

ORDINANCE NO. 2021-2

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 15-400 ET. SEQ. 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

The Nesquehoning Borough Council has determined that hazardous and unsafe traffic conditions within the Municipal limits of the Borough exists 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 the Borough of Nesquehoning 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 Vehicle

1. The following, as defines by 75 Pa.C.S.A. Section 102: Articulated Bus, Combination, Construction Truck, Commercial Buses, Motor Homes, Box Vans, Moving Vans, Driveaway-towaway Operation, Farm Equipment, Full Trailer, House Trailer, Limousine (capable of carrying ten or more passengers), Maxicube Vehicle, Mobile Home, Motor Hoe, Recreational Trailer, Semitrailer, Stinger-steered Automobile or Boat Transporter, Tow Dolly, Trailer, Single Body Straight Truck, Truck-camper, Track Tractor and any and all trailers attached to a motor vehicle or not.

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 equipment or not).
- B) Park or Parking
1. 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
1. Any street, road, lane, court, cul-de-sac, alley, path, public way and public square within the Municipal Limits of The Borough of Nesquehoning.
- D) Oversized Vehicles
1. Any vehicles with a gross vehicle weight rating in excess of 21,000 pounds regardless of whether or not said vehicle is a combination or a trailer and tractor, a combination of a trailer and a double tractor, or one single stand-alone vehicle: or
 2. Any vehicle with a length exceeding 28½ feet regardless of whether or not said vehicle is a single trailer being towed by a track tractor, a double trailer being towed by a track tractor or single stand-alone vehicle.

SECTION 3 – VIOLATIONS

No person shall park, cause to be parked or permit to be parked any large or oversized motor vehicle except as herein provided in subsections A) and B) hereafter:

- A) Oversized vehicles are only permitted to be parked on the South side of Locust Street, 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.
- B) A business can get a temporary permit to park an oversized vehicle adjacent to an address where they are doing business, with the consent of the occupant of that address. The sponsoring address may be commercial or residential. A specific commercial vehicle cannot get permits to park at the same address for more than 10 (ten) days in any 90 (ninety) day period. If there is a need to park at any one address for longer than 10 (ten) days, the business will have to request a Parking Restriction Waiver from the Borough.
- C) Contractor Permits. A business can get annual permits for their oversized vehicles provided:
1. The vehicles are registered as commercial vehicles; and
 2. The business has a current business license.

Contractor permits are valid July 1st – June 30th and allow the vehicle to park on-street between the hours of 7:00 a.m. and 8:00 p.m.

- D) Disabled persons can get Oversized Vehicle Disability Parking Permits, which allow them to park their oversized vehicles adjacent to locations where they receive services (doctor offices, grocery stores, churches, work, home, etc.). To qualify a person must:
1. Have a valid disabled placard or license plate
 2. Have an oversized vehicle that is necessary to accommodate their disability.
- E) Commercial vehicles may park on-street after 8:00 p.m. if they are engaged in active work involving an emergency situation that poses a threat to health and safety. In these circumstances, the contractor's oversized commercial vehicle must have a clearly visible notice in the driver's side window that identifies the emergency location and address. Outside of emergency situations, oversized vehicles must be stored off-street.

SECTION – 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

- A) 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 no less than Seventy-Five (\$75.00) Dollars and up to Three Hundred (\$300.00) Dollars for each offense and each daily occurrence of the same shall be considered as a new offense and punishable as such, plus the cost of prosecution.
- B) The Nesquehoning Police Department is further authorized to have the oversized vehicle, which is parking in violation of this ordinance, towed from Borough streets with the owner of said oversized vehicle being responsible for all costs of towing and storage, if applicable.

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

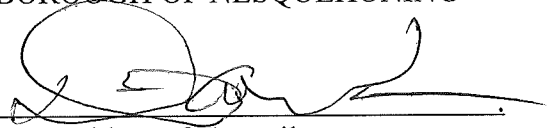
All existing Ordinances of the Borough of Nesquehoning, or parts thereof, inconsistent with this Ordinance or any part thereof, are hereby repealed or amended to the extent specified herein.

SECTION 8 – EFFECTIVE DATE


This Ordinance shall become effective upon adoption hereof.

ORDAINTED and ENACTED by the Council of The Borough of Nesquehoning on this 24th day of March, 2021.

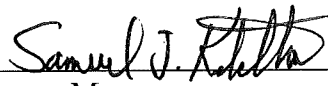
BOROUGH OF NESQUEHONING

By: 
President of Council

ATTEST:


Secretary/Treasurer

Examined and Approved this 24th day of March, 2021.


Mayor