

ORDINANCE NO. 2015-2

AN ORDINANCE OF THE TOWNSHIP OF HEIDELBERG, COUNTY OF LEHIGH,  
COMMONWEALTH OF PENNSYLVANIA, LIMITING PARKING ON PORTIONS  
OF VARIOUS LOCAL ROADS

WHEREAS, parking, standing, long term storage, or stopping of vehicles, trailers, or other items on selected streets or highways within Heidelberg Township, or within their attendant township rights of way create hazards to the motoring public, non-motoring public, and prevents the performance of necessary township functions including but not limited to snow removal, and maintenance of the township rights-of-way and roads, and;

WHEREAS, the storage or parking of unlicensed vehicles, unregistered vehicles, inoperable vehicles, or motor vehicles, equipment, or items on streets or highways within Heidelberg Township create or have the potential to create hazards to the motoring public, inconvenience to the general public, public nuisances, private nuisances, or otherwise prevents the performance of necessary Township functions including but not limited to snow removal and maintenance of the Township rights-of-way and streets/highways, and;

WHEREAS, the availability of on street parking along certain public streets or highways in certain areas of the Township, specifically the real estate development commonly known as "Heidelberg Heights" is severely limited, and;

WHEREAS, the Heidelberg Township Board of Supervisors is desirous of prohibiting parking, standing, or stopping, long term storage of vehicles, trailers, other items, and otherwise regulating the availability of parking on selected streets or highways within the corporate boundaries of Heidelberg Township, and;

WHEREAS, the Township engineer, Keystone Consulting Engineers have assisted the Township by performing the required Engineering and Traffic Survey of the streets and highways identified below in Section 1, pursuant to 75 Pa.C.S.A. § 3353, and;

WHEREAS, pursuant to 75 Pa.C.S.A. § 6109, 75 Pa.C.S.A. § 6102, 75 Pa.C.S.A. § 3353, and various provisions of the Second Class Township Code, including, but not limited to 53 P.S. § 66527, the Heidelberg Township Board of Supervisors does hereinafter establish the following areas where stopping, standing, and parking of vehicles shall be prohibited on certain Township streets or highways, portions of Township roads, and Township rights-of-way for the safety, welfare, and general good of the public.

BE IT ENACTED AND ORDAINED by the authority vested in the Board of Supervisors of the Township of Heidelberg, County of Lehigh, Commonwealth of

Pennsylvania as follows:

Section 15-901. The terms of this Ordinance, except as otherwise noted in Section 904 (the regulations found in Section 904 of this Ordinance shall apply throughout Heidelberg Township) shall apply to all stretches of road described below:

Street Name

Heidelberg Heights Rd.	from Memorial Rd.	to Hausman Rd.
Thompson St.	in its entirety	
Lake View St.	in its entirety	
Glen Ct.	in its entirety	
Herman St.	in its entirety	
Hillside Rd.	in its entirety	
Meadowview Rd.	in its entirety	
Crest St.	in its entirety	
Mantz Rd.	in its entirety	

For aide of clarity, a schematic of the public roads and their attendant rights of way governed by this Ordinance and prepared by the Township engineer is attached and incorporated hereto as EXHIBIT A. The sections of roads regulated by this Ordinances are shaded with crosshatching on EXHIBIT A, with the exception of Section 904 of this Ordinance, which shall apply throughout Heidelberg Township.

Section 15-902. Definitions

Bus: A motor vehicle designed to transport 16 or more passengers, including the driver; or, a motor vehicle, other than a taxicab or limousine, designed to transport not more than 15 passengers, including the driver. The terms does not include a vehicle used in a ridesharing arrangement, as defined in the Act of December 14, 1982 (P.L. 1211, No. 279), entitled "An act providing for ridesharing arrangements and providing that certain laws shall be inapplicable to ridesharing arrangements, or a school bus.

Dual Wheel Motor Home: A motor vehicle designed or adapted for use as a mobile dwelling or office, except a motor vehicle equipped with a truck camper.

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.

**Oversized Vehicle:** A motor vehicle that has a Class 5 license or above, or any equivalent license or above, or with a Gross Vehicle Weight of over 11,000 pounds.

**Owner:** A person, other than a lien holder, having the property right in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person as well as a lessee of a vehicle.

**Park or Parking:** When permitted, means the temporary storing of a vehicle, whether occupied or not, off the roadway; and when prohibited, means the halting of a vehicle, whether occupied or not, except momentarily for the purpose of and while actually engaged in loading or unloading property or passengers.

**Parking Lot:** A parking lot open to the public if used for parking without a charge.

**Public Property:** Any real property owned or controlled by the Township of Heidelberg, including but not limited to township streets and highways, and township rights of way.

**Penn Dot:** The Pennsylvania Department of Transportation or any relevant or related bureau, agency, or sub agency.

**Person:** Any individual, partnership, limited partnership, LLC, association, or corporation

**Personal Motor Vehicle:** All other motor vehicles as defined by Penn Dot, exclusive of all other motor vehicles defined in this Ordinance, including: Bus, Dual Wheel Motor Home, Oversized Vehicle, School Bus, or Tractor Trailer.

**Private Property:** Any lot or piece of property in private ownership.

**Prohibited Material:** Any other equipment, boat or other item not specifically defined as a Motor Vehicle or other item in this Definition Section.

**Recreational Trailer:** A trailer designed or adopted and used exclusively for recreational purposes.

**School Bus:** A motor vehicle which is designed to carry 11 passengers or more including the driver and is used for the transportation of preprimary, primary or secondary school students to or from public, private or parochial schools or events related to such schools or school-related activities.

The term does not include a motor vehicle used to transport pre-primary, primary or secondary school students to or from public private or parochial schools or events related to such schools or school-related activities, which is designed to carry 11 to 15 passengers, including the driver, and which is registered in this Commonwealth as a bus

prior to March 1<sup>st</sup>, 1993; or, a motor vehicle which is designed to carry 11 to 15 passengers, including the driver, and which was titled to any public, private or parochial school on or before March 1<sup>st</sup>, 1993, and which is registered to that public, private or parochial school in this Commonwealth as a bus prior to September 15<sup>th</sup>, 1993.

**Street or Highway:** The entire width between the boundary lines of any public right of way constructed and maintained for the use of the public and vehicular traffic located within Heidelberg Township.

**Township Parking Officer:** A township employee or official designated by the Township Board of Supervisors from time to time as the individual charged with the responsibility of carrying out the terms of and enforcing this Ordinance.

**Tractor Trailer:** A motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

**Trailer:** Every vehicle, wagon or truck without motive power designed to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle.

**Truck Camper:** A structure designed, used or maintained primarily to be loaded or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office or commercial space.

**Vehicle:** Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon rails or tracks. The term does not include a self-propelled wheelchair or an electrical mobility device operated by and designed for the exclusive use of a person with a mobility-related disability. Vehicles include machines ordinarily propelled by power and designed to travel by the use of wheels, treads, runners, or slides and to transport persons or property and shall include, within limitation, automobiles, trucks, trailers, motorcycles and tractors. In addition, the term vehicle for the purposes of this ordinance shall have the meaning as defined by the Pennsylvania Motor Vehicle Code as of the date of the enactment of this ordinance.

#### Section 15-903 – Prohibition Against Parking.

903.1. It shall unlawful for any person to park, or allow to remain parked, store, deposit or otherwise maintain on any of the streets specified in Section 1 of this Ordinance the following: Buses, Dual Wheel Motor Homes, Oversized Vehicles, School Buses, Tractor Trailers, Trailers, Truck Campers or any Prohibited Material, or any other Vehicle except for a Personal Motor Vehicle as defined by this Ordinance.

903.2. It shall further be unlawful for any person to park or allow to remain parked, any Personal Motor Vehicle with the following features: 1) Any Personal Motor Vehicle that lacks valid registration plate clearly visible from the exterior of Personal

Motor Vehicle, 2) Any Personal Motor Vehicle that lacks a current certificate of inspection clearly visible from the exterior of the Personal Motor Vehicle, or 3) Any Personal Motor Vehicle that lacks an ascertainable vehicle identification number visible from the exterior of the Personal Motor Vehicle, 4) any Vehicle that is otherwise prohibited by state or federal law from being operated lawfully upon the public streets and highways of the Commonwealth of Pennsylvania.

903.3. The prohibition of this Section 3 shall not apply to: Vehicles or other equipment owned by Heidelberg Township or any volunteer fire company, ambulance, or public utility lawfully engaged in the provision of services in Heidelberg Township, including but not limited to fire apparatus, ambulances, or vehicles engaged in the work of a public utility.

#### Section 15-904 – Abandoned Vehicles

904.1. This Section 904 – Abandoned Vehicles shall apply to all applicable areas throughout Heidelberg Township, and shall include, but not be limited to the designated streets in EXHIBIT A.

904.2. No person shall abandon a Vehicle within Heidelberg Township on either public property. For purposes of this Section 4 an Abandoned Vehicle shall be:

- a. Any Vehicle is physically inoperable and is left unattended on highway or other public property for more than forty eight (48) hours; or
- b. Any Vehicle that has remained illegally on a highway or other public property for a period of more than forty eight (48) hours and does not bear all of the following, or:
  1. A valid registration plate
  2. A current certificate of inspection
  3. An ascertainable vehicle identification number; or

904.3 Removal of Vehicle. Any such abandoned Vehicle may be removed by the Pennsylvania State Police or designated Township Parking Officer in accordance with and subject to applicable state law. It is anticipated that the Township Parking Officer will contact the Pennsylvania State Police and request their assistance with enforcing the applicable abandoned vehicle statute 75 Pa.C.S.A. § 3353 and 3352 and any related state law provisions to accommodate the removal of the abandoned Vehicle. To the extent any provision of the applicable state abandoned vehicle statute conflicts, expands upon, or otherwise provides additional remedies with this Section 4, the provisions of the state abandoned vehicle statute are incorporated by reference hereto and shall apply.

904.4 Exceptions. The provisions of this section 4 shall not apply to such Vehicles in an enclosed building, a Vehicle on the premises of a business enterprise when necessary to the operation of such business and not in conflict with any other applicable

law or ordinance, or to a Vehicle in an appropriate storage place or depository.

904.5 Permitting Abandonment of Vehicle. No person owning property within Heidelberg Township shall allow or permit another person to abandon a Vehicle on his or her property.

904.6 Penalty. Whoever violates any of the provisions of this Section 4 shall be fined not more than \$ 300.00 or imprisoned for not more than ninety (90) days or both

#### Section 15-905 – Penalty

For violations of this Ordinance, exclusive of Section 904 which contains its own separate penalty scheme, the Owner or operator within ten (10) days of the date of the mailing or posting of the notice provided in this Ordinance exclusive of any notice provided for in Section 904, (whichever is earlier), shall pay as a penalty in full satisfaction of each violation, the sum of \$ 500 and after ten (10) days, but within twenty (20) days of the violation, the sum of \$ 1,000. Should a violation of this Ordinance continue beyond a period of thirty (30) days following the initial notice provided under this Ordinance exclusive of Section 4, the Owner shall incur an additional penalty of \$ 1,000.00 For every thirty days beyond this initial thirty (30) day period that the Owner or operator remains in violation of this Ordinance, the Owner and operator shall incur an additional fine of \$ 1,000 until the violation ceases, or the violation of this Ordinance ceases, or the vehicle is towed or otherwise disposed of. All remedies and penalties pursuant to this Ordinance shall be cumulative.

#### Section 15-906 – Enforcement.

906.1. The designated Township Parking Enforcement Officer, Pennsylvania State Police, or any other person or persons authorized by Heidelberg Township may take all necessary steps to obtain any ownership information related to the a Vehicle or other item regulated pursuant to this Ordinance, including but not limited to the completion and submission of a Penn Dot Form DL-135 “Request for Vehicle Information”, or any related or successor Penn Dot Form, for purposes of identifying the owner, operator or leasee of any such Vehicle or other item determined to be in violation of this Ordinance by the Township Parking Officer.

906.2. This Ordinance hereby expressly authorizes the designated Township Parking Enforcement Officer, or other person(s) authorized by the Township, with the power and authority to obtain such Vehicle information in the course of the performance of his duties under the following “Affidavit of Intended Use” requirements of the DL-135 pursuant to the following criteria set by the Pennsylvania Department of Transportation (Penn Dot):

- a. “For use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a Federal, State, or local agency in carrying out its functions.”

And/or:

- b. "For use in connection with any civil, criminal, administrative, or arbitral proceeding in any Federal, State, or local court or agency or before any self-regulatory body, including service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a Federal, State, or local court." And/or
- c. "For use in providing notice to the owners of towed or impounded vehicles" and/or
- d. For any similar statement of purpose that may be required by Penn Dot as a prerequisite to obtaining sufficient information by the Township Parking Officer for purposes of enforcing this Ordinance.

906.3. The Township Parking Officer is authorized to file suit as appropriate and pursue with the district justice/magisterial district justice with proper jurisdiction over the subject matter of any violation of this Ordinance. Any violation of this Ordinance may be prosecuted in a manner consistent with the law of the Commonwealth of Pennsylvania as it existed on the day of the offense(s). The penalty for violation this Ordinance shall not exceed the maximum allowed by the law of the Commonwealth of Pennsylvania as it existed on the day of the offense(s). Nothing in this ordinance shall limit the Township's ability to have vehicles which have been abandoned, as defined by the Pennsylvania Motor Vehicle Code, or which are parked in such a manner as to interfere with traffic or pose a hazard to others, towed under the provisions of the Pennsylvania Motor Vehicle Code. Any violation of this Ordinance may be prosecuted in a manner consistent with the law of the Commonwealth of Pennsylvania as it existed on the day of the offense(s), including, but not limited to prosecution under 75 Pa.C.S.A. § 3353, which prohibits the stopping, standing or parking of any vehicle at any place where official signs prohibit stopping.

Section 15-907. - Posting.

The Township, by and through its designated Township employees shall post the designated street, part of road, or right of way within each block of the road, part of road, or right-of-way, notifying the public of the restrictions of this Ordinance exclusive of the requirements of Section 904, as Section 904 shall apply throughout Heidelberg Township without the requirement of posting. Posting shall take place as signs become available within the Township budget and otherwise.

Section 15-908. Saving Clause.

All other ordinances and resolutions, or parts thereof, which are inconsistent with this Ordinance, are hereby repealed.

The provisions of this Ordinance are severable and if any provisions hereof are declared illegal or invalid on constitutional or statutory grounds by any court of competent jurisdiction, then those provisions not specifically declared illegal or invalid remain in full force and effect.

Section 15-909. Effective Date.

This Ordinance shall become effective in five (5) days.

DULY ORDAINED AND ENACTED by the Township of Heidelberg Board of Supervisors, County of Lehigh, Commonwealth of Pennsylvania, in lawful session assembled this 20<sup>th</sup> day of August, 2015.

ATTEST:

Heidelberg Township

Janice Meyers  
Janice Meyers, Secretary

By: absent  
Steven Bachman, Supervisor

By: David O. Fink  
David O. Fink, Supervisor

By: Rodney K. Schlauch  
Rodney K. Schlauch, Supervisor