

ORDINANCE 545

AN ORDINANCE OF THE BOROUGH OF SOUTHMONT, CAMBRIA COUNTY, PENNSYLVANIA, PROHIBITING THE PARKING OF LARGE VEHICLES, TRUCKS AND TRAILERS ON BOROUGH ROADWAYS AND REGULATING THE STORAGE OF SAME.

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

ARTICLE I

1. Purpose.

The Southmont Borough Council has determined that hazardous and unsafe traffic conditions within the Borough exist because Large Vehicles and Trailers are often parked or stored on streets or in the front yard setback/right-of-way areas in the Borough. These hazardous and unsafe traffic conditions create a nuisance, reduce visibility and are detrimental to the public health, safety and welfare of the residents and others, impede emergency vehicles (including fire trucks, ambulances, etc.) and interfere with the peaceful and quiet enjoyment of the residents in their homes and neighborhoods.

2. Definitions.

For the purpose of this Ordinance, the following terms shall have the meanings ascribed to them in this section, except where the context in which the word is used clearly indicates otherwise:

a. "Garbage Dumpster" shall mean a large trash receptacle, typically made of metal with a top lid designed to be hoisted and emptied into a truck.

b. "Large vehicles" shall mean the following recreational, commercial or private vehicles, as defined in 75 Pa.C.S.A. § 102, and as amended from time to time: Articulated Bus, Combination, Construction Truck, construction trailer, contractor trailer, Driveaway-towaway Operation, Farm Equipment, Full Trailer, House Trailer, Limousine (capable of carrying ten or more passengers), Maxi-cube Vehicle, Mobile Home, Motor Carrier Vehicle, Motor Home, Recreational Vehicle or Trailer, Semitrailer, Stinger-steered Automobile or Boat Transporter, Tow Dolly, Tow Truck, Trailer, Truck-camper, Truck Trailer, and Truck Tractor.

c. "Motor Vehicle" shall mean a vehicle which is self-propelled except a self-propelled wheel chair, an electric personal assistive mobility device, or a vehicle which is propelled solely by human power. Motor Vehicles include Large Vehicles as defined herein.

d. "Nuisance" shall mean any condition, structure or improvement which constitutes a danger or potential danger to the health, safety or welfare of citizens of the Borough or causes a blighting effect in neighborhoods.

e. "Park or Parking" shall mean the halting of a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.

f. "Person" shall mean a natural person, firm, partnership, association, corporation or other legal entity.

g. "Recreational Vehicle" shall mean a vehicle used customarily for human habitation or recreational activities during tours or vacation periods including, but not limited to, travel homes, travel trailers, motor homes, tiny houses, truck campers, tent campers, trailers, boats and trailers, snowmobiles and trailers, jet ski and trailers, and any other similar vehicle.

h. "Private Vehicle" shall mean a vehicle used for domestic non-commercial use.

i. "Storage Pod/Container" shall mean a large, weather-resistant container (typically of steel) used for storage and moving.

j. "Street" shall mean any road, avenue, highway, court, cul-de-sac, alley, public way, un-ordained right of way, or public square used as a public thoroughfare within the municipal limits of the Borough of Southmont.

k. "Trailer" shall mean a device or vehicle designed to be towed by a motor vehicle.

l. "Truck" shall mean any large commercial motor vehicle which is or may be used for attaching or pulling a trailer. This term shall also refer to but not be limited to, a tractor trailer and/or truck tractor, straight body truck, stake-body truck, flatbed truck, storage truck, refrigerator truck, any large commercial motor vehicle, dump truck, tow truck, tri-axel vehicle, and/or any heavy motor vehicle designed for carrying or pulling heavy loads.

m. "Truck trailer" shall mean any motor vehicle which attaches to a trailer and which is primarily used for the transportation of goods, merchandise and materials, and which, when in combination or on its own, totals thirty (30) feet or more in length. This term is commonly referred to as a "tractor trailer" or an "18 wheel" vehicle. This term is not meant to include vehicles which are making local deliveries in permitted areas.

n. "Vehicle" shall mean every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon rails or tracks.

ARTICLE II

1. Street Parking of Large Vehicles & Trailers Restricted

a. No person shall park, cause to be parked, or permit to be parked any Large Vehicle or Trailer on any street within the municipal limits of the Borough.

b. In addition to Large Vehicles and Tailers, no person shall allow a garbage dumpster or storage pod to be parked or placed on any street within the municipal limits of the Borough.

2. Exceptions.

The regulations set forth in this Ordinance shall not apply to:

- a. Emergency Vehicles as defined by 75 Pa.C.S.A. § 102.
- b. Borough-owned Motor Vehicles.
- c. Motor Vehicles operated by the U.S. Postal Service.
- d. Motor Vehicles actively engaged in the construction or repair of streets, curbs, sidewalks, or utilities.
- e. A large vehicle may be parked on a street or in any driveway on a residential lot with the permission of the owner of such lot for the purpose of loading or unloading the vehicle.
- f. The parking of any Large Truck, Truck Trailer or Trailer for the purpose of the delivery or pick-up of merchandise, material, goods or the performance of a contracted service provided that the parking of said vehicles and trailers shall terminate immediately upon conclusion of the delivery or pick-up of merchandise, material, goods or completion of the contracted service. This exception shall not exceed eight (8) hours.

3. Off-Street Parking or Storage of Large Vehicles or Trailers Restricted.

- a. Off-street parking or storage of Large Vehicles or Trailers is permitted subject to the following regulations:
 - i. Each Large Vehicle or Trailer shall be stored fully within a property and shall meet all the setback requirements of an accessory building. Parking or storage of all Large Vehicles and Trailers must also be stored on crushed stone, black top or concrete surface capable of supporting the vehicle. All parking areas that are created or expanded after the adoption of this Ordinance shall be constructed of a hard, homogeneous, all-weather surface such as cement or asphalt or equivalent; shall be graded to provide convenient vehicular access and proper drainage; and shall be maintained in good and usable condition. All existing parking areas and access roads or areas shall be constructed and maintained with an aggregate base, cement or asphalt all-weather surface. The parking of Large Vehicles or Trailers on any surface that is not constructed in accordance with these regulations is strictly prohibited.
 - ii. Vehicles shall not be used to store flammable or explosive fuels or materials that are contrary to federal, state or local regulations.

iii. Vehicles shall be fully operable and kept in good repair, and shall display the current license plate and/or registration as may be appropriate under state law for the particular type of vehicle. For the purpose of this subsection, the term "current" shall mean having an expiration date not more than six months old in the case of a semiannual or seasonal license.

iv. At no time shall a recreational vehicle be used for living or housekeeping purposes, nor shall it be connected to water, gas, electrical or sanitary sewer facilities, except for the purpose of heating, cooling or battery charging preparatory to departure, or for general vehicle maintenance purposes.

b. Off-street storage or placement of garbage dumpster and/or storage pods at a property is permitted subject to the same regulations as Large Vehicles and/or Trailers.

Article III

1. Temporary RV Parking Permit Terms & Conditions.

a. The Borough may issue the temporary permits to allow Recreational Vehicles to park in the Borough. The purpose of authorizing issuance of temporary Recreational Vehicle parking permits is to allow an out-of-town visitor who owns a recreational vehicle to park on a street directly in front of (or on the side of the property if it is a corner lot) the residence or in the front yard area to which the out-of-town visitor is visiting for a limited time period, in order to provide flexibility in administration, as deemed appropriate by the Borough Manager, or his/her designee.

b. This permit is issued to the undersigned ONLY for their sole use. The permit is non-transferable. Parking permits must be properly displayed at all times in the lower driver's side of the windshield or nearest window or the RV for which it has been issued so that it is clearly visible from the exterior of the vehicle. Permits shall be displayed on the side of the RV for which it has been issued so that it is visible from the street, which is usually the left side. Failure to properly display temporary permits could subject the vehicle to citation and/or towing.

b. The Borough reserves the right to revoke the permit when, in the sole opinion of the Borough, the permit is being misused by the applicant.

c. Parking of an RV on a street beyond the dates listed on the permit is prohibited and may result in fines and the recreational vehicle being towed at the owner's expense. Temporary exceptions may be made by obtaining authorization from the Borough.

d. Each out-of-town visitor desiring a temporary Recreational Vehicle parking permit shall file with the Borough a completed Borough application form, signed under penalty of perjury, containing the following:

- The name, address, and phone number of the registered owner of the designated recreational vehicle;
- The name, address, and phone number of the applicant(s) for the permit;
- The registration from the Pennsylvania Department of Transportation, or equivalent agency for another state, for the recreational vehicle;
- The name, address, and phone number of the resident who is being visited;
- The license number, make, and model of the designated recreational vehicle;
- The dates for which the permit is requested; and
- Additional information the parking services department may require.

ARTICLE IV

1. Temporary Construction or Contractor Trailer Parking Terms and Conditions.

a. Large Vehicles, Truck Trailers, Trailers, garbage dumpsters and/or storage pods used for construction, by contractors for services or home owners, may be placed on a street directly in front of (or on the side of the property if it is a corner lot) the residence requiring them, provided that the following requirements are met:

- i. Application is made to the Borough office stating the location of the placement of the Construction Trailer and the period of time it will be on the street. The Borough reserves the right, in its sole discretion to deny a permit if the location is deemed to be hazardous or unsafe or if it believes the request is not necessary.
- ii. A fee set forth by Council resolution shall be paid upon application to the Borough.
- iii. None of the items set forth in Subsection (a) above (Article IV, 1(a)) shall exceed eight (8) feet in width or take up more than one parking space.
- iv. Any item set forth in Subsection (a) (Article IV, 1(a)) shall have reflective material on the end that faces the direction of traffic and shall have at least one orange marker cone positioned at the corner facing the direction of traffic.

b. No item that is permitted under this Section shall remain more than 30 days without permit renewal. This section does not apply to items that may be placed on private property in the rear yard area. The Borough reserves the right to revoke the permit when, in the sole opinion of the Borough, the permit is being misused by the applicant.

ARTICLE V

The provisions of any ordinances in effect upon the date of passage of this Ordinance which are contradictory to the terms hereof are hereby revoked and rendered null and void. This Ordinance does repeal and replace

The provisions of this Ordinance are severable, and if any of its provisions shall be held to be unconstitutional, illegal, or invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as the legislative intent that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid provision not been included herein.

ARTICLE VI

1. Penalties.

a. Any person who violates the provisions of this ordinance shall be subject to a summary offense and a summary criminal proceeding before the magisterial district justice as provided by the Pennsylvania Rules of Criminal Procedure, as may be amended from time to time. Upon finding of a violation, a fine shall be imposed of not less than \$100 and no more than \$500, together with court costs and all reasonable attorney fees incurred by the Borough in prosecution of the violation. Any Large Vehicle or Trailer parked on a street in violation of this Ordinance may also be towed at the owner's expense at the discretion of the Borough and/or the police department for the jurisdiction of the Borough

b. Each day in which a violation occurs or continues shall be deemed a separate violation hereof.

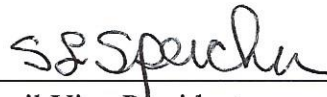
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ENACTED AND ORDAINED by the Southmont Borough Council on this 18th day of September 2023.

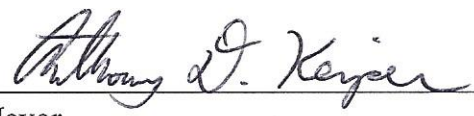
ATTEST:

BOROUGH OF SOUTHMONT

By: 
Secretary

By: 
Council Vice-President

Approved this 18th day of September 2023 .


Mayor