

**THE COUNTY OF CHESTER
COMMONWEALTH OF PENNSYLVANIA
ORDINANCE No. 2018- 02**

**AN ORDINANCE OF THE COUNTY COMMISSIONERS OF THE COUNTY OF
CHESTER, PENNSYLVANIA, ESTABLISHING MAXIMUM WEIGHT LIMITS FOR
ALL MOTOR VEHICLES, COMMERCIAL VEHICLES, AND OTHER TRACTORS,
TRAILERS, AND TRACTOR-TRAILER COMBINATIONS UPON VARIOUS BRIDGES
OWNED AND MAINTAINED BY CHESTER COUNTY, PENNSYLVANIA, AND
ESTABLISHING PENALTIES FOR VIOLATION OF SAID WEIGHT LIMITS**

WHEREAS, the Chester County Commissioners, pursuant to Section 2601(a) of the “County Code”,(16 P.S.§101et. seq.) possess the general legal authority to provide for County bridges within the boundaries of the County and the County is the designated owner of 95 bridges located within Chester County ; and

WHEREAS, in furtherance of that authority, the Commissioners have commissioned and caused to be made a bridge inventory and inspection by the Office of Facilities in conjunction with the appointed County Bridge Engineer; and

WHEREAS, the aforesaid County Bridge Engineer has recommended that maximum weight limits be established for various bridges owned and maintained by the County of Chester, Pennsylvania; and

WHEREAS, Section 4902 of the Pennsylvania “Vehicle Code,”(75 Pa. C.S.A.§4902, as amended) authorizes local authorities to impose restrictions as to the weight or size of vehicles operated upon any highways and bridges under their jurisdiction, whenever such local authorities shall determine that any such highway or bridge may be damaged or destroyed unless the permissible size or weight of vehicles is reduced; and

WHEREAS, the Commissioners have determined that the various bridges hereinafter designated will be damaged or destroyed unless the permissible weight of vehicles is reduced, all of said bridges being under the jurisdiction of the County of Chester, Pennsylvania.

NOW, THEREFORE, it is hereby Enacted, Ordered and Ordained by the County Commissioners of the County of Chester, Pennsylvania:

SECTION 1. It shall be unlawful for any person to operate any motor vehicle, commercial vehicle, or other tractor, trailer or tractor-trailer combination, or load, having a gross weight in excess of that herein respectively proscribed, upon any of the bridges or portions thereof described as follows:

Br. No.	Township	Location	Posted Weight Limit
21	Upper Oxford Township	Watermark Road over Muddy Run	8 Tons
26	New London & Elk Townships	Rudolph's Camp Bonsall Road over Big Elk Creek	3 Tons
35	Lower Oxford & Penn Townships	Elkview Road over Big Elk Creek	8 Tons
38	Upper Oxford & Penn Townships	Pusey Mill Road over Big Elk Creek	25 Tons/32 Ton Combinations
40	Elk Township	Hickory Run over Little Elk Creek	10 Tons
45	London Britain Township	Sharpless Road over White Clay Creek	15 Tons
65	East Marlboro Township	Mill Road over the W. Branch of Red Clay Creek	20 Tons
92	Newlin Township	Laurel Road over the W. Branch of Brandywine Creek	8 Tons
111	East Bradford Township	Allerton Road over the E. Branch of Brandywine Creek	8 Tons
113	East Bradford Township	Highland Road over Taylor's Run	30 Tons
134	Upper Uwchlan & East Brandywine Townships	North Reeds Road over the E. Branch of Brandywine Creek	12 Tons

Br. No.	Township	Location	Posted Weight Limit
138	Wallace Township	Devereux Road over the E. Branch of Brandywine Creek	12 Tons
143	West Nantmeal Township	Wyebrook Road over the E. Branch of Brandywine Creek	10 Tons
157	East Goshen Township	Dutton Mill Road over Ridley Creek	12 Tons
166	Tredyffrin Township	Wilson Road over Valley Creek	12 Tons
167	Tredyffrin Township	Mill Road over Valley Creek	12 Tons
175	Schuylkill Township	Creek Road over Pickering Creek	13 Tons/16 Ton Combinations
190	East Vincent Township	Seven Stars Road over French Creek	16 Tons
191	East & West Vincent Townships	French Creek Road over French Creek	12 Tons
194	East & West Vincent Townships	Sheeder Mill Road over French Creek	19 Tons/27 Ton Combinations
196	East & West Vincent Townships	Bertolet School Road over French Creek	8 Tons
198	South Coventry Township	Coventryville Road over French Creek	20 Tons
199	Warwick & East Nantmeal Townships	Warwick Furnace Road over the S. Branch of French Creek	8 Tons
205	East Pikeland Township	Spring City Road over Stony Run	16 Tons/21 Ton Combinations
207	East Coventry Township	Old Schuylkill Road over Pigeon Creek	5 Tons
220	North Coventry Township	South Keim Street over the Schuylkill River	closed
244	East Brandywine Township	Hadfield Road over Beaver Creek	3 Tons

Br. No.	Township	Location	Posted Weight Limit
248	London Grove Township	Valley Road over the W. Branch of White Clay Creek	12 tons
250	East Fallowfield Township	Doe Run Church Road over Buck Run	15 Tons
253	Londonderry Township	St. Malachi Road over Doe Run	15 Tons
255	East Coventry Township	Halteman Road over Pigeon Creek	5 Tons
259	Warwick Township	County Park Road over French Creek	10 Tons
263	London Britain & New Garden Townships	Watson Mill Road over Broad Run	20 Tons
272	East Vincent & East Pikeland	Pikeland Road over Stony Run	20 Tons
274	East Coventry Township	Baptist Church Road over Pigeon Creek	20 Tons
278	East Bradford Township	Harmony Hill Road over Little Valley Creek	20 Tons
281	East Nottingham Township	Little Elk Creek Road over Little Elk Creek	20 Tons
284	West Brandywine Township	Germany Hollow Road over Indian Run	10 Tons
285	West Marlboro Township	Thouron Road over Doe Run	8 Tons
286	Caln Township	Lloyd Road over Beaver Creek	30 Tons
297	Lower Oxford Township	Township Road over the W. Branch of Big Elk Creek	20 Tons
300	Tredyffrin Township	Thomas Road over Trout Creek	18 Tons/ 28 Ton Combinations

Br. No.	Township	Location	Posted Weight Limit
304	East & South Coventry Townships	Porters Mill Road over Pigeon Creek	20 Tons
306	West Vincent & East Pikeland Townships	Art School Road over Pickering Creek	20 Tons
308	Franklin Township	Mount Olivet Road over Mackeys Run	20 Tons
311	North Coventry Township	West Cedarville Road over Eckers Run	15 Tons
312	Elk Township	Reislars Road over Jordan Creek	15 Tons
318	Upper Oxford Township	Forest Manor Road over Big Elk Creek	15 Tons/ 24 Ton Combinations
320	Kennett Township	Hillendale Road over the W. Branch of Red Clay Creek	12 Tons
323	East & West Nottingham Townships	Glen Roy Road over Blackburn Run	20 Tons
324	West Caln Township	Lions Head Road over Birch Run	17 Tons/24 Ton Combinations

SECTION 2. Penalties for violation of this Ordinance shall be as set forth in Section 4902 (g)(1)&(2) of the Pennsylvania “Vehicle Code,”(75 Pa. C.S.A.§4902 (g)(1)&(2), as amended) or as shall be set forth in any amendment thereto or successor legislation enacted by the General Assembly of the Commonwealth of Pennsylvania.

SECTION 3. All fines, penalties, and forfeitures imposed and collected under this Ordinance shall be disposed of by the collecting authority in the manner prescribed by the laws of the Commonwealth of Pennsylvania.

SECTION 4. The County Bridge Engineer with the assistance of the Facilities Department shall erect or cause to be erected and shall maintain or cause to be maintained such posted weight restriction signs, including, if necessary, any advance informational signs, as shall be required to effectuate the enforcement of this Ordinance under applicable provisions of the Pennsylvania “Vehicle Code” and any other laws of the Commonwealth of Pennsylvania.

SECTION 5. The County Bridge Engineer is hereby declared to be the “public official authorized to act,” pursuant to the provisions of Section 6109 (b)(2) of the Pennsylvania “Vehicle Code,” (75 Pa. C.S.A. § 6109 (b)(2)), on the following specified matters:

(a) He/She shall have the authority to increase or to decrease the Gross Weight limits set forth in Section 1 of this Ordinance as to any bridge identified in Section 1 of this Ordinance.

(b) He/She shall have the authority to establish and, once established, to increase or to decrease the Gross Weight limits for any bridge which may now or hereafter be owned by or be under the jurisdiction of the County of Chester, notwithstanding that such bridge is not identified in Section 1 of this Ordinance.

In exercising his/her powers and duties under this Section, the County Bridge Engineer shall rely upon his/her own professional expertise and shall obtain the advice and recommendations of such consulting engineers, if any, as he/she shall deem appropriate; he/she shall file a written statement with the County Prothonotary of the County of Chester setting forth any new or modified Gross Weight limits to be posted as set forth in Sections 1 and 5 of this Ordinance.

SECTION 6. In the event that Section 5 of this Ordinance shall be found by any Court of competent jurisdiction to constitute a delegation of power and authority by the County Commissioners of the County of Chester which is deemed in excess of that authorized by the Pennsylvania “Vehicle Code” or other applicable provisions of State law or of the County Code, the remainder of this Ordinance shall not be held to be invalid and the said Section 5 shall be considered to be severable, it being expressly declared that the County Commissioners of the County of Chester would have adopted the remaining provisions of this Ordinance notwithstanding any possible invalidity of Section 5 hereof. In the event that:

(a) the County Bridge Engineer of the County of Chester shall have exercised his/her authority under Section 5 (a) of this Ordinance to decrease any Gross Weight limit set forth in Section 1 of this Ordinance and

(b) Section 5 of this Ordinance shall be found by any Court of competent jurisdiction to constitute a delegation of authority in excess of that authorized by the Pennsylvania “Vehicle Code” or other applicable provisions of State law or of the County Code, the Gross Weight limit for any such bridge identified in Section 1 of this Ordinance, the Gross Weight limit of which the County Bridge Engineer of the County of Chester shall have decreased, shall be the Gross Weight limit as so set forth in Section 1 of this Ordinance; and, in such case, any defendant shall remain liable for prosecution to the extent that the gross weight of his vehicle shall have exceeded such Gross Weight limit as so set forth in Section 1 of this Ordinance.

SECTION 7. Pursuant to the applicable provisions of the Pennsylvania “Vehicle Code”, as now set forth in 75 Pa. C.S.A. §4902 (c), the County Bridge Engineer of the County of Chester shall have the authority to issue permits for the movement of vehicles of weight in excess of the restrictions provided for by this Ordinance for bridges now or hereafter owned by the County of Chester. No such permit shall be issued unless and until the applicant for such permit provides such security as the County Bridge Engineer deems necessary to cover the cost of repairs and restoration necessitated by the permitted movement of such vehicle(s) over the said bridges; in addition to such security the applicant for such permit shall also agree to indemnify and save harmless the County against any and all claims which may be asserted against the County for any personal injury or property damage claims which may arise out of the movement of such vehicle(s) over the said bridges.

SECTION 8. This Ordinance shall take effect immediately after its adoption by the Commissioners of the County of Chester and takes precedence over and otherwise supersedes all prior Ordinances including Ordinance 9-02 and Ordinance 2014-1.

NOW THEREFORE, IT IS DULY ENACTED AND ORDAINED by the County Commissioners of the County of Chester, Pennsylvania, this 19th day of July, 2018.

COMMISSIONERS:

Michelle Kichline, Chairman

Kathi Cozzone, Commissioner

Terence Farrell, Commissioner

ATTEST:

Mark Rupsis, Acting Chief Clerk

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**County of Chester
Ordinance 2018-02**