

PERMIT #: \_\_\_\_\_

**MOON TOWNSHIP  
OVER-POSTED WEIGHT PERMIT**

**COMPLETE AND RETURN TO THE ROAD MASTER**

TOWNSHIP STREET NAME: \_\_\_\_\_ DATE: \_\_\_\_\_

APPLICANT/COMPANY: \_\_\_\_\_

APPLICANT/PERSON: \_\_\_\_\_

APPLICANT/COMPANY ADDRESS: \_\_\_\_\_

POST OFFICE: \_\_\_\_\_ ZIP: \_\_\_\_\_ PHONE #: \_\_\_\_\_

STREET ADDRESS OF WORK: \_\_\_\_\_

DESCRIBE THE LENGTH OF ROAD TO BE USED: \_\_\_\_\_ MILES

CONDITION OF ROAD: \_\_\_\_\_

BOND AMOUNT TO BE HELD BY TOWNSHIP: \$ \_\_\_\_\_

DATE WHEN OVER-POSTED WEIGHT TRAFFIC ON TOWNSHIP ROAD WILL STOP: \_\_\_\_\_

NUMBER OF OVER-POSTED WEIGHT VEHICLES: \_\_\_\_\_

IDENTIFY VEHICLES: \_\_\_\_\_

WEIGHT OF VEHICLES: \_\_\_\_\_ TONS

DESCRIBE TRAFFIC CONTROL MEASURES (I.E. PENNDOT PUBLICATION 203): \_\_\_\_\_

THE APPLICANT MUST NOTIFY THE ROAD MASTER AND POLICE DEPARTMENT AT LEAST TWENTY-FOUR (24) HOURS BEFORE OVER-POSTED WEIGHT TRAFFIC BEGINS.

I HAVE READ AND UNDERSTAND MOON TOWNSHIP ORDINANCE #357 AND WILL COMPLY WITH THE REQUIREMENTS OF SAID ORDINANCE.

SIGNATURE OF APPLICANT: \_\_\_\_\_ DATE: \_\_\_\_\_

SIGNATURE OF ROAD MASTER: \_\_\_\_\_ DATE: \_\_\_\_\_

Upon approval, two copies of the permit shall be returned to the applicant. One copy of the approved permit must be kept with the over-posted weight vehicles. Permit expires 30 days from issuance date.

ARTICLE IV  
Use by Vehicles Over Posted Weight  
[Adopted 7-17-1991 as Ord. No. 357]

§ 183-27. Definitions and word usage.

- A. Certain words used in this article are defined below. Words used in the present tense shall include the future. The singular number shall include the plural, and the plural the singular. The word "shall" is mandatory and not permissive.
- B. As used in this article, the following terms shall have the meanings indicated:

APPLICANT — Any person, partnership or corporation who makes application for a permit.

BOARD OF SUPERVISORS — The elected Board of Supervisors of the Township of Moon.

ENGINEER — The appointed Township Engineer.

EXCESS MAINTENANCE — Maintenance or restoration or both (but not betterment) of a posted road in excess of normal maintenance caused by use of over-posted-weight vehicles.

FINAL INSPECTION — An inspection performed by the Roadmaster on all township roads traveled across by a permittee within five days of the close of operation. The purpose of the inspection is to determine if any damage has been done to roads by over-posted-weight vehicles and to assess this damage for purposes of utilizing any bonds held by the township.

LOCAL TRAFFIC — The following should be regarded as local traffic for the purposes of this article:

- (1) Emergency vehicles.

- (2) School buses.
- (3) Mass transit vehicles.
- (4) Vehicles and combinations of governmental agencies and utilities or their contractors engaged in construction or maintenance on a posted road or in a location which can be reached only via a posted road.
- (5) Vehicles such as moving vans or delivery trucks which are making a onetime visit to a residence or commercial establishment.

**NORMAL MAINTENANCE** — The usual and typical activities necessary to maintain the roadway, shoulders and drainage facilities in the state of repair existing at the date of preliminary inspection.

**OVER-POSTED-WEIGHT PERMIT** — A permit which, when issued, permits the use of over-posted-weight vehicles on township roads subject to the requirements of this article.

**OVER-POSTED-WEIGHT VEHICLES** — A vehicle or combination having a gross weight in excess of a posted weight limit.

**PERMIT FEE** — A fee established by resolution by the Board of Supervisors for the purpose of administration costs in issuing permits and inspections necessary.

**PERMITTEE** — Any person, partnership or corporation to whom a permit is issued.

**POLICE DEPARTMENT** — The Moon Township Police Department.

**POSTED ROAD** — A road having a posted weight limit.

**POSTED WEIGHT LIMIT** — A restricted weight limit posted on a road.

**PRELIMINARY INSPECTION** — An inspection performed by the Roadmaster on roads for which any over-posted-weight permit is issued prior to the commencement of operations for the purpose of determining the condition of the road or roads to be utilized.

**ROADMASTER** — The designated official appointed by the Board of Supervisors whose duty it is to administer the activities of the Road Department.

**ROAD BOND** — A bond required to be posted by a permittee which guarantees that any damage to a posted road by over-posted-weight vehicles will be repaired at the expense of the permittee. The amount of the bond is determined by the formula found in § 183-30.

**SUBSURFACE FACILITIES** — Facilities located beneath the roadway surface which are owned by a governmental agency, public utility or private agency.

**TOWNSHIP** — The Township of Moon.

**TOWNSHIP MANAGER** — The designated official appointed by the Board of Supervisors whose duty it is to administer activities of the township.

**TOWNSHIP ROAD** — Any road which has been dedicated to and accepted by Moon Township for use as a public road.

WEIGHT LIMIT STUDY — The study performed by Lennon, Smith & Souleret Engineering, Incorporated, in February of 1989 which evaluates and makes recommendations as to what the posted weight limits should be on all township roads.

§ 183-28. Roadmaster.

The Roadmaster, who shall be appointed by the Board of Supervisors, shall:

- A. Administer and enforce the provisions of this article in accordance with its literal terms and shall not have the power to permit any use of township roads which does not conform to the provisions of this article.
- B. Issue permits for over-posted-weight vehicles in accordance with the provisions of this article.
- C. Maintain a permanent file of all applications for permits and permits issued as public records.
- D. Perform all necessary inspections and initiate any enforcement proceedings which are necessary to ensure compliance with the provisions of this article.

§ 183-29. Over-posted-weight permit.

- A. An over-posted-weight permit shall be obtained before any person, partner or corporation operates an over-posted-weight vehicle on any township road.
- B. Vehicles which are considered to be local traffic, as defined by this article, shall be exempt from the requirements of an over-posted-weight permit.
- C. Application for an over-posted-weight permit shall be accompanied by:
  - (1) A completed and signed application form.
  - (2) The required permit fee.
  - (3) The required road bond as calculated in § 183-30.
- D. The completed application shall be submitted to the Roadmaster at the Municipal Building. Upon receipt, the Roadmaster shall:
  - (1) Review all documentation for completeness and accuracy.
  - (2) Review and render a decision regarding the application within three working days of his/her receipt of said application.
  - (3) Request review and recommendations from the Township Engineer if such review is warranted.
- E. Upon approval of an application, the Roadmaster will inspect the township road or roads which will be traveled upon by the over-posted-weight vehicles. The Roadmaster will make a general report of the condition of the road noting any deficiencies he/she observes. A copy of this report will be provided to the permittee.

- F. In granting any permit, the township may attach such reasonable conditions thereto as may be reasonably necessary to protect the public and private property.
- G. Every permit issued hereunder shall expire 30 days after it is issued. The permittee may request an extension, in writing, setting forth the reasons for the requested extension. If, in the opinion of the township, such an extension is necessary, the permittee may be granted additional time for the completion of all work.
- H. The permittee must notify the Roadmaster and Police Department at least 24 hours prior to the use of over-posted-weight vehicles.
- I. The permittee must maintain a copy of the permit in the over-posted-weight vehicle or vehicles at all times.
- J. The Roadmaster may revoke any permit issued under the provisions of this article if he/she deems the terms of the permit are being violated. Upon revocation of the permit, the Roadmaster shall provide the permittee with a written explanation of the terms of the permit which are being violated.

#### § 183-30. Fees and bonds.

Fees and bonds shall be established as follows:

- A. Permit fees shall be established by resolution of the Board of Supervisors.<sup>2</sup>
- B. Road bonds shall be provided in the following manner:
  - (1) A bond in an amount based on a formula of \$6,000 per linear mile for unpaved township roads.
  - (2) A bond in an amount based on a formula of \$12,500 per linear mile for paved township roads.

#### § 183-31. Inspections.

The Roadmaster will perform the following formal inspections in addition to intermittent inspections:

- A. Preliminary inspection.
- B. Final inspection.

#### § 183-32. Excess maintenance.

In the event that the final inspection reveals that the use of over-posted-weight vehicles has caused damage to township roads which requires reparations that are greater in scope than normal maintenance, as defined in this article, these reparations may be undertaken as follows:

---

<sup>2</sup> Editor's Note: The current fee resolution is on file in the township offices.

- A. The township may perform the excess maintenance or utilize a private contractor utilizing the funds provided to the township in the road bond. In determining the amount of excess maintenance necessary and what portion of the road bond is needed to fund the excess maintenance, the Roadmaster and Township Engineer shall provide, in writing, a detailed report specifying the nature and amount of the damage caused. Where the township utilizes outside contractors, normal bidding procedures in accordance with the Second Class Township Code<sup>3</sup> shall be followed in selecting a contractor when determining the amount of the road bond that will be utilized. The formula in § 183-30 shall be utilized.
- B. The permittee or its contractor may perform the excess maintenance after receiving approval by the township. If the permittee or its contractor perform the excess maintenance, the permittee shall provide a certificate of insurance naming the township as an additional insured for an amount specified by the Township Manager or his/her designee.
- C. Upon completion of excess maintenance by the permittee or its contractor, the township will inspect all work and notify the permittee as to the township's satisfaction with the reparations.

#### § 183-33. Enforcement procedures.

- A. The Roadmaster or Police Department shall prevent or restrain any over-posted-weight vehicles from traveling on township roads if such activity is occurring without benefit of an over-posted-weight permit or in violation of an existing over-posted-weight permit.
- B. In the event that a citation or legal action is required in attaining compliance with the provisions of this article, the Police Department shall have sole ability to issue such citation. This ability shall in no manner restrict or inhibit the Roadmaster from enforcing the provisions of this article and preventing or restraining the use of over-posted-weight vehicles without benefit of a permit or in violation of an existing permit.

#### § 183-34. Weight limit study.

- A. The Board of Supervisors hereby adopts the weight limit study prepared by Lennon, Smith & Souleret Engineering, Incorporated, dated February 1989, and incorporates the study into this article and labels it "Appendix A."<sup>4</sup>
- B. All weight limits recommended in the weight limit study are hereby considered to be the maximum weight limit for those township roads.
- C. All future weight limit studies performed on behalf of the township shall be incorporated into this article by an amending ordinance.

---

<sup>3</sup> Editor's Note: See 53 P.S. 65101 et seq.

<sup>4</sup> Editor's Note: Said Appendix A is on file in the township offices.

**§ 183-35. Posting of weight limits.**

The posting of weight limit signs shall be in accordance with 75 Pa.C.S.A. § 4902. All signs shall comply with the requirements of the Pennsylvania Department of Transportation.

**§ 183-36. Violations and penalties. [Amended 4-13-1994 by Ord. No. 414; 6-19-1996 by Ord. No. 449; 4-9-1997 by Ord. No. 460]**

Any individual, firm, corporation or entity who violates, causes or permits the violation of any provision of this article shall be subject to a criminal fine not to exceed \$1,000 per violation and to imprisonment to the extent permitted by law for the punishment of summary offenses. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each section of the article found to have been violated. Enforcement of this article shall be by action brought before the District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. In addition to any other remedy available under law, the township may enforce this article by an action in equity. All fines and penalties collected for violation of this article shall be paid to the Township Treasurer. The initial determination of ordinance violation and the service of notice of violation are hereby delegated to the Township Manager, the Police Chief, the Building Inspector, the Code Enforcement Officer and their designees and to any other officer or agent that the Township Manager or the Board of Supervisors shall deem appropriate.

**§ 183-37. Exceptions.**

Exceptions to the requirements of this article shall not be permitted except upon written request by the applicant and approval by the Board of Supervisors at a public meeting. The Board of Supervisors may request and utilize the recommendations of the Roadmaster and/or the Township Engineer with respect to any exception request. The Board of Supervisors may impose any reasonable conditions to the granting of an exception.