

**NORTH NEWTON TOWNSHIP
ORDINANCE NO. _____**

**AN ORDINANCE OF THE TOWNSHIP OF NORTH NEWTON, CUMBERLAND COUNTY,
PENNSYLVANIA, IMPOSING RESTRICTIONS AS TO THE SIZE OF VEHICLES OPERATED
UPON CERTAIN TOWNSHIP ROADS AND PRESCRIBING PENALTIES FOR VIOLATIONS.**

WHEREAS, this Ordinance is enacted pursuant to the authority conferred by the "Vehicle Code," (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 Pa.C.S.A. §4902, as amended, and all Pennsylvania Department of Transportation regulations promulgated or to be promulgated under the Vehicle Code; and

WHEREAS, a Truck Restriction Study (the "Study"), a copy of which is attached hereto and incorporated herein as Exhibit A, was performed by Brehm-Lebo Engineering, Inc., concerning Bullshead Road, between its intersection with Steelstown Road (SR 4006) and its intersection with Greenspring Road (SR 0641); and

WHEREAS, the findings of this Study conclude that it is unsafe for motor vehicles exceeding a certain length to travel on Bullshead Road between its intersection with Steelstown Road (SR 4006) and its intersection with Greenspring Road (SR 0641); and

WHEREAS, the purpose of this Ordinance is to promote and protect the general health, safety and welfare of the citizens within North Newton Township, and the Board of Supervisors have determined pursuant to the Truck Restriction Study that the bridges and roads herein designated are not suitable for vehicles exceeding a certain length.

BE IT ORDAINED and RESOLVED, and it is hereby ordained and resolved, by the Board of Supervisors of North Newton Township, Cumberland County, Pennsylvania, as follows:

SECTION 1: AMENDMENT OF CODE — The Code of the Township of North Newton (the "Code") is amended by adding to Chapter 279, entitled "Vehicles and Traffic", an Article IV entitled "Motor Vehicle Restrictions" which shall read as follows:

§279-9 Definitions.

- A. 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 assistant chief, or ambulance corps commander or assistance commander, or other vehicle designated by the state police under Section 6106 of the Vehicle Code (relating to designation of emergency vehicles by the Pennsylvania State Police).

Local Traffic – Emergency vehicles and school buses, 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 which can be reached only via a posted highway.

Motor Vehicle – Any vehicle or combination as defined and/or governed by the Vehicle Code.

School Bus – A motor vehicle designed for the carrying of more than ten passengers, exclusive of the driver, and used for the transportation of school children.

- B. Words and phrases, when used in this Ordinance, shall have the meaning ascribed to them in the Vehicle Code of Pennsylvania, as now enacted and in force, or as hereafter amended, enacted or reenacted except where the context of the Ordinance clearly evidences a different meaning. The singular shall include the plural and the masculine shall include the feminine and neuter.

§279-10 Findings of the Board of Supervisors of North Newton Township.

- A. The Board of Supervisors hereby determine based upon engineering studies prepared by the Consulting Engineers and otherwise that the following roads and bridges, under the jurisdiction of the Township, may create a safety problem unless the permissible size of motor vehicles is restricted and reduced to the size limits listed:

Name of Street or Bridge	Maximum Vehicle Length (Feet)	Location
Bullshead Road (T-398)	20	From Steelstown Road (SR 4006) to Greenspring Road (SR 0641); Approximately 1.42 miles total.

§279-11 Vehicle Size Limits Established.

- A. Pursuant to the findings under §279-10, above, and by authority of Section 4902 of the Vehicle Code, as amended, and the regulations promulgated thereunder, no motor vehicle shall be operated upon any of the roads listed in §279-10 with a length in excess of the length limits listed for said road in §279-10.
- B. Vehicles making local deliveries or pick-ups (i.e. within North Newton Township) exceeding the size limits may do so, provided it is not of a continuous repetitive daily nature. Local traffic as defined herein shall be exempted from the restrictions imposed under §279-10 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 the State Police. After two (2) business days following delivery of the notice, or after five (5) days following mailing the notice, such local traffic vehicles shall not exceed the size limits except in accordance herewith.

§279-12 Erection of Signs.

- A. The Township shall erect or cause to be erected and maintained restriction signs designating the restrictions at the end of the portion of road or bridge restricted as provided in this Ordinance. In the case of a restriction on a road 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 road, which would allow drivers to avoid the restricted portion of the road.

§279-13 Penalties for Violation.

- A. Any person operating a vehicle or combination in violation of a prohibition or restriction imposed under 75 Pa. C.S. § 4902(b) and a correlating portion of this Ordinance, is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of One Hundred and 00/100 (\$100.00) Dollars.

- B. The fine, penalty, or late charge set forth above, shall be in accordance with the maximum legally permissible dollar amount permitted by statutes of the Commonwealth of Pennsylvania and the case law of the Commonwealth of Pennsylvania. It is specifically provided that each separate violation of this Ordinance by a vehicle or combination shall be deemed a separate violation punishable by a separate fine, penalty, cost, or late charge.

SECTION 2: SAVINGS CLAUSE – In all other respects, the ordinances of North Newton Township shall remain as previously enacted and ordained.

SECTION 3: 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 Supervisors of North Newton Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause or section not been included herein.

SECTION 4: EFFECTIVE DATE – This Ordinance shall become effective five (5) days after its enactment.

SECTION 5: REPEALS – All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed insofar as they may be inconsistent herewith.

ORDAINED and ENACTED at a duly assembled public meeting by the Board of Supervisors of the Township of North Newton, Cumberland County, Pennsylvania on this _____ day of _____, 2020.

Attest:

North Newton Township Board of Supervisors

BY: _____
Bonnie L. Myers, Secretary

BY: _____
Ralph Fisher, Chairman

BY: _____
Michael L. Gutshall, Vice-Chairman

BY: _____
Joshua J. Shotto, Supervisor

CERTIFICATE

I, the undersigned, Secretary of the Board of Supervisors of North Newton Township, Cumberland County, Pennsylvania, certify that the foregoing is a true and correct copy of an Ordinance of the Board of Supervisors which was duly enacted by affirmative vote of a majority of the members of the Board at a meeting duly held on _____, 2020; at which meeting a quorum was present; that said Ordinance has been duly recorded in the Minute Book of the Township Board of Supervisors; that said Ordinance remains in full force and effect, without amendment, alteration or repeal, as of the date of this Certificate.

I further certify that the meeting at which the Board adopted said Ordinance was a public meeting duly held after giving public notice of the date, time and place of such meeting by posting and publishing such notice at the time and in the manner required by Act No. 84 of the General Assembly of the Commonwealth of Pennsylvania, approved July 3, 1986.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Township, this ___ day of _____, 2020.

Secretary

Date