

TOWNSHIP OF SUSQUEHANNA
CAMBRIA COUNTY, PENNSYLVANIA
ORDINANCE NO. 5-84

AN ORDINANCE AMENDING ORDINANCE NO. 2-84 COMMONLY KNOWN AS THE ROAD BONDING ORDINANCE REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESSES, AND CORPORATIONS TO OBTAIN A PERMIT FOR MOVEMENT, TRANSPORTATION OR HAULING OF CERTAIN INDUSTRIAL EQUIPMENT OR MINERALS ON TOWNSHIP THOROUGHFARES; PROVIDING FOR THE ISSUANCE OF SUCH PERMIT; SETTING FORTH THE MINIMUM REQUIREMENTS FOR PERMITS; ESTABLISHMENT OF THE POSTING OF BONDS; AND ESTABLISHING PENALTIES FOR ANY PERSONS WHO FAIL OR REFUSE TO COMPLY WITH REQUIREMENTS OR PROVISIONS OF THE ORDINANCE.

BE IT ENACTED AND ORDAINED by the Township of Susquehanna, Cambria County, Pennsylvania and it is hereby enacted and ordained by authority of same as follows:

WHEREAS, Ordinance No. 2-84 is hereby amended as follows:

SECTION I
APPLICABILITY OF THIS ORDINANCE

A. This Ordinance hereby applies to any concerted, continuous movement, transportation or hauling of heavy industrial equipment or minerals in excess of thirteen (13) tons per vehicle on, over and across Township thoroughfares. The term "thoroughfare" shall include bridges.

C. Specifically exempt from coverage of this ordinance shall include but not be limited to local traffic as defined by the Pennsylvania Department of Transportation and local deliveries of household goods, residential fuel oil and commercial grade gasoline.

E. All thoroughfares included in the coverage of this ordinance shall be posted in accordance with the laws of the Commonwealth of Pennsylvania and regulations promulgated by the Pennsylvania Department of Transportation.

SECTION II
PERMIT REQUIREMENT

B. The fee for any application under this section shall be \$15.00 to defray administrative costs.

C. The nature and types of permits and excessive maintenance agreements to be issued by the Township under this section shall be in conformance with regulations of the Department of Transportation.

5-84

SECTION III
BONDS

A. Performance Bond - In order to assure the Township that the duties imposed upon an applicant are fully performed and to indemnify and secure the Township for any damage to Township thoroughfares, sufficient surety for such performance shall be posted by an applicant before issuing any permit. The applicant shall assure the Township by means of a performance bond with surety, certified check, cashier's check, bank accounts, irrevocable letter of credit, or any other form of security acceptable to the posting authority including a corporate self-bond. The bond shall be furnished under such conditions and form and with surety as shall be approved by the Township Solicitor to guarantee and secure that all such duties are fully and adequately performed and are paid for by the applicant and that the Township shall, in no event, be held liable for the cost of any such duties. In lieu of a bond, the applicant may deposit cash or securities with the Township Secretary or a bank or trust company to guarantee and secure the same requirements as set forth above. In the event that such cash or securities are deposited, said deposit must be made pursuant to an escrow agreement prepared and approved by the Township Solicitor. The escrow agent for the deposit of such cash or security shall be located in Cambria County and shall be subject to approval by the Township Solicitor.

B. Indemnification - In addition to the foregoing requirements, all applicants for permits shall, prior to the issuance of any permit deliver to the Township a liability indemnification with bond good for the useful life of the proposed thoroughfare use, on a form to be prepared by or approved by the township Solicitor, pursuant to the terms of which, the applicant, individually and with surety, specifically agrees to fully indemnify and hold harmless the Township and all of its officers, agents and employees from any and all liability, expense or damages whatsoever and litigation defense costs accruing to any of the same as result of any use of any land in the Township pursuant to the provisions hereof.

The amount of the performance bond shall be calculated in conformance with amounts set by regulations promulgated by the Pennsylvania Department of Transportation, but in no event should such bond exceed an amount reflecting reasonable repair costs for excess maintenance of damaged Township thoroughfares.

C. Forfeiture - Such amount of performance bond shall be forfeited for costs of repairing damage to Township thoroughfares according to any excessive maintenance agreement.

SECTION V
PENALTY

Any person who fails to comply with any or all of the requirements or provisions of this Ordinance or who fails or refuses to comply with any notice, order or direction of the Township or any other authorized employee shall be guilty of an offense and, upon conviction, be sentenced according to 75 Pa. C.S. §4902 which is incorporated by reference herein.

SECTION VII
INTENT OF BOARD OF SUPERVISORS; INCORPORATION BY REFERENCE

A. The intent of the Board of Supervisors in enacting this ordinance is to comply with all validly enacted statutes of the Commonwealth of Pennsylvania and regulations of the Pennsylvania Department of Transportation.

B. All regulations promulgated from time to time by the Pennsylvania Department of Transportation under Chapter 189 are hereby incorporated by reference. To the extent that provisions of this Ordinance are inconsistent or in conflict with the aforesaid regulations, the regulations shall govern.

SECTION VIII
SEVERABILITY

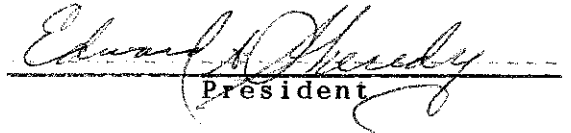
If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

SECTION IX

Ordinance No. 2-84 commonly known as the Road Bonding Ordinance shall remain in full force and effect as amended herein.

This Ordinance shall become effective within five (5) days of its enactment.


Secretary


President

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