

**EVERSON BOROUGH
FAYETTE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 209

**AN ORDINANCE OF THE BOROUGH OF EVERSON, FAYETTE
COUNTY, PENNSYLVANIA, ESTABLISHING RESTRICTIONS ON THE
OPERATION AND PARKING OF LARGE VEHICLES AND MOTOR
VEHICLES.**

WHEREAS, the Everson Borough Council has determined that hazardous and unsafe traffic conditions within the municipal limits of the Borough exist because Large Vehicles are often parked on streets in the Borough; and

WHEREAS, these hazardous and unsafe traffic conditions create a nuisance and are detrimental to the public health, safety and welfare of the residents of the Borough of Everson and others; and

WHEREAS, these Large Vehicles parked on the streets of the Borough impede emergency vehicles (including fire trucks, ambulances, etc.) and interfere with the peaceful and quiet enjoyment of the residents of Everson Borough in their homes and neighborhoods, and

WHEREAS, the Borough Council has determined that the adoption of this Ordinance is necessary to remediate the foregoing.

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the Council of the Borough of Everson, Fayette County, Pennsylvania, and it is hereby enacted and ordained by the authority of same as follows:

ARTICLE I

1. Definitions.

For the purpose of this Ordinance, the following terms shall have the meanings ascribed to them in this section, except where the context in which the word is used clearly indicates otherwise:

- a. "Large vehicles" shall mean the following recreational, commercial or private vehicles, as defined in 75 Pa.C.S.A. § 102, and as amended from time to time: Articulated Bus, Bus, Combination, Construction Truck, Driveaway-towaway Operation, Farm

Equipment, 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, Stinger-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 except a self-propelled wheel chair, an electric personal assistive mobility device, or a vehicle which is propelled solely by human power. Motor Vehicles include Large Vehicles as 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 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 actually engaged in loading or unloading property or passengers.
- 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 trailers, snowmobiles and 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 municipal limits of the Borough of Everson.
- 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 motor vehicle, dump truck, tow truck, tri-axel vehicle, and/or any heavy motor vehicle designed for carrying or pulling heavy loads.
- 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.

ARTICLE II

1. Parking of Large Vehicles Prohibited

- a. No person shall park, cause to be parked, or permit to be parked any Large Vehicle on any street within the municipal limits of the Borough of Everson.
- b. No person shall park or leave on private property, streets or other public property of the Borough, any inoperable Motor Vehicle or a Motor Vehicle without a current license plate/registration and/or current State inspection and emission sticker.
- c. 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, material, 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.
- d. A Large Vehicle may be stored, unoccupied, upon private property, including but not limited to storage on private roads owned by or leased to the owner of such Large Vehicle. All such stored Large Vehicles must be located on the side or rear of the property on a crushed stone, black top or concrete surface capable of supporting the vehicle. All parking areas and access roads or areas that are created or expanded after the adoption of this Ordinance shall be constructed of a hard, homogeneous, all-weather surface such as cement or asphalt or equivalent; shall be graded to provide convenient vehicular access and proper drainage; and shall be maintained in good and usable condition. All existing parking areas and access roads or areas shall be constructed and maintained with an aggregate base, cement or asphalt all-weather surface. The parking of Large Vehicles on any surface or the accessing of parking areas across any surface that is not constructed in accordance with these regulations is strictly prohibited.
- e. It shall be unlawful for any Recreational Vehicle to be occupied for living purposes within the Borough of Everson, whether located on a public street, public property or private property.

2. Exceptions. The regulations set forth in this Ordinance shall not apply to:

- a. Emergency Vehicles as defined by 75 Pa.C.S.A. § 102.
- b. Borough-owned Motor Vehicles.
- c. Motor Vehicles operated by the U.S. Postal Service.

- d. Motor Vehicles actively engaged in the construction or repair of streets, curbs, sidewalks, or utilities.

ARTICLE III - PENALTIES

1. Any person who violates the provisions of this ordinance shall be subject to a summary criminal proceeding before the magisterial district justice as provided by the Pennsylvania Rules of Criminal Procedure, as may be amended from time to time. Upon finding of a violation, a fine shall be imposed of not less than \$50 nor more than \$500, together with court costs and reasonable attorney fees incurred by the Borough of Everson in prosecution of the violation. Any person who fails to pay the fines, court costs and 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 costs of prosecution and reasonable attorney fees or 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.

ARTICLE IV

1. The provisions of any ordinances in effect upon the date of passage of this Ordinance which are contradictory to the terms hereof are hereby revoked and rendered null and void.

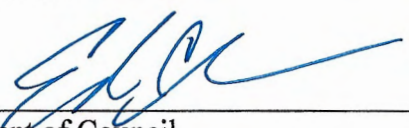
The provisions of this Ordinance, as far as they are the same as those of ordinances in force immediately prior to the enactment of this Ordinance, are intended as a continuation of such ordinances and not as new enactments. The provisions of this Ordinance shall not affect any suit or prosecution pending to enforce any right or penalty or to punish any offense under the authority of any ordinance in effect at the time of the passage of this Ordinance.

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 as the legislative intent that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid provision not been included herein.

This Ordinance shall become effective the 18th day of April, 2023.

ORDAINED AND ENACTED as an Ordinance of Everson Borough by the Borough Council of Everson Borough this 18th day of April, 2023.

BOROUGH OF EVERSON

By: 
President of Council


ATTEST:


Borough Secretary

APPROVED this 18th day of April, 2023.


Mayor

ATTEST:


Borough Secretary