

BOROUGH OF WEST KITTANNING, ARMSTRONG COUNTY, PENNSYLVANIA

ORDINANCE NO. 2015 - 3

AN ORDINANCE OF THE BOROUGH OF WEST KITTANNING, ARMSTRONG COUNTY, PENNSYLVANIA, REGULATING AND/OR RESTRICTING THE PLACEMENT AND PARKING OF RECREATIONAL VEHICLES, CONSTRUCTION TRAILERS, COMMERCIAL VEHICLES, LANDSCAPING TRAILERS AND/OR MOTOR VEHICLE TRAILERS AND REGULATING THE PLACEMENT AND/OR STORAGE OF BUILDING AND/OR LANDSCAPING MATERIALS ON BOROUGH ROADWAYS.

WHEREAS, the Borough of West Kittanning has the authority to regulate parking within the Borough; and

WHEREAS, the Borough has received complaints regarding residential property owners and/or occupants parking constructions vehicles/trailers and recreational vehicles along public streets, roadways, right of ways and/or shoulders; and

WHEREAS, the Borough of West Kittanning has determined that it is in the best interest of the Borough to prohibit the parking of commercial and recreational vehicles, construction trailers, landscaping trailers, motor vehicles trailers and building or landscaping materials along Borough streets, roadways, right of ways and/or shoulders; and

WHEREAS, the purpose of this ordinance is to prevent damage to life and property because of the presence of commercial and recreational vehicles, constructions trailers, landscaping trailers, motor vehicle trailers and building or landscaping materials parking upon Borough public streets, roadways, right of ways and/or shoulders.

NOW, THEREFORE, be it ENACTED AND ORDAINED by the Council of West Kittanning Borough, Armstrong County, Pennsylvania, by the authority of the same as follows:

Section 1 Definitions – As used in this Ordinance, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

Building Material – Any material used for the constructions and/or maintenance of a man made structure.

Commercial Vehicle – Any motor vehicle having a commercial license and/or any vehicle which requires as a prerequisite to operation the acquisition of a Pennsylvania Commercial Driver's License, including, but not limited to, tractor trailers and/or truck tractors, straight body trucks, flat bed trucks, storage trucks, refrigerator trucks, tri-axles, and/or any other vehicle in excess of 10,000 pounds. In addition to the commercial vehicles described in this definition, this definition also includes any vehicles with a gross vehicle weight rating of 10,000 pounds or

more. For purposes of this Ordinance, the term commercial vehicle excludes police, fire and emergency vehicles, Borough vehicles and any motor vehicle in the continuous process of making deliveries to or picking up property from a property on the highway or street.

Construction Trailer – Any trailer used for transporting construction equipment, construction materials and/or construction tools for the construction of and/or maintenance of a man made structure.

Highway or Street – The entire width between the boundary lines of every publicly maintained road which is maintained by the Borough where any part thereof is open to the use of the public for purposes of vehicular travel.

Landscaping Material – Any material used for the installation and/or maintenance of landscaping, including, but not limited to, stone, sand, brick, pavers, mulch, etc.

Landscaping trailer – Any trailer used for the transporting of landscaping equipment and/or tools.

Motor Vehicle – An automotive vehicle designed for operation on any and all public streets, roads, lanes or alleys.

Motor Vehicle Trailer – Any trailer used for the transporting of motor vehicles.

Person – Any individual, partnership, organization, association, agency, firm, estate, or corporation and any and all other legal or commercial entities.

Recreational Vehicle – A vehicle designed, adapted or used for recreation purposes. For purposes of this Ordinance, this definition includes but is not limited to trailers, campers, motor homes, house trailers, trailers containing boats, snowmobiles and/or any other specialty vehicle, camping trailers, truck campers, utility trailers.

Right of Way – The total width of any land reserved or dedicated as a Borough street, road, lane, alley, crosswalk or for other public or semi-public uses.

Roadway – That portion of a Borough street designated or ordinarily used for vehicular travel and/or parking.

Shoulder – That portion of a highway on either side of the roadway that is normally snowplowed for the safety and convenience of vehicular traffic.

Section 2 Prohibition

1. It shall be unlawful to permit or cause the parking, storing or placement of any recreational vehicle, commercial vehicle, construction trailer, landscaping trailer, motor vehicle trailer or building and/or landscaping material upon any and all Borough public streets, roadways, right of ways and/or shoulders except as permitted by Section 3 of this Ordinance.

Section 3 Exceptions

1. A resident may place a recreational vehicle and park the recreational vehicle on the public roadway for the purposes of loading and/or unloading in preparation for the use of said recreational vehicle if the resident complies with all of the following, where applicable:
 - a. The recreational vehicle is and remains physically attached to the trailer towing the recreational vehicle.
 - b. The recreational vehicle is placed so as not to block visibility for neighboring properties or impede ingress and egress onto, off of and along public streets.
 - c. The recreational vehicle does not remain on the public roadway for more than twenty-four (24) consecutive hours.
2. A resident and/or contractor may place a commercial vehicle and park the commercial vehicle on the public roadway if the resident and/or contractor complies with all of the following:
 - a. The commercial vehicle, where applicable, is and remains physically attached to the vehicle towing the commercial vehicle.
 - b. The commercial vehicle is placed so as not to block visibility for neighboring properties or impede ingress and egress onto, off of and along public streets.
 - c. The commercial vehicle does not remain on the public roadway for more than twenty-four (24) consecutive hours.
3. A resident and/or contractor may place a construction trailer, landscaping trailer, or motor vehicle trailer and park the vehicle and/or trailer on the public roadway if the resident and/or contractor complies with all of the following:

- a. The trailer is and remains physically attached to the vehicle towing the trailer.
- b. The trailer is placed so as not to block visibility for neighboring properties or impede ingress and egress onto, off of and along public streets.
- c. The trailer does not remain on the public roadway for more than twenty-four (24) consecutive hours.

Section 4 **Enforcement**

This Ordinance shall be enforced by the West Kittanning Borough Police Department.

Section 5 **Penalties**

1. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a summary offense prosecuted per the Pennsylvania Rules of Criminal Procedure and upon conviction be sentenced to pay a fine of not more than One-thousand dollars (\$1,000.00). Each day that a violation of this Ordinance exists shall be deemed a separate violation and therefore a separate fine.
2. Nothing contained herein shall prevent the Borough from enforcing this Ordinance by equitable, injunctive or other legal remedies.

Section 6 **Severability**

If any section, subsection, sentence, or clause of this Ordinance is held, for any reason, to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this Ordinance.

Section 7 **Repealer**

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

ENACTED and ORDAINED as an Ordinance of the Borough of West Kittanning, Armstrong County, Pennsylvania this 10th day of October, 2015.

ATTEST:

Carley F. Cowan
Secretary

10-5-2015

WEST KITTANNING BOROUGH

By:

[Signature]
Council President

James W. Skuski
Mayor