

**KOPPEL BOROUGH, BEAVER COUNTY, PA
WEIGHT LIMIT RESTRICTIONS OF VEHICLES
ON LOCAL BOROUGH ROADS AND ALLEYS**

ORDINANCE NO. 403

AN ORDINANCE OF KOPPEL BOROUGH, BEAVER COUNTY, PENNSYLVANIA, IMPOSING RESTRICTIONS AS TO THE WEIGHT OF VEHICLES OPERATED UPON CERTAIN LOCAL BOROUGH ROADS, PROVIDING FOR THE ISSUANCE OF PERMITS FOR MOVEMENT OF VEHICLES OF WEIGHTS IN EXCESS OF RESTRICTIONS; AND PRESCRIBING PENALTIES FOR VIOLATIONS.

WHEREAS, Koppel Borough Council has determined that certain roads may be damaged or destroyed unless the permissible weight of motor vehicles is restricted to the proper weight;

WHEREAS, the purpose of this Ordinance is to establish the standard for the regulation for the weight of motor vehicles upon certain borough roads; NOW THEREFORE, be it enacted and ordained by Koppel Borough, Beaver County, Pennsylvania, and it is hereby enacted and ordained, as follows:

Section 1. Enactment.

This Ordinance is enacted pursuant to the authority conferred by the "Vehicle Code," Act of 1976, June 17, P.L. 1962, No. 81, Section 1, effective July 1, 1977 (75 Pa. C.S.A. Sec. 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. Section 4902 and all Pennsylvania Department of Transportation regulations promulgated or to be promulgated under the "Vehicle Code", by way of illustration and not limitation, under Section 4902(1) and 6103 (75 Pa. C.S.A. Section 4902(t) and 6103).

Section 2. Weight Limit Establishment.

Pursuant to the determination of Koppel Borough Council and in accordance with the authority granted under Section 4902 of the "Vehicle Code" and the promulgation of the regulations thereunder, no motor vehicle or combination thereof with a gross weight in excess of ten (10) tons shall be operated upon the following Borough roads and alleys:

Street Name	Location
1 st Avenue	From Arthur Street to Richard Street and the Koppel Borough line
2 nd Avenue	From Frank Street to Richard Street and the Koppel Borough line
3 rd Avenue	From Frank Street to Richard Street
4 th Avenue	From Mary Street to Richard Street
Lemon Way	From Richard Street to Koppel Borough property line
5 th Avenue	From Ida Street to Mary Street
6 th Avenue	From Mary Street to Green Street
Frank Street	From 3 rd Avenue to Meadow Alley
Mary Street	From SR 18 to 6 th Avenue
Ida Street	From SR 18 to 6 th Avenue
Arthur Street	From 5 th Avenue to the gate at the steel plant
Mount Street	From SR 18 to 6 th Avenue
Richard Street	From 1 st Avenue to 6 th Avenue
Maple Alley	From Mount Street to Richard Street
Oak Alley	From 2 nd Avenue to Cedar Alley
Green Street	From 2 nd Avenue to Cedar Alley
Garden Alley	From Richard Street to Ida Street

Borough of Koppel
Motor Vehicles and Traffic
Ordinance No. 403
Adopted: July 19, 2022

Meadow Alley	From Richard Street to Frank Street
Cedar Alley	From Green Street to Mary Street
Lemon Alley	From Lemon Way to Mary Street
Hazel Alley	From Hazel Way to Mary Street

Section 3. Permits and Security.

Koppel Borough may issue permits for the movement of motor vehicles or combination thereof with weights in excess of the restrictions set forth in Section 2 upon receipt of an appropriate application. Any such permits must be obtained from the Borough's Secretary prior to the movement of any such motor vehicle upon the Borough's roads enumerated in Section 2.

Section 4. Bond.

A bond, issued by a company acceptable to the Borough and at an amount not less than \$12,500.00 per mile, shall be required at the time of the application for the permit. Any subcontractors, contractors or other companies working for or on behalf of the applicant shall be listed on the bond. The Borough, by and through the appropriate Resolution, reserves the right to adjust the amount of bond required for any borough road enumerated in Section 2. In addition to the permitting and bonding requirements, an applicant for a permit under this Section shall enter into an agreement with the Borough requiring and obligating the applicant to maintain and repair the borough road during the applicant's use of the road and to repair, if necessary, the road at the conclusion of the applicant's use of said road. All action 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 5. Exemptions.

The following motor vehicles are exempt from the restrictions imposed under Section 2, as follows:

- A) Local traffic, as defined as a motor vehicle making a delivery to a location within the Borough but specifically excluding any motor vehicle transporting any items from a location within the Borough including without limitation dirt, coal, timber and any other natural resources or any other material;
- B) School buses, transit buses, and emergency vehicles;
- C) Borough vehicles, motor vehicles owned and operated by other governmental agencies and utility companies, and motor vehicles owned and operated by companies performing work on behalf of the Borough;
- D) Two axle pick-up trucks; and,
- E) Motor vehicles for agricultural and farming purposes excepting any such motor vehicles used for the removal of timber, coal or other natural resources.

Local traffic, as defined herein, shall be exempt from the restrictions imposed under Section 2 provided, however, if Koppel Borough Council determines that any such local traffic is likely to damage the road then, in such an event, the Borough will so notify the owner and/or operator of the motor vehicle or combination thereof together with the Borough Police. After five (5) business days following notice to said owner and/or operator, such local traffic shall not exceed the weight limits except in accordance with Section 3 herein.

Section 6. Erection of Signs.

Signs shall be posted by the Borough at appropriate places advising motor vehicle operators of the restrictions and prohibitions of this Ordinance.

Section 7. Enforcement, Violations and Penalties.

Any person operating a motor vehicle or combination thereof, upon a road in violation of a prohibition or restriction imposed under Section 2, 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 a 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.

This Ordinance may also be enforced by the Borough by the filing of an action, in equity or at law, so as to seek injunctive relief, monetary damages, or such other relief. The Borough shall have the authority to file any such action against the owner, operator or lessee of any motor vehicle that has not complied with the conditions of this Ordinance.

Section 8. Severability.

Should any sentence, section, clause, part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part declared to be invalid.

Section 9. Repealer.

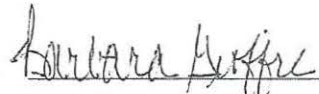
Should any sentence, section, clause, part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part declared to be invalid.

Section 10. Effective Date.


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

APPROVED THIS 19th day of July, 2022 by a majority vote of the members of Koppel Borough Council.


ATTESTED: Mary Sue Binkowski, Borough Secretary


Barbara Gioffre, Council President

READ AND APPROVED on 19th day of July, 2022.


Athena Pangikas – Miller, Mayor

Title 75 PA Code

§ 4902.

(c) Permits and security.--

(1) The Commonwealth and local authorities may issue permits for movement of vehicles of size and weight in excess of restrictions promulgated under subsections (a) and (b) with respect to highways and bridges under their jurisdiction and may require such agreement or security as they deem necessary to cover the cost of repairs and restoration necessitated by the permitted movement of vehicles. In reference to subsection (a), the Commonwealth and local authorities shall not refuse to issue a permit with respect to a highway under their jurisdiction if there is no reasonable alternate route available. For purposes of this section, "reasonable alternate route" shall mean a route meeting the criteria set forth in department regulations relating to traffic and engineering studies.

(2) The department may establish the types of permits to be issued and agreements to be entered into, subject to the following:

(i) Permits may be for long-term or short-term use of the posted highways.

(ii) The department may require multiple vehicles traveling to or from a single destination to operate pursuant to a single permit.

(iii) The department may establish a permit type allowing the posting authority to determine that damage to the posted highway covered by the permit will be minimal. This type of permit may include categories based on the number and kinds of loads expected, including a category providing that use of the posted highway under a single minimum-use permit of less than 700 loads per year shall not require an agreement or security. The department may alter the 700 loads per year minimum-use threshold if it determines the structural capacity of the State highways can accept a higher or lower amount of over-posted weight traffic. The department may express the threshold as a loads-per-day, loads-per-week or loads-per-month number.

(iv) The department may restrict use of de minimis and minimum-use permits during thaw periods as determined by the department.

(v) The department shall exclude hauling related to unconventional oil and gas development from minimum-use status based on its disproportionate and qualitatively different impact upon highways and bridges.

(3) The department shall promulgate regulations to implement this section. During the two years immediately following the effective date of this section, the department may promulgate temporary regulations, which shall expire no later than three years following the effective date of this paragraph or upon promulgation of final regulations, whichever occurs first. Temporary regulations promulgated by the department under this paragraph shall not be subject to any of the following:

(i) Sections 201, 202 and 203 of the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law.

(ii) The Act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

(e) Erection of signs.--The Commonwealth and local authorities shall erect or cause to be erected and maintained restriction signs designating the restrictions within 25 feet of each end of a bridge or portion of highway restricted as provided in subsection (a) or (b). In the case of a restriction on a bridge or on a highway which does not begin or end at an intersection with an unrestricted highway, the Commonwealth or local authorities shall also place an advance informational sign at the intersection nearest each end of the restricted bridge or portion of highway which would allow drivers to avoid the restricted bridge or portion of highway. No person shall be convicted of violating subsection (a) or (b) unless the restriction sign designating the restricted bridge or portion of highway to traffic moving in the direction the person was driving was posted as required in this subsection. However, failure to post the restriction sign designating the restricted bridge or portion of highway 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.