

**TOWNSHIP OF FAIRFIELD  
ORDINANCE NO. 3-2009**

**AN ORDINANCE OF THE TOWNSHIP OF FAIRFIELD, WESTMORELAND  
COUNTY, PENNSYLVANIA, IMPOSING RESTRICTIONS AS TO THE WEIGHT  
OF VEHICLES OPERATED UPON CERTAIN TOWNSHIP ROADS; PROVIDING  
FOR THE ISSUANCE OF PERMITS FOR MOVEMENT OF VEHICLES OF  
WEIGHTS IN EXCESS OF RESTRICTIONS; AND PRESCRIBING PENALTIES  
FOR VIOLATIONS.**

**BE IT ORDAINED and RESOLVED**, and it is hereby ordained and resolved by the Board of Supervisors of the Township of Fairfield, County of Westmoreland, and Commonwealth of Pennsylvania, as follows:

**SECTION 1: SHORT TITLE**

This Ordinance shall be known as “The Fairfield Township Motor Vehicle Weight Limitation Ordinance for Township Roads:

1. T-995 Mountain View Road
2. T-472 Hypocrite Creek Road

**SECTION 2: ENACTMENT**

This ordinance is enacted pursuant to the authority conferred by the “Vehicle Code,” Act of 1976, June 17, P.L. 1962, No. 81, Section 1, effective July 1, 1977 (75 Pa.C.S.A. Sec. 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., Section 4902 and all Pennsylvania Department of Transportation regulations promulgated or to be promulgated under the “Vehicle Code,” by way of illustration and not limitation, under Sections 4902(f) and 6103 (75 PA.C.S.A., Section 4902(f) and 6103)

**SECTION 3: DEFINITIONS**

The following words when used in this Ordinance shall have the following meanings, unless the context clearly indicates otherwise:

**Motor Vehicle** – any vehicle or combination as defined and /or governed by the “Vehicle Code,” 75 Pa.C.S.A., Section 101 et seq., as amended.

**Local Traffic** – emergency vehicles and school buses, defined hereinafter, vehicles and combinations of 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.

**Emergency Vehicles** – 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 Sec. 6106 of the “Vehicle Code” (relating to designation of emergency vehicles by Pennsylvania State Police).

**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 FAIRFIELD TOWNSHIP**

The Board of Supervisors of Fairfield Township has determined and hereby determines based upon engineering studies conducted in accordance with guidelines established by the Pennsylvania Department of Transportation and otherwise that the follow roads may be damaged or destroyed unless the permissible weight of motor vehicles is restricted to the weight limits listed.

| <b>ROUTE NUMBERS</b> | <b>STREET NAME</b>   | <b>BETWEEN</b>  | <b>WEIGHT LIMIT (TON)</b> |
|----------------------|----------------------|---|---------------------------|
| 1. T-995             | Mountain View Road   | From SR1007 at Segment 10/0000<br>To the intersection of SR711 at<br>Segment 50/0274  | 10                        |
| 2. T-987             | Hypocrite Creek Road | From SR1013 at Segment 10/0000<br>to the intersection of SR1011 at<br>Segment 30/5679 | 10                        |

#### **SECTION 5: VEHICLE WEIGHT LIMITS ESTABLISHED**

(A) Pursuant to the findings under Section 4 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 in Section 4 with gross weight in excess of the weight limit listed for said road in Section 4.

(B) Local traffic, as defined herein, shall 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 deliver of the notice, or after five (5) days following mailing of the notice, such local traffic vehicles shall not exceed the weight limits except in accordance with Section 6 hereof.

#### **SECTION 6: PERMITS AND SECURITY**

The Board of Supervisors of Fairfield Township may issue permits for the movement of motor vehicles or combinations with weights in excess of the restrictions imposed under Section 4, above, and may require such undertaking or security as they deem necessary to cover the costs of anticipated or probable repairs and restoration necessitated by the permitted movement of vehicles.

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 restriction on a road which has not begun or ended at an intersection with an unrestricted highway, the Township shall also place an advance information 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 prohibition or restriction imposed under Section 4 is guilty of summary offense and shall, upon conviction, be sentenced to pay a fine of \$75, except that any person convicted of operating a vehicle with a gross weight in excess of a posted weight shall, upon conviction, be sentenced to pay a fine of \$150 plus \$150 for each 500 pounds, or part thereof, in excess of 3,000 pounds over the maximum allowable weight.

**SECTION 9: SEVER ABILITY**

The provisions of this Ordinance #3-2009 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 would have been adopted had such unconstitutional, illegal, or invalid sentence, clause or section not been included herein.

**SECTION 11: REPEALS**

All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed insofar as they may be inconsistent herewith.

**ORDAINED AND ENACTED** by the Board of Supervisors of the Township of Fairfield at a regular meeting duly convened on the 10<sup>th</sup> day of December, 2009.

**TOWNSHIP OF FAIRFIELD**

By: \_\_\_\_\_  
Paul J. Altimus, Chairman

ATTEST: \_\_\_\_\_  
Vaughn E. Tantlinger, Vice Chairman

\_\_\_\_\_  
Emma J. Brendlinger, Sec-Tres

\_\_\_\_\_  
James M. Brown, Supervisor

CERTIFICATION

I, the undersigned Secretary of the Township of Ligonier, Westmoreland County, Pennsylvania, certify that: the foregoing is a true and correct copy of Fairfield Township **Ordinance No. 3-2009** of the Board of Supervisors of the Township which was duly adopted by the affirmative vote of a majority of the members of the Board at a public meeting held on December 10, 2009; that said Ordinance said has been duly published as required by law and recorded in the Ordinance Book of said Township; and that said Ordinance has not been amended, modified or rescinded and is still in full force and effect as of the date of this Certificate.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal this

\_\_\_\_\_ day of \_\_\_\_\_, 2009.

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Emma J. Brendlinger  
Secretary, Township of Fairfield

(SEAL)