

CITY OF SHAMOKIN
ORDINANCE No. 22-01

City of Shamokin Trailer, Commercial and Recreation Vehicle Parking Ordinance

BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE CITY OF SHAMOKIN, PENNSYLVANIA, AND IT IS HEREBY ORDAINED AND ENACTED BY THE AUTHORITY OF THE SAME:

§ 512-1 Title.

This chapter may be cited as the "City of Shamokin Trailer, Commercial and Recreation Vehicle Parking Ordinance."

§ 512-2 Purpose.

The City Council of the City of Shamokin finds it necessary and desirable to regulate the parking of trailers, commercial vehicles and recreation vehicles within the City in order to promote the comfort, health, safety and welfare of the residents of, and visitors to, the City by protecting them from exposure to nuisances, including, but not limited to, hazardous or harmful obstacles to parking, driving or pedestrian traffic; and such hazardous or harmful conditions which may attract children and others to them and result in physical injury or other harm; and further to prevent the blighting of neighborhoods and the degradation of the environment, and to minimize the psychological ill effects of the presence of such vehicles and debris upon adjoining residents and property owners.

§ 512-3 Terminology.

A. As used in this ordinance, the following terms shall have the meanings indicated:

CITY: The City of Shamokin, Northumberland County, Pennsylvania.

COMMERCIAL VEHICLE: A motor vehicle that has a gross vehicle weight greater than 16,000 pounds and is primarily used for business purposes, including but not limited to making service calls, transporting equipment used in a business or in accomplishing physical work as part of a business (such as hauling material).

MOTOR VEHICLE: A vehicle which is self-propelled, except an electric personal assistive mobility device or a vehicle which is propelled solely by human power.

PERSON: Any individual, firm, company, corporation, partnership, association, trust, syndicate, department, bureau, agency or other entity of any kind recognized by law as the subject of rights and duties.

PREMISES: All structures, plots, parcels or tracts of land, owned, leased or otherwise entitled to be possessed or controlled by a person which are located within 300 feet of each other shall be considered a single premises regardless of whether they are physically separated or are separately deeded or assessed.

RECREATIONAL VEHICLE: A recreational vehicle, often abbreviated as RV, is a motor vehicle or trailer which includes living quarters designed for accommodation. Types of RVs include motorhomes, campervans, coaches, caravans, fifth-wheel trailers, popup campers, and truck campers.

TRACTOR OF A TRACTOR-TRAILER: A truck with a minimum of three axles that is primarily intended to pull a trailer, as defined below, and not primarily to carry goods itself.

TRAILER OF A TRACTOR-TRAILER: A commercial vehicle with a length of 20 feet or more that is not selfpropelled, that is intended to haul materials, vehicles, goods, gases or liquids and that is intended to be pulled by a tractor (as defined above), and that is not a "recreational vehicle."

B. For any term in this ordinance, the singular shall include the plural and the plural shall include the singular. A reference to the masculine, feminine or neuter gender shall be considered a reference to any and all such genders.

§ 512-4 Prohibited acts.

A. Parking of commercial vehicles. It shall be unlawful for any person who is the owner, lessee, or is otherwise entitled to possession or control of a commercial vehicle to cause or allow such vehicle to be parked within the City of Shamokin and cause harm to residents and businesses by nuisances, hazards and visual blight in all City districts.

(1) A maximum of two "commercial vehicles" may be parked for no more than eight hours in any forty-eight-hour period on private property. Such vehicles shall be permitted only if used by residents of the property as a means of transportation between their home and work. No commercial vehicle on a vacant or residential lot in a residential district shall have a gross vehicle weight of over 15,000 pounds if parked outside of an enclosed building:

(2) In a residential district, the engine of a tractor of a tractor-trailer shall not be idled for more than 10 minutes on the property between the hours of 9:00 p.m. and 6:00 a.m. or be repaired, except for clearly emergency repairs;

(3) No trailer of a tractor-trailer shall be parked, stored, maintained or kept in a residential district for more than eight hours in any forty-eight-hour period; and

(4) See requirements of the state Motor Vehicle Code that require vehicles parked on a public street to display current registration.

B. Abandoned trailers, commercial and recreation vehicles. It shall be unlawful for any person who is the owner, lessee, or is otherwise entitled to possession or control of a motor vehicle to cause or allow such vehicle to be abandoned within the City of Shamokin.

(1) For the purposes of this section, an abandoned motor vehicle is any motor vehicle which'

(1.a) Is left on a public City road or on public lands for longer than 48 hours in violation of an ordinance which prohibits parking at that location; or

(1.b) Is left on private property without the consent of the owner, occupant, lessee, or person otherwise in control thereof for longer than 24 hours; or

(1.c) Is left on a public City road or public property for more than 24 hours and is incapable of being operated in its usual manner due to accident, neglect or other cause or condition; or

(1.d) Is left unattended for any period of time on a public City road or public property and does not bear all three of the following:

[11 A valid registration plate;

[a.i.2] A current certificate of inspection (if one is required in the jurisdiction where the vehicle is registered);

[a.i.3] An ascertainable vehicle identification number (VIN); or

1.e) Is one which meets the definition of "abandoned vehicle" pursuant to the provisions of the Pennsylvania Vehicle Code (75 Pa.C.S.A. § 101 et seq.).

(2) Nothing in this section shall prohibit a person charged with violating this section from being charged under or subject to any other applicable ordinance, law or regulation of the City of Shamokin or Commonwealth of Pennsylvania, including, but not limited to, ordinances, laws or regulations which regulate or prohibit parking or provide for the public safety.

C. Hazardous, harmful or junked trailers, commercial and recreation vehicles. Except as otherwise provided in this ordinance, it shall be unlawful for any person to cause or allow the storage of any hazardous, harmful or junked motor vehicle on any premises owned, leased, licensed to, or otherwise in the control or possession by him or any other person or on any public road or property. For the purposes of this section, a hazardous, harmful or junked vehicle is:

(1) Any motor vehicle which does not bear all three of the following:

(1.a) A valid registration plate;

(1.b) A current certificate of inspection (if one is required in the jurisdiction where the vehicle is registered); and

(1.c) An ascertainable vehicle identification number (VIN); or

(2) Any motor vehicle which may or may not be moved under its own power and has any one of the following physical defects:

(2.a) Broken windshields, mirrors or other glass with sharp edges; or

(2.b) One or more flat or opened tires or tubes which could permit animal, insect or vermin harborage; or

(2.c) Any missing door(s), window(s), hood, trunk or other body part which could permit animal, insect or vermin harborage; or

(2.d) Any body parts with sharp edges or holes resulting from rust or other cause; or

(2.e) Missing tires or wheels, resulting in unsafe suspension or support of the motor vehicle; or (f) Upholstery which is torn or open, which could permit animal, insect or vermin harborage; or

(a.g) Broken headlamps, taillamps, bumpers or grills with sharp edges; or

(a.h) Disassembled body or chassis parts stored in a disorderly fashion or loose in, on or about the vehicle; or

(a.i) Protruding sharp objects from the chassis; or

(a.j) A broken frame, and is suspended from the ground in an unsafe or unstable manner; or

(a.k) Leaking or damaged oil pan or gas tank, which could cause a fire or explosion; or (l) Exposed battery containing acid; or

(a.m) Inoperable locking mechanism for doors or trunk, permitting access by children; or

(a.n) Open or damaged floorboards, including trunk and firewall; or

(a.o) Damaged bumpers pulled away from the perimeter of the vehicle; or

(a.p) Broken grill with protruding edges; or

- (a.q) Loose or damaged metal trim or clips; or
- (a.r) Broken communication equipment or antennae that expose sharp edges; or
- () Is suspended by blocks, jacks or other such materials in a location which may pose a danger to children or other persons using, visiting or who are attracted to the premises, or is otherwise suspended or supported on unstable platforms; or
- (a.t) Leaking fluids from the vehicle, which may be harmful to the public or to the environment; or
- (a.u) Such other defects which could threaten the health, safety, and welfare of the citizens of and visitors to the City of Shamokin.

D. Exceptions. Unless otherwise prohibited by any other ordinance, rule or regulation of the City of Shamokin, or by any law, rule or regulation of the Commonwealth of Pennsylvania (including, but not limited to, those regulating zoning, land use, nuisances, public safety, or vehicle storage and operation) it shall not be unlawful for a person:

- (1) To store on the interior of his premises up to two vehicles which are either unlicensed, unregistered or uninspected, provided:
 - (1.a) The vehicle or vehicles are titled in the name of the owner or bona fide lessee of the property upon which they are stored;
 - (1.b) The vehicle or vehicles are stored inside a garage or other suitable permanent structure on the premises; and
 - (1.c) The vehicle or vehicles do not present a health hazard (including, but not limited to, the excessive leaking of fluids and the harborage of animals or insects); or
- (2) To store on the exterior of his premises one vehicle which is either unlicensed, unregistered or uninspected, provided the vehicle:
 - (2.a) Is covered by a cloth or plastic cover which has been specifically designed and manufactured for the covering of vehicles;
 - (2.b) Does not present a health hazard (including, but not limited to, the excessive leaking of fluids and the harborage of animals or insects);
 - (2.c) Is not visible to or easily accessible by the general public; and
 - (2.d) Is titled in the name of the owner of the premises upon which it is stored; or
- (3) Who operates a bona fide auto repair or paint shop to store on the exterior of his premises up to five vehicles which would otherwise be considered hazardous, harmful or junked vehicles under this chapter, provided:
 - a) none of the vehicles present a direct health hazard to the surrounding area (including, but not limited to, the leaking of fluids and the harborage of animals or insects);
 - b) the vehicles are stored within an approved enclosure which may not exceed 250 square feet in area and which is surrounded by a sturdy opaque fence which is at least six feet high, the gate of which is locked when the vehicles are not attended, and such fence being the type which will reasonably prevent unauthorized access to the enclosure and keep the vehicles from the sight of the general public and the ground level of the adjoining property;
 - c) the enclosure is located within 75 feet of the structure in which the actual repairs are to be made; and
 - d) each vehicle is scheduled for repair by the auto repair or paint shop and is in fact repaired or otherwise permanently removed from the enclosure within 30 days of its original placement in the enclosure.

The person seeking exemption under this provision shall maintain a register book listing the

- i) the name, make, model, color and vehicle identification number (VIN) of each vehicle placed in the enclosure; ii) the initial date the vehicle was placed in the enclosure; iii) the date repairs are scheduled to be made to the vehicle; iv) the date(s) the repairs were made; and
- v) the date the vehicle was removed from the enclosure.

This register book shall be made available for inspection by the City Codes Enforcement Officer, or any City police officer or other City official (hereinafter referred to as "City officials") having legitimate reason to inspect the same. Any of these City officials shall also be permitted to inspect the enclosure and the vehicles contained therein to determine whether there has been compliance with this provision. The City Codes Enforcement Officer or his designee may also extend the permitted storage time for a particular vehicle upon the showing of extraordinary circumstances beyond the control of the owner of the premises which prevent the vehicle from being repaired within the permitted time. Prior to the construction of any such exterior enclosure, the owner of the premises must obtain a permit from the City Codes Enforcement Officer.

In order to obtain this permit, the owner of the premises must submit to the City Codes Enforcement Officer detailed plans as to the location and materials to be used in the construction of the enclosure. Before issuing the permit, the City Codes Enforcement Officer must be satisfied that these plans are in conformity to the provisions of this chapter and that the construction of the enclosure will not be in violation of any other ordinance, rule or regulation of the City of Shamokin or in violation of any law, rule or regulation of the Commonwealth of Pennsylvania, (including, but not limited to, those regulating zoning, land use, nuisances, public safety, or vehicle storage and operation); or

- (4) Who operates a bona fide auto repair or paint shop to store in the interior of a permanent structure on his premises up to five vehicles which would otherwise be considered hazardous, harmful or junked vehicles under this chapter, provided:
- a.a) none of the vehicles present a direct health hazard to the surrounding area (including, but not limited to, the leaking of fluids and the harborage of animals or insects);
 - a.b) the vehicles are stored in such a manner as not to be visible by or accessible to the general public and
 - a.c) each vehicle is scheduled for repair by the auto repair or paint shop and is in fact repaired or otherwise permanently removed from the structure within 30 days of its original placement in the enclosure.

The person seeking exemption under this provision shall maintain a register book listing:

- a.d) the name, make, model, color and vehicle identification number (VIN) of each vehicle placed in the enclosure;
- e) the initial date the vehicle was placed in the interior of the premises;
- a.f) the date repairs are scheduled to be made to the vehicle;
- a.g) the date(s) the repairs were made; and
- a.h) the date the vehicle was removed from the premises.

This register book shall be made available for inspection by the City Codes Enforcement Officer, or any City police officer or other City official having legitimate reason to inspect the same. These City officials shall also be permitted to inspect the interior premises and the vehicles contained therein to determine whether there has been compliance with this provision. These City officials may also extend the permitted storage time for a particular vehicle upon the showing of extraordinary circumstances beyond the control of the owner of the premises that the repairs could not be completed within the permitted time; or

(5) Who is a duly licensed used car dealer to offer for sale unregistered or unlicensed vehicles, provided:

- a.a) the vehicles offered for sale are located in the area approved for such sale by the Commonwealth of Pennsylvania pursuant to the dealer license application form submitted by the dealer;
- a.b) the vehicles bear a current Pennsylvania inspection sticker and do not present a health or safety hazard; and
- a.c) the sale of the vehicles is not otherwise prohibited by any other ordinance, rule or regulation of the City of Shamokin (including, but not limited to, those regulating zoning, land use, nuisances, public safety, or vehicle storage and operation) or in violation of any law, rule, or regulation of the Commonwealth of Pennsylvania.

All other vehicles on the general premises which are not within the approved sales area, including those being prepped for sale, are subject to the provisions of this ordinance which regulate the storage of abandoned, hazardous, harmful or junk vehicles.

§ 512-5 Notice required to be given.

Any person found to be in violation of this chapter shall first be given 24 hours written notice to correct the violation by removing the abandoned, hazardous, harmful or junked trailers, commercial and recreation vehicle from stated premises. This notice may be given by personal service, by United States first-class mail, or by physically posting the vehicle. Upon failure to remove said vehicles from said premises, the owner, tenant or person in possession shall be cited for a violation of this ordinance without further notice. A continuance of such violation for each separate day shall constitute a separate offense, and the person allowing or permitting the continuance of the violation may be punished as set forth below for each separate offense.

§ 512-6 Violations and penalties.

Any person who shall violate or fail to comply with any of the provisions of this ordinance shall, upon conviction thereof, be punishable by a fine of not less than \$100 nor more than \$1,000 for each offence hereunder, and shall also be assessed the costs of such proceedings. Failure to pay the fine and costs assessed shall result in imprisonment for a period not to exceed 90 days.

§ 512-7 Additional equitable remedy.

In addition to any other remedy or penalty provided for herein, pursuant to the terms of Section 2403(16) of the Pennsylvania Third Class City Code [53 Pa.C.S.A. § 37403(16)], the City Council of the City of Shamokin may authorize the

City Solicitor to enforce the provisions of this ordinance by instituting an equity action in the Northumberland County Court of Common Pleas against anyone violating the terms and provisions of this ordinance. The use of this provision shall not in any way diminish, reduce or otherwise affect the right or ability of the City of Shamokin to pursue or impose any other penalties or provisions of this ordinance.

§ 512-8 Severability; construal of provisions.

A. The provisions of this chapter are severable, and if any section, clause, sentence, part or provision, hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect, impair or invalidate any of the remaining sections, clauses, sentences, parts or provisions of this ordinance. It is hereby declared to be the intent of the City Council of the City of Shamokin that this ordinance would have been

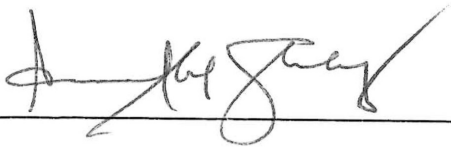
adopted if such illegal, invalid or unconstitutional section, clause, sentence, part or provision had not been included herein.

B. The paragraph headings (titles) in this ordinance are for convenience only and do not expand, contract, restrict or otherwise modify or change the actual text of the provisions contained herein.

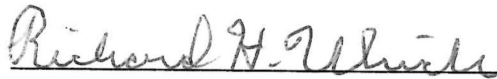
This ordinance shall take effect immediately upon final approval by the City Council of the City of Shamokin.

ADOPTED this 14th day of MARCH, 2022.

ATTEST:



Robert M Slaby, City Administrator



Richard H. Ulrich, Mayor