

ORDINANCE NO. 119

AN ORDINANCE OF THE TOWNSHIP OF WHITE, COUNTY OF BEAVER, COMMONWEALTH OF PENNSYLVANIA, FOR REGULATING MAXIMUM WEIGHTS, DAMAGING, CUTTING OR OPENING PUBLIC ROADS OF THE TOWNSHIP AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

BE IT ENACTED AND ORDAINED by the Supervisors of the Township of White, a Township of the Second Class, County of Beaver, Commonwealth of Pennsylvania, as follows;

SECTION 1: MAXIMUM WEIGHTS ON PUBLIC ROADS

(a) It shall be unlawful for any person, firm, partnership, association or corporation to operate a motor vehicle on any Township avenue, street, road or alley within White Township having a gross weight of more than the maximum weight set for said Township avenue, street, road or alley by Resolution of the Board of Supervisors and posted by signs along the said avenue, street, road or alley.

(b) The maximum weight permitted on any Township avenue, street, road or alley shall be from Seven and One Half ($7\frac{1}{2}$) Tons to Ten (10) Tons as from time to time specified by Resolution of the Board of Supervisors. The weight limit set on any avenue, street, road or alley shall be posted by a sign or signs along the said avenue, street, road or alley specifying the maximum weight limit.

(c) Any person or persons violating the provisions of this Ordinance shall be subject to arrest, and upon conviction before any Justice of the Peace, shall be sentenced to a fine or not less than Fifty (\$50.00) Dollars nor more than Five Hundred (\$500.00) Dollars for each offense, together with the costs of prosecution; and in default in payment of fine and costs shall be committed to the County Jail for a period not exceeding Thirty (30) Days.

SECTION 2: DAMAGE OF PUBLIC ROADS

(a) It shall be unlawful for any individual, person, firm, association, partnership, or corporation to dig, open up or excavate on a Township avenue, street, road or alley or to operate heavy machinery of any type likely to cause road damage, on said township avenue, street, road or alley without first securing a permit from the Secretary of the Board of Supervisors and pay the sum of Ten (\$10.00) Dollars for the same, and depositing the sum of money or bond herein specified with the Secretary aforesaid as a guarantee that any damage caused to Township avenue, street, road or alley will be repaired within Sixty (60) Days. If the said repairs are not made by the person making the deposit or posting the bond within the Sixty (60) Days, then the said deposit or bond shall be forfeited to the Township and may be applied by the Township toward the cost of making said repair. If the cost of repairing said avenue, street, road or alley exceeds the bond furnished, or amount deposited, then the person or persons party to the damaging shall be liable to the Township for the actual cost of repairs. The amount to be deposited with the Secretary of the Board of Supervisors shall be the sum of Two Hundred (\$200.00) Dollars if the avenue, street, road or alley is improved or paved, and One Hundred (\$100.00) Dollars if unimproved. It is further provided that in the event that any of the operations above set forth shall take place in an area other than in front of the property of the person securing the permit, then and in that event the person desiring to secure the permit shall place with the Secretary aforesaid a bond with satisfactory surety in the sum of at least One Thousand (\$1,000.00) Dollars for the benefit of the Township, conditioned upon restoring the avenue, street, road or alley

to its original state. It shall also be the duty of the person making any opening, as herein described, to take such steps as may be necessary to protect the public from damage and injury and to be fully responsible for the safety of the said opening.

(b) Any individual, persons, firm, association, partnership, or corporation violating the terms of this Ordinance shall be subject to a fine of not less than Fifty (\$50.00) Dollars nor more than Five Hundred (\$500.00) Dollars, which may be enforced in the manner provided by the Second Class Township Code.

SECTION 3: OPENING OR CUTTING OF PUBLIC ROADS

(a) In accordance with the provisions of Section 2322 of Article XXIII of the Second Class Township Code, no railroad or street railway shall hereafter be constructed upon any Township road, nor shall any railroad or street railway crossings, nor any gas pipe, water pipe, electric conduits, or other piping, be laid upon or in, nor shall any telephone, telegraph, or electric light or power poles, or any coal tipples or any other obstructions be erected upon or in, any portion of a Township road except under such conditions, restrictions and regulations relating to the installation and maintenance thereof, as may be prescribed in permits granted by the Township for such purpose.

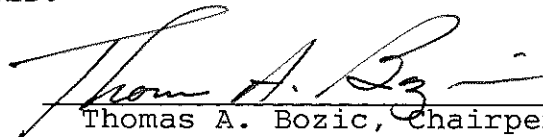
(b) The application for a permit shall be a form prescribed by the Township and submitted to the Township in duplicate. The Township shall collect a fee as determined by the Department of Transportation for processing the application and another fee for making the inspection. Each application shall be accompanied by both fees. In addition, the applicant shall submit Three (3) Copies of a sketch showing dimensions of the location of the intended facility, width of the traveled roadway, right-of-way lines and a dimension to the nearest intersecting street.

(c) Where any settlement or defect in the work occurs, if the applicant shall fail to rectify any such settlement or other defect, within Sixty (60) Days after written notice from the Township to do so, the Township may do the work and shall impose upon the applicant the cost of thereof, together with an additional Twenty (20%) Percent of such cost.

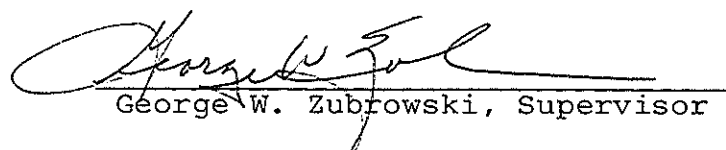
SECTION 4: All Ordinances and parts of Ordinances inconsistent therewith are hereby repealed insofar as they are inconsistent herewith.

ENACTED and ORDAINED this 9th Day of November, 2004, by the Supervisors of White Township, County of Beaver, Commonwealth of Pennsylvania.

SIGNED:


Thomas A. Bozic, Chairperson


Therese G. Pamer, Supervisor


George W. Zubrowski, Supervisor

ATTEST:


Deborah L. Kaszer, Secretary