

## ORDINANCE 2011-07

### AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF LOWER ALLEN TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA, AMENDING, CHANGING AND MODIFYING THE CODE OF THE TOWNSHIP OF LOWER ALLEN, 1997, BY AMENDING CHAPTER 209, ARTICLE III B, PARKING REGULATIONS FOR RECREATIONAL VEHICLES AND COMMERCIAL VEHICLES AT ARTICLE IIIB.

**BE IT ENACTED AND ORDAINED**, by the Board of Commissioners (“Board”) of Lower Allen Township (“Township”), Cumberland County, Pennsylvania, and it is hereby enacted and ordained by the same as follows:

#### **SECTION I**

Chapter 209 “**Vehicles and Traffic**” is amended at Article IIIB “**Parking Regulations for Recreational Vehicles and Commercial Vehicles**” at subsection 209-29.12, “**Word Usage and Definitions**” by making the following changes:

1. The definitions for “Residence District” and “Sight Distance” are deleted in their entirety.
2. The definition of “Commercial Vehicle” is deleted and a new definition for “Commercial Vehicle” is added as follows:

“A truck or construction and maintenance vehicle used primarily in business or industry.”

3. The definition of “Construction and maintenance vehicle” is deleted and a new definition of “Construction and maintenance vehicle” is added as follows:

“Vehicles used for construction and maintenance purposes, including but not limited to backhoes, tractors, excavators, bulldozers, trailers for transporting said vehicles and similar type vehicles.”

4. The definition of “Truck” is deleted and a new definition for “Truck” is added as follows:

“A motor vehicle, excluding passenger cars, designed, used or maintained primarily for the transportation of persons or property.

#### **SECTION II**

Chapter 209 “**Vehicles and Traffic**” is amended at Article IIIB “**Parking Regulations for Recreational Vehicles and Commercial Vehicles**” at subsection 209-29.14, “**Truck, Construction and Maintenance Vehicle Parking and Storage Limitations**” by deleting Section 209-29.14 in its entirety and replacing it with a new subsection 209-29.14 “**Truck, Construction and Maintenance Vehicle Parking and Storage Limitations**” as follows:

**A.** Effective the date of this Article, it shall be unlawful for the owner or operator of any truck with a gross vehicle weight rating (GVWR) in excess of 4B or 11,000 lbs. gross vehicle weight or in combination with a trailer to park or store such vehicle on any street or residential property located within the residential zoning districts R-1, R-2 and R-3.

**B.** Parking or storing of construction and maintenance vehicles within residential zoning districts R-1, R-2 and R-3 shall also be prohibited by this Article.

**EXCEPTIONS:**

**C.** Subsections A. and B. shall not apply to trucks or construction and maintenance vehicles as follows:

(1) used in conjunction with permitted non-residential uses in residential zoning districts R-1, R-2 and R-3

(2) parked for the purpose of making deliveries or improvements to a property or street located in residential zoning districts R-1, R-2 and R-3.

**D.** Subsection A. shall not apply to trucks with a gross vehicle weight rating (GVWR) in excess of 4B or 11,000 lbs. gross vehicle weight when housed in an enclosed structure that complies with all Township Building and Zoning Regulations.

**SECTION III**

Section 209 “**Vehicles and Traffic**” is amended at Article 3III, Parking Regulations for Recreational Vehicles and Commercial Vehicles at subsection 209-29.15, “Enforcement” by deleting Section 209.29.15 in its entirety and replacing it with a new subsection 209.29-15 “Enforcement” as follows.

The provisions of this article will be enforced by the Police Department for violations occurring on public streets. All other violations will be enforced by the Department of Community Development. Any person seeking a temporary exemption from this Article may make said application to the Township Manager.

**SECTION IV**

Chapter 209 “Vehicles and Traffic” is amended at Article IIIB “Parking Regulations for Recreational Vehicles and Commercial Vehicles at subsection 209-29.16 Violations and penalties by deleting subparagraph A.(1) in its entirety and replacing it with a new subsection A.(1) as follows:

(1) Any person, firm or corporation who or which causes, allows, permits or suffers any vehicle to be parked in any zone in which parking is prohibited by this article shall pay to the Township an unlawful parking charge in the amount of \$50. There shall be a separate unlawful parking charge for each consecutive day during which such unlawful parking continues.

**SECTION V**

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 such suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any ordinance repealed by this Ordinance.

**SECTION VI**

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

**SECTION VII**

This ordinance shall take effect immediately.

ENACTED AND ORDAINED, into an Ordinance this 24th day of October, 2011, by the Board of Commissioners of Lower Allen Township.

**Attest:**  
(Corporate Seal)

**BOARD OF COMMISSIONERS  
LOWER ALLEN TOWNSHIP**

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(Assistant) Secretary

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(Vice) President