

**TOWNSHIP OF UPPER BERN  
COUNTY OF BERKS  
COMMONWEALTH OF PENNSYLVANIA**

**ORDINANCE NO.: 100**

**AN ORDINANCE IMPOSING RESTRICTIONS AS TO THE WEIGHT OF VEHICLES OPERATED UPON THE NORTH NORTHKILL ROAD CULVERT AND THE LESHHER MILL BRIDGE AND PRESCRIBING PENALTIES FOR VIOLATIONS.**

*WHEREAS*, Section 4902 of the Vehicle Code (75 Pa. C.S. § 4902) authorizes municipalities to set weight limits for highways and bridges within their jurisdiction; and

*WHEREAS*, it is necessary in order to insure the welfare and safety of the public that certain weight restrictions be applied to the North Northkill Road Culvert and the Leshher Mill Bridge over Leshher Run.

*BE IT ORDAINED*, that the Board of Supervisors of the Township of Upper Bern does hereby enact the following:

**Section 1:** Definitions. The following words when used in this Ordinance shall have the following meanings, unless the context clearly indicates otherwise:

- A. Motor Vehicle -- any vehicle or combination as defined and/or governed by the Vehicle Code, 75 Pa. C.S. Section 101, et seq., as amended.
- B. Local Traffic -- emergency vehicles as defined herein, school buses, vehicles and combinations or governmental entities and utilities where their contractors are engaged in construction or maintenance on North Northkill Road or Leshers Mill Road, and vehicles and combinations going to or coming from a residence or farm located on North Northkill Road or Leshers Mill Road which can be reached only via crossing the culvert on North Northkill Road or the bridge on Leshers Mill Road.
- C. Emergency Vehicle -- a fire department vehicle, police vehicle, ambulance, blood delivery vehicle, Armed Forces emergency vehicle, or a State Police designated emergency vehicle.

**Section 2:** Findings of the Board of Supervisors. The Board of Supervisors has determined based upon engineering studies that the culvert on North Northkill Road may be damaged or destroyed unless the permissible weight of motor vehicles is restricted to 3 tons and Leshers Mill Road may be damaged or destroyed unless the permissible weight of motor vehicles is restricted to 26 tons and combinations of 40 tons.

**Section 3:** Weight Limits Established.

- A. Pursuant to the findings under Section 3, *supra*, and by the authority of Section 4902 of the Vehicle Code, and regulations promulgated thereunder, no motor vehicle or combination shall be operated upon the culvert on North Northkill Road with a gross weight in excess of 3 tons.
- B. Pursuant to the findings under Section 3, *supra*, and by the authority of Section 4902 of the Vehicle Code, and regulations promulgated thereunder, no motor vehicle shall be operated upon the bridge on Leshers Mill Road over Leshers Run with a gross weight in excess of 26 tons and no combination shall be operated upon the bridge on Leshers Mill Road over Leshers Run with a gross weight in excess of 40 tons.
- C. Local traffic as defined herein shall be exempted from the restrictions imposed under Section (A) and (B) above.

**Section 4:** Signs. The Township shall erect or cause to be erected and maintained restriction signs designating the weight restrictions at either end of the culvert on North Northkill Road and the bridge on Leshers Mill Road as provided in this Ordinance.

**Section 5:** Penalties. Any person violating any of the provisions of this Ordinance shall, upon summary conviction before a District Magistrate, be sentenced to pay a fine of not less than One Hundred Dollars (\$100.00) and not more than Three Hundred Dollars (\$300.00) and the cost of prosecution, such fines to be collected as like fines are now collected by law, and in default shall undergo imprisonment not exceed thirty (30) days.

**Section 6:** Repealer. All Ordinances or Resolutions, or parts of Ordinances or Resolutions, insofar as they are inconsistent herewith, shall be in the same or hereby repealed.



**Section 7:** Validity. If any Section or part of a Section of this Ordinance shall be declared invalid, such invalidity shall not affect the remaining parts or Sections of this Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been enacted as if such invalid Section or portion thereof had not been included therein.

**Section 8:** Effective Date. This Ordinance shall become effective upon adoption.

**ORDAINED AND ENACTED** this 10 day of March, 2010, by a vote of  
3 Yes \_\_\_\_\_ No \_\_\_\_\_ Abstained \_\_\_\_\_ Absent.

Upper Bern Township Board of Supervisors

By:

  
\_\_\_\_\_  
  
\_\_\_\_\_

Attest:

  
\_\_\_\_\_  
Secretary