

BOROUGH OF SHIREMANSTOWN
CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 401

**AN ORDINANCE OF THE BOROUGH OF SHIREMANSTOWN,
CUMBERLAND COUNTY, PENNSYLVANIA REGULATING THE
PARKING, OPERATION AND STOPPING OF MOTOR VEHICLES,
TRAILERS, RECREATIONAL VEHICLES, TRASH COLLECTION
DUMPSTERS, PORTABLE ON DEMAND STORAGE UNITS,
DEFINITIONS, REQUIREMENTS FOR REFLECTIVE AND SAFETY
ALERTS, AND PERMIT REQUIREMENTS**

BE IT ENACTED AND ORDAINED by the Council of the Borough of Shiremanstown, Cumberland County, Pennsylvania, and it is hereby enacted and ordained by the authority of granted to the Borough, an Ordinance adopted to regulate the parking and stopping of motor vehicles, trailers, recreation vehicles, large vehicles, trash collection dumpsters, portable on demand storage units (POD) on public streets to minimize the risk of personal injury and property damage within the Borough of Shiremanstown.

SECTION 1: AUTHORITY

This Ordinance is enacted pursuant to the Borough Code, 8 P.S. Section 462012 (4) (Nuisances in the streets of the Borough); 8 P.S. Section 42602 (5) (Nuisances and dangerous structures); 8 P.S. Section 46202 (6) (Health and safety regulations); 8 P.S. Section 46202 (17) (Street Regulations); 8 P.S. Section 46202 (74) (General Powers), and the Motor Vehicle Code, 75 PA.C.S.A. Section 3352 (a)(1)(x) and (2) (i) (Parking prohibitions in specified places) and 75 Pa.C.S.A. Section 6109 (a)(13) (Regulating use of streets).

SECTION 2: PURPOSES OF ORDINANCE

(A) The Borough of Shiremanstown recognizes the increased number of persons using all types of vehicles on Borough Streets for residential, business, commercial and other purposes; and

(B) The Borough of Shiremanstown recognizes that historical development and growth within the Borough, combined with the increased dependency of the general public on all types of motor vehicles for transportation related purposes has resulted in land uses without sufficient off-street parking, streets of varying width, insufficient clear-sight triangles and insufficient private parking areas for passenger cars; and

(C) The Borough of Shiremanstown recognizes that large motor vehicles parked or stopped on Borough streets and alleys restricts vision and creates a greater risk of personal injury to persons and property damage on or to motor vehicles using streets and alleys in the Borough of Shiremanstown; and

(D) The Borough of Shiremanstown recognizes that public safety and public use of streets is compromised by the continual and lengthy parking of non-passenger, recreational and commercial vehicles and trailers on borough streets and alleys; and

(E) The Borough of Shiremanstown recognizes that older borough streets and alleys are susceptible to physical damage caused by larger and heavier commercial motor vehicles, recreational vehicles and trailers,

(F) The Borough of Shiremanstown recognizes that regulation of the placement of Portable On Demand Storage Units on public streets and alleys will minimize the risk of personal injury and property damage, promote the safety and welfare of persons while maximizing reasonable and convenient parking to all persons residing and conducting business within the Borough of Shiremanstown.

SECTION 3: DEFINITIONS

"Bus" A motor vehicle designed to transport 16 or more passengers, including the driver or a motor vehicle used for the transportation of more than 15 passengers, including the driver, for compensation, excluding taxicabs and limousines.

"Combination" Two (2) or more vehicles or trailers physically interconnected in tandem.

"Commercial Trash Collection Device" Any container, bag or receptacle used for collection, storing or disposing of non-residential garbage, rubble, ashes, debris, old furniture, junk, construction materials, used building supplies or materials. The term shall specifically include dumpster(s), construction collection bins and other devices used to collect commercial waste, including materials obtained from the renovation of existing structures and buildings. The term shall not include devices used to collect residential waste and recycling materials.

"Driveway" The vehicular method of entrance and egress to a land use.

"Emergency Vehicle" A fire department vehicle, police vehicle, ambulance, sheriff's vehicle, blood delivery vehicle, armed forces vehicle or private vehicle of a coroner, fire or police chief or assistant chief used for answering emergency

calls or responding to a natural disaster, including any other vehicles so designated by the Pennsylvania Motor Vehicle Code, 75 Pa.C.S.A. Section 101, et seq.

"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 auxillary front axle shall be deemed to be a full trailer.

"Intersection" The area embraced within the prolongation or connection of the later curb lines, or, if none, the lateral boundary lines of the streets or two streets which join one another at, or approximately at, right angles, or the line area within which vehicles travelling upon different highways joining at any other angle may come in conflict.

"Large Vehicle" Any and all vehicles, recreational, commercial or private, having a gross weight in excess of ten thousand (10,000) pounds or having a width in excess of ninety-six inches.

"Motor Home" A vehicle designed or adapted for the use as a private or public, permanent or temporary mobile dwelling or office.

"Motor Vehicle" A vehicle which is self-propelled except one which is propelled by solely human power. A bicycle shall not be considered a motor vehicle within the terms of this Ordinance.

"Natural Disaster" An unanticipated grave natural phenomenon or an exceptional, inevitable and irresistible character the effects of which could not have been avoided or prevented by the exercise of due care and foresight. The term natural disaster shall include but not be limited to hurricane, snowstorm, tornado, high water, landslide, flood, wind driven water, earth quake, drought, fire, explosion or other catastrophe.

"Nuisance" Any activity, including the parking of any vehicle or trailer creating a traffic hazard or which interferes or obstructs the convenient use and safe public passage of any street or alley within the Borough of Shiremanstown.

"Park or Parking" when permitted, mean the temporary storing of a vehicle, whether occupied or not off or on a street or alley. When prohibited, means the halting of a vehicle, whether occupied or not, except momentarily for the purpose of and while actually engaged in loading or unloading or property or passengers.

"Portable On Demand Storage Unit (hereinafter referred to as "POD")" A unit greater in dimension than three (3) feet in length by three (3) feet in width by three (3) feet in height rented or owned for use by a property owner or tenant for storage of personal, business or commercial items or used for the packing or storage of items for permanently moving to or from a residence, business or other use of a property or for temporarily storing items during a renovation to a residence, business use or other use of property. A POD shall include, but is not limited to, bulk storage containers, portable on demand storage containers, store to door mobile

transportation storage containers, canvas storage containers, roll-off containers, trash storage containers or other such similar containers.

“Person” A natural person, firm, corporation, partnership, association, co-partnership or other legally recognized entity.

“Private road or driveway” 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.

“Recreational Trailer” A trailer designed or adapted and used for recreational or lodging or cooking purposes. This term shall specifically include those trailers used for transporting boats, motorcycles, all terrain vehicles and bicycles, as well as trailers wherein structures are affixed to provide for mobile dwelling, sleeping, eating or camping, including “pop-up” campers.

“Restricted Area” Any area within the Borough of Shiremanstown identified in or as a State of Emergency as a natural disaster or as requiring immediate, emergency assistance. This term shall include snow emergency route when applicable.

“Right of Way” A public thoroughfare for vehicular traffic and/or pedestrian traffic, whether designated as a street, highway thoroughfare, parkway, roadway, avenue, boulevard, lane or alley.

“Semitrailer” A trailer so constructed that some part of its weight rests upon or carried by the towing vehicle.

“State of Emergency” A written proclamation by the Mayor and/or Borough Council which results from any natural disaster. A State of Emergency shall define any restricted area or street with particularity and shall specify the hours when any written prohibitions are to be in effect.

“Street” The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the public for vehicular travel. The term includes a roadway open to the use of the public for vehicular travel on grounds of any public or private school, library or park publicly maintained by the Borough of Shiremanstown. The term includes alley.

“Traffic Hazard” Any activity, including the parking of any vehicle or trailer, which interferes with the clear sight triangle at any intersection or driveway intersection with a street, or which obstructs vision at street intersections or at the intersection of any driveway with the street.

“Trailer” A vehicle designed to be towed by a motor vehicle.

“Trailer or truck camper” A structure designed, used or maintained primarily to be loaded or affixed to a motor vehicle providing mobile dwelling, sleeping place or facility, office or commercial space.

“Truck Tractor” A motor vehicle designed, used or maintained primarily for drawing other vehicles or trailers and not so constructed to carry a load other than a part of the weight of the vehicle and load so drawn.

“Vehicle” Every device in, upon or by which any person or property is or may be transported or drawn upon any street or alley.

SECTION 4: GENERAL REQUIREMENTS

1. PARKING OF MOTOR VEHICLES AND TRAILERS No person(s) shall park, operate or drive any full trailer, semitrailer, bus, truck, truck tractor, bus, motor home, recreational trailer, roll-back truck or any motor vehicle or tractor-trailer combination with a gross registered vehicle weight in excess of ten thousand (10,000) pounds or a width in excess of ninety-six (96) inches on borough streets or alleys, with the exception of local traffic.

(a) The following shall be regarded as local traffic for the purposes of this Ordinance.

(i) Emergency vehicles going to or from an emergency activity, including but not limited to a fire, flood, traffic accident, medical emergency, natural disaster or incident requiring temporary or long term response;

(ii) School buses transporting students to or from school or other school activity;

(iii) Garbage trucks engaged in borough contractual responsibilities or contracted services to Borough residents;

(iv) Vehicles and combinations of governmental agencies and essential services or utilities or their contractors actively engaged in construction or maintenance of a posted road in location which can be reached only via a posted street or alley.

(v) Vehicles or combinations going to or coming from a residence, commercial establishment or industrial uses on a borough street or alley for the purpose of irregular local deliveries or pick-ups there from or construction activities thereon.

(vi) The restrictions set forth in this Section 4, Paragraph 1 regarding weight restrictions shall not apply to any vehicle or trailer parked, driven or operated on any State highway, including Main Street, Railroad Avenue and

South Locust Street.

B. COMMERCIAL TRASH COLLECTION DEVICE

(1) No person shall place any commercial trash collection device on a public street or alley without first obtaining a permit from the Shiremanstown Borough Police Department, with such fees as regulated by resolution of the Borough Council. An application for permit for placement of a commercial trash collection device on any public street, alley, way or private property shall include the following:

(a) Name, address and telephone number of the owner, tenant or manager of the property at which the commercial trash collection device is to be used or benefitted from; and

(b) The name, address and telephone number of the individual or company owning the commercial trash collection device; and

(c) An acknowledgement signed by the applicant that the duration of the permit shall not exceed seven (7) days; and

(d) Additional limitations.

(i) Size limitation. No commercial trash collection device shall be greater than eight (8) feet in height, twenty-four (24) feet in length and eight (8) feet in width.

(ii) Number of Commercial Trash Collection Devices. One (1) commercial trash collection device shall be permitted per residential or commercial property, unless additional devices are approved by Borough Council.

(iii) Location of Device. No on-street permit for any commercial trash collection device shall be issued where sufficient off-street parking or on-site space exists to allow for the convenient and practical placement of a commercial trash collection device on private property unless otherwise approved by the Borough of Shiremanstown. Upon the issuance of a permit by the Shiremanstown Borough Police Department, a commercial trash collection device may be located on a public street, alley, way or private property, subject to the limitations provided by permit. Nothing herein shall prohibit additional conditions imposed by any applicable ordinance in the Borough of Shiremanstown.

(iv) Reflective marking. No commercial trash collection device shall be placed on any public street, alley or way without prominent

reflective devices, warning tape or other safety features intended to warn pedestrians and vehicles of the placement of a commercial trash collection device in the public street, alley or way.

(2) Upon the issuance of a permit by the Shiremanstown Borough Police Department, a commercial trash collection device may be located on a public street, alley, way or private property, subject to the limitations provided by the permit.

(3) No commercial trash collection device shall be placed on any public street or alley or during a declared state of emergency or for a period of time exceeding seven (7) days, unless extended by subsequent permit.

(4) No commercial trash collection device shall be placed on or remain on any public street or alley during a declared state of emergency or in a restricted area.

(5) Nothing herein shall prohibit additional conditions imposed by any applicable ordinance in the Borough of Shiremanstown.

C. PLACEMENT OF PORTABLE ON DEMAND STORAGE UNIT

(POD):

(1) No person shall place any portable on demand storage unit (POD) on a public street or alley without first obtaining a permit from the Shiremanstown Borough Police Department, with such fees as regulated by resolution of the Borough Council. An application for permit for placement of a POD on any public street, alley, way or private property shall include the following:

(a) Name, address and telephone number of the owner, tenant or manager of the property at which the POD is to be used or benefitted from; and

(b) The name, address and telephone number of the individual or company owning the POD; and

(c) An acknowledgement signed by the applicant that the duration of the permit shall not exceed seven (7) days; and

(d) Additional limitations.

(i) Size limitation. No POD shall be greater than eight (8) feet in height, twenty-four (24) feet in length and eight (8) feet in width.

(ii) Number of POD. One (1) POD shall be permitted per residential or commercial property, unless additional PODS are otherwise approved by Borough Council.

(iii) Location of POD. No on-street permit for any POD shall be issued where sufficient off-street parking or on-site space exists to allow for the convenient and practical storage of a POD device on private property unless otherwise approved by the Borough of Shiremanstown. Upon the issuance of a permit by the Shiremanstown Borough Police Department, a POD may be located on public street, alley, way or private property, subject to the limitations provided by permit. Nothing herein shall prohibit additional conditions imposed by any applicable ordinance in the Borough of Shiremanstown.

(iv) Duration. No POD shall be placed on any public street, alley, way for a period of time exceeding seven (7) days, unless extended by subsequent permit.

(v) State of Emergency. No POD shall be placed on any public street, alley or way during a declared state of emergency or in a restricted area.

(v) Additional Guidelines. No POD shall be used to store solid waste, construction debris, demolition debris, recyclable materials, business inventory, commercial goods or goods for property other than at the residential property where the POD is located. The storage of any hazardous materials within a POD is prohibited. PODS shall be locked and secured by the property owner, tenants or property manager at all times when loading or unloading is taking place. No POD shall be connected to any temporary or permanent wiring. No materials shall be stored on top of a POD. No POD shall be placed on any public street, alley or way without prominent reflective devices, warning tape or other safety features intended to warn pedestrians and vehicles of the placement of a POD in the public street, alley or way.

(2) Upon the issuance of a permit by the Shiremanstown Borough Police Department, a portable on demand storage unit (POD) may be located on a public street, alley, way or private property, subject to the limitations provided by the permit.

(3) Nothing herein shall prohibit additional conditions imposed by any applicable ordinance in the Borough of Shiremanstown.

SECTION 5: ADDITIONAL REQUIREMENTS FOR LARGE VEHICLES

(1) Except for loading and unloading, no person(s) shall park or leave unattended any Large Vehicle upon any street, alley or way 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) No person(s) shall place or cause of to be placed any cords, hoses, wires or lines of any kind to be laid across any public sidewalk, street, alley or cartway, except for the purposes of routine maintenance or loading or unloading from a Large Vehicle.

(3) No person(s) shall operate any equipment auxiliary to any such Large Vehicle, such as generators, air compressors, air conditioners or similar auxiliary equipment before sunrise or after sunset.

(4) No person shall park or leave unattended any type of Large Vehicle upon any street, alley or cartway within the Borough of Shiremanstown so as to cause or create a nuisance or traffic hazard.

SECTION 6: OCCUPATION OF VEHICLES PROHIBITED

(1) No person shall occupy for living purposes any Motor Home, Bus, Truck, Truck Camper or Recreational Vehicle or any other type of vehicle in the Borough of Shiremanstown.

SECTION 7: TRUCK/TRAILER CAMPER/ BOAT TRAILERS

No person shall park any truck or trailer camper, recreational trailer, boat trailer or combination thereof on a street or alley for more than forty-eight (48) consecutive hours.

SECTION 8: NOTICE Official traffic control devices or signs shall be posted in accordance herewith. Nothing herein shall prevent personal notice of any ordinance violation by the Police Department of the Borough of Shiremanstown prior to the issuance of any citation or enforcement action by the Police Department of the Borough of Shiremanstown.

SECTION 9. PENALTY Any violation of this Ordinance shall be punished by a fine of not less than \$150.00 nor more than \$500.00, together with all reasonable costs of prosecution, including attorney fees.

SECTION 10: SEVERABILITY. In the event any provision, section, sentence, clause or part of this Ordinance shall be held invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance or other Ordinances affected by this Ordinance, it being the intent of the Borough of Shiremanstown that such remainder shall be and shall remain in full force and effect.

SECTION 11: REPEALER. All other Ordinances, parts of Ordinances or parts of Resolutions inconsistent herewith shall be and the same expressly are repealed; it being the legislative intent that this Ordinance shall remain in effect notwithstanding the invalidity of any part.

ENACTED AND ORDAINED, this day of March, 2016.

COUNCIL OF THE BOROUGH OF SHIREMANSTOWN.

BY: _____
Craig Partridge, President

ATTEST:

Janna E. Colechio, Secretary

APPROVED this 14th day of March, 2016.

By _____
Michael Weaver, Mayor