

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

**ORDINANCE NO.: 154-2020**

**AN ORDINANCE IMPOSING RESTRICTIONS AS TO THE WEIGHT OF VEHICLES OPERATED ON MOUNTAIN ROAD BETWEEN STATION 114+25 AND THE TILDEN TOWNSHIP LINE AND REDUCING THE SPEED LIMIT ON MOUNTAIN ROAD TO 35 MPH, 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*, Section 3363 and 3364 of the Vehicle Code (75 Pa. C.S. § 3363 and § 3364) authorizes municipalities to determine the maximum speed permitted within their jurisdiction upon the basis of an engineering and traffic investigation; and

*WHEREAS*, McMahon Transportation Engineers and Planners has submitted a Speed Restrictions Engineering and Traffic Study to the Township on or about January 23, 2020, which recommends reducing the speed along Mountain Road (and which Study is on file with the Township); and

*WHEREAS*, it is necessary in order to insure the welfare and safety of the public that certain weight restrictions and speed restrictions be applied to Mountain Road.

*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 Mountain Road, and vehicles and combinations going to or coming from a residence or farm located on Mountain 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 Mountain Road may be damaged or destroyed unless the permissible weight of motor vehicles between Station 114+25 and the Tilden Township line is restricted to 26,000 pounds and combinations of 40,000 pounds, unless local delivery. The Board of Supervisors has determined based upon engineering studies Mountain Road that reducing the speed limit to 35 mph is necessary to protect the health, safety and welfare of the citizens of the Township.

**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 shall be operated upon Mountain Road between Station 114+25 and the Tilden Township line with a gross weight in excess of 26,000 pounds and no combination shall be operated upon Mountain Road with a gross weight in excess of 40,000 pounds.
- B. Local traffic as defined herein shall be exempted from the restrictions imposed under Section (A) and (B) above.

**Section 4:** Speed Limits Established. The maximum speed limit for Mountain Road between where Mountain Road crosses Wolfe Creek and the Tilden Township line shall be 35 mph.

**Section 5:** Signs. The Township shall erect or cause to be erected and maintained restriction signs designating the weight restrictions at Mountain Road as provided in this Ordinance. The Township shall post speed limit signs on Mountain Road in accordance with Pennsylvania Department of Transportation guidelines.

**Section 6:** 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 7:** 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 8:** 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 9:** Effective Date. This Ordinance shall become effective upon adoption.

**ORDAINED AND ENACTED** this 7<sup>th</sup> day of May, 2020, by a vote of 3 Yes 1 No  
1 Abstained 1 Absent.

UPPER BERN TOWNSHIP BOARD OF  
SUPERVISORS

By: Nancy A. Hartman  
Nancy Hartman, Chairman

By: Gloria Grim  
Gloria Grim, Vice Chairman

By: Mike Fisher  
Mike Fisher, Supervisor

ATTEST:

Beth Shavath

Secretary

Attest: