

ORDINANCE NO. 574

AN ORDINANCE OF THE BOROUGH OF FLEETWOOD, BERKS COUNTY, PENNSYLVANIA, ESTABLISHING RESTRICTIONS ON THE OPERATION AND PARKING OF LARGE VEHICLES AND MOTOR VEHICLES

BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Fleetwood, in the County of Berks and Commonwealth of Pennsylvania, and it is hereby ordained and enacted by the authority of the same, in accordance with the provisions of the Act of Assembly of the Commonwealth of Pennsylvania, as follows:

SECTION 1 - DEFINITIONS

The following words, terms or phrases shall have the meanings ascribed to them in this section.

A. Commercial Vehicles - Any motor vehicle registered as a commercial vehicle and/or any vehicle which requires as a prerequisite to the operation of such Large Vehicle, the possession of a Pennsylvania Commercial Driver's License, including, but not limited to, tractor trailers and/or truck tractors, straight body trucks, flat bed trucks, storage trucks, refrigerator trucks, and tri-axes. For the purpose of this Ordinance, the term commercial vehicle excludes police, fire, or emergency vehicles, Borough vehicles, and any motor vehicle in the continuous process of making deliveries to or picking up items from a property on the highway or street.

B. Enforcement Agency - The Fleetwood Police Department shall be designated as the enforcement agency under this Ordinance.

C. Governing Body - The Borough of Fleetwood elected Council.

D. Large Vehicles - Any and all recreational, commercial or private vehicles (as defined herein) having a registered gross weight in excess of eleven thousand (11,000) pounds or having a width in excess of ninety-six (96) inches.

E. Motor Vehicle - 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.

F. Private Vehicle - A vehicle used for domestic non-commercial use.

G. Recreational Vehicle - A vehicle used customarily for human inhabitation or recreational activities during tours or vacation periods including, but not limited to, travel homes, travel trailers, motor homes, truck campers, tent campers, trailers, boats and trailers, snowmobiles and trailers, and any other similar vehicle.

SECTION 2 - LARGE VEHICLES

A. Restrictions In Stopping, Parking Or Leaving Standing Large Vehicles On Any Street Or Alley. It shall be unlawful for any person to park or leave standing any type of motorized or non-motorized Large Vehicle having a registered gross weight in excess of eleven thousand (11,000) pounds or having a width in excess of ninety-six (96) inches upon any street or alley within the Borough of Fleetwood. Such motorized or non-motorized Large Vehicles may be parked temporarily in those areas for purposes of loading and unloading construction materials or equipment, household goods, furniture, residential refuse or recycling, or other merchandise, property or wares used in connection with a residence or other building, in which case the motorized or non-motorized Large Vehicle shall be removed immediately after the loading or unloading operation is completed. A period of twenty-four (24) hours shall be the maximum period of time permitted for such operations. Non-motorized Large Vehicles, referred

to above, used in connection with the operation of a business and for commercial purposes may not be parked for loading and unloading purposes in those areas, unless temporarily parked in conjunction with the construction, maintenance, removal, repair or remodeling of a building located within fifty (50) feet of the parked Large Vehicle.

B. Additional Restrictions for Large Vehicles.

1. Restrictions on Parking on Streets. Except during the action of loading or unloading, it shall be unlawful for any person to park or leave standing any type of Large Vehicle upon any street, alley or cartway within the Borough so as to cause or create an impediment to traffic or obstruct the view of or proper sight triangle at any intersection.

2. Laying Lines Across Sidewalks or Streets Prohibited. It shall be unlawful for any cords, hoses or lines of any kind to be laid or maintained across any public sidewalk, street, alley or cartway, except for the purpose of routine maintenance or loading or unloading of Large Vehicles.

3. Restrictions on Operation of Auxiliary Equipment. It shall further be unlawful to operate any equipment auxiliary to any such Large Vehicle, such as generators, air compressors, air conditioners, or similar equipment, between sunset and sunrise.

4. Restrictions on Permanent Parking or Storage.

a. It shall be unlawful for any person to permanently park or leave standing any type of Large Vehicle within the Borough, except that a Large Vehicle may be stored, unoccupied, upon private property, including but not limited to storage on private roads owned by or leased to the owner of such Large Vehicle, and in such areas, all Large Vehicles stored on private property must be located on a black top or concrete surface. All common parking areas and access roads or 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 common 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 on any surface or the accessing of parking areas across any surface that is not in accordance with these regulations is strictly prohibited.

b. Large Vehicles may be stored on driveways located in the front of properties. If a driveway exists on the side or rear of a property, the Large Vehicle must be stored on the side or rear of the property and not in the front of the property.

c. No Large Vehicle shall be stored or parked so as to encroach upon or extend over any public sidewalk.

SECTION 3 - UNLICENSED/UNINSPECTED MOTOR VEHICLES; BOATS/TRAILERS

A. Parking and Storage of Motor Vehicles. Motor Vehicles without current license plates and/or current State inspection and emission stickers shall not be parked or stored on a residential or commercial zoned lot unless parked or stored in an enclosed garage. Boats or trailers shall not be stored on any street or alley within the Borough. There is no size or weight restriction applicable to Motor Vehicles referred to in this subsection as such Motor Vehicles are strictly prohibited unless parked or stored within an enclosed garage.

B. Occupation for Living Purposes Prohibited. It shall be unlawful for any Recreational Vehicle to be occupied for living purposes within the Borough of Fleetwood.

SECTION 4 - PENALTY. A floating fine of Twenty-five Dollars (\$25.00) to Three Hundred Dollars (\$300.00) will be assessed for violation of this Ordinance.

SECTION 5 - REPEALER. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed insofar, but only insofar, as they are inconsistent herewith.

SECTION 6 - SEVERABILITY. The provisions of this Ordinance are severable, and if any of its provisions for any reason shall be declared invalid, the decision of the Court shall not affect or impair any of the remaining provisions of the Ordinance. It is hereby declared to be the intent of Council of the Borough of Fleetwood that this Ordinance would have been adopted had such invalid provisions or provisions not been included therein.

SECTION 7 - EFFECTIVE DATE. This Ordinance shall become effective five (5) days from the enactment of this Ordinance.

ORDAINED and ENACTED by the Borough Council of the Borough of Fleetwood in lawful session duly assembled this 10th day of August, 2009.

BOROUGH OF FLEETWOOD

Attest: Masha A. Imoleson
Secretary

By: Alexander J. Spive
President of Council

APPROVED this 10th day of August, 2009.

Larry A. Stelling
Mayor