

**SOUTH FAYETTE TOWNSHIP,
ALLEGHENY COUNTY
ORDINANCE NUMBER 5 of 2008**

AN ORDINANCE OF THE TOWNSHIP OF SOUTH FAYETTE, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING CHAPTER 171 OF THE SOUTH FAYETTE TOWNSHIP CODE OF ORDINANCES, BY ADDING A NEW ARTICLE III STANDING OR PARKING OF COMMERCIAL VEHICLES AND/OR TRACTOR TRAILERS IN A RESIDENTIAL AREA:

WHEREAS, The Board of Commissioners of the Township of South Fayette on November 16, 1998, by Ordinance No. 409, adopted a codification of its Ordinances (hereinafter referred to as the "South Fayette Code"); and

WHEREAS, the South Fayette Code includes regulations on the identification, establishment and abatement of certain activities that would constitute a nuisance to the health, safety and welfare of the Township, its residents or visitors, and

WHEREAS, The South Fayette Township Board of Commissioner desires to amend these regulations to restrict the stand or parking of commercial and/or tractor trailers as defined herein to the health, safety and welfare of township residents

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF SOUTH FAYETTE AND IT IS HEREBY ORDAINED AND ENACTED AS FOLLOWS:

Add new Article to read as follows:

ARTICLE III "STANDING OR PARKING OF COMMERCIAL VEHICLE AND/OR TRACTOR TRAILERS"

§ 171-25 Purpose

- A. The purpose of this article is to create a set of rules, regulations and specific criteria by which the Township may determine that a commercial vehicle, tractor trailer, semi-trailer, bus or commercial van parked for extended periods of time within or in the proximity of a residential area can be declared a nuisance to the health, safety and welfare of the township and its residents. The article shall also set the enforcement and penalties for the violation of this Article.

§ 171-25 Definitions

As used in this article, the following terms shall have meanings indicated

Bus. Any motor vehicle designed for carrying more than nine (9) passengers and used for the transportation of persons or any motor vehicle operated upon a public way in any city or town for the carriage of passengers for hire in such a manner as to afford a means of transportation similar to that afforded by a railway company by indiscriminately receiving and discharging passengers along the route on which the vehicle is operated or may be running, or for transporting passengers for hire as a business between fixed and regular termini, or transporting passengers for hire under a charter license, special service or school service permit issued by the department.

Commercial Vehicle. Any vehicle registered for commercial purposes, bearing commercial vehicle number plates, including trailer or semi-trailer, and designed and used primarily for the transportation or delivery of goods, wares, merchandise or equipment, or designed and used for the delivery of utility services or for field services related to maintenance or repair of buildings.

Driver. A person, who is in actual physical control of a vehicle

Non-Emergency Repairs. The changing of any fluid and any other repair, with the exception of minor safety-related repairs that can be fully completed within ninety (90) minutes, such as changing a tire, replacing a headlight or bulb, or replacing a wiper blade.

Official Time Standard. Whenever certain hours are named herein they shall mean standard time or daylight-saving time as may be in current use in the City.

Police Officer or Officer. Any officer authorized to direct or regulate traffic or make arrests for violations of traffic regulations.

Private Way or Driveway. Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

Public Way. Any street, way, highway, road or parkway dedicated to public use, including public alleys.

Roadway. That portion of a street or highway between regularly established curb lines or that part devoted to vehicular traffic.

School Bus. Any motor vehicle used for the transporting of school pupils and school personnel to and from school, or for the transporting of children enrolled in a camp or recreational program, while so used, but not including any such motor vehicle used for not more than five (5) days in case of emergency, or a motor vehicle while also used for the common carriage of the public under a certificate and permit issued under Sections 7 and 8 of Chapter 159A of Massachusetts General Laws.

Semi-Trailer. A trailer so designed and used in combination with a tractor that some part of the weight of such trailer and that of its load rests upon, and is carried by, the tractor.

Sidewalk. That portion of a street or highway set aside for pedestrian travel.

Stand or Standing. The halting of a vehicle, whether occupied or not, other than for the purpose of, and while actually engaged in, receiving or discharging passengers.

Trailer. Any vehicle or object on wheels and having no motive power of its own, but which is drawn by, or used in combination with, a motor vehicle.

Vehicle. Every device in, upon, or by which any person or property is or may be transported or drawn upon a street or highway, including bicycles, when the provisions of these Rules are applicable to them, except devices moved by human power, devices used exclusively upon stationary rails or tracks, and devices deriving their power for operation from stationary overhead wires.

§ 171-25 Determination of a public nuisance

- A. **Investigation.** Upon a receipt of a complaint both the South Fayette Police Department, a South Fayette Police Officer and/or the South Fayette Township Code Enforcement Department and/or Code Enforcement Officer are authorized to investigate all complaints concerning possible if there is a violation of this article that may create a public nuisance as defined within this section.
- B. **Determination of a public nuisance** – Any of the following activities would constitute a violation of this article and as such would be a public nuisance.
 - a. Commercial vehicles, tractor trailers, semi-tractors, commercial vans or buses, as defined, stopped on any public way or road way for more than one (1) hour, except for the actual loading or unloading of materials,
 - b. A driver parked or standing a motor vehicle of any type having a gross vehicle weight in excess of twelve thousand (12,000) pounds between the hours of nine (9:00) PM of one (1) day and eight (8:00) AM of the following day or anytime on Sunday, on any part of any street, way, highway, road or parkway under the control of the Township that is residential. Residential shall be the territory contiguous to any street, way, highway, road or parkway under the control of the Township where the dwelling houses are situated at such distances as will average less than five hundred (500') feet
 - c. No driver shall park or stand any commercial vehicle or semi-trailer having a capacity of one (1) ton or over for more than one (1) hour between nine (9:00) PM. of one (1) day and eight (8:00) A.M. of the following day, or at any time on Sunday, on any part of any street, way, highway, road, or parkway under the control of the Township, where parking or standing a vehicle is not otherwise prohibited, provided that

this Regulation shall not apply during the actual loading or unloading of materials.

- d. A driver parked or standing a motor vehicle of any type having a gross vehicle weight in excess of twelve thousand (12,000) pounds between the hours of nine (9:00) PM of one (1) day and seven (7:00) AM of the following day, on any part of any private street, way, highway, road or parkway, parking lot or loading area that is within a residential area. Residential shall be the territory contiguous to any street, way, highway, road or parkway under the control of the Township where the dwelling houses are situated at such distances as will average less than five hundred (500') feet.

C. **Exemption** – The following exemptions shall apply to all aforementioned regulations of this article.

- a. School Busses authorized or used by the South Fayette Township School District as part of their normal course of transporting students, faculty, employees, and/or volunteers of the School District.
- b. All vehicles parked or standing within Commercial or industrial property used in the daily operation of that facility in meeting the core functions of the business and/or operation of the company located on that property. Further, they shall comply with all other applicable township zoning regulations.
- c. All emergency vehicles.
- d. All federal, state, county, and local vehicles actively engaged in the core function of the governmental agency.
- e. During a time of emergency such regulation may be lifted at the discretion of the Board of Commissioners, Township Manager, Chief of Police, Fire Chief(s) and/or Emergency Management Coordinator.

D. **Enforcement and penalties**

- A. Enforcement of this Article shall be the responsibility of the South Fayette Township Police Department and/or the South Fayette Township Code Enforcement Department.
- B. Any person or entity in violation of this article shall be upon conviction, subject to a fine of not more than \$1,000, plus the costs of prosecution and reasonable attorney's fees. In default of payment of such fine, costs and fees, said person in violation shall be subject to a term of imprisonment of not more than 30 days. Each day's violation shall be considered to be a separate offense under this article.

Section II. Severability & Conflict

- a. The proper officials of the Township of South Fayette are hereby authorized and directed to do all things necessary to effectuate the purpose of this Ordinance.

- b. All ordinances and parts of ordinances inconsistent with the terms of the Ordinance are hereby repealed; provided, however, that such repeals shall only be to the extent of such inconsistency and in all other aspects, this Ordinance shall be cumulative with the other ordinances regulating and governing the subject matter covered by this Ordinance.
- c. If any section or provision or parts thereof in this Ordinance shall be adjudged invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity of the Ordinance as a whole or any other section or provision or part thereof.
- d. This Ordinance shall be in full force and effect from and after its passage and publication as required.

Section III: Effective Date

THIS ORDINANCE ORDAINED AND ENACTED AT A REGULARLY CONSTITUTED, DULY CONVENEED MEETING OF THE BOARD OF COMMISSIONERS OF SOUTH FAYETTE TOWNSHIP, THIS 21st DAY OF April, 2008

Attest:

TOWNSHIP OF SOUTH FAYETTE

 Michael W. Hoy
 Township Manager

By: _____
 Thomas Sray
 BOARD OF COMMISSIONERS