

ORDINANCE NO. 6 of 2016
FOSTER TOWNSHIP, LUZERNE COUNTY, PENNSYLVANIA

AN ORDINANCE PROHIBITING ON-STREET PARKING OF CERTAIN LARGE VEHICLES IN RESIDENTIAL ZONING DISTRICTS WITHIN THE TOWNSHIP, CONTAINING DEFINITIONS, PROVIDING PENALTIES FOR VIOLATIONS, REPEALING INCONSISTENT ORDINANCES OR PORTIONS THEREOF, PROVIDING FOR PARTIAL INVALIDITY AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ENACTED by the Foster Township Board of Supervisors, Luzerne County, Pennsylvania, as follows:

Chapter 198

STREETS AND SIDEWALKS

ARTICLE IV

§198-18. Purpose. The Foster Township Board of Supervisors has determined that hazardous and unsafe traffic conditions exist within the Township because large vehicles are often parked on streets which: (1) Cause hazardous and unsafe traffic conditions which are detrimental to the public health, safety and welfare of the residents of the Township and others; (2) Impede emergency vehicles such as fire trucks and ambulances; and (3) Interfere with snow removal and the peaceful and quiet enjoyment of the residents of the Township and their properties.

§198-19. Definitions. As used in this Article, the following terms shall have the meanings indicated, except in those instances where the context clearly indicates otherwise:

CARTWAY- means that portion of a road which is improved by surfacing with permanent or semi-permanent material and is intended for vehicular traffic.

CODE ENFORCEMENT OFFICER- means the person appointed by the Foster Township Board of Supervisors for the administration and enforcement of the Code of Ordinances, including the enforcement of this Article.

DRIVEWAY- means 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.

EMERGENCY VEHICLE- includes a local, state or federal emergency management vehicle, fire department vehicle, police vehicle, ambulance (advanced life support and basic life support squad) and the like.

INTERSECTION- means the area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the cartways of two roads which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different roads joining at any other angle may come in conflict.

LARGE VEHICLES-includes an Articulated Bus, Combination, Construction Truck, Driveaway-towaway Operation, Farm Equipment, Full Trailer, House Trailer, Limousine, Maxi-cube Vehicle, Mobile Home, Motor Carrier Vehicle, Motor Home, Recreational Trailer, Semitrailer, Stinger-steered Automobile or Boat Transporter, Tow Dolly, Trailer, Truck-camper, and Truck Tractor.

ARTICULATED BUS- means a bus designed to transport passengers and on which passengers are authorized to be transported, consisting of two or more units or sections permanently assembled in tandem by flexible connections which permit passenger movement throughout the length of the bus.

BUS- means a motor vehicle designed to transport 16 or more passengers, including the driver; or a motor vehicle, other than a taxicab or limousine, designed to transport not more than 15 passengers, including the driver, and used for the transportation of persons for compensation.

COMBINATION- means two or more vehicles physically interconnected in tandem.

CONSTRUCTION TRUCK- means a three or four axle truck engaged in construction operations.

DRIVEAWAY-TOWAWAY OPERATION- means any operation in which any motor vehicle, trailer or semitrailer, singly or in combination, constitutes the commodity being transported, when one set or more of wheels of the vehicle are on the highway during the course of transportation, whether or not the vehicle furnished the motive power.

FARM EQUIPMENT- means a vehicle that is specifically designed and manufactured for and used exclusively in agriculture to plant, seed, cultivate, harvest or apply soil nutrients, fertilizers or chemicals.

FULL TRAILER- means 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 or dolly shall be deemed to be a full trailer.

HOUSE TRAILER- means (1) A trailer which is designed, constructed and equipped as a dwelling place, living abode or sleeping place (either permanently or temporarily) and is equipped for use as a conveyance on streets and highways, or (2) A trailer containing a chassis and exterior shell designed and constructed for use as a house trailer, as defined in paragraph (1), but which is used permanently or temporarily for advertising, sales, display or promotion of merchandise or services, or for any other commercial purpose except the transportation of property.

LIMOUSINE- means a motor vehicle designed for or capable of carrying ten or more passengers, exclusive of the driver, and used for the transportation of persons for compensation.

MAXI-CUBE VEHICLE- means a combination. The truck may have either a detachable or permanently attached cargo box. The cargo box on the trailer shall be designed such that the truck may be loaded and unloaded through the trailer. Neither cargo box shall exceed 34 feet in length, and the overall length of the combination shall not exceed 65 feet.

MOBILE HOME- means a trailer designed and used exclusively for living quarters or commercial purposes and is only incidentally operated on a highway.

MOTOR CARRIER VEHICLE- means (1) A truck, truck tractor or combination having a gross vehicle weight rating, gross combination weight rating, registered gross weight, registered combination weight or actual gross weight of 17,001 pounds or more. (2) A truck, truck tractor or combination engaged in interstate commerce and having a gross vehicle weight rating, gross combination weight rating, registered gross weight, registered combination weight or actual gross weight of 10,001 pounds or more.

MOTOR HOME- means a motor vehicle designed or adapted for use as a mobile dwelling or office, except a motor vehicle equipped with a truck-camper.

RECREATIONAL TRAILER- means a trailer designed or adapted and used exclusively for recreational purposes.

SEMITRAILER- means a trailer so constructed that some part of its weight rests upon or is carried by the towing vehicle.

STINGER-STEERED AUTOMOBILE OR BOAT TRANSPORTER- means a truck tractor-semitrailer combination of a total length not greater than 75 feet exclusive of an overhang of not more than three feet on the front and four feet on the rear of the vehicle configured as a semitrailer combination wherein the fifth wheel is located on a drop frame located behind and below the rearmost axle of the power unit.

TOW DOLLY- means a trailer designed and used exclusively to tow another vehicle by mounting its front or rear wheels on the tow dolly while the other wheels of the towed vehicle remain in contact with the ground.

TRAILER- means a vehicle designed to be towed by a motor vehicle.

TRUCK-CAMPER- means a structure designed, used or maintained primarily to be loaded or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office or commercial space.

TRUCK TRACTOR- means a motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

MOTOR VEHICLE- means a vehicle which is self-propelled including a motor cycle, truck and passenger vehicle, electric personal assistive mobility device or a vehicle which is propelled solely by human power. The term excludes large and small vehicles as defined under this Article.

PARK- means the stopping or halting (or causing or permitting to be stopped or halted) of a large vehicle or small vehicle, whether occupied or not, except temporarily for the purpose of— and while actually engaged in — loading or unloading of property or passengers.

PERSON – means any natural person, individual, partnership, firm, association, corporation, political subdivision, municipal authority, public utility, the Commonwealth and its agencies and instrumentalities, or any other entity.

RIGHT OF WAY- means the right of the public to use property of another whether improved or unimproved for public travel or uses associated with utilities.

ROAD- means any public rights-of-way, streets, avenues, roads, squares, courts, alleys, highways, cartways, or other public places located in the R-1 (Single-Family) or R-2 (Multi-Family) Zoning Districts as depicted on the Official Foster Township Zoning Map.

SMALL VEHICLES-includes 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).

TEMPORARILY- means occasional parking of a large or small vehicle not more than two consecutive days in any given month and not between the hours of 9:00 PM and 7:00 AM, except when actively loading or unloading of property or passengers.

TOWNSHIP – means Foster Township, Luzerne County, Pennsylvania.

§198-20. Prohibited Parking. Except for emergency vehicles, no person shall park any small vehicle or large vehicle within twenty-five (25) feet of any intersection or residential driveway on any road located in the R-1 or R-2 Zoning Districts within the Township.

§198-21. Notice of Parking Prohibition. Notice of the parking prohibition of §198-20 of this Article shall be provided by the Code Enforcement officer by one of the following means: (1) posted traffic control devices, (2) certified letter, (3) personal service, or (4) by placing a notice on the windshield or other readily visible location on the large or small vehicle. In the absence of a posted traffic control device, this Section shall not be enforced by citation unless a notice of violation has been issued to the owner or operator of the large or small vehicle by any means previously enumerated prior to the date and time enforcement is initiated. The notice of violation when issued should permit the owner or operator 72 hours to comply with the notice prior to the filing or issuance of a citation.

§198-22. Penalties for Violation.

(1) Any person who violates or permits the violation of this Article shall be guilty of a summary offense, and, upon conviction, shall be sentenced to pay a fine of no more than Three Hundred (\$300.00) Dollars plus the costs of prosecution, and, in default of payment of fine and costs, to imprisonment for a term of not more than thirty (30) days; OR

(2) Any person who violates or permits the violation of this Article shall, upon being found liable thereof in a civil enforcement proceedings commenced by the Township or the Code Enforcement Officer, shall pay a judgment of not more than Three Hundred (\$300.00) Dollars, per day, plus all court costs, including reasonable attorney fees incurred by the Township as a result of bringing the enforcement proceeding.

(3) The fines or penalties imposed or judgement entered under this section may be in addition to any costs and additional amounts collectible under this Article. Each day that a violation continues shall be deemed a separate offense.

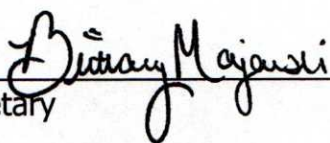
§198-23. Severability. If any Section or provision of this Article is declared by any Court of competent jurisdiction to be invalid or unconstitutional for any reason, such decision shall not affect the validity or constitutionality of this Article as a whole, nor the validity or constitutionality of any other section or provision of this Article other than the ones so declared to be invalid.

§198-24. Repealer. All existing ordinances, or parts thereof, inconsistent with this Article, or any part hereof, are hereby repealed.

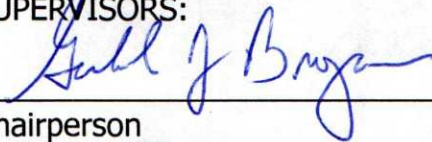
§198-25. Effective Date. This Article shall become effective immediately following its adoption.

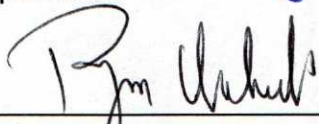
ADOPTED THIS 14th DAY OF December, 2016, by the Foster Township Board of Supervisors.

ATTEST:


Secretary

FOSTER TOWNSHIP BOARD OF
SUPERVISORS:


Chairperson


Vice-Chairperson


Supervisor