

ORDINANCE NO. 2007-4

AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF NESQUEHONING, CARBON COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES OF THE BOROUGH OF NESQUEHONING, SPECIFICALLY SECTION 137-23.1 ET. SEQ. AND AMENDING ORDINANCE NO. 95-3, AND PROVIDING FOR RESTRICTIONS UPON THE PARKING OF CERTAIN LARGE VEHICLES WITHIN THE BOROUGH, CONTAINING DEFINITIONS, PROVIDING PENALTIES FOR VIOLATIONS OF THIS ORDINANCE, REPEALING INCONSISTENT ORDINANCES OR PORTIONS THEREOF, PROVIDING FOR PARTIAL INVALIDITY AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ORDAINED AND ENACTED by the Council of the Borough of Nesquehoning, Carbon County, Pennsylvania and it is hereby Ordained and Enacted by authority of the same as follows:

SECTION 1- LEGISLATIVE INTENT

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

SECTION 2- DEFINITIONS

The following words and phrases used in this Ordinance shall have the meanings given to

them in this Section, unless the context of the Ordinance clearly indicates otherwise:

a) Large Vehicles:

1. The following, as defined by 75 Pa.C.S.A. Section 102: Articulated Bus, Combination Truck, Construction Truck in excess of twenty thousand pounds, Driveaway-towaway Operation, Farm Equipment, Full Trailer, House Trailer, Limousine(capable of carrying twelve or more passengers), Maxicube type limousine Vehicle over five(5') feet in height, Mobile Home, Motor Home, Recreational Trailer, Semitrailer, Stinger-steered Automobile or Boat Transporter, Tow Dolly, Trailer, single body straight Truck and Truck-camper.
2. Boats, snowmobiles, All-Terrain Vehicles and similar off-road vehicles, Pickup Campers, Boat Trailers, Tent Trailers and cases or boxes used for transporting recreational equipment(whether containing that equipment or not).

b) Park or Parking:

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.

c) Street:

Any street, road, lane, court, cul-de-sac, alley, path, public way and public square within the Municipal Limits of Nesquehoning Borough.

SECTION 3– VIOLATIONS

No person shall park, cause to be parked or permit to be parked any large motor vehicle except as herein provided:

a) Tractors are permitted to be parked anywhere within Borough limits provided that they are not left idling or running nor is auxiliary equipment to be left running and Tractors are to be moved on or before the passage of forty-eight hours from when they were initially parked. In addition, the Tractor must be within a two hundred(200') foot radius of the residence of the operator of said Tractor.

b) Trailers with Tractors attached(i.e.,combinations) only can be parked within a posted area on the South side of Locust Street upon payment of an administrative fee of \$60 and receipt of a permit from the Borough, except for Hazardous trailers, waste trailers, gas trucks or trailers, oil trucks or trailers, or municipal trailers which are not permitted to be parked anywhere within the limits of the Borough whether they are filled or empty. No Refrigerated units are to be permitted to park, stop or stand in the permitted zone and remain running or idling while parked in said zone. In addition, no tractor attached to any trailer and parked, stopped or standing in said permitted zone shall be left idling or running while parked in said zone and must be completely moved from the aforesaid zone every forty-eight(48) hours for at least twelve(12) hours. This aforesaid permitted parking area shall be designated as a "tow away" zone and any vehicle parked in said zone and not in conformity with the provisions of this ordinance shall be towed away at the expense of the owner.

SECTION 4- EXCEPTIONS

This Ordinance shall not apply to Nesquehoning Borough Emergency Vehicles as defined by 75 Pa.C.S. Section 102 unless during an emergency response or by permission of the Mayor and/or police department.

SECTION 5 – PENALTIES FOR VIOLATION

Unless another penalty is expressly provided by the Pennsylvania Motor Vehicle Code, any person or registered owner of any vehicle which violates this Ordinance, shall , upon conviction, be subject to a fine of up to Three Hundred Dollars(\$300.00) for each offense and each daily occurrence of the same shall be considered as a new offense and punishable as such plus costs of prosecution.

SECTION 6– SEVERABILITY

If any Section or provision of this Ordinance is declared by any Court of competent

jurisdiction to be invalid or unconstitutional for any reason, such decision shall not affect the validity or constitutionality of this Ordinance as a whole, nor the validity or constitutionality of any other Section or provision of this Ordinance other than the one so declared to be invalid.

SECTION 7 – REPEAL OF CONFLICTING ORDINANCES

All existing Ordinances of Nesquehoning Borough, or parts thereof, inconsistent with this Ordinance or any part thereof, are hereby repealed or amended to the extent specified herein.

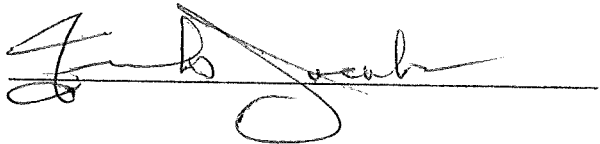
SECTION 8– EFFECTIVE DATE

This Ordinance shall become effective upon adoption hereof.

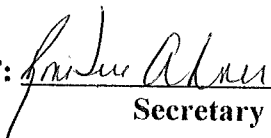
ORDAINED AND ENACTED by the Council of Nesquehoning Borough this 19th day of November, 2007.

BOROUGH OF NESQUEHONING

BY:



ATTEST:


Secretary

Examined and Approved this 19th day of November, 2007.


Mayor