

BOROUGH OF NEW CUMBERLAND
CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 562

AN ORDINANCE REGULATING THE PARKING OF VEHICLES, TRAILERS, COMMERCIAL TRASH COLLECTION DEVICES, TRAFFIC HAZARDS AND OBSTRUCTIONS WITHIN THE STREETS OF THE BOROUGH OF NEW CUMBERLAND; DEFINITIONS; PENALTIES; REPEALING ORDINANCES NO. 280 AND 381.

BE IT ENACTED AND ORDAINED by the Council of the Borough of New Cumberland, Cumberland County, Pennsylvania, and it is hereby enacted and ordained by the authority of same, an Ordinance adopted to regulate the parking of vehicles and trailers, to reduce the number of obstructions and traffic hazards on public streets and to minimize the risk of personal injury and property damage within the Borough of New Cumberland.

SECTION 1: AUTHORITY. This Ordinance is enacted pursuant to the Borough Code, 53 P.S. §46202 (4) (NUISANCES), 53 P.S. §46202 (5) (NUISANCES AND DANGEROUS STRUCTURES); 53 P.S. §46202 (6) (HEALTH AND SAFETY REGULATIONS); 53 P.S. §46202 (17) (STREET REGULATIONS); 53 P.S. §46202 (74) (GENERAL POWERS), and the Motor Vehicle Code, 75 Pa.C.S.A. §3353 (a)(1)(x) and (2)(i) (PARKING PROHIBITIONS IN SPECIFIED PLACES) and 75 Pa.C.S.A. §6109 (a)(13) (REGULATING USE OF STREETS).

SECTION 2: PURPOSE OF ORDINANCE

(A) The Borough of New Cumberland recognizes the increased number of persons using all types of vehicles on Borough streets for residential and business purposes.

(B) The Borough of New Cumberland recognizes the increased amount of vehicular traffic, flow and congestion on Borough streets by persons traveling to and from governmental, commercial, residential, industrial, educational, social and recreational uses within and adjacent to the Borough of New Cumberland.

(C) The Borough of New Cumberland recognizes that the use of streets for the continual parking of non-passenger, recreational and commercial vehicles and trailers restricts the free flow of general passenger vehicular traffic, creates obstructions, impairs street maintenance, snow plowing and street sweeping, causes traffic hazards and nuisances, overburdens public parking on existing streets and restricts public access to residential, industrial, commercial, social and recreational uses within the Borough of New Cumberland.

(D) The Borough of New Cumberland desires to permit safe and public use of streets within the Borough by directing persons to use private areas for the continual parking of non-passenger, recreational and commercial vehicles and trailers.

(E) The Borough of New Cumberland believes that regulating the parking of non-passenger, recreational and commercial vehicles and trailers on public streets will minimize the risk of personal injury and property damage, promote the safety and welfare of persons and provide reasonable and convenient parking to all persons residing and conducting business within the Borough of New Cumberland.

(F) The Borough of New Cumberland recognizes that historical development and growth within the Borough, combined with the increased dependency of the general public on automobiles for transportation, has resulted in land uses without sufficient off-street parking areas, streets of varying widths and insufficient public and private parking areas for passenger cars.

SECTION 3: DEFINITIONS

"Abandoned vehicle" A vehicle (other than a pedalcycle):

(i) that is inoperable and is left unattended on a street, streetway or public property for more than 48 hours; or

(ii) that has remained illegally on a street, streetway or public property for a period of more than 48 hours; or

(iii) that is left unattended on or along a street, streetway or public property for a period of more than 48 hours and does not bear all of the following:

(A) A valid registration plate.

(B) A certificate of inspection.

(C) An ascertainable vehicle identification number; or

(iv) that has remained on private property without the consent of the owner or person in control of the property for more than 48 hours.

"Bus" A motor vehicle designed to transport 16 or more passengers, including the driver or a motor vehicle used for the transportation of more than 15 passengers, including the driver, for compensation, excluding taxicabs and limousines.

"Combination" Two or more vehicles or trailers physically interconnected in tandem;

"Commercial District" Any commercial area designated for various land uses and regulations as defined by the New Cumberland Borough Ordinance No. 468 adopted October 5, 1981, or any subsequent amendments or revisions thereto.

"Commercial purpose(s)" Any use, activity or operation intended for business or profit.

"Commercial Trash Collection Device" Any container or receptacle used for collecting, storing or disposing of garbage, rubbish, ashes, debris and other waste products. The term shall specifically include dumpster(s), construction collection bins and other devices used to collect commercial waste, including materials obtained from the renovation of existing structures and buildings and shall exclude devices used to collect residential waste and recycling materials.

"Driveway" The vehicular method of entrance and egress to a land use.

"Emergency vehicle" A fire department vehicle, police vehicle, ambulance, sheriff vehicle, blood delivery vehicle, armed forces emergency vehicle, or private vehicle of a coroner, fire or police chief or assistant chief used for answering emergency calls or responding to a natural disaster, including any other vehicle so designated by the Pennsylvania Motor Vehicle Code, 75 Pa. C.S.A. §101, et. seq.

"Established place of business" The place actually occupied either continuously or at regular periods by an owner, dealer, manufacturer or other person conducting regular business where a large share of such person's business is transacted."

"Full trailer" A trailer so constructed that no part of its weight rests upon the towing vehicle. A semitrailer attached to a towing vehicle by means of an auxiliary front axle shall be deemed to be a full trailer.

"Industrial District" Any industrial area designated for various land uses and regulations as defined in New Cumberland Borough Ordinance No. 468 adopted October 5, 1981, or any subsequent amendments or revisions thereto.

"Intersection" The area embraced within the prolongation or connection of the later curb lines, or, if none, the lateral boundary lines of the streetways or two streets which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

"Issuing Authority" A public official having the power and authority of a district justice.

"Laned Roadway" A streetway or roadway which is divided into two or more clearly marked lanes for vehicular traffic.

"Motor Home" A motor vehicle designed or adapted for the use as a private or public, permanent or temporary mobile dwelling or office.

"Motor vehicle" A vehicle which is self propelled except one which is propelled solely by human power. A bicycle shall not be considered a motor vehicle within the terms of this Ordinance.

"Natural disaster" An unanticipated grave natural phenomenon of an exceptional, inevitable and irresistible character the effects of which could not have been prevented or avoided by the exercise of due care and foresight. The term natural disaster shall include, but not limited to hurricane, tornado, flood, high water, wind-driven water, tidal wave, earthquake, landslide, snowstorm, drought, fire, explosion or other catastrophe.

"Nuisance" Any activity, including the parking of any vehicle or trailer, which interferes or obstructs the convenient use and safe public passage of any street or streetway within the Borough of New Cumberland.

"Park" or "parking" When permitted, means the temporary storing of a vehicle, whether occupied or not, off or on a street or streetway. When prohibited, means the halting of a vehicle, whether occupied or not, except momentarily for the purpose of and while actually engaged in loading or unloading property or passengers.

"Passenger car" A motor vehicle, excluding a motor-cycle or motorhome, designed for carrying not more than fifteen (15) passengers, including the driver, and primarily used for the transportation of persons. This term includes motor vehicles which are designed with seats that may be readily removed and reinstalled, but does not include such vehicles if used or maintained primarily for the transportation of property.

"Person" A natural person, firm, corporation, partnership, association or co-partnership.

"Private road or driveway" A way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

"Recreational trailer" A trailer designed or adapted and used for recreational or lodging or cooking purposes. This term shall specifically include those trailers used for transporting boats, motorcycles, jet skis, all terrain vehicles and bicycles, as well as trailers wherein structures are affixed to provide for mobile dwelling, sleeping, eating or camping, including "pop-up" campers.

"Residential District" Any residential area designated for various land uses and regulations as defined by New Cumberland Borough Ordinance No. 468 adopted October 5, 1981, or any subsequent amendments or revisions thereto.

"Restricted Area" Any area within the Borough of New Cumberland identified in a State of Emergency as a Natural Disaster or as requiring immediate, emergency assistance.

"Right of Way" A public thoroughfare for vehicular traffic and/or pedestrian traffic, whether designated as a street, highway thoroughfare, parkway, roadway, avenue, boulevard, lane, or alley.

"Semitrailer" A trailer so constructed that some part of its weight rests upon or is carried by the towing vehicle.

"Shall" Indicates that an action is required or prohibited.

"State of Emergency" A written proclamation by the Mayor and/or Borough Council which results from any natural disaster. A State of Emergency shall define any restricted area or street with particularity and shall specify the hours when any written prohibitions are to be in effect.

"Street" The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the public for vehicular travel. The term includes a roadway open to the use of the public for vehicular travel on grounds of any public or private school, library or park publicly maintained by the Borough of New Cumberland.

"Streetway" The entire width between property lines or other boundary lines of every way or place of which any part is open to the public for purposes of vehicular travel as a matter of right or custom.

"Traffic Hazard" Any activity, including the parking of any vehicle or trailer, which interferes with the clear sight triangle at any intersection or driveway intersection with a street, or which obstructs vision at street intersections or at the intersection of any driveway with a street.

"Trailer" A vehicle designed to be towed by a motor vehicle.

"Trailer or truck camper" A structure designed, used or maintained primarily to be loaded or affixed to a motor vehicle providing a mobile dwelling, sleeping place, office or commercial space.

"Truck tractor" A motor vehicle designed, used or maintained primarily for drawing other vehicles or trailers and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

"Vehicle" Every device in, upon or by which any person or property is or may be transported or drawn upon any street or streetway.

SECTION 4: GENERAL REQUIREMENTS

(A) PARKING OF VEHICLES AND TRAILERS

(i) **Residential District:** No person(s) shall park any full trailer, semitrailer, bus, truck tractor, or any vehicle with gross registered vehicle weight in excess of 7,000 pounds, on any street, streetway or laned roadway within any Residential District of the Borough of New Cumberland for a period in excess of three (3) hours.

(ii) Commercial and Industrial Districts: No person(s) shall park any full trailer, semi-trailer, bus, truck tractor, or a vehicle with gross registered vehicle weight in excess of 7,000 pounds, on any street, streetway or laned roadway within any Commercial or Industrial District of the Borough of New Cumberland for a period in excess of three (3) hours, unless such vehicle is parked immediately adjacent to an established place of business and is in the course of loading or unloading items to or from the place of business.

(iii) Abandoned Vehicles: No person(s) shall park any abandoned vehicle within any street, streetway, laned roadway or right-of-way.

(iv) Trailer or truck campers; Recreational trailers; Combinations; Boats:

No person(s) shall park any trailer or truck camper, recreation trailer, combination or boat on a street, street way or laned roadway for more than three (3) hours in any twenty-four (24) hour period.

(v) Driveway Restrictions: No person(s) shall park a full trailer, semi-trailer, boat, bus, motor home, combination, recreational trailer, trailer or truck camper or truck tractor on a street, streetway or laned roadway within twenty (20) feet of any driveway or right-of-way, within thirty (30) feet of any intersection or in any other manner which would prevent the free movement of a vehicle.

(vi) Motor Home: No person(s) shall park a motor home on a street, streetway or laned roadway for a period in excess of three (3) hours in a twenty-four (24) hour period.

(vii) Exceptions

(a) This Ordinance shall not apply to Emergency Vehicles or vehicles owned, operated or controlled by the Borough of New Cumberland.

(b) Provisions of this Ordinance may be modified by the Mayor during a State of Emergency.

(c) This Ordinance shall not apply to any full trailer, semi-trailer, combination or truck tractor temporarily loading or unloading personal property of any person residing within any residential, industrial or commercial district while such person is in the process of moving or relocating personal property to or from his or her residence. In no event shall such any full trailer, semi-trailer, combination or truck tractor remain parked for more than a twelve (12) hour period while in the process or moving or relocating personal property to or from any residence.

B. COMMERCIAL TRASH COLLECTION DEVICES

(i) No person(s) shall cause or permit any commercial trash collection device to obstruct vehicle traffic or parking on any street, streetway, right-of-way or laned roadway without first obtaining a permit from the Borough of New Cumberland, with fees as regulated by resolution of Borough Council.

(ii) No person(s) shall cause or permit any commercial trash collection device to remain on any street, streetway, right-of-way or laned roadway without attached reflective devices, warning devices and/or other safety measure for public safety purposes.

C. DECLARED STATE OF EMERGENCY

(i) No person(s) shall park any vehicle, boat, bus, truck tractor, trailer, semi-trailer, passenger car, trailer or truck camper or recreational trailer, or combination, on any street, streetway, right-of-way or laned roadway within a restricted area declared during a State of Emergency.

D. MISCELLANEOUS; TRAFFIC HAZARDS; NUISANCE;

(i) No person(s) shall park any vehicle, boat, bus, truck tractor, trailer, semi-trailer, passenger car, trailer or truck camper or recreational trailer or combination on any street, streetway or laned roadway in such a manner to constitute a traffic hazard.

(ii) No person(s) shall park any vehicle, boat, truck tractor, trailer, semi-trailer, passenger car, trailer or truck camper or recreational trailer or combination on any street, streetway or laned roadway in such a manner to constitute a nuisance.

SECTION 5: PENALTY AND ENFORCEMENT

(i) Penalty for violation: Any person who shall violate any of the provisions of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than fifty (\$50.00) dollars, nor more than six hundred (\$600.00) dollars, together with the costs of prosecution, to be collected as other fines and costs are now recovered by law.

(ii) Enforcement: Enforcement of this Ordinance shall be the duty of the New Cumberland Borough Police Department. Nothing in this Ordinance shall be construed to prevent the Borough of New Cumberland from pursuing equitable or other relief directly within the Court of Common Pleas for continuing violations of this Ordinance.

SECTION 6: CONTINUATION

The provisions of this Ordinance, so far as they are the same as those of Ordinances in force immediately prior to the enactment of this Ordinance, are intended as a continuation of such Ordinances and not as new enactments. Provisions of this Ordinance shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any Ordinance repealed by this Ordinance.

SECTION 7: EFFECTIVE DATE

This Ordinance shall become effective in accordance with law.

SECTION 8: SEVERABILITY

In the event that any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance or other Ordinances affected by this Ordinance, it being the intent of the Borough of New Cumberland that such remainder shall be and shall remain in full force and effect.

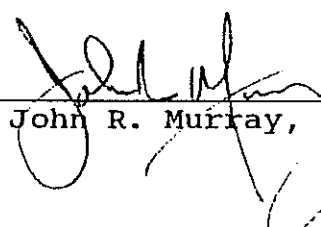
SECTION 9: RELATIONSHIP TO OTHER ORDINANCES

All other Ordinances, parts of Ordinances or parts of Resolutions inconsistent herewith shall be and the same expressly are repealed. Ordinances No. 280 and 381 are repealed.

ENACTED AND ORDAINED this 4th day of September, 1996.


COUNCIL OF THE BOROUGH OF NEW CUMBERLAND

By



John R. Murray, President

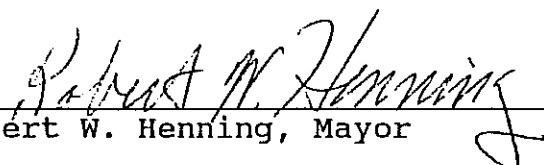
ATTEST:



Stephen C. Sultzaberger, Secretary

APPROVED this 4th day of September, 1996.

By



Robert W. Henning, Mayor