

**BOROUGH OF CALIFORNIA  
COUNTY OF WASHINGTON  
COMMONWEALTH OF PENNSYLVANIA**

**ORDINANCE NO. 575**

**AN ORDINANCE OF THE BOROUGH OF CALIFORNIA, WASHINGTON COUNTY, COMMONWEALTH OF PENNSYLVANIA, PROVIDING FOR THE ESTABLISHMENT OF WEIGHT LIMITS ON THE BOROUGH ROADS THAT ARE IDENTIFIED HEREIN; REQUIRING THAT BEFORE ANY OVERWEIGHT HAULAGE BEGINS THAT THE HAULER MUST OBTAIN A PERMIT AND ENTER INTO A WRITTEN OVERWEIGHT HAULAGE AGREEMENT WITH THE BOROUGH; ESTABLISHING BONDING AMOUNTS ON BOROUGH ROADS USED FOR OVERWEIGHT HAULAGE; PROVIDING REQUIREMENTS FOR CURRENT, PROSPECTIVE, AND MULTIPLE HAULERS; ESTABLISHING PENALTIES AND/OR SANCTIONS FOR VIOLATIONS; ESTABLISHING SUCH OTHER REGULATIONS AS ARE NECESSARY TO CONTROL WEIGHT LIMITS; REPEALING INCONSISTENT, PRIOR ORDINANCES (ORDINANCE NOS. 483 AND 509) AND RESOLUTIONS (RESOLUTION NO. 08-102) AND/OR PORTIONS OF INCONSISTENT, PRIOR ORDINANCES AND RESOLUTIONS; PROVIDING A SAVINGS CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Borough Council of the Borough of California is authorized under the Pennsylvania Motor Vehicle Code and/or the Pennsylvania Borough Code to provide weight limitations for operation of motor vehicles on and about the roadways of the Borough of California; and

WHEREAS, the Borough Council of the Borough of California has directed the Borough Engineer to conduct an assessment of certain roads within the Borough to determine the appropriate weight limitations, if any, to be provided on said roads; and

WHEREAS, the Borough Council of the Borough of California has deemed it to be in the best interest and general welfare of the citizens and residents of the Borough of California to provide a means of imposing limitations upon the weight of vehicles operating on the roadways of the Borough of California; and

WHEREAS, the Borough Council of the Borough of California deems it to be in the best interest and general welfare to provide for the enforcement of the weight limitations as set forth herein; and

WHEREAS, further, the Borough is required to repair and maintain the public highway system of the Borough; and

WHEREAS, companies and individuals may want to transport heavy equipment, material, and other heavy loads from said operations over and across the Borough's roads; and

WHEREAS, the Borough Council has determined to protect the Borough roads, heavy haulers must obtain a permit to transport heavy equipment, material, and other heavy loads from said operations over and across the Borough's roads under the terms and conditions of the herein referred Ordinance.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough of California, County of Washington, and the Commonwealth of Pennsylvania, and it is hereby enacted and ordained as follows:

**ARTICLE I**  
**GENERAL REGULATIONS**

**SECTION 1. PURPOSES.**

This Ordinance shall be deemed to be an exercise of the general powers of the Borough Council, as authorized by the Pennsylvania Motor Vehicle Code and/or the Borough Code, providing for the general welfare and safety of the people in the Borough by providing a weight limitation on any street or roadway the condition of which requires a limitation of weight or which is constructed in such a manner as to limit the weight capacity thereon as pertains to any damages or cost of repairs necessitated by their activities.

**SECTION 2. DEFINITIONS.**

Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

- A. MOTOR VEHICLE shall mean any vehicle, as herein defined, which is self-propelled, except farm tractors, farm machinery, fire department equipment, and school buses, Borough vehicles, Commonwealth of Pennsylvania vehicles, any vehicle being operated by a contractor working for the Borough, or any vehicle used in conjunction with the emergency activities in an emergency situation as declared to be an emergency by the Governor of the Commonwealth of Pennsylvania, the County of Washington, the Borough, or the Borough Fire Chief or Police Chief.
- B. FARM TRACTOR shall mean every vehicle of the tractor type, which is self-propelled, designated and used primarily as a farm implement for drawing plows, moving machinery and other implements of husbandry.
- C. GROSS WEIGHT shall mean the combined weight of a vehicle or combination of vehicles and its or their load or loads, exclusive of the operator.
- D. SEMI-TRAILER shall mean any vehicle of the trailer type so designated and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle.

- E. TRACTOR shall mean every vehicle of the tractor type, which is self-propelled, designated and used for drawing other vehicles, and not so constructed as to carry a load thereon.
- F. TRAILER shall mean every vehicle without motive power, designated to carry property or passengers or designed and used exclusively for living quarters wholly or in its own structure, and to be drawn by motor vehicle or tractor.
- G. ESSENTIAL SERVICES shall mean services including, but not be limited to, services provided to dwellings or buildings such as transportation of building materials for construction or repair, the moving of furniture and household goods, delivery of home-heating fuels, the water delivery, the transportation of such equipment as may be necessary in connection with the above, or any other service normally related to residential dwellings.
- H. DWELLING shall mean any building which is used for residence.
- I. BUILDING shall mean a structure having a roof supported by columns or walls used for the housing or enclosure of person, animals or chattels.

**SECTION 3. EXCEPTIONS TO VEHICLES BANNED FROM OVERWEIGHT HAULING.**

That no motor vehicle, truck, trailer or semi-trailer as above defined, excepting fire department equipment, farm machinery, vehicles providing essential services to dwellings or buildings, school buses, Borough vehicles, Commonwealth of Pennsylvania vehicles, vehicles of any contractor working for the Borough, any vehicle used in conjunction with an emergency activity as declared to be an emergency by the Governor of Pennsylvania, the County of Washington, the Borough, or the Borough Fire Chief of Police Chief and vehicles bearing special permits shall be used or operated on the certain roads and/or portions thereof within the confines of the Borough of California, Washington County, Pennsylvania, as are designated hereinafter, and/or as may be designated in the future by resolution with a maximum gross weight exceeding the weight limit of limits designated hereinafter or as may be designated in the future by resolution.

**SECTION 4. SPECIAL PERMIT TO CARRY OVERWEIGHT HAULAGE.**

That all those persons, individuals or businesses operating within the confines of the Borough of California and utilizing the designated Borough roads or portions thereof affected by this Ordinance and/or subsequent amendments or resolutions, may apply to the Borough Council for a Special Permit to operate at weights in excess of those provided by this Ordinance and/or its amendments and/or subsequent resolutions. Such application shall include the name and addresses of the petitioning party, the type of business, a listing of the roads or portions of roads to be used for excess weight hauling, the type of load to be carried, approximation of the weight of the vehicle and load being transported and the estimated period of use. Such application shall be made for each vehicle that is intended to be used. The applicant shall pay an application fee

of \$300.00 per designated road. Upon payment of said fee, and consideration of the application, the Borough Council may, at their discretion, issue a Special Permit, to operate said vehicle or vehicles at weights in excess of those provided by this Ordinance, its amendments and/or subsequent resolutions.

At such a time as a Special Permit is issued for a specific vehicle, the operator of said vehicle must carry a copy of said permit in the vehicle at all times while it is being operated on the subject road, roads or portions thereof and therein, shall produce the same to any Borough official, Borough police officer, or State Police officer that requests to review the same. Additionally, if any weight slips are in the possession of the applicant as pertains to the subject vehicle, a copy of the same must be kept in the subject vehicle while it is operated on any of the subject Borough roads or portions thereof any must be produced to any Borough official, Borough police officer, and/or State Police officer that requests to see the same.

The Borough of California shall require the applicant to post a bond in an amount judged sufficient by Borough Council to cover the costs of repair or damage that may be caused to the Borough road, roads or portions thereof due to the excess-weight carried on them. No overweight haulage may occur until the bonding has been posted.

**SECTION 5. ALTERNATE OPTION THAT WILL ALLOW HEAVY HAULERS, OPERATORS AND/OR INDIVIDUALS TO FOREGO ACQUIRING A SPECIAL PERMIT FOR EVERY INDIVIDUAL ROAD AND THE BONDING OF EVERY INDIVIDUAL ROAD.**

This Ordinance also allows for an alternate option to any heavy haulers, operators and/or individuals who wish to forego acquiring a Special Permit for every individual road and the bonding of every individual road. The alternative will be to acquire a single special permit to heavy haul on all identified Borough roads the heavy hauler, operator and/or individual wishes to use, deposit with the Borough a lump sum, in cash, of \$30,000.00 for all identified roads, and enter into a Heavy Hauling Agreement for all roads that the heavy hauler, operator and/or individual will be performing overweight haulage on. All of the above-mentioned requirements must be completed before any heavy hauler, operator and/or individual are permitted to carry overweight haulage. All other terms and conditions of the Ordinance and the Heavy Hauling Agreement would have to be complied with.

The \$30,000.00 cash bond may be used to repair, renovate, maintain and restore any and all roads used by heavy haulers, operator and/or individual subject to the terms and conditions of the Ordinance, the Heavy Hauling Agreement, and this Resolution.

**SECTION 6. WRITTEN HEAVY HAULING AGREEMENT REQUIREMENT.**

The Borough of California shall require a written Heavy-Hauling Agreement between any heavy-hauling operator and/or individual and the Borough prior to heavy hauling in excess of Borough weight restrictions on enumerated roads. No overweight haulage may occur until the Agreement has been signed by both parties.

## **SECTION 7. CURRENT HEAVY HAULERS.**

Any current heavy-hauling operator and/or individual currently bonded to haul and who is currently hauling heavy on Borough roads shall within thirty (30) days of the Borough's adoption of this Ordinance, enter into a Heavy-Hauling Agreement with the Borough and obtain a Special Permit.

## **SECTION 8. VIDEOTAPING REQUIREMENT.**

Any heavy-hauling operator and/or individual must videotape the condition of the road prior to beginning transport of equipment; provide a copy of said videotape to the designated Borough official; complete a written agreement, signed off on by both parties, and do a walkthrough with the designated Borough official before work is commenced and after work is completed.

## **SECTION 9. MULTIPLE HAULERS.**

All multiple users/operators, who are operating in excess of the weight restrictions on the same designated Borough road or roads at the same time, shall share equally or proportionally on costs of maintenance or repairs, which occur after the multiple users/operators commence hauling operations. If any dispute arises among multiple haulers as to contributions, each operator shall file a written request to the Borough to hear and arbitrate the disputed contributions.

# **ARTICLE II** **TRAFFIC REGULATIONS**

## **SECTION 1. WEIGHT LIMITS ESTABLISHED.**

The following weight limits are hereby established on the following Borough roads in accordance with the Borough engineer's November 2021 Engineering Study:

1. Ash Street: ten (10) tons;
2. Blaine Road: ten (10) tons;
3. North California Drive: ten (10) tons;
4. Chalfont Road: ten (10) tons;
5. Chestnut Street: ten (10) tons;
6. Cross Ridge Road: ten (10) tons;
7. Fifth Street: twenty (20) tons;
8. Fourth Street: twenty (20) tons;
9. Hickory Street: twenty (20) tons;
10. Kaukonen Drive: ten (10) tons;
11. Liberty Street: ten (10) tons;
12. Meadow Avenue: twenty (20) tons;
13. Mechanic Street: twenty (20) tons;
14. Milso Lane: ten (10) tons;

15. Pennsylvania Avenue: twenty (20) tons;
16. Promised Land Drive: ten (10) tons;
17. Short Ridge Road: ten (10) tons;
18. Third Street: twenty (20) tons;
19. Union Street: twenty (20) tons;
20. Wilson Road: ten (10) tons, and
21. Wood Street: twenty (20) tons.

## **SECTION 2. PLACEMENT OF OFFICIAL SIGNS DESIGNATING ROAD WEIGHT LIMITATIONS.**

That official signs designating the provisions setting forth the limitations herein shall be erected at each end of that portion of road or roads for which the limit is the same, in accordance with the requirements of the Commonwealth of Pennsylvania, Department of Transportation and/or the Pennsylvania Motor Vehicle Code.

## **SECTION 3. RIGHT OF INSPECTION BY POLICE OFFICER.**

Any Borough police officer or State Police officer or any municipal police officer acting at the request and with the authorization of the Borough of California police department, who shall be in uniform and shall exhibit his badge or other sign of authority, having reason to believe that the weight of a vehicle or combination of vehicles and load, is in excess of the posted limit, is authorized to stop the same, request and view the Special Permit and any and all weight or weights slips. Additionally, said officer is authorized to weigh said vehicle or combination of vehicles and/or load. Said weighing may be done by means of portable or stationary scales, or by requiring such vehicle, or combination of vehicles, to be driven to the nearest stationary scale, if such scale is within the confines of the Borough of California or within the confines of an adjoining municipality. Upon determining that the weight is in excess of that permitted by this Ordinance, its amendments or subsequent resolutions, the officer may then require the operator to unload immediately such portion of the load as may be necessary to decrease the gross weight to the maximum gross weight specified in this Ordinance.

## **SECTION 4. MEANING OF VEHICLE PERTAINING TO THIS ORDINANCE.**

Whenever used herein the term "vehicle" as pertains to the requirements of this Ordinance shall include all vehicles and/or trailers, etc. that are subject to this Ordinance unless specifically stated to the contrary.

## **SECTION 5. ENFORCEMENT PENALITIES.**

Any person, partnership, or corporation who shall violate the provisions of this Ordinance shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine as established hereinbelow as pertains to this specific offense and, in default thereof, shall be subject to imprisonment for a period not to exceed ninety (90) days. Each day that an offense occurs shall be considered a separate violation. Additionally, and not by way of limitation, the Borough may use any other remedy available at law or in equity so as to enjoin and/or stop any violation.

Therein, any and all court costs, Borough attorney's fees and expenses as therein incurred shall be paid by the violating party.

- A. Failure to obtain a Special Permit and/or enter into a Heavy Hauling Agreement: \$1,000.00.
- B. Operating on Borough road in excess of weight permitted by Special Permit: \$500.00 per ton or portion or ton in excess of weight permitted by Special Permit.
- C. Failure to produce Special Permit upon request of police officer: \$500.00.
- D. Failure to produce weight slip upon request of police officer: \$500.00.
- E. Each trip of a vehicle that is in violation of this Ordinance shall be considered a separate offense.

#### **SECTION 6. APPEAL PROCEDURE.**

If a dispute arises between the Borough and the Operator, the aggrieved party must follow the dispute resolution procedure, which provides for an appeal to the Borough Council and, if the dispute is unresolved between the Borough and the Operator after the appeal to the Borough Council, then to the Court of Common Pleas.

#### **SECTION 7. POWERS BY RESOLUTION .**

The Borough Council may, at any time, by way of resolution amend this Ordinance, designate additional roads or portions thereof that shall be subject to weight limitations, redesignate weight limitations as to previously designated roads, and change the amount of application fee and penalty.

#### **SECTION 8. REPEAL OF PRIOR ORDINANCES AND RESOLUTIONS.**

Any and all prior Ordinances, including, specifically, Ordinance No. 483 and Ordinance No. 509, and Resolutions, including, specifically, Resolution No. 18-102, that are in conflict with this Ordinance are hereby repealed. The remaining prior Ordinances and/or Resolutions, not modified herein, shall remain the same.

#### **SECTION 9. SAVINGS CLAUSE.**

Should any section, provision or other part of this Ordinance be found to be illegal, unenforceable or void, such shall not affect the remainder hereof, which shall remain fully binding, valid and enforceable, and such section, provision or other part shall be modified to the extent necessary to so conform to the law. The Borough of California Council hereby declares its intention that should any section, provision or other part of this Ordinance be found to be

illegal, unenforceable or void, it would have taken the foregoing action and made the foregoing Ordinance without such part or with such part so modified so as to conform to the law.

**SECTION 10. EFFECTIVE DATE.**

This Ordinance shall take effect immediately upon adoption by Borough Council.

DULY presented and adopted at a meeting of the Borough Council of the Borough of California, Washington County, Commonwealth of Pennsylvania, this 10 day of March, 2022.

ATTEST:

BOROUGH OF CALIFORNIA

*Shulya Gray*  
Borough Secretary

By: *Patricia Alfano*  
President of Council

EXAMINED AND APPROVED by me this 10 day of March, 2022.

BOROUGH OF CALIFORNIA

By: *[Signature]*  
Mayor