

ORDINANCE NO. 45

First Reading	October 15, 1986
Second Reading	October 28, 1986

AN ORDINANCE OF THE COUNTY OF LACKAWANNA, PENNSYLVANIA, IMPOSING RESTRICTIONS AS TO THE WEIGHT OF VEHICLES OPERATING UPON THE TOWNSHIP ROADS OR BRIDGES; PROVIDING FOR THE ISSUING OF SPECIAL PERMITS FOR MOVEMENT OF VEHICLES OF WEIGHTS IN EXCESS OF MAXIMUM WEIGHTS ESTABLISHED; AND PRESCRIBING PENALTIES FOR VIOLATIONS.

ORDINANCE NO.

BE IT RESOLVED, and it is hereby resolved, by the Board of Commissioners of Lackawanna County, a municipal corporation of the Commonwealth of Pennsylvania, as follows:

Void
Audrey Harwood
5-6-87

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ORDINANCE NO.

BE IT RESOLVED, and it is hereby resolved, by the Board of Commissioners of Lackawanna County, a municipal corporation of the Commonwealth of Pennsylvania, as follows:

Noted
Audrey Panucci
5-6-87.

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First Reading October 15, 1986
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AN ORDINANCE OF THE COUNTY OF LACKAWANNA, PENNSYLVANIA, IMPOSING RESTRICTIONS AS TO THE WEIGHT OF VEHICLES OPERATING UPON THE TOWNSHIP ROADS OR BRIDGES; PROVIDING FOR THE ISSUING OF SPECIAL PERMITS FOR MOVEMENT OF VEHICLES OF WEIGHTS IN EXCESS OF MAXIMUM WEIGHTS ESTABLISHED; AND PRESCRIBING PENALTIES FOR VIOLATIONS.

BE IT RESOLVED, and it is hereby resolved, by the Board of Commissioners of Lackawanna County, a municipal corporation of the Commonwealth of Pennsylvania, as follows:

SECTION 1: SHORT TITLE. This Ordinance shall be known and may be cited as "Motor Vehicle Size, Weight and Load Limitations Ordinance of Lackawanna County."

SECTION 2: ENACTMENT. This Ordinance is enacted pursuant to the authority conferred by the "Vehicle Code", Act of 1976, June 17, P.L. 162, No. 81 §1, effective July 1, 1977 (75 Pa. C.S.A. §101 et. seq.) as amended.

SECTION 3: EFFECTIVE DATE. This Ordinance shall become effective in thirty (30) days.

SECTION 4: DEFINITIONS. The following words, when used in this Ordinance, shall have the meaning ascribed to them in this Section, except in those instances where the context clearly indicates a different meaning;

Emergency Vehicle - 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 corp commander or assistant commander or of a river rescue commander used for answering emergency calls or other vehicle designated by the State Police under Section 6106 of the Vehicle Code (relating to designation of emergency vehicles by Pennsylvania State Police).

Motor Vehicle - any vehicle or combination which is defined and/or governed by the "Vehicle Code", 75 Pa. C.P.S. §101 et. seq., as amended.

School Bus - a motor vehicle designed for carrying more than ten (10) passengers, exclusive of the driver, and used for the transportation of school children.

SECTION 5: FINDINGS OF THE BOARD OF COMMISSIONERS OF LACKAWANNA COUNTY. The Board of Commissioners have determined and hereby determine that the following roads or bridges under the jurisdiction of the County may be damaged or destroyed unless the permissible weight of motor vehicles or combinations is reduced to the weight limits listed.

SECTION 6: VEHICLE WEIGHT LIMITS ESTABLISHED. (a) Pursuant to the findings under Section 5, supra, no motor vehicle or combination shall, when operated on any of the designated roads or bridges have a gross weight exceeding the weight limit listed for said road in Section 5.

SECTION 7: PERMITS AND SECURITY. The Board of Commissioners of the County may issue permits for the movement of motor vehicles or combinations of size and weight in excess of the restrictions imposed under Section 6, supra, and required such undertaking or security as the Board of Commissioners deems necessary to cover the cost of anticipated or probable repairs and/or restoration necessitated by the permitted movement of vehicles.

All action taken under the authority of this section shall be taken in accordance with the rules and regulations adopted from time to time by the Board of Commissioners and in the absence thereof 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 8: ERECTION OF SIGNS. The County shall erect or cause to be erected and maintained restriction signs designating the restrictions at each end of a bridge or portion of road restricted as provided in this Ordinance. In the case of a restriction on a bridge or on a road which does not begin or end at an intersection with an unrestricted road, the County shall also place an advance informational sign at the intersection nearest each end of the restricted bridge or portion of road which would allow drivers to avoid the restricted bridge or portion of road. No person shall be convicted of violating any section of this Ordinance unless the restriction sign designating the restricted bridge or portion of road to traffic moving in the direction the person was driving as posted as required in this section. However, failure to post the restriction sign designating the restricted bridge or portion of road to traffic moving in the opposite direction or failure to post any advance informational sign shall not constitute a defense to a violation of this section.

SECTION 9: PENALTIES FOR VIOLATION. Any person operating a motor vehicle or combination upon a road or bridge in violation of a prohibition or restriction imposed under Section 6 is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$75.00, except that any person convicted of operating a vehicle with gross weight in excess of a posted weight shall, upon conviction, be sentenced to pay a fine of \$150.00 plus \$150.00 for each 500 pounds, or part thereof, in excess of 3,000 pounds over the maximum allowable weight.


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SECTION 10: SEVERABILITY. The provisions of this Ordinance 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. It is hereby declared to be the intent of the Board of Commissioners of Lackawanna County that 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 the Ordinance are hereby repealed in so far as they may be inconsistent herewith.

ENACTED AND ORDAINED THIS 28th DAY OF OCTOBER 1986.

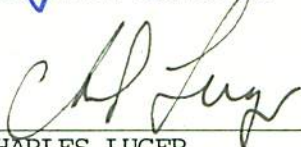
BOARD OF COMMISSIONERS
LACKAWANNA COUNTY


RAY A. ALBERIGI

ATTEST:


Gerald L. Stanvitch
Administrative Director


JOSEPH J. CORCORAN


CHARLES LUGER