

BOROUGH OF LILLY
CAMBRIA COUNTY
PENNSYLVANIA

Ordinance No. 1991-1

AN ORDINANCE RESTRICTING THE USE OF CERTAIN BOROUGH HIGHWAYS BY PROHIBITING THE USE THEREOF BY VEHICLES, EXCEPT SCHOOL BUSES, EMERGENCY VEHICLES AND VEHICLES MAKING LOCAL DELIVERIES OR PICKUPS, IN EXCESS OF TEN TONS GROSS WEIGHT, INCLUDING CARGO, UNLESS A SPECIAL PERMIT IS GRANTED BY THE COUNCIL OF THE BOROUGH OF LILLY; AUTHORIZING THE COUNCIL OF THE BOROUGH OF LILLY TO REQUIRE A BOND IN THE EVENT A SPECIAL PERMIT IS GRANTED; PROVIDING FOR THE ERECTION AND MAINTENANCE OF SIGNS GIVING NOTICE OF THE RESTRICTIONS; AND PROVIDING FOR PENALTIES FOR VIOLATION OF THIS ORDINANCE.

WHEREAS, it has been determined by the Council of the Borough of Lilly, following completion of an appropriate engineering and traffic investigation, that various Borough highways may be damaged or destroyed unless use by overweight vehicles is prohibited or the permissible weight of vehicles is reduced, and

WHEREAS, it has been determined by the Council of the Borough of Lilly that a maximum of a ten ton gross limit should be established on all of the Borough highways, or portions thereof, hereinafter more fully enumerated, and

WHEREAS, it is not the intention or purpose of this Ordinance to impose any hardship or discriminate against any individual, partnership, corporation or any other entity engaged in any activity whatsoever.

The Borough of Lilly, under the authority of The Borough Code, 53 P.S. 45101 et seq., as well as under authority of The Vehicle Code, and more particularly Sections 4902 and 6109 thereof, 75 Pa.C.S.A. 4902 and 6109, hereby ordains as follows:

SECTION I. From and after the effective date of this ordinance, no vehicle or mechanized equipment of any kind or type whatsoever in excess of ten tons gross weight, including cargo, whether motor propelled, or otherwise, except for school buses, emergency vehicles and vehicles making local deliveries or pickups, shall travel upon the following highways or portions thereof, situate in the Borough of Lilly, without a special permit provided for in Section II below;

Jones Street - from the Portage Street-Jones Street intersection to the Washington Township line.

Piper Street - from the Portage Street-Piper Street intersection to the Washington Township line.

Grant Street - from the Portage Street-Grant Street intersection to the Washington Township line.

Main Street - from State Route 53 to the Washington Township line.

High Street - from Main Street to State Route 53.

SECTION II. The Council of the Borough of Lilly may grant a special permit for the travel on the highways or portions thereof, enumerated in Section I above, by a vehicle in excess of ten tons gross weight, including cargo, provided that the Council finds that such travel is necessary for the health, safety or welfare of one or more persons or businesses within the Borough of Lilly and further provided that the Council determines that such travel will not damage any Borough highway. This special permit shall be for an occasional use only except in the case of a Borough resident who wishes to park his vehicle at his principal residence and drive it to and from his place of

employment and/or business. An application for this special permit shall be accompanied by a nonrefundable fee of \$15.00.

SECTION III. In the event that a special permit is granted by the Council of the Borough of Lilly pursuant to Section II above, the Council may, at its discretion, require the permittee to furnish a bond sufficient to guarantee repair of any damage which may be sustained by the Borough highway or highways as a result of the use thereof made by the permittee. Such bond must include as surety either cash, a bank or a surety company authorized to do business in the Commonwealth of Pennsylvania and meeting the approval of the Council.

SECTION IV. The Borough of Lilly shall erect and maintain restriction signs and advance informational signs to give notice of the restrictions provided for in Section I above, this pursuant to Subsection 4902(e) of The Vehicle Code, 75 Pa.C.S.A. 4902(e).

SECTION V. Any person who shall be found guilty of violating any of the provisions of this Ordinance shall be guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$150.00 plus \$150.00 for each five hundred pounds or part thereof, in excess of three thousand pounds over the maximum weight allowable under Section I above.

SECTION VI. Nothing contained in this Ordinance shall limit or prevent the Borough of Lilly from seeking relief under any of the laws of the Commonwealth of Pennsylvania or from seeking an appropriate remedy at law or in equity to collect,

prevent or abate any damages or offenses against the Borough of Lilly.

SECTION VII. The provisions of this Ordinance shall be severable and if any of the provisions of this Ordinance should be held unconstitutional or otherwise illegal, such provisions shall not affect the validity of any of the remaining provisions of this Ordinance. In such circumstance, it is declared as a legislative intent that this Ordinance would have been adopted as if such unconstitutional or otherwise illegal provisions had not been included herein.

SECTION VIII. All Ordinances of the Borough of Lilly, or parts of Ordinances of the Borough of Lilly, conflicting with any of the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION IX. This Ordinance shall take effect thirty (30) days after its enactment and ordination.

ENACTED AND ORDAINED this 6th day of August, 1991.

BOROUGH OF LILLY

BY Kathleen Droudfit
Mayor

BY John Neznaski
President of Council

ATTEST:

Deborah Frankel
Secretary

Gerald P. Neugebauer, Jr.
Borough Solicitor
Gerald P. Neugebauer, Jr., Esquire
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