

TOWNSHIP OF SOUTH BEAVER**ORDINANCE NO. 51**

AN ORDINANCE OF THE TOWNSHIP OF SOUTH BEAVER, BEAVER COUNTY, PENNSYLVANIA, ESTABLISHING PROCEDURE AND REGULATIONS GOVERNING ISSUANCE OF SPECIAL PERMITS FOR EXCESSIVE SIZE AND EXCESSIVE WEIGHT VEHICLES, EQUIPMENT, AND/OR LOADS UPON STREETS OR ROADS OF THE TOWNSHIP.

BE IT ENACTED AND ORDAINED by the Supervisors of the Township of South Beaver, Beaver County, Pennsylvania, and it is hereby enacted under the authority of the Second Class Township Code and the Vehicle Code, the following:

Section 1. No vehicle, item of equipment, and/or vehicle with load which exceeds the size and/or weight specified in Subchapter B and Subchapter C of Chapter 49 of the Vehicle Code, or which exceeds the weight restriction established and set as to any street or road of the Township of South Beaver, shall be operated or moved upon the streets or roads, including bridges, of and under the jurisdiction of the Township of South Beaver unless a special permit is granted and issued by the Township of South Beaver pursuant to the provisions of this Ordinance for such operation or movement thereon.

Section 2. Solely at the discretion of the Township of South Beaver, a person or entity, after submission of a written application therefor, may be granted a Special Permit to move or operate upon and over a road or street, including bridges, of the Township of South Beaver a vehicle, or item of equipment, and/or a vehicle with a load which exceeds the size and/or weight specified in Subchapter B and Subchapter C of Chapter 49 of the Vehicle Code, or which exceeds the weight restriction established and set for and as to any street or road, including a bridge thereof. Such Special Permit may be issued subject to such terms, conditions, and restrictions as set by the officials of the Township of South Beaver, including but not limited to restriction as to hours of the day when such operation or movement may be done; or as conditions of weather require,

seasonal or otherwise; provision of proof of liability insurance as to the activity for which a Special Permit is sought; and posting of security as deemed necessary to compensate for any damage to any street or road, bridge, structure or other appurtenance thereof.

A. The written application for a Special Permit shall be upon such form as prescribed by the Township of South Beaver.

B. The written application for a Special Permit shall be submitted to the Township of South Beaver, together with an Application Fee pursuant to a fee set from time to time by the Supervisors of the Township of South Beaver.

C. Upon an application for a Special Permit being reviewed by the Township of South Beaver, the applicant shall be notified whether same is denied or approved, and if approved, the nature of the terms or conditions which shall govern operation or movement under and pursuant to such Special Permit upon its issuance by the Township of South Beaver. The decision of the Township of South Beaver to deny or approve an application for a Special Permit is solely at the discretion of the Township of South Beaver and no provision of this Ordinance, or any statute or other regulation shall grant an applicant any recourse for judicial review or other action as to such decision. A decision to deny or approve such application shall be made by the Township no later than the occurrence of the second regular Supervisors meeting held after receipt by the Township of the Application and Application Fee; the failure by the Township of South Beaver to formally make a decision to approve or deny such application within said time period shall be deemed and is an automatic denial of such request for a Special Permit.

D. Upon an applicant for a Special Permit deciding to accept the terms upon which a Special Permit shall be granted, such applicant shall submit and pay unto the Township of South Beaver such Special Permit Fee pursuant to a fee schedule set from time to time by the Supervisors of the Township of South Beaver, whereafter upon all other conditions and requirements of the Township of South Beaver being met by the applicant, including but not

limited to the placement of any Bond per Section 3 of this Ordinance, processing of the Special Permit pursuant to the terms and conditions as specified by the Township of South Beaver shall be processed, issued and delivered to the applicant.

E. Upon a Special Permit being issued by the Township of South Beaver pursuant to this Ordinance, such operation or movement for which the Special Permit has been granted may be commenced not sooner than the date specified in said Special Permit, subject to such terms, restrictions and conditions imposed. A copy of such Special Permit shall be carried by the operator of the vehicle or item of equipment relative to the activity for which such Special Permit was issued, and same shall be open and subject to inspection by any police officer, authorized agent of the Township of South Beaver, or any person involved in an accident with the vehicle and/or equipment being operated or moved under and pursuant to the Special Permit.

F. A Special Permit may be revoked by the Township of South Beaver at any time for cause, including but not limited to violation of any provision of the Vehicle Code or any term, condition, or restriction made applicable for any operation or movement of a vehicle or item of equipment pursuant to the granting of such Special Permit.

Section 3. Any person or entity operating or moving any vehicle or item of equipment upon a street or road of the Township of South Beaver pursuant to a Special Permit issued pursuant to this Ordinance, shall be liable for all damage caused thereby to any such street or road, bridge, structure, or appurtenance thereof. Security for such liability shall be provided by the applicant in conjunction with issuance of such Special Permit, and shall remain in existence until released by the Township of South Beaver. Such security shall be in such amount, in such form, and of such nature as required by and at the sole discretion of the Township of South Beaver which, while not limited to, may include:

A. Cash Deposit with the Township of South Beaver in such amount as set by the Township of South Beaver to be held by the Township of South Beaver in an interest bearing account with the Tax Identification of the Special Permittee assigned thereto pursuant to a Maintenance - Repair Bond agreement executed by and between the Special Permittee and the Township of South Beaver, upon such terms and conditions specified by the Township of South Beaver as to the particular activity for which the Special Permit was applied for and granted.

B. Irrevocable Letter of Credit issued by a financial institution authorized to do business in the Commonwealth of Pennsylvania, which financial institution must be acceptable to the Township of South Beaver, together with a Judgment Note executed by the Special Permittee pursuant to a Maintenance - Repair Bond agreement executed by and between the Special Permittee, the financial institution issuing the Irrevocable Letter of Credit, and the Township of South Beaver, upon such terms and conditions specified by the Township of South Beaver as to the particular activity for which the Special Permit was applied for and granted.

C. Surety Bond provided by a company duly authorized under the laws of the Commonwealth of Pennsylvania to issue surety bonds, which company must be acceptable to the Township of South Beaver, together with a Judgment Note executed by the Special Permittee pursuant to a Maintenance - Repair Bond agreement executed by and between the Special Permittee and the Township of South Beaver, upon such terms and conditions specified by the Township of South Beaver from time to time by the Supervisors of the Township of South Beaver, whereafter processing of the Special Permit pursuant to the terms and conditions as specified by the Township of South Beaver shall be processed and delivered to the applicant as to the particular activity for which the Special Permit was applied for and granted.

Section 4. In the event security is required to be provided by a Special Permittee in conjunction with issuance of a Special Permit under this Ordinance relative to the operation or movement of a vehicle, vehicle with load, and/or item of equipment at a weight in excess of that permitted by Subchapter C of Chapter 49 of the Vehicle Code, or in excess of a weight restriction established

or set as to any street or road, or bridge thereof, of the Township of South Beaver, the amount of such security required shall not be less than, but at the discretion of the Township of South Beaver may exceed an amount determined as follows:

A. For each lineal mile, or portion thereof, of streets or roads, a sum equal to multiplying the miles of street or roadway to be traveled by:

1) **paved** (bituminous or concrete) streets or roads, the sum of not less than \$12,000.00 per lineal mile;

2) **unpaved streets or roads**, the sum of not less than \$6,000.00 per lineal mile, or at such larger sum per lineal mile as Township Supervisors may hereafter set by Resolution.

B. If a bridge is involved, the Township of South Beaver may require minimum security of \$2,000.00 for excessive weight use of same, which security may be in addition to the amount required by subparagraph A. hereof.

Section 5. The provisions of Chapter 49 of the Vehicle Code are here incorporated by reference including but not limited to the provisions for oral authorization relative to the occurrence of an emergency or accident and the processing of application for a Special Permit within 72 hours thereafter; provision for movement of quarrying or mining equipment; movement of implements of husbandry; equipment being manufactured; and oversize and/or overweight vehicles or equipment being used by a utility company or its contractors or subcontractors: all of which require issuance of a Special Permit.

Section 6. Issuance of a Special Permit to any person or entity by the Township of South Beaver pursuant to this Ordinance shall not make the Township of South Beaver responsible or liable to the Special Permittee, his employees or agents, or to any third party as to any damage to property

or injury to person arising from or occurring during the Special Permittee's conduct, operation and/or other activity related or incidental to the purpose for which the Special Permit was applied and granted. The issuance of a Special Permit for the use of any street or road, including a bridge, or any other structure and appurtenance forming a part thereof, is neither a warranty nor inference that same will be safe for such use by the Special Permittee, his employees, or agents. The Special Permittee is and shall be required to hold harmless the Township of South Beaver, its employees and agents free of any claim whatsoever arising from the conduct of the Special Permittee, regardless of the source of such claim.

Section 7. Should any section, clause, part, or word of this Ordinance be declared by a Court of competent jurisdiction as invalid, illegal, or unconstitutional, such decision of the Court shall not affect the validity or impair any of the remaining sections, clauses, parts, or words of this Ordinance; the provisions of this Ordinance being thus severable and declared valid.

Section 8. This Ordinance shall become effective upon publication and adoption as required by law.

ENACTED AND ORDAINED this 23rd day of April, 1996.

Carol Miller
Secretary

TOWNSHIP OF SOUTH BEAVER

Robert S. Long
Supervisor

David L. Skanecy
Supervisor

Supervisor