

**BEFORE THE BOROUGH COUNCIL OF THE BOROUGH OF EMMAUS  
LEHIGH COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 1263**

**AN ORDINANCE OF THE BOROUGH OF EMMAUS, LEHIGH COUNTY, PENNSYLVANIA, AMENDING  
CHAPTER 15 §405.1.1 and §405.1.2.A OF THE EMMAUS BOROUGH CODE, TO AMEND THE DEFINITION  
OF COMMERCIAL MOTOR VEHICLE**

**WHEREAS**, the Borough of Emmaus (hereinafter, "Borough") adopted Ordinance 1087 in 2013 to regulate the parking of commercial vehicles within the Borough of Emmaus; and

**WHEREAS**, Ordinance 1087 created provisions regulating parking of commercial motor vehicles, truck tractors, trailers, buses, motor homes, and trucks with truck-campers on public streets due to significant safety concerns throughout the Borough; and

**WHEREAS**, within Ordinance 1087, the definition of Commercial Motor Vehicle defines a commercial vehicle as having a gross vehicle weight rating of 26,001 or more pounds; and

**WHEREAS**, the gross vehicle weight definition was based on a federal definition of Commercial Motor Vehicle; and

**WHEREAS**, the Commonwealth of Pennsylvania defines a Commercial Motor Vehicle as a vehicle with a gross vehicle weight of at least 17,001 pounds; and

**WHEREAS**, upon investigation, the Emmaus Police Department has issued concerns regarding commercial vehicles that are less than 26,001 within the Borough of Emmaus, as for example, dump trucks, landscaping trucks, box trucks, and other commercial vehicles less than 26,001 are creating safety hazards and concerns previously defined in Ordinance 1087; and

**WHEREAS**, the Council of the Borough of Emmaus desires to amend Chapter 15 §405 of the Emmaus Borough Code to reflect the definition of Commercial Motor Vehicle Code according to Title 67, Chapter 231, §231.8; and

**WHEREAS**, the Commonwealth of Pennsylvania, under Title 67, Chapter 231, §231.8 defines a Commercial Motor Vehicle as the following:

(1) The definition of "commercial motor vehicle" in 49 CFR 390.5 (relating to definitions) is modified to read as follows:

*Commercial motor vehicle* — Any motor vehicle or combination used on a highway in intrastate commerce to transport passengers or property when the vehicle meets one of the following conditions:

- (i) Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 24,001 pounds or more, whichever is greater.
- (ii) Is designed or used to transport more than 8 passengers (including the driver) for compensation.

- (iii) Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation.
- (iv) Is a school bus.
- (v) Is transporting hazardous materials, which is required to be placarded in accordance with Department regulations.

**NOW THEREFORE**, be it hereby **ORDAINED** and **ENACTED** by the Borough Council of the Borough of Emmaus, Lehigh County, Pennsylvania, by the authority of the Borough Council that the Code of Ordinances, Chapter 15 §405.1.1 shall be amended as follows:

§405.1 Parking of Commercial Motor Vehicles, Truck Tractors, Buses, Motor Homes, and Trucks with Truck-Campers, Regulations and Prohibitions.

**AMEND:**

1. Definitions.

“Commercial Motor Vehicle” – Any motor vehicle or combination used on a highway in intrastate commerce to transport passengers or property when the vehicle meets one of the following conditions:

- (i) Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 17,001 pounds or more, whichever is greater.
- (ii) Is designed or used to transport more than 8 passengers (including the driver) for compensation.
- (iii) Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation.
- (iv) Is a school bus.
- (v) Is transporting hazardous materials which are required to be placarded in accordance with Department regulations.

**BE IT FURTHER ORDAINED** and **ENACTED** by the Borough Council of the Borough of Emmaus, Lehigh County, Pennsylvania, by the authority of the Borough Council that the Code of Ordinances, Chapter 15 §405.1.2.A shall be amended to include the following:

2. Prohibition on Parking of Commercial Motor Vehicles.

- A. It shall be unlawful for any person to park, or allow to remain parked, on any Borough owned street, alley, right-of-way, or Borough owned property a commercial motor vehicle, truck tractor, trailer having a potential gross vehicle weight exceeding 17,001 pounds, or any combination thereof, except when temporarily parked for loading or unloading goods, merchandise, persons, or materials, or when parked in connection with ongoing road construction.

**BE IT FURTHER ORDAINED** and **ENACTED** that the officers and employees of the Borough of Emmaus are hereby empowered and directed to erect and remove such signs as may be necessary to notify the public of this Ordinance, and to issue citations for violations thereof, pursuant to the Codified Ordinances of the Borough and the Motor Vehicle Code.

**BE IT FURTHER ORDAINED** and **ENACTED** that all existing Ordinances of the Borough or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed.

**BE IT FURTHER ORDAINED** and **ENACTED** that if any section or provision of this Ordinance is declared by any Court of competent jurisdiction to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall not affect the constitutionality, legality, or validity of this Ordinance as a whole, nor the constitutionality, legality or validity of any other section or provision of this Ordinance other than the one so declared to be unconstitutional, illegal or invalid.

**DULY ADOPTED** this 6<sup>th</sup> day of May, 2024, in lawful session duly assembled.



**Shane M. Pepe**  
Borough Manager



**Chad Balliet**  
Borough Council President

**AND NOW**, this 6<sup>th</sup> day of May, 2024, the above Ordinance is hereby **APPROVED** by the Mayor of the Borough of Emmaus in due course.



**Lee Ann Gilbert, Mayor**  
Borough of Emmaus

