDITIONS; SETTING FORTH THE COST OF SUCH SPECIAL HAULING PERMIT AND REQUIRING AN APPLICATION FOR THE SAME; REQUIRING DISPLAY OF PERMIT, AND PROVIDING FOR THE IMPOUNDMENT OF VEHICLES FOR NONPAYMENT OF OVERWEIGHT FINES AND DISPOSITION OF IMPOUNDED VEHICLES AND LOADS.

WHEREAS, it is the general policy of the Township of Ohio to authorize measures as may be necessary to insure economical and adequate maintenance of its highway system, to protect the safety of highway uses, and to facilitate the obstructed flow of vehicular traffic, giving priority to the safety and convenience of the general public and safeguard the highways and bridges of the Township from unreasonable loads, and

WHEREAS, in order to adequately protect the highway system of the Township of Ohio and the safety of the traffic therein it is necessary to limit and restrict the weights and loads of motor vehicles, semi-trailers, and trailers, and

WHEREAS, the Board of Supervisors of the Township of Ohio recognizes that in some specific cases, conditions may be such that permission to operate motor vehicles, semi-trailers and trailers over the highway system of the Township of Ohio bearing weights and loads in excess of the maximum weights hereinafter set forth can be allowed without serious consequences to the highways and without the prejudicial effect upon the safety and convenience of the general public, and

WHEREAS, it is the intention of the Board of Supervisors of the Township of Ohio to grant special hauling permits only to the extent that they may be warranted after careful consideration of each specific request.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Ohio under the authority of the Acts of June 17, 1976, P.L. 162, No. 81, and October 10, 1980, P.L. 791, No. 147, 75 Pa. C.S.A. §§4961 and 4962, it is hereby ordained and enacted by and with the authority of the same as follows:

SECTION I: Definitions. Wherever the following terms are used in this Ordinance, they shall be defined as follows:

a. "Gross weight." The combined weight of a vehicle or combination of vehicles and its load and driver.

b. "Highway." The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for the purposes of vehicular travel. The

term shall include roadways, trafficways, shot and chipped roads and laned roadways.

c. "Motor vehicle." A vehicle of any kind which is self-propelled except one which is propelled solely by human power or by electric power obtained from overhead trolley wires, but not operated upon rails.

d. "Owner." A person, other than a lienholder, having the property right in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person but excludes a lessee under a lease not intended as security.

e. "Person." Shall include any individual, partnership, association, company, firm, corporation or any other legal entity.

f. "Semi-trailer." A trailer so constructed that some part of its weight rests upon or is carried by the towing vehicle.

g. "Special Hauling Permit." A document executed under the signature of the Roadmaster of the Township of Ohio or in his absence his designee, permitting the operation or movement of motor vehicles upon Township roads under certain conditions, setting forth the maximum gross weight permitted with a maximum time period for use of ninety (90) days, which may be renewed by the Roadmaster one additional ninety (90) day period.

h. "Trailer." A vehicle designed to be towed by a motor vehicle.

SECTION II. That from and after the effective date of this Ordinance, it shall be unlawful to drive, move or operate a motor vehicle, semi-trailer, or trailer having a gross weight, including chassis, body, load and driver in excess of 20,000 lbs. over and upon any highway under the jurisdiction of the Township of Ohio within the physical boundaries of the Township of Ohio except as hereinafter set forth.

SECTION III. Any person desiring to drive, move or operate a motor vehicle, semi-trailer, or trailer, over and upon any highway under the jurisdiction of and within the physical boundaries of the Township of Ohio, prior to driving, moving or operating any motor vehicle, semi-trailer or trailer in excess of 20,000 lbs. upon any Township highway, shall apply to the Roadmaster of the Township of Ohio or his appointee in his absence, who shall inspect together with such person, all Township highways over which travel is desired and who may issue or may be caused to be issued a Special Hauling Permit setting forth the maximum gross weight permitted upon a form prepared by the Township.

SECTION IV. When any person shall apply to the Roadmaster for a Special Hauling Permit, such person shall post a bond guaranteeing the Township of Ohio that the person shall and will, upon notice from the Township, repair or pay for any damage to any highway damaged by such person as a result of the operation of the motor vehicle authorized by the Special Hauling Permit. All persons shall post and deliver such bond to the Roadmaster or his

appointee prior to driving, moving or operating such vehicles in excess of 20,000 lbs. upon any Township highway in the following amounts: (a) \$8,000.00 per mile or any portion thereof for any Township shot and chipped roads to be traveled; (b) \$12,000.00 per mile or any portion thereof for any Township roads built to Township specifications to be traveled. After such driving, movement or operation has been completed, the Roadmaster together with such person shall again inspect all traveled Township highways for possible damage and such bond shall remain in effect for a period of one (1) year after such date of inspection for possible latent damage.

SECTION V. Each application for a Special Hauling Permit must also be accompanied by a Special Hauling Permit fee of Thirty-five (\$35.00) Dollars. If the person desires that the Special Hauling Permit be renewed for an extension of time which shall not exceed ninety (90) days, such person shall reapply to the Roadmaster and shall pay a renewal fee of Twenty-five (\$25.00) Dollars and post the appropriate bond.

SECTION VI. Every Special Hauling Permit shall be carried in the motor vehicle and shall be open to inspection by any police officer or authorized agent of the Township of Ohio or any person having an accident involving such vehicle.

SECTION VII. The Roadmaster or his appointee, in his absence, shall specify when and what movements require special escort services of department personnel.

SECTION VIII. The Roadmaster or his appointee, as the case may be, may, within his sole and absolute discretion, revoke the Special Hauling Permit at any time.

SECTION IX. No person, individual, partnership, association, firm or corporation or other legal entity shall drive, operate or move a motor vehicle, semi-trailer, trailer upon the roadways, streets or trafficways of the Township in such a manner as to cause damage to the roadway, street or trafficway when the roads are soft because of weather conditions.

SECTION X. No person shall drive, move, or operate any motor vehicle, semi-trailer or trailer within the Township of Ohio unless such motor vehicle is so constructed and loaded so as to prevent any load, contents or litter from being blown or deposited upon any street, roadway or trafficway in the Township.

SECTION XI. No person shall drive, move or operate any motor vehicle, semi-trailer, or trailer within the Township, the wheels of which carry onto or deposit on any street, roadway, or trafficway in the Township, mud, dirt, sticky substances, litter or foreign matter of any kind.

SECTION XII. If in the course of excavation, building or construction or development of any property, any mud or dirt or any other foreign substance is unavoidably carried onto any street, roadway, or trafficway in the Township, it shall be the duty of the property owner and/or contractor having supervision over the job, to remove the same at the end of each workday so as to make the

street, roadway or trafficway clean and safe for the passage of normal vehicular traffic.

SECTION XIII. Whoever violates any provisions of Sections II, III, IV, V, VI, VII, or VIII is guilty of summary offense and shall, upon conviction, be sentenced to pay a fine of not less than Three Hundred (\$300.00) Dollars and any person exceeding the maximum allowable gross weight by more than 3,000 lbs. shall pay an additional fine of Seventy-five (\$75.00) Dollars for each 500 lbs. or part thereof in excess of 3,000 lbs. over the maximum allowable gross limit. Each day of operation shall constitute a separate offense.

SECTION XIV. Whoever violates Sections IX, X, XI, or XII or whoever drives, moves or operates a motor vehicle in violation of any restrictions of the special hauling permit is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than Three Hundred (\$300.00) Dollars. Each day a violation is committed or is permitted to continue shall constitute a separate violation.

SECTION XV. Upon imposition of any fine and costs of prosecution imposed, the driver shall be allowed 24 hours to obtain the funds and pay the fine and costs of prosecution, during which time the vehicle or combination shall be rendered temporarily inoperative by such police officer as the issuing authority shall designate. On default of payment within the 24-hour period, the issuing authority shall impound the vehicle or combination and order a police officer to seize them.

Upon impoundment, the issuing authority shall forthwith notify the sheriff of the county in which the violation occurred, who shall store the impounded vehicle or combination.

The sheriff shall give immediate notice by the most expeditious means and by certified mail, return receipt requested, of the impoundment and location of the vehicle or combination to the owner of the vehicle or combination and to the owner of the load if the names and addresses of the owner are known or can be ascertained by the sheriff.

The police officer's and sheriff's costs, reasonable storage costs and all other reasonable costs incident to seizure and impounding shall be recoverable in addition to costs of prosecution.

SECTION XVI. The title to the load of an impounded vehicle or combination remains in the owner who may repossess the load at any time upon presentation of proof of ownership to the sheriff. If the load spoils during impoundment the loss shall be on the owner subject to any right of recovery of damages that the owner may have against the owner of the vehicle or combination or against any other party, and the costs of disposition of the load shall be recoverable in addition to the costs of prosecution.

In case any impounded vehicle or combination is unredeemed, or the load is unclaimed, for a period of 60 days after notice of impoundment is given, it shall be sold at a public sale by the sheriff upon order of the issuing authority and after ten days notice of sale to the owners, lienholders or secured parties of the vehicle or load

except that if the sheriff determines it to be necessary to preserve their value, goods which may spoil may be sold in any commercially reasonable manner prior to expiration of the 60-day period and, if impractical to do so, without giving notice to the owners, lienholders or secured parties.

The proceeds of sale shall first be applied to the payment of fine and costs, and secondly, to the payment of the encumbrances. The balance shall be remitted to the owner.

SECTION XVII. The provisions of this Ordinance shall not apply to any fire equipment, school buses, refuse disposal equipment, snow plows, and road equipment owned or operated on behalf of the Township of Ohio or the Commonwealth of Pennsylvania.

SECTION XVIII. It shall be the responsibility of the Ohio Township Building Inspector to provide a copy of this Ordinance to all persons obtaining a Building Permit in Ohio Township. Failure to do so by the Building Inspector shall not constitute a defense to the violation hereof.

SECTION XIX. Ordinance No. 122 is hereby repealed in its entirety and any Ordinance or part of Ordinance conflicting with the terms and provisions of this Ordinance be and the same are hereby repealed to the extent of said conflict.

ORDAINED AND ENACTED into law by the Board of Supervisors, of the Township of Ohio on the 12th day of August, 1985.

TOWNSHIP OF OHIO

John B. McDaniel

ATTEST:

Joseph J. Hart
Secretary