

ORDINANCE No 4 - 2017**AN ORDINANCE OF THE BOROUGH OF****DICKSON CITY, LACKAWANNA COUNTY, PENNSYLVANIA,**

IMPOSING RESTRICTIONS AS TO THE SIZE OF VEHICLES OPERATED UPON CERTAIN BOROUGH ROADS; PROVIDING FOR THE ISSUANCE OF PERMITS AND THE POSTING OF SECURITY FOR THE MOVEMENT OF VEIDCLES OF A SIZE IN EXCESS OF RESTRICTIONS; AND PRESCRIBING PENALTIES FOR VIOLATIONS.

BE IT ORDAINED AND RESOLVED, and it is hereby ordained and resolved, by the Council of the Borough of Dickson City, County of Lackawanna and Commonwealth of Pennsylvania, as follows:

SECTION 1. SHORT TITLE

This Ordinance shall be known as "Motor Vehicle Size Limitation and Bonding Ordinance of the Borough of Dickson City".

SECTION 2. ENACTMENT

This Ordinance is enacted pursuant to the authority conferred by the "Vehicle Code", Act of 1976, June 17, 1962, No. 81, Section 1, effective July 1, 1977 (75 Pa.C.S.A. § 101 et seq.), as amended and is intended to include and be subject to all provisions of Section 4902 of the "Vehicle Code", 75 PaC.S.A. §4902 and all Pennsylvania Department of Transportation regulations promulgated under the "Vehicle Code", by way of illustration and not limitation, under Sections 4902 (a)(1) and 6103 (75 Pa C.S.A. §-4902(f) and 6103) and the Borough Code .

SECTION 3. DEFINITIONS

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

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 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 section 6106 of the "Vehicle Code" (relating to designation of emergency vehicles by Pennsylvania State Police).

Excess maintenance - Maintenance or restoration or both (but not betterment) of a posted highway in excess of normal maintenance, caused by use of over-posted-size vehicles.

Local Traffic - emergency vehicles and school buses, defined hereinafter, vehicles and combinations or 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.

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

Normal maintenance -The usual and typical activities necessary to maintain the roadway, shoulders and drainage facilities in the state of repair existing at the date of the inspection prescribed in section 189.4(:f)(l) (relating to use under permit).

Over-posted-size vehicle -A vehicle or combination having a gross size in excess of a posted size limit.

Posted highway-A highway having a posted size limit.

Posted size limit-A restricted size limit posted on a highway/road under authority of 75 Pa.C.S. Section 4902.

Municipality - The Department, as to State designated highways and local authorities of the Borough of Dickson City, as to all other streets and highways.

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 BOROUGH OF DICKSON CITY

The Council and Mayor have determined and hereby determines based upon size and size restrictions based on highway conditions and studies and otherwise that the following roads be damaged or destroyed unless the permissible size of motor vehicles is restricted to the size limits listed. A complete list of the roads, identified by their Route Number, Road Name, Part of the Road Restricted and Size Limit, is attached hereto as Exhibit "A" and is made a part hereof.

SECTION 5. VEHICLE SIZE LIMITS ESTABLISHED

(A) Pursuant to the findings under Section 4, supra. 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 size in excess of the size limits listed for said road in Section 4.

(B) Local traffic as defined herein may be exempted from the restrictions imposed under Section (A) above. However, if the Borough determines that any local traffic is likely to damage the road, the Borough will so notify the registrants of the motor vehicle or combination and will also notify State Police. After two (2) business days following delivery of the notice, or after five (5) days following mailing of the notice, such local traffic vehicles shall not exceed the size limits except in accordance with Section 6 hereof. Pa.C.S. Title 75 section 4902 (a) states "School buses, emergency vehicles and vehicles

making local deliveries or pickups may be exempted from restriction on the use of highways imposed under this subsection."

SECTION 6. PERMITS AND SECURITY

Individuals or entities wishing to operate vehicles in excess of established size limits on restricted size Borough roads may apply for a permit to do so on a form provided by the Borough; Said permit application will be referred to the Borough Manager, or other designated decision-maker who shall:

- a. Place the issue on the agenda for a meeting of the Borough Council; and
- b. Consult with the Third Party Consultant as necessary to determine the amount of security/bond to be posted by the applicant. The amount of security shall be calculated in accordance with Title 67, Chapter 189 of the Pennsylvania Code or its equivalent; and
- c. Present a recommendation to the Borough Council to include the amount of security to be posted by the applicant if the permit is approved.

No permit will be issued until the application is approved by the Council at a scheduled public meeting and, if required, security has been posted with the Borough Secretary. The Council may, by resolution, delegate the authority to approve permits and set security to the Manager, Code Officer or other official of the Borough.

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 Borough 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 a restriction on a road which has not begun or ended at an intersection with an unrestricted highway, the Borough shall also place an advance informational 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 a prohibition or restriction imposed under Section 4 shall, upon conviction by a Magisterial District Justice, pay a fine consistent with the applicable section of the Pennsylvania Motor Vehicle Code in effect at the time of the violation. See the current applicable section of Title 75 Pa.C.S.A. § 4902(g).

SECTION 9. 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 Borough that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause or section not been included herein.

SECTION 10. REPEALS

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

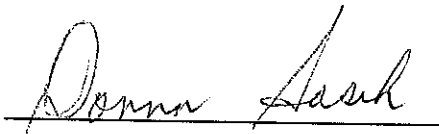
SECTION 10. EFFECTIVE DATE

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

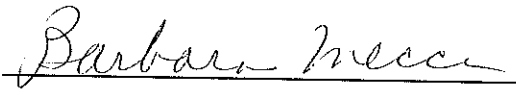
ORDAINED AND ENACTED THIS 11th day of April, 2017.

ATTEST:

The Borough of Dickson City

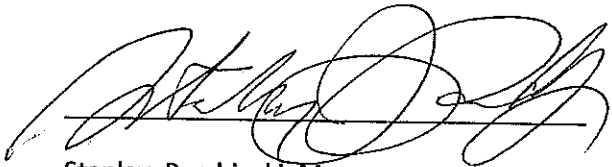


Donna Sosik, Secretary



Barbara Mecca, President of Council

Approved this 11th day of April 2017.



Stanley Prushinski, Mayor

EXHIBIT A

BOROUGH OF DICKSON CITY IMPOSING RESTRICTIONS AS TO THE WEIGHT OF VEHICLES OPERATED UPON CERTAIN BOROUGH ROADS

<u>ROUTE NUMBER</u>	<u>ROAD NAME</u>	<u>BETWEEN</u>	<u>SIZE LIMIT</u>
N/A	MEMO LANE	"INTERSECTION MEMO LANE SR0006 (SCRANTON—CARBONDALE HIGHWAY) and INTERSECTION MEMOLANE/CLAIRMONT ROAD)	102" TWINS & TRAILERS OVER 28 ½ FEET