

ORDINANCE NO. 01-2021

**BOROUGH OF SUMMERHILL,
CAMBRIA COUNTY, PENNSYLVANIA**

AN ORDINANCE OF SUMMERHILL BOROUGH, CAMBRIA COUNTY, PENNSYLVANIA, PROHIBITING THE PARKING OF CERTAIN LARGE VEHICLES ON ANY STREET IN SUMMERHILL BOROUGH, CONTAINING DEFINITIONS, PROVIDING PENALTIES FOR VIOLATIONS OF THE ORDINANCE, REPEALING INCONSISTENT ORDINANCES OR PORTIONS THEREOF, PROVIDING FOR PARTIAL INVALIDITY AND ESTABLISHING AN EFFECTIVE DATE

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

101. LEGISLATIVE INTENT

A. The Summerhill Borough Council has determined that hazardous and unsafe traffic conditions within the Borough limits of Summerhill Borough exist because large noncommercial and commercial vehicles are often parked on streets in the Borough. These hazards and unsafe traffic conditions are determined to be a threat to the public health, safety and welfare of the residents of the Borough of Summerhill and others, impede emergency vehicles (including fire trucks, ambulances, etc.) and interfere with snow removal and peaceful and quiet enjoyment of the residents of the Summerhill Borough in their homes and neighborhoods. The Borough Council has determined that the adoption of this Ordinance is necessary to remediate the foregoing.

102. DEFINITIONS

The following words and phrases used in this Ordinance shall have the meanings as set forth:

A. VEHICLE

(1) The following as defined by 75 PA.C.S.A.102 , as amended from time to time means 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. The term does not include a self-propelled wheelchair or an electrical mobility device operated by and designed for the exclusive use of a person with a mobility related disability.

B. LARGE VEHICLES

(1) The following as defined by 75 PA. C.S.A.102, as amended from time to time means every commercial, non-commercial large vehicle including construction truck, full trailer, house trailer, limousine (capable of carrying ten or more passengers), mobile home, motor home, recreational trailer, recreational vehicle, semitrailer, boat transporter, tow dolly, trailer, truck camper, utility vehicle, box truck, truck tractor, construction refuse containers, truck with trailer combination of any source.

(2) Boats, snowmobiles, all-terrain vehicles and similar off-road vehicles, pickup campers, boat trailers, tent trailers, cases or boxes used for transporting recreational equipment (whether containing that equipment or not).

C. NONCOMMERCIAL VEHICLE

(1) The following means a large noncommercial vehicle which meets one (1) or more of the following criteria:

- (a) Vehicle exceeds six and one-half (6.5) feet in height (not including any accessory items that may be secured to the top of the vehicle); or
- (b) Vehicle exceeds nine (9) feet in width, as measured from the widest portion of the vehicle or load, but not including mirrors; or
- (c) Manufacturer's gross vehicle weight exceeds seventeen thousand one (17,001) pounds.

D. COMMERCIAL VEHICLE

- (1) The following means a large commercial vehicle or combination designed or used to transport passengers or property which meets one (1) or more of the following criteria:
- (a) If the vehicle has a gross weight rating or gross vehicle weight of twenty-six thousand one (26,001) or more pounds;
 - (b) If the vehicle has a gross combination weight rating or gross combination weight of twenty-six thousand one (26,001) pounds or more, whichever is greater;
 - (c) If the vehicle is designed to transport sixteen (16) or more passengers, including the driver;
 - (d) If the vehicle is a school bus; or
 - (e) If the vehicle is transporting hazardous materials and is required to be placarded in accordance with State or Local regulations. § 541.01

103. PARKING OF ANY LARGE VEHICLE IS PROHIBITED

A. No person shall park, cause to be parked or permit to be parked any large noncommercial and commercial vehicle on any streets within the Borough limits of Summerhill Borough.

B. Should there be a situation where a large noncommercial or commercial vehicle needs to park on Borough Streets for a short period of time permission must be obtained from Summerhill Borough Council.

104. EXCEPTIONS

A. This Ordinance shall not apply to Emergency Vehicle (Ambulances, Fire Vehicles, Police Vehicles, etc.) as defined by 75 Pa. C.S.A. 102.

B. This Ordinance shall not apply to vehicles unloading and loading while delivering produce, moving, delivering fuel oil and delivering propane gas.

C. This Ordinance shall not apply to all Borough vehicles or their SubContractors performing any type of work within Summerhill Borough limits.

105. PARKING OF VEHICLES PROHIBITED

A. Except when necessary to avoid conflict with other traffic or to protect the safety of any person or vehicle or in compliance with the law or the directions of a police officer or official traffic control device, no operator of a vehicle shall, and no owner of a vehicle shall allow the vehicle to:

(a) Stop, stand or park a vehicle:

- (1) On the roadway side of any vehicle stopped or parked at the edge or curb.
- (2) On a sidewalk for any reason.
- (3) Within an intersection.
- (4) On a crosswalk.
- (5) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.
- (6) Upon any bridge or other elevated structure upon a street.
- (7) On any railroad tracks.
- (8) At any place where official signs prohibit stopping.
- (9) To make repairs except in an emergency.

(b) Stand or park a vehicle:

- (1) In front of a public or private driveway or within three (3) feet thereof.
- (2) Within fifteen (15) feet of a fire hydrant.
- (3) Within twenty (20) feet of a crosswalk at an intersection.
- (4) Within thirty (30) feet upon the approach to any flashing signal, stop sign, yield sign or traffic control signal located at the side of a roadway.
- (5) Within twenty (20) feet of any fire station or, when properly sign posted, on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of the entrance.
- (6) Where the vehicle would prevent the free movement of a public transit vehicle.
- (7) At any place where official signs prohibit standing.

(c) Park a vehicle:

- (1) Within fifty (50) feet of the nearest rail of a railroad crossing.
- (2) In a no parking zone.
- (3) In front of an entrance to a residence in such a manner as to limit or completely block ingress and egress to said residence.

(4) On Borough property over night unless approved by Borough Council.

106. REGISTERED OWNER RESPONSIBLE FOR UNLAWFUL PARKING

A. Every person in whose name a vehicle is registered shall be responsible for any violation of this Ordinance caused by the parking of the vehicle in violation hereof. It shall be no defense that the vehicle was parked illegally by another, unless proof is presented that the vehicle had been stolen and had not been returned to the registered owner by the date of the violation.

107. VEHICLES OBSTRUCTING TRAFFIC

A. All persons who own or operate a disabled vehicle or a vehicle involved in an accident, which results in the vehicle interfering with the normal movement of traffic or creating a safety hazard, shall promptly cause the vehicle to be moved so as to eliminate the interference or hazard. In the event the owner or operator is unable, unwilling or otherwise fails to promptly remove the vehicle, the person shall be deemed to have authorized the Borough or its contractor to act as the person's agent to promptly remove the vehicle on the person's behalf to a place of storage and such person shall be liable to the person providing the removal and storage services for the cost thereof.

108. PENALTY

A. Whoever violates any provision of this Ordinance where another penalty is not otherwise provided shall pay a penalty of not more than one hundred fifty dollars (\$150.00) and costs equivalent to the costs for summary offenses established by the governing authority as provided in the Judicial and Judiciary Code.

109. REPEAL OF CONFLICTING ORDINANCE

A. All existing Ordinances of the Summer Borough, or parts thereof, inconsistent with this Ordinance, or any part hereof, are hereby repealed.

110. EFFECTIVE DATE

A. This Ordinance shall become effective the first day permitted by law.

ORDAINED AND ENACTED by the Council of Summerhill Borough at a Public Meeting held this _____ day of _____, 2021.

ATTEST:

BOROUGH COUNCIL

Approved this _____ day of _____, 2021.