

KISKIMINETAS TOWNSHIP
ARMSTRONG COUNTY, PENNSYLVANIA

ORDINANCE NO. 1-2023

AN ORDINANCE OF KISKIMINETAS TOWNSHIP, ARMSTRONG COUNTY, IMPOSING RESTRICTIONS AS TO THE WEIGHT OF VEHICLES OPERATED UPON CERTAIN TOWNSHIP HIGHWAYS AND BRIDGES; PROVIDING FOR THE ISSUANCE OF PERMITS AND THE POSTING OF SECURITY FOR THE MOVEMENT OF VEHICLES OF A WEIGHT IN EXCESS OF RESTRICTIONS; PRESCRIBING PENALTIES FOR VIOLATIONS; PROVIDING FOR SEVERABILITY; REPEALING PRIOR ORDINANCES TO THE CONTRARY; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ORDAINED AND ENACTED and it is hereby ordained and enacted by the Board of Supervisors of Kiskiminetas Township, Armstrong County, Pennsylvania as follows:

SECTION 1. SHORT TITLE.

This Ordinance shall be known as “Motor Vehicle Weight Limitation and Bonding Ordinance of Kiskiminetas Township.”

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 if the “Vehicle Code,” 75 Pa.C.S.A. §4902 and all other Pennsylvania Department of Transportation regulations promulgated under the “Vehicle Code,” by way of illustration and not limitation, under Sections 4902(1) and 6103.

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, ambulance corps commander or assistance commander, or of a river rescue commander used for answering emergency class, 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 exceeding normal maintenance, caused by use of over-posted-weight vehicles.

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.

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.

Municipality – the Department, as to State designated highways; and local authorities, as to all other streets and highways.

Normal Maintenance – the usual and typical activities necessary to maintain the highway, shoulders, and drainage facilities in the state of repair existing at the date of inspection prescribed in the section 189.4(f)(1)(relating to use under permit).

Over-posted-weight Vehicle – a vehicle or combination having a gross weight exceeding a posted weight limit.

Posted Bridge – a bridge having a posted weight limit.

Posted Highway – a highway having a posted weight limit.

Posted Weight Limit – a restricted weight limit posted on a highway or bridge under authority of 75 Pa.C.S.A § 4902.

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 KISKIMINETAS TOWNSHIP.

The Board of Supervisors of Kiskiminetas Township has determined and hereby determines based upon weight and size restrictions for highway and bridge conditions, studies, and otherwise that the following highways and bridges will be damaged or destroyed unless the permissible weight of motor vehicles is restricted to the weight limits listed. A complete list of the highways and bridges, identified by their Route Number, Name, Part of the Highway or Bridge Restricted and Weight Limit, is attached hereto as “Exhibit A” and is made a part hereof.

SECTION 5. VEHICLE WEIGHT 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 highways or bridges listed in Section 4 with gross weight exceeding the weight limits listed for said highway or bridge in Section 4.
- B. Except as to posted bridges, local traffic as defined herein may 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 highway, the Board of Supervisors will notify the registrants of the motor vehicle or combination and will also notify State Police. After two (2) business days following the delivery of the notice, or after five (5) days following the mailing of the notice, such local traffic vehicles shall not exceed the weight limits except in accordance with Section 6 hereof. Section 4092(a) of the Vehicle Code states, “School buses, emergency vehicles and vehicles making local deliveries or pickups may be exempted from restriction on the use of highways imposed under the subsection.” There is no local traffic exception for the weight restriction imposed on bridges.

SECTION 6. PERMITS AND SECURITY.

Individuals or entities wishing to operate vehicles exceeding the established weight limits on posted highways may apply for a permit to do so on a form provided by the Township, said permit application will be referred to the Township Roadmaster, Public Works Director, Supervisor, Road Foreman, or another designated decision-maker who shall:

- A. Place the issue on the agenda for a meeting of the Board of Supervisors; 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 the 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 Supervisors 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 Board of Supervisors at a scheduled public meeting and, if required, security has been posted with the Township Secretary/Treasurer. The Board of Supervisors may, by resolution, delegate the authority to approve permits and set security to the Roadmaster or other official of the Township.

Permits to individuals or entities wishing to operate vehicles exceeding the established weight limits on posted bridges may only be permitted to do so in accordance with 67 Pa. Code § 191.3.

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, located at Title 67 of the Pennsylvania Code.

SECTION 7. ERECTION OF SIGNS.

The Township shall erect or cause to be erected and maintain restriction signs designating the restrictions at the end of the portion of highway or bridge restricted as provided in this Ordinance. In the case of a restriction on a highway or bridge which has not begun or ended at an intersection with an unrestricted highway, the Township shall also place an advance informational sign at the intersection nearest each end of the restricted portion of the highway or bridge which would allow driver to avoid the restricted portion of highway or bridge.

SECTION 8. PENALTIES FOR VIOLATION.

Any person operating a motor vehicle or combination upon a highway 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 application section of the Vehicle Code in effect at the time of the violation.

SECTION 9. REPEALER.

Any ordinance, chapter, section, subsection, paragraph, sentence, clause, phrase, or portion of any ordinance conflicting with the provisions of this Ordinance is hereby repealed to the extent of such conflict.

SECTION 10. SEVERABILITY.

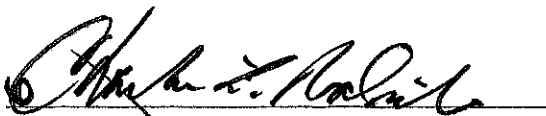
If any section, subsection, paragraph, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion thereof.

SECTION 11. EFFECTIVE DATE.


This Ordinance shall take effect five (5) days after the date of adoption by the Board of Supervisors of Kiskiminetas Township, set forth below.

ORDAINED, ADOPTED AND ENACTED, by the Board of Supervisors of KISKIMINETAS Township, Armstrong County, Pennsylvania this _____ day of _____, 2023.

BOARD OF SUPERVISORS
KISKIMINETAS TOWNSHIP



Chuck Rodnicki, Chairperson



Patrick J. Bono, Secretary/Treasurer
(Attest)

**KISKIMINETAS TOWNSHIP
ARMSTRONG COUNTY, PENNSYLVANIA**

ORDINANCE NO. _____

EXHIBIT A

Road Name/ Bridge Name	Between	Weight Limit
T-670	Ohio street - complete traverse	
T-486	Florida ave. - complete traverse	
T-317	moore school rd - complete traverse	
T-315	Clonette hill rd	

Proof of Publication of Notice in Leader Times

Under the Act of July 9, 1976, P.L. 877, No. 160

State of Pennsylvania

County of Armstrong

_____ **Tateum Space, Advertising Sales Rep** _____ of West Penn Media, a corporation of the Commonwealth of Pennsylvania, publisher of the Leader Times, of the County State aforesaid, being duly sworn, deposes and says that the Leader Times, a newspaper of general circulation published at Kittanning, County and State aforesaid, was established January 10, 1898, since which date the Leader Times has been regularly issued in said county, and that the printed notice or publication attached hereto is exactly the same as printed and published in the regular editions and issues of the said Leader Times on the following dates.

_____ **the 15th of August, 2023** _____

Affiant further deposes that she is an officer duly authorized by West Penn Media, publisher of the Leader Times, a newspaper of general circulation to verify the foregoing statement under oath, and affiant is not interested in the subject matter of the foresaid notice or advertisement, and that all allegations in the foregoing statements as to time, place and character of publication are true.

 _____
_____, Leader Times

Sworn to and subscribed before me this 15th of Aug, 2023



My Commission Expires: _____

Commonwealth of Pennsylvania - Notary Seal
JULIA A JORDAN - Notary Public
Armstrong County
My Commission Expires Jun 28, 2024
Commission Number 1080564

Statement of Advertising Costs

To Leader Times
For publishing the notice or publication attached **\$ 80.03**
Probating same\$ _____

Publisher's Receipt for Advertising Costs
_____, hereby acknowledges receipt of the aforesaid notice and publication cost and certifies that

PUBLIC NOTICE
KISKIMINETAS TOWNSHIP ORDINANCE

The Board of Supervisors will consider the following Ordinance for adoption at a Public Meeting to be held at the Kiskiminetas Township Municipal Building, 1222A Old State Road, on September 13, 2023 at 6:00 PM:

AN ORDINANCE OF KISKIMINETAS TOWNSHIP, ARMSTRONG COUNTY, IMPOSING RESTRICTIONS AS TO THE WEIGHT OF VEHICLES OPERATED UPON CERTAIN TOWNSHIP HIGHWAYS AND BRIDGES, PROVIDING FOR THE ISSUANCE OF PERMITS AND THE POSTING OF SECURITY FOR THE MOVEMENT OF VEHICLES OF A WEIGHT IN EXCESS OF RESTRICTIONS, PRESCRIBING PENALTIES FOR VIOLATIONS, PROVIDING FOR SEVERABILITY, REPEALING PRIOR ORDINANCES TO THE CONTRARY, AND ESTABLISHING AN EFFECTIVE DATE

At which time public comments will be taken. The full copy of the proposed Ordinance may be examined at the office of the Township Secretary, Kiskiminetas Township, 1222A Old State Road, Apollo, PA 15613, during regular office hours.

Patrick J. Bono, MPA
Kiskiminetas Township
Secretary/Treasurer

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