

I, Michael G. Crotty, Esquire of Siana, Bellwoar & McAndrew, LLP, Solicitor of West Fallowfield Township, hereby certify and attest that the below Ordinance is a true and correct copy of the proposed ordinance to be considered for adoption by the West Fallowfield Township Board of Supervisors at the Township meeting on November 8, 2018.

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Michael G. Crotty, Esquire  
Siana, Bellwoar & McAndrew, LLP – Township Solicitor

**WEST FALLOWFIELD TOWNSHIP  
CHESTER COUNTY, PENNSYLVANIA  
ORDINANCE NO. 83**

**AN ORDINANCE OF WEST FALLOWFIELD TOWNSHIP, CHESTER COUNTY, TO ESTABLISH REGULATIONS OF OVERSIZE VEHICLES TRAVELLING ON TOWNSHIP ROADS AND FOR ESTABLISHING LOCAL TRAFFIC ONLY ROADWAY LIMITATIONS**

**SECTION 1.** This Ordinance shall be known as and cited as the West Fallowfield Township Oversized/Overweight Vehicle and Local Traffic Ordinance.

**SECTION 2.** On or after the effective date of this Ordinance, any person or carrier desiring to operate an Oversized/Overweight Vehicle, as defined by the Commonwealth of Pennsylvania (Chapter 179 of the Pennsylvania Code) and in Section 3 of this Ordinance, on any Township roadways (those roadways that have been dedicated to the Township and/or as designated on the Township's Liquid Fuels map) (hereinafter "Township Roads") shall apply to the Township for a hauling permit and shall pay the required fee for permit as specified herein Section 4, at least 24 hours in advance of the intended hauling (and, in any circumstance, in sufficient time so as to provide for processing by the Township of the same). The Township may designate, from time to time, by resolution, an individual to whom such hauling permits must be submitted and reviewed if other than submission to the Township Secretary. In the absence of the same, such hauling permits shall be submitted to the Township Secretary, with a copy of the same to be provided to the Police Chief for the Township Police Department. This Ordinance does not apply to state-designated roadways that lie within the Township. Movement of Oversized/Overweight Vehicles on state roadways within Township shall be regulated by a permit issued by the Commonwealth of Pennsylvania.

**SECTION 3.** The definition of an Oversized/Overweight Vehicle, for the purpose of this Ordinance is as follows:

- (1) Any vehicle/load in excess of eighty thousand pounds (80,000 lbs.) gross weight (exception for fire apparatus or other recognized emergency equipment).
- (2) Any vehicle/load in excess of thirteen feet six inches (13'6") in height (except for fire apparatus and overhead light repair/installation equipment).
- (3) Any vehicle/load in excess of eight feet six inches (8'6") in width (except those exempted in PA vehicle code 4921B).

- (4) Any single vehicle in excess of forty feet (40") in length, except for Bryson Road, High Point Road and King Road, where no 102" twins or trailers shall exceed twenty-eight (28) feet in length.
- (5) Any combination/load that has a non-divisible load that exceeds seventy feet (70') in length, except for Bryson Road, High Point Road and King, as set forth above.

Local traffic, as defined in Section 13 below, is exempt from the definition of an Oversized/Overweight Vehicle.

**SECTION 4:** The permit fees for Oversized/Overweight Vehicles on Township Roads shall be as follows:

- (1) Fifty dollars (\$50.00) general issuance for all Oversized/Overweight Vehicles load permit per single trip. A maximum of seven (7) consecutive days of single trip permits will be issued.
- (2) Fifty dollars (\$50.00) general issuance for an Oversized/Overweight Vehicles load permit per single trip. A maximum of seven (7) consecutive days of single trip permits will be issued. An additional fifty cents (\$0.50) per ton over allowable legal weight shall be assessed to permit fee.
- (3) Three Hundred dollars (\$300.00) for monthly (30 consecutive day) unlimited trips, for Oversized/Overweight Vehicle load permit. Approval by the Township is required, with a copy of the same to be provided by the Township to its police services provider.
- (4) One Thousand dollars (\$1,000.00) for yearly (365 consecutive days) unlimited trips, for Oversized/Overweight Vehicle load permit only. Approval by the Township is required, with a copy of the same to be provided by the Township to its police services provider. Approval to be based upon load type and transportation route selected.
- (5) All future fee amendments to this Ordinance may be adopted by Resolution by the Board of Supervisors.

**SECTION 5:** To move an Oversized/Overweight Vehicle, an application shall be made to West Fallowfield Township for an Oversized/Overweight Vehicle Permit on a hardcopy or online form supplied by the Township.

**SECTION 6:** Insurance Requirements and Permit details. The applicant for an Oversized/Overweight Vehicle shall provide to the Township proof of liability insurance with coverage limitation of not less than \$1,000,000. The Township shall be listed thereon as an additional insured for property damage and personal injury, in the amount specified herein. Upon receipt of permit fee and proof of liability insurance, the Township shall provide the applicant with an Oversized/Overweight Vehicle permit to operate in the Township, on Township Roads. The permit application must list the name of the applicant; identify the truck and/or trailer information; overall dimensions of the load; weight of the vehicle; number of axles; and axle distances. The permit shall also list the route, origin and destination of the same. The permit application shall denote if an escort

or pilot vehicle is required for the move. A permit can be valid for a single trip, monthly unlimited trips (Oversized only) or yearly unlimited trips (Oversized only). A physical route survey shall be performed by the applicant prior to issuance of permit to ensure that proposed routing can be negotiated safely.

**SECTION 7:** The applicant shall assume all liability for repairs and shall perform or have performed, to the satisfaction of the Township Engineer, repairs to the Township Roads or any other structures that have been damaged as a result of operation under this permit. To ensure no conflict of existing road conditions between the applicant and Township, the Township reserves the right to require the applicant to videotape or photograph the travel route prior to use and to provide the Township with a copy of said video.

**SECTION 8:** The hours of operations for Oversized/Overweight Vehicles in the Township are as follows:

- (1) Sunrise to Sunset, seven (7) days a week, except in inclement weather (in which circumstance such vehicles are not permitted).
- (2) No movement of Oversized/Overweight Vehicles is permitted on any official federal, state or local holiday.

**SECTION 9:** Display of Banners: restrictions on travel.

- (1) All Oversized/Overweight Vehicles traveling on Township Roads shall display "oversize load" banners on the front and rear of the vehicle. The banners shall be at least seven feet (7') wide by eighteen inches (18") high. The vehicle/load shall also display flags on projecting loads, the flags shall be not less than eighteen inches (18") square.
- (2) Oversized/Overweight Vehicles may not travel within one thousand feet (1,000') of another Oversized/Overweight Vehicle.

**SECTION 10:** Escort or Pilot Vehicles.

- (1) An escort or pilot vehicle shall not exceed 10,000 lbs. The escort/pilot vehicle shall have a minimum of two (2) flashing yellow lights and also display "oversize load" banners on the front and rear of the vehicle. The signs shall be at least five feet (5') wide and one foot (1') high. The vehicle shall have two-way communication with the Oversize/Overweight Vehicle. Vehicle personnel shall have the capacity and ability to direct traffic and ensure that traffic disruption is minimal. Escort personnel shall wear a yellow reflective vest when engaging in directing traffic. Escort vehicles are required to carry proof of liability insurance with a minimal coverage of one million dollars (\$1,000,000), naming the Township as additional insured. Proof of coverage shall be filed with the Township.
- (2) An escort vehicle is required when the load or vehicle is in excess of thirteen feet (13') or when the total length exceeds ninety feet (90'). The escort vehicle shall lead the Oversized/Overweight Vehicle to warn or notify oncoming traffic of the forthcoming condition.

**SECTION 11:** The Oversized/Overweight Vehicle permit does not allow the vehicle or combination to exceed posted bridge limits.

**SECTION 12:** Penalties for violation; any Oversized/Overweight Vehicle operating on Township Roads without a valid permit shall be subject to a fine of one thousand dollars (\$1,000.00) per incident. Any permitted Oversized/Overweight Vehicle that violates any section of this Ordinance shall be subject to pay a fine of \$500.00.

**SECTION 13. Local Traffic Exemption.** Local traffic is exempt from the provisions of this Ordinance. Local Traffic is defined as:

- Emergency vehicles;
- School buses;
- Vehicles and combinations of governmental agencies, or their contractors, engaged in construction or maintenance on a posted highway or in a location that can be reached only via a posted highway; and
- Vehicles and combinations going to or coming from a residence, commercial establishment or agricultural operation located within the Township, along a posted highway or which can only be reached via a posted highway.

A driver can establish their local traffic status through presentation of the following documents:

- A bill of lading, shipping order or similar document, which demonstrates a destination on a posted highway;
- Certification by the permittee or an official of a permittee company on the company letterhead describing the local traffic nature of the activity in which the vehicle is engaged.

The Township may issue a "local hauler permit" to any operator qualifying as Local Traffic, subject to revocation if the Township determines that the operator is causing significant damage to Township roads.

**SECTION 14.** "Do Not Enter" and "Local Traffic Only" signs shall be erected on the following Township roads:

- King Road
- High Point Road
- Bryson Road

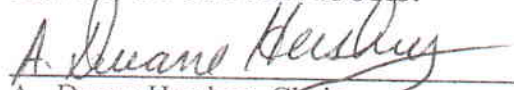
**SECTION 15. Severability.** If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

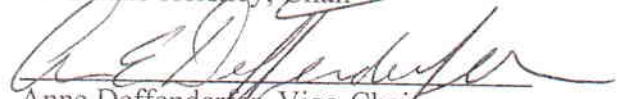
SECTION 16. All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance.

SECTION 17. This Ordinance shall become effective five (5) days from the date of enactment.

DULY ENACTED AND ORDAINED this 8<sup>th</sup> day of November 2018.

**WEST FALLOWFIELD TOWNSHIP  
BOARD OF SUPERVISORS:**

  
A. Duane Hershey, Chair

  
Anne Deffenderfer, Vice-Chair

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Richard Sprenkle, Member

ATTEST:

  
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