

ORDINANCE NO. 3- 2023

AN ORDINANCE OF THE BOROUGH OF PLYMOUTH, COUNTY OF LUZERNE, COMMONWEALTH OF PENNSYLVANIA, ESTABLISHING RESTRICTIONS ON THE PARKING OF LARGE VEHICLES, MOTOR HOMES, TAILERS AND OTHER TYPE VEHICLES

WHEREAS, the Borough Council has determined that unsafe traffic conditions within the Borough limits and on the Borough streets because trailers, motor homes and similar traffic traveling on the roadway and pose a safety hazard to children attempting to cross the streets in neighborhoods where these vehicles are parked;

WHEREAS, the Borough feels in order to eliminate the safety hazard they must restrict the parking of such vehicles as herein after set forth;

NOW THEREFORE, be it resolved and ordained by the Plymouth Borough Council as in order to address the safety issue as to large vehicles, motor homes, trailers and other type vehicles they enact the following:

ARTICLE I

1. DEFINITIONS

- a. "Large Vehicles" shall mean the following recreation, commercial, or private vehicles defined in 75 Pa.C.S.A. §102 as amended from time to time: Articulated Busses, Combination, Construction Truck, Driveway-towaway Operation, Full Trailer, House Trailer, Limousine (capable of carrying ten or more passengers), Maxi-Cube vehicle, Mobile Home, Motor Carrier Vehicle, Motor Home, Recreational Vehicle or Trailer, Semitrailer, Steer-Steered Automobile or Boat Transporter, Tow Dolly, Tow Truck, Trailer, Truck camper, Truck Trailer and truck Tractor.
- b. "Motor Vehicle" shall mean a vehicle which is self-propelled, including motor scooters, except a self-propelled wheelchair, an electric personal assist mobility device, or a vehicle which is propelled solely by human power, Motor Vehicle include Large Vehicles which is defined herein.
- c. "Nuisance" shall mean any condition, structure, or improvement which constitutes a danger or potential danger to the health, safety, or welfare of the citizens of the Borough or causes a blighting effect in neighborhoods.
- d. "Park or Parking" shall mean the halting of a vehicle, whether occupied or not, except temporarily for the purpose of and while engaged in loading or unloading property or passenger.
- e. "Person" shall mean a natural person, firm, partnership, association, corporation, or other legal entity.

- f. "Recreational Vehicle" shall mean a vehicle used customarily for human habitation 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/or trailers, snowmobiles and/or trailers, and any other similar vehicle.
- g. "Private Vehicle" shall mean a vehicle used for domestic non-commercial use.
- h. "Street" shall mean any road, avenue, highway, court, cul-de-sac, alley, public way or public square used as a public thoroughfare within the municipality limits of Plymouth Borough.
- i. "Trailer" shall mean a vehicle designed to be towed by a motor vehicle.
- j. "Truck" shall mean any large commercial motor vehicle which is or may be used for attaching or pulling a trailer. This term shall also refer to but not be limited to, a tractor trailer and/or truck tractor, straight body truck, flatbed truck, storage truck, refrigerator truck, any large commercial moto vehicle, dump truck, tow truck, tri-axel vehicle and/or any heavy motor vehicle designed for carrying or pulling heavy loads. The term shall not include what is commonly referred to as a pick-up truck, such as a ford F150, Chevrolet Silverado. Toyota Tundra or other similar pick-up truck.
- k. "Truck Trailer" shall mean any motor vehicle which attaches to a trailer, and which is primarily used for the transportation of goods, merchandise, and materials, and which, when in combination or on its own, totals thirty (30) feet or more in length. This term is commonly referred to as a "tractor trailer" or an "18 wheel" vehicle. This term is not meant to include vehicles which are making local deliveries in permitted areas.

2. PURPOSE

The Borough Council has determined that hazardous and unsafe traffic conditions within the municipal limits of the Borough exist because Large Vehicles, Recreational Vehicles, Trailers and Trucks are often parked on the streets of the Borough. These hazards and unsafe traffic conditions create a nuisance and are detrimental to the public health, safety and welfare of the residents of the Borough and others as well, impede emergency vehicles (including fire trucks, ambulances, etc.) and interfere with the peaceful and quiet enjoyment of the residents in their homes and neighborhood. The Borough Council has determined it is necessary to adopt this ordinance in order to address this issue.

ARTICLE II

- 1. Parking of Large Vehicles, Recreational Vehicles, Trailers, and Trucks Prohibited.
 - a. No person shall park or caused to be parked, or permit to be parked any Large Vehicles, Recreational Vehicles, Trailers, or Truck on any street within the municipal limits of Plymouth Borough.
 - b. Nothing in this article shall be intended to prohibit the parking of any truck or truck trailer or tri-axle vehicle for the purpose of the delivery or pick-up of merchandise, materials or goods provided that the parking of said vehicle shall terminate

immediately upon conclusion of the delivery or pick-up of merchandise, material or goods provided that the parking of said vehicle shall terminate immediately upon conclusion of the delivery or pick-up of the merchandise, material or goods or after one hour, whichever is sooner.

- c. All Large Vehicles, Recreational Vehicles, Trailers, and Trucks may be stored, unoccupied, upon private property, including private roads owned or lease by the owner of the type of vehicles referred to herein. All such stored vehicles must be located on the side or rear of the property.
- d. It shall be unlawful for any recreational vehicle to be occupied for living purposes within Plymouth Borough, whether located on a street as defined in this ordinance, on public property or private property.

2. EXCEPTIONS

- a. Emergency Vehicles as defined by 75 Pa.C.S.A. §102.
- b. Motor vehicles, Large Vehicles, Recreational Vehicles, Trailers, and Trucks owned or leased by Plymouth Borough.
- c. Motor Vehicles operated by the United States Postal Service.
- d. Motor Vehicles actively engaged in the construction or repair of streets, curbs, sidewalks, or utilities.

ARTICLE III

1. The provisions of this ordinance as far as they are the same as those ordinances in force immediately prior to the adoption of this ordinance are intended to be cumulative and a continuation of such ordinance and not as a new enactment.
2. The provisions of this ordinance are severable, and if any of its provisions shall be held to be unconstitutional, illegal, or invalid such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared that the legislative intent is that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid provisions not been included herein.

ARTICLE IV

PENALTIES

1. Any person who violates any provision of this ordinance shall be charged with a summary offense before the Magisterial District Justice as provided by the Pennsylvania Rule of Criminal Procedure, as may be amended from time to time. Upon the finding of a violation, a fine shall be imposed of not less than \$500 nor more than \$1,000, plus costs, filing fees and reasonable attorney fees incurred by Plymouth Borough in the prosecution of the violation. Any person who fails to pay the fines, court costs, attorney fees within 30 days of the imposition thereof may be subject to imprisonment for a period of time not to exceed 15 days.

2. For any subsequent offense, a person shall be charged with a misdemeanor of the third degree and upon conviction, shall be fined not less than \$500 nor more than \$1,000, plus cost of prosecution and reasonable attorney fees and/or sentenced to imprisonment for not more than ninety (90) days or both.
3. Each day in which a violation occurs or continues shall be deemed a separate violation hereof.

ENFORCEMENT

1. This Ordinance shall be enforced by any member of the Plymouth Borough Police Department.
2. The Code Enforcement Officer of Plymouth Borough can also enforce this ordinance by instituting a criminal summary proceeding in accordance with Rule 420 of the Pennsylvania Code.

EFFECTIVE DATE

This ordinance shall become effective May 1, 2023.

ENACTED AND ORDAINED this 11th day of April 2023 at a Regular Meeting of the Plymouth Borough Council.

BOROUGH OF PLYMOUTH

By: *R. Kobusky*
Ron Kobusky, President of Council

ATTEST:

Gail Burdulis
Gail Burdulis, Borough Secretary

APPROVED BY THE
MAYOR *Frank Coughlin*
Frank Coughlin

Dated: 4/11/2023

