

ORDINANCE NO. 304

AN ORDINANCE OF THE BOROUGH OF FREEPORT,
ARMSTRONG COUNTY, PENNSYLVANIA, RESTRICT-
ING TRUCKS WEIGHING IN EXCESS OF 10,000
POUNDS AND ENTERING OR EXITING FREEPORT
TERMINALS, INC. FROM OPERATING ON CERTAIN
BOROUGH STREETS AND PROVIDING FOR PENALTIES
FOR THE VIOLATION THEREOF

WHEREAS, the operation of large trucks has in the past and continues to have a deleterious effect on the streets of the Borough of Freeport, as well as upon the health and safety of the Borough's citizens; and

WHEREAS, the Vehicle Code of the Commonwealth of Pennsylvania, 75 Pa. C.S.A. §101 et seq., authorizes the Borough to enact traffic restrictions limiting the maximum permissible weight of vehicles operating on Borough-maintained streets, if said restrictions are preceded by an engineering and traffic study; and

WHEREAS, at its June 11, 1985 meeting, the Freeport Borough Council authorized David E. Wooster & Associates, Inc. to prepare such an engineering and traffic study; and

WHEREAS, David E. Wooster & Associates, Inc. has prepared such a study, which was presented to the Borough Council at its meeting held on October 8, 1985; and

WHEREAS, the results of the Wooster engineering and traffic study demonstrate that the concentration of truck traffic on Borough maintained streets, particularly traffic to and from Freeport Terminals, Inc.:

(1) has resulted in damage, wear and tear and increased maintenance costs to Borough street surfaces, street bases, curbs, drains, overpasses, signs, utilities and other street appurtenances and will result in further likely damage, wear and tear and increased maintenance costs for these streets and street appurtenances; and

(2) has resulted in increased noise throughout the Borough; and

(3) has increased the amount of dust being generated throughout the Borough, inconveniencing Borough residents and resulting in higher than normal erosion of Borough maintained street surfaces, with increased higher maintenance costs; and

WHEREAS, the Borough wishes to restrict truck traffic to and from Freeport Terminals, Inc. in such a manner so as to avoid these deleterious effects to its streets and so as to enable the Borough to best utilize its limited funds to improve and upgrade one truck route to and from Freeport Terminals, Inc.;

NOW, THEREFORE, THE BOROUGH OF FREEPORT hereby ordains
as follows:

Section 1: Truck Route Established

(a) Any truck having as its origination or destination point the property owned by Freeport Terminals, Inc., its successors or assigns, located within the Borough of Freeport adjacent to the Allegheny River, shall be prohibited from utilizing as its route of ingress and egress from said property any borough streets except that such vehicles may utilize the route designated as "Option Number 1" in the traffic and engineering study prepared for the Borough by David E. Wooster & Associates, Inc. and dated October 1985. Any truck which cannot pass under the Seventh Street underpass due to inadequate vertical clearance may exit the terminals via the return route shown in "Option Number 3" of the Wooster Study. Upon written notice from the Borough's Superintendent of Public Works that all necessary improvements have been made to the Seventh Street underpass all trucks entering or leaving said property shall be required to use the route designated in the aforesaid Option Number 1. Copies of referenced Option Numbers 1 and 3 of the Wooster Study are attached as Exhibits "A" and "B", respectively.

(b) The restrictions set forth in subsection 1(a) shall not apply to the operation of fire fighting equipment, snow plows, emergency vehicles, public works vehicles, street maintenance vehicles, garbage collection equipment or other

vehicles owned by, leased to, or operating pursuant to a contract with the Borough of Freeport or any other governmental or quasi-governmental entity, or public utility service vehicles used for emergency calls.

Section 2: Definition

As used herein, the term "truck" shall be defined to include any motor vehicle weighing over ten thousand (10,000) pounds in gross weight, designed, used or maintained primarily for the transportation of property.

Section 3: Posting of Restrictions

The Borough's Superintendent of Public Works is hereby directed to erect or cause to be erected and maintained signs designating the restrictions set forth in this Ordinance. The Superintendent of Public Works also shall notify the State Police and the owners of Freeport Terminals, Inc. of the enactment of the restrictions contained in this Ordinance.

Section 4: Violations; Penalties

Any person operating a truck upon a Borough street in violation of this Ordinance is 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 (500) pounds, or part thereof, in excess of thirteen thousand (13,000) pounds of gross weight, plus the costs of prosecution.

Section 5: Separability

Should any word, phrase, sentence, subsection or section of this Ordinance be held invalid by a Court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby and shall continue in full force and effect.

Section 6: Repealer

Any prior action of the Borough council conflicting with the provisions of this Ordinance is hereby repealed to the extent of such conflict.

Section 7:

The effective date of this Ordinance shall be the 20th day of December, 1985.

ATTEST:

BOROUGH OF FREEPORT, PENNSYLVANIA

Elizabeth J. Cantone
Secretary

By: James E. Swartz Jr.
President

Approved this 27th day of December, 1985.

Robert Ravotti
Mayor