

**AN ORDINANCE OF THE TOWNSHIP OF HOPEWELL, A FIRST CLASS TOWNSHIP UNDER THE LAWS OF THE COMMONWEALTH OF PENNSYLVANIA, AMENDING CHAPTER 148, VEHICLES AND TRAFFIC, REGULATING THE PARKING OF COMMERCIAL, LARGE AND NON -MOTORIZED VEHICLES ON TOWNSHIP STREETS, RIGHTS OF WAY AND PRIVATE DRIVEWAYS**

**WHEREAS**, pursuant to the First Class Township Code, the Board of Commissioners has the statutory authority to regulate streets under the municipal jurisdiction of the Township relative to public safety and parking (53 Pa.C.S. §56557, §56549 and §56510); and

**WHEREAS**, pursuant to the Vehicle Code, the Board of Commissioners is authorized to regulate parking on streets under the municipal jurisdiction of the Township where stopping, standing or parking thereon constitutes a safety hazard or unduly interferes with the free movement of traffic (72 Pa.C.S. §3353); and

**WHEREAS**, the Township of Hopewell has seen an increase in complaints regarding the parking and/or storage of commercial and large motor vehicles in residential areas throughout the Township; and

**WHEREAS**, safety issues relating to sight distance from driveways and intersections result when commercial and large motor vehicles are parked on public streets, rights-of-ways and driveways within the Township; and

**WHEREAS**, the parking and/or storage of commercial and large motor vehicles in residential areas causes visual blight in the Township; and

**WHEREAS**, the parking of commercial and large motor vehicles and non-motorized vehicles on residential properties and public streets and roadways in residential neighborhoods for prolonged periods of time create inherent health, safety and welfare concerns for the residents living in those areas due to the generation of hazardous substances attendant therewith (i.e. oil, gas and exhaust fumes), excessive wear and tear on residential roadways, the creation of attractive nuisances for children, dangers associated with decreased visibility of pedestrians and excessive noise; and

**WHEREAS**, the parking of motor vehicles within the area of the front yard setback (excluding approved designated driveways) of residential properties violates the Township Subdivision, Land Development and Zoning Ordinances, causes visual blight in the Township and limits sight distances thereby affecting the safety of both vehicular and pedestrian traffic in residential areas.

**NOW THEREFORE, BE IT ENACTED AND ORDAINED** that the aforementioned "Whereas Clauses" are incorporated herein by reference and further as follows:

**Section One.** Purpose: The purpose of this Ordinance is to regulate the parking of commercial and oversized vehicles on Township streets, rights-of-way and driveways; to regulate the parking of non-motorized vehicles on Township streets; and to regulate the parking of motor vehicles within the front yard setback (excluding approved designated driveways) of residential properties; in order to remediate vehicular and pedestrian traffic safety and welfare concerns, nuisances and visual blight in the Township.

**Section Two.** Definitions: For the purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) "Chief of Police" means the Chief of Police of the Township of Hopewell or his designee.

(2) "Commercial Vehicle" shall mean a) any vehicle having more than two axles; b) any single commercial vehicle or combination thereof which exceed (22) feet in length; c) any single commercial vehicle or combination thereof having a manufacturer's gross vehicle weight rating of twenty-six thousand and one (26,001) pounds or more; d) any vehicle designed to transport eleven (11) or more persons including the driver; or e) any vehicle placarded under Penn Dot regulations for transporting hazardous materials. A Commercial Vehicle includes a truck tractor, but does not include a large motor vehicle or non-motorized vehicle as defined herein or a pick-up truck without a camper or sports utility vehicle.

(3) "Large Motor Vehicle" shall mean any house car, pick-up truck with camper, recreational vehicle or other vehicle that a) measures more than eighteen (18) feet in length; or b) is more than eighty-four (84) inches in width; or c) is more than eight-four (84) inches in height. The term "large motor vehicle" does not include a commercial vehicle as defined herein, a pick-up truck without a camper or designated sports utility vehicle.

(4) "Non-motorized Vehicle" shall mean any trailer or any other device that is not self-propelled.

(5) "Motor Vehicle" shall mean a passenger vehicle, pick-up truck without a camper, sports utility vehicle, motorcycle and motor-driven cycle but shall not include a house car.

(6) "Residential District" shall mean any area within the Township which is zoned principally for residential uses and those portions of planned residential developments which are specified for residential uses.

(7) "Township" shall mean the Township of Hopewell, Beaver County, Pennsylvania.

**Section Three.** Measurements: To determine the width or length of the vehicles defined in this section, any extension to the vehicle caused by mirrors, air conditioners, or similar attachments shall not be included.

**Section Four.** Restrictions:

(1) No person who owns or has possession, custody, or control of any non-motorized vehicle which is not attached to a motor vehicle shall park, or leave standing, such a vehicle upon any public street, right-of-way, highway or alley in any zoning district.

(2) No person shall, at any time, park or leave standing any large motor vehicle or non-motorized vehicle on any public street, right-of-way, highway, roadway, alley or thoroughfare located in a residential district except:

(a) Large motor vehicles, or non-motorized vehicles which are attached to a motor vehicle, parked adjacent to the owner's residence are allowed for the purposes of loading, unloading, cleaning, battery-charging, or other activity preparatory or incidental to travel for a period of time not to exceed three (3) consecutive hours.

(b) Large motor vehicles, or non-motorized vehicles which are attached to a motor vehicle, parked adjacent to the owner's residence may be allowed for up to an additional six (6) consecutive hours, but no more than a total of nine (9) consecutive hours, provided an extension has been granted by the Township.

(3) No person who owns or has possession, custody or control of any motor vehicle or non-motorized vehicle which is eighty-four (84) inches or more in height (including any load thereon) or width shall, at any time, park or leave standing any such vehicle on a street, right-of-way, highway or private driveway within thirty (30) feet of any intersection in any zoning district.

(4) No person who owns or has possession, custody or control of any commercial vehicle shall park or leave standing or idling any such commercial vehicle on any street, right-of-way, highway, roadway, alley or thoroughfare between the hours of 12:00 a.m. and 6:00 a.m. in any residential district with the exception of refuse collection by an authorized hauler of the Township.

(5) No person who owns or has possession, custody, or control of a commercial vehicle shall park or leave standing any such commercial vehicle for more than three (3) hours within a 24 hour period on any public street, right-of-way, highway, roadway, alley or thoroughfare in a residential district, except:

(a) For such reasonable time in excess of three (3) hours that may be necessary for the purpose of making pickups or deliveries of goods, wares, and merchandise from or to any building or structure or for the purpose of delivering materials to be used for repair, alteration, remodeling, or construction of any building or structure upon a restricted street or highway; or

(b) For such reasonable time in excess of three (3) hours that may be necessary when such vehicle is parked in connection with the performance of a service by a third party to or on a property in the block in which such vehicle is parked; or

(c) For such reasonable time in excess of three (3) hours that may be necessary for purposes of moving or to make emergency repairs.

(6) No person who owns or has possession, custody, or control of a large motor vehicle or commercial vehicle shall park or leave standing any such vehicle in a private driveway located in a residential district for more than three (3) hours within a 24 hour period unless the exceptions contained in Section Four, (5)(a-c) are applicable.

(7) No person who owns or has possession, custody, or control of a motor vehicle shall park or leave standing any such vehicle within the front yard setback of a residential property unless said vehicle is within the approved designated driveway area of said property or properly parked on the public street, right-of-way, highway, roadway, alley or thoroughfare located in front of said property.

**Section Five.** Exceptions:

(1) Commercial, large motor vehicles and non-motorized vehicles may be parked in approved designated non-residential parking lots existing in residential districts with the consent of the property owner but are not permitted to stand and idle between the hours of 12:00 a.m. and 6:00 a.m.

(2) A general exception to the restrictions regarding parking within the front yard setback

and in private driveways will apply only during those periods when active snow plowing and salting operations are underway.

**Section Six. Penalties:** Any person who violates this Ordinance shall have their offending vehicle removed at the direction of the Chief of Police; shall pay all costs associated with the removal and storage of the offending vehicle; shall hold the third party tower harmless from any claims for damage to the offending vehicle resulting from the removal and shall also be guilty of a summary offense punishable by a fine in an amount not less than Fifty (\$50.00) Dollars nor more than five hundred (\$500.00) Dollars, costs and reasonable legal fees of the Township for each violation. Each day that a violation continues shall constitute a separate finable offense.

**Section Seven. Severability:** The provisions of the ordinance are severable, and if any section, clause, sentence or part or provision thereof shall be held illegal, invalid or unconstitutional, the decision of the court shall not affect or impair the remaining parts and provisions of this ordinance.

**Section Eight. Repealer:** Any ordinance, chapter, section, subsection, paragraph, sentence or phrase of any ordinance conflicting with the provisions of this ordinance shall and the same is hereby repealed to the extent of such conflict.

ENACTED AND ORDAINED into law this 11<sup>th</sup> day of March, 2011.

TOWNSHIP OF HOPEWELL

BY: Andy Brunette  
Andy Brunette, Manager

BOARD OF COMMISSIONERS

BY: Richard Bufalini  
Richard Bufalini, President