

ORDINANCE NO. 240

AN ORDINANCE OF THE BOROUGH OF CLYMER, COUNTY OF INDIANA AND COMMONWEALTH OF PENNSYLVANIA PROVIDING FOR WEIGHT RESTRICTIONS ON TOWNSHIP ROADS AND BRIDGES.

WHEREAS, it has been determined by the Borough Council of the Borough of Clymer, County of Indiana and Commonwealth of Pennsylvania, that certain bridges owned and/or maintained by said Borough may be damaged or destroyed as a result of being subjected to heavier loads than those for which they were designed or which they can support; and

WHEREAS, the Borough Council of the Borough of Clymer believes that additional regulations are necessary to adequately protect the health, safety and welfare of the residents of the Borough and all others who may use said bridges and to safeguard the integrity of said roads and bridges.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of Clymer Borough, Indiana County, Pennsylvania, and it is hereby ordained and enacted as follows:

Section 1. That from and after the effective date of this Ordinance no vehicle or mechanized equipment of any kind or type whatsoever in excess of eight (8) tons gross weight, including cargo, whether motor propelled, or otherwise, shall be permitted to travel upon bridge No. 73 located on Wilson Street in the Borough of Clymer, Indiana County, Pennsylvania.

Section 2. Any person who shall violate the provisions of this Ordinance shall be guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of Seventy-Five Dollars (\$75.00), except that any person convicted of operating a vehicle with a gross weight in excess of a posted weight limit shall, upon conviction, be sentenced to pay a fine of One Hundred Fifty Dollars (\$150.00) plus One Hundred Fifty Dollars (\$150.00) for each 500 pounds, or part thereof, in excess of 3,000 pounds over the maximum allowable weight.

Section 3. In the alternative, and in the event that the provisions of Section 2 herein are adjudged invalid, any person who shall violate the provisions of this Ordinance shall be subject to conviction of a summary offense before any Magistrate having proper jurisdiction and shall be subject to a fine not in excess of Three Hundred Dollars (\$300.00) for each and every offense and the costs thereof; default of payment of such fine and costs, said person convicted shall be imprisoned for a period not exceeding thirty (30) days.

Section 4. This Ordinance is severable and should any section or provision hereof be declared invalid by any Court of competent jurisdiction, such decision shall not affect the validity of the rest of the Ordinance and it is hereby declared to be the legislative intent of the Borough Council of the Borough of Clymer that this Ordinance is considered to be adopted as if such invalid provisions had not been included therein.

Section 5. All Ordinances or parts of Ordinances conflicting with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 6. This Ordinance shall become effective immediately upon enactment.

ORDAINED AND ENACTED this 9th day of December, 1987.

ATTEST:

BOROUGH OF CLYMER

Melanie A. Williard
Secretary

By Jean M. Rellick
President of Council

APPROVED this 9th day of December, 1987.

William Britsky
Mayor