

BOROUGH OF FREEMANSBURG
Northampton County, Pennsylvania

ORDINANCE #2015 -005
(Duly Adopted September 1, 2015)

**AN ORDINANCE PROHIBITING PARKING OF OBSTRUCTIONS ON THE STREETS
IN THE BOROUGH; REQUIRING THE IMMEDIATE REMOVAL OF
OBSTRUCTIONS PARKED ON THE STREETS IN THE BOROUGH; DECLARING
OBSTRUCTIONS PARKED ON THE STREETS IN THE BOROUGH AS A NUISANCE;
PROVIDING EXCEPTIONS; AND PROVIDING PENALTIES FOR VIOLATION(S) OF
THIS ORDINANCE.**

WHEREAS, pursuant to Section 1202(12) of the Borough Code, Borough Council of the Borough of Freemansburg ("Borough Council") has the authority to regulate the streets located in the Borough of Freemansburg ("Borough") and to prohibit the obstruction to the convenient use of said streets; and

WHEREAS, pursuant to Section 1202(4) of the Borough Code, Borough Council has the authority to prohibit and remove nuisances in the streets of the Borough; and

WHEREAS, pursuant to Section 1202(4) of the Borough Code, an obstruction in the street of the Borough is a nuisance; and

WHEREAS, pursuant to Section 1202(4) of the Borough Code, the Borough may require the removal of any nuisance by the owner or occupier and, if the owner or occupier fails to remove said nuisance, the Borough may remove the nuisance and collect the cost of removal, together with a penalty of 10% of the cost, in the manner provided by law for the collection of municipal claims, or by action of assumpsit, or the borough may seek relief by bill in equity; and

WHEREAS, pursuant to Municipal Claims and Tax Liens Act (the "Act"), recovery of reasonable attorneys' fees incurred in the collection of any municipal claims is permitted in any actions in law or equity involving claims under the Act; and

WHEREAS, pursuant to Section 3321 of the Borough Code, a borough ordinance shall prescribe fines and penalties for violation; and

WHEREAS, pursuant to Section 3321 of the Borough Code, a borough ordinance may provide for assessment of court costs and reasonable attorney fees incurred by the Borough in the enforcement proceedings; and

WHEREAS, Borough Council, to ensure safe passage in and along the streets in the Borough and for the public's convenient use of said streets, deems it necessary to establish this Ordinance to prohibit the parking of obstructions on said streets to help maintain safe sight distances for said streets as well as to prohibit the obstruction to the convenient use of said streets.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Freemansburg, Northampton County, Pennsylvania, as follows:

SECTION 1. Definitions. Certain words and terms are used in this Ordinance for the purposes hereof and are defined as follows:

- a. Borough – Borough of Freemansburg, Northampton County, Commonwealth of Pennsylvania.
- b. Bus – (1) a motor vehicle designed to transport 16 or more passengers, including the driver; or (2) a motor vehicle, including a limousine, designed to transport not more than 15 passengers, including the driver, and used for the transportation of persons for compensation.
- c. Construction truck – a three or four axle motor vehicle.
- d. Covered farm vehicle – a motor vehicle with a state-designation as a farm vehicle.
- e. 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 or dolly shall be deemed to be a full trailer.
- f. House coach – a vehicle with an enclosed area which is designed, constructed or equipped for use, either permanently or temporarily, as a dwelling place, living abode, sleeping place or camping accommodation. A house coach includes motor homes, slide-in cabins and sleeping units specifically designed for mounting on a pickup truck and sleeping cabins designed for use on trucks and truck tractors.
- g. House trailer – (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; or (2) a trailer containing a chassis and exterior shell designed and constructed for use as a house trailer, as defined in (1), but which is used

permanently or temporarily for advertising, sales, display or promotion of merchandise or services, or for any other commercial purposes.

h. Mobile home – a trailer designed and used exclusively for living quarters or commercial purposes.

i. Motor home – a motor vehicle designed or adapted for use as a mobile dwelling or office.

j. Motor vehicle – a vehicle which is self-propelled.

k. Object – any man-made object that is not a trailer or vehicle registered with the Commonwealth of Pennsylvania, Department of Transportation. Examples of an object include, but are not limited to, indoor or outdoor furniture (i.e. chair), bucket, roll off container, saw-horse, and unregistered trailer or vehicle.

l. Obstruction – bus, construction truck, construction trailer, covered farm vehicle, full trailer, house coach, house trailer, mobile home, motor home, object, oversized vehicle, recreational trailer, roll off container, school bus, or trailer.

m. Operator - person who occupies or controls an obstruction.

n. Oversized vehicle – a motor vehicle having a gross weight of more than seven thousand five hundred (7,500) pounds or a length exceeding twenty-two (22) feet.

o. Owner – person who owns an obstruction.

p. Park, parked or parking – means the halting of an obstruction, whether occupied or not.

q. Person – an individual, organization, corporation, partnership, business trust, estate, trust, association or any other legal or commercial entity.

r. Recreational trailer – a trailer designed or adapted for use for recreational purposes.

s. School bus – a motor vehicle which (1) is designed to carry 11 passengers or more, including the driver; and (2) is used or formerly used for the transportation of school students or events related to school-related activities.

t. Trailer – a vehicle designed to be towed by a motor vehicle or otherwise.

u. Vehicle – every device in, upon or by which any person or property is or may be transported or drawn upon a street.

SECTION 2. Unlawful to Park Obstruction on Street. Except as set forth in Section 7, it shall be unlawful for any operator to park an obstruction on a street located in the Borough. Upon service of a written notice of violation directed to the operator, the operator shall remove or cause the removal of the obstruction from the street immediately.

SECTION 3. Unlawful to Permit the Parking of or Park Obstruction on Street. Except as set forth in Section 7, it shall be unlawful for any owner to permit the parking of or to park an obstruction on a street located in the Borough. Upon service of a written notice of violation directed to the owner, the owner shall remove or cause the removal of the obstruction from the street immediately.

SECTION 4. Nuisance; Maintenance of Nuisance Prohibited. Except as set forth in Section 7, an obstruction parked on a street located in the Borough is deemed a nuisance. It shall be unlawful for any operator or owner to maintain said nuisance.

SECTION 5. Service of Written Notice of Violation. Written notice of violation of any section of this Ordinance shall be served upon the operator and/or the owner via hand delivery, United States First Class mail with certificate of mailing, or United States certified mail return receipt requested.

SECTION 6. Borough May Remove Nuisance and Collect Cost. Upon service of a written notice of violation directed to the operator and/or owner of an obstruction parked in violation of this Ordinance, the operator or owner shall remove or cause the removal of said obstruction from the street immediately. In the event the operator and/or owner of an obstruction parked in violation of this Ordinance fails to remove or cause the removal of said obstruction immediately, within 1 day after service of a written notice of violation directed to the operator and/or owner, it shall be lawful for the Borough, by its duly authorized agents or employees, to remove the obstruction, and to collect the cost of such removal from the operator and/or the owner together with a penalty of ten (10%) percent of such cost, in the manner provided by law for the collection of municipal claims, or by action of assumpsit, or the Borough may seek relief by bill in equity. The Borough shall be entitled to recover the Borough's reasonable attorneys' fees, costs and court costs incurred in the collection of any municipal claims.

SECTION 7. Exceptions. The following are permitted exceptions:

a. A motor vehicle picking up from or delivering goods or services to a home or a properly licensed business provided the loading and unloading time period does not exceed two (2) hours.

b. A trailer that is twenty feet (20') or less in length and properly attached to a motor vehicle shall be permitted to park on a street located in the Borough for loading and unloading purposes only provided the loading and unloading time period does not exceed two (2) hours.

c. A trailer exceeding twenty feet (20') in length shall be permitted to park on a street located in the Borough for loading and unloading purposes only provided the loading and unloading time period does not exceed two (2) hours.

d. A motor home shall be permitted to park on a street located in the Borough for loading and unloading purposes only provided the loading and unloading time period does not exceed four (4) hours.

e. A person may apply for a permit to be issued by the Borough or Borough police department for permission to park any of the following on a street owned by the Borough:

- (i) Motor home;
- (ii) Construction trailer; and
- (iii) Roll off container.

A motor home, construction trailer or roll off container may be parked on a street owned by the Borough provided a permit to do so is obtained from the Borough or Borough police department prior to such parking and the motor home, construction trailer or roll off container, as the case may be, is parked in accordance with the permit.

SECTION 8. Penalties. Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of:

- 1) One Hundred Dollars (\$100.00) for a first offense;
- 2) Two Hundred Fifty Dollars (\$250.00) for a second offense;
- 3) Five Hundred Dollars (\$500.00) for a third offense; and
- 4) not less than Five Hundred Dollars (\$500.00) but not more than One Thousand Dollars (\$1,000.00) for a fourth offense or any additional offense.

Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, also pay court costs and reasonable attorney fees incurred by the Borough. In default of payment(s) due by reason of this section, the violator shall be subject to imprisonment for a term not to exceed thirty (30) days. Each section of this Ordinance violated shall constitute a separate offense. Each day that a violation of a section of this Ordinance continues shall constitute a separate offense.

SECTION 9. Enforcement. The Borough Solicitor, Borough Manager, or her designee, any Borough police officer, or Borough code enforcement officer is hereby authorized to act on behalf of the Borough to enforce this Ordinance.

SECTION 10. Repealer. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed. Specifically, Ordinance 11-97, enacted on November 3, 1997, is hereby repealed.

SECTION 11. Severability. The provisions of this Ordinance shall be severable and, if any provision thereof shall be declared unconstitutional, illegal or invalid, such provision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent of the Borough of Freemansburg that this Ordinance would have been enacted had such unconstitutional, illegal or invalid provision(s) not been included herein.


SECTION 12. Gender. All references to she, her, hers and herself shall be considered gender neutral, and shall be deemed to represent masculine, feminine and neuter subjects and objects.

SECTION 13. Effective Date. This Ordinance shall become effective October 1, 2015.

DULY ORDAINED AND ENACTED this 1 day of September, 2015, by the Borough Council of the Borough of Freemansburg in lawful session duly assembled.

**BOROUGH COUNCIL OF
BOROUGH OF FREEMANSBURG**

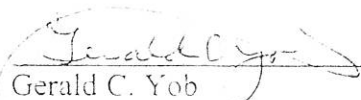
Attest:



Judith A. Danko,
Borough Manager Secretary



Homer G. Lorrh
Council President



Gerald C. Yob
Mayor

APPROVED this 1st day of September 2015.

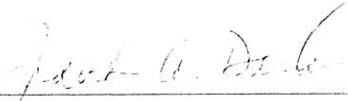
(Municipality Seal)

CERTIFICATE

I, JUDITH DANKO, the undersigned, Secretary of the Borough of Freemansburg, Northampton County, Pennsylvania (the "Borough") certify that the foregoing is a true and correct copy of an Ordinance of the Borough which was duly enacted by affirmative vote of the majority of the members of Borough Council at a meeting duly held on Septemberth, 2015, and that said Ordinance remains in effect, unaltered and unamended, as of the date of this certificate.

I further certify that Borough Council met the advance notice requirements of Act #93 of the General Assembly of the Commonwealth of Pennsylvania, approved October 15, 1993, by advertising the date of said meeting and posting a notice of said meeting on the bulletin board at the Municipal Building, 600 Monroe Street, Freemansburg, Pennsylvania, the place of the meeting.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Borough this 1st day of September, 2015.



Judith A. Danko, Secretary