

**TOWNSHIP OF REED
DAUPHIN COUNTY, PENNSYLVANIA**

ORDINANCE NO.: 2010-1

**AN ORDINANCE OF REED TOWNSHIP, DAUPHIN
COUNTY, PENNSYLVANIA, ESTABLISHING SIZE
RESTRICTIONS FOR MOUNTAIN ROAD, BETWEEN SR
0225 AND SR 0147 IN REED TOWNSHIP AND
PENALTIES FOR THE VIOLATION THEREOF.**

WHEREAS, the Township of Reed (hereinafter "Township") is a Local Authority under the Pennsylvania Vehicle Code (Act of June 17, 1976, P.L. 162, No. 81), as amended (75 Pa. C.S.A. 101 et seq.), having certain roads or highways under its jurisdiction; and

WHEREAS, Article XXXII of the Pennsylvania Second Class Township Code confers upon the Township the responsibility for maintenance of roads within the Township; and

WHEREAS, pursuant to Sections 4902(a) and 6109(e) of said Vehicle Code, the Township has caused certain engineering and traffic investigations to be made of certain of its roads or highways; and

WHEREAS, said investigations have determined that certain streets require size restrictions in order to maintain the structural integrity of the roadway, to promote safe vehicular and pedestrian travel, and to provide for the proper maintenance of certain roads; and

WHEREAS, the Township deems it in the best interests of its residents and the users of said roads and highways to preserve the structural integrity of the roadway by restricting use by heavy vehicles; and

WHEREAS, the Township deems size limitations on certain roads to be consistent with its duty to promote the public health, safety and welfare; and

WHEREAS, the Township believes vehicular size limitations on Mountain Road, between SR 0225 and SR 0147 in Reed Township to be necessary for the proper maintenance and use of said roads and necessary for the promotion of the public health, safety and welfare.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Township Supervisors in and for the Township of Reed, Dauphin County, Pennsylvania, as follows:

SECTION 1: PREAMBLE AND POLICY

The foregoing paragraphs are incorporated herein as the background and policy of this Ordinance.

SECTION 2: DEFINITIONS AND INTERPRETATION

Unless otherwise defined herein, words and phrases used in this Ordinance shall have the meanings ascribed to them in the Pennsylvania Vehicle Code (Act of June 17, 1976, P.L. 162, No. 81), as amended, except that in this Ordinance the word “road” may be used interchangeably with the word “highway” and shall have the same meaning as the word “highway” as defined in the Vehicle Code.

SECTION 3: INCORPORATION OF ENGINEERING AND TRAFFIC STUDY

The Vehicle Restriction Study (“VRS”), applicable to Mountain Road, dated January 12, 2009, as prepared by K&W Engineers & Consultants, Project No. 1000.001.017, is incorporated herein as if set forth at length.

SECTION 4: SIZE RESTRICTIONS ESTABLISHED AND PENALTIES FOR VIOLATION THEREOF

- (a) **SIZE RESTRICTIONS** – Vehicles with three or more axles shall be prohibited from traveling or traversing on Mountain Road, between SR 0225 and SR 0147 to the Township’s boundary line with Halifax Township.
- (b) **SIGNAGE** – The Township shall erect and maintain signs designating the size restrictions on Mountain Road, between SR 0225 and SR 0147 to the Township’s boundary line with Halifax Township, within 25 feet of the restricted area and as provided in Section II(B) and the attached diagram of the VRS. Said signage shall advise those traversing said roads of the size restriction herein established.
- (c) **EXCEPTIONS** – The following shall be exempt from the restrictions and penalties set forth in this Ordinance:
 - 1) Vehicles providing local deliveries;
 - 2) Emergency vehicles;
 - 3) Vehicles with less than five wheels;
 - 4) School buses;

- 5) Vehicles used for agricultural purposes;
- 6) Such other vehicles the owner or operator of which has secured a permit from the Township or its designee. Anyone seeking a permit under this section shall make written request to the Township. Such request shall be promptly considered. The Township may require security as it deems necessary to cover the costs of repairs and restoration necessitated by the permitted movement of vehicles. Issuance of a permit hereunder shall be within the discretion of the Township. The Township shall not refuse to issue a permit if there is no reasonable alternative route available. For purposes of this section, "reasonable alternative route" shall mean SR 325, as defined in the VRS.
- (d) WARNING – Any owner of a vehicle and person operating a vehicle in violation of this Ordinance shall first receive a written warning from the Township. Said written warning shall be mailed to the driver and owner of the vehicle by regular mail. A copy of said warning shall be maintained by the Township and shall be sufficient proof of the receipt of the warning.
- (e) PENALTIES – Upon conviction of a violation of this Ordinance, the owner and/or operator of a vehicle operated on Mountain Road, between SR 0025 and SR 0147 to the Reed Township boundary line with Halifax Township, shall be guilty of a summary offense and subject to pay a fine in accordance with §4902(g)(1) of the Pennsylvania Motor Vehicle Code, as amended from time to time, at the time of the violation.

SECTION 5: SEVERABILITY

The provisions of this Ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, illegal or otherwise invalid, that decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is declared to be the legislative intention that this Ordinance would have been enacted had the unconstitutional, illegal or otherwise invalid provisions not been included in the Ordinance.

SECTION 6: CONTINUATION OF EXISTING REGULATIONS

The provisions of this Ordinance shall not affect any existing Rule, Regulation, Ordinance or Resolution pertaining to the use of Mountain Road unless any said prior Rule, Regulation, Ordinance or Resolution is deemed to be inconsistent with the terms of this Ordinance. In such case, the terms of this Ordinance shall supersede and take precedence over any such Rule, Regulation, Ordinance or Resolution.

SECTION 7: EFFECTIVE DATE

This Ordinance shall take effect upon adoption.

DULY ENACTED AND ORDAINED this 4th day of January, 2010,
by the Board of Township Supervisors of Reed Township in public session duly
assembled after public hearing held thereon.

ATTEST:

Marjorie Dabney
Township Secretary

(Township Seal)

REED TOWNSHIP BOARD
OF SUPERVISORS

By: Jeffrey H. Hensley

Mike Hensley

Betty Allen