

**BOROUGH OF DARBY
DELAWARE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 781

**AN ORDINANCE OF THE BOROUGH OF DARBY AMENDING
CHAPTER 141 VEHICLES AND TRAFFIC BY ADDING A NEW
SECTION REGARDING PROVISIONS RELATING TO PROHIBITING
THE PARKING OF CERTAIN LARGE VEHICLES.**

WHEREAS, the Borough of Darby is a municipal corporation organized and existing under the laws of the Commonwealth of Pennsylvania, including but not limited to the Borough Code; and,

WHEREAS, the Legislature of the Commonwealth vests the Borough of Darby with the power and authority to make and adopt all such ordinances, bylaws, rules and regulations not inconsistent with or restrained by the Constitution and laws of this Commonwealth, as is expedient or necessary for the proper management, care and control of, *inter alia*, the Borough's finances, the maintenance of peace, good government, safety and welfare of the Borough, its trade, commerce and manufacturers; and,

WHEREAS, the Ordinance is needed to prohibit the parking of large vehicles at all times on the streets of the Borough of Darby; and,

WHEREAS, the Darby Police Department has found that no current language exist to prevent them from addressing or enforcing citizens complaints consistently and/or fairly; and

NOW THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Darby as follows:

SECTION I: The Borough Code of the Borough of Darby, Chapter 141 – Vehicles and Parking, is hereby amended by adding the following Section 141-61, which shall read as follows:

§ 141-61 Parking of Large Vehicles

A. Purpose

The Darby 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. These hazardous and unsafe traffic conditions are detrimental to the public health, safety and welfare of the residents of the Borough of Darby and others, impede emergency vehicles (including fire trucks, ambulances, etc.) and interfere with snow removal and the peaceful and quiet enjoyment of the residents of Darby Borough in their homes and neighborhoods. The Borough Council has determined that the adoption of this Ordinance is necessary to remediate the foregoing.

B. Definitions

Large Vehicles:

- a. The following vehicles, as defined in 75 Pa.C.S.A. § 102, and as amended from time to time: Articulated 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 Home, Recreational Trailer, Semitrailer, Stinger-steered Automobile or Boat Transporter, Tow Dolly, Trailer, Truck-camper, and Truck Tractor.
- b. Boats, Snowmobiles, All-terrain Vehicles and similar off-road vehicles, pickup campers, boat trailers and tent trailers.

Park or Parking – 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.

Street – Any street, road, land, court, cul-de-sac, alley, path, public way and public square within the Municipal Limits of Darby Borough.

C. **PARKING OF LARGE VEHICLES PROHIBITED**

No person shall park, cause to be parked or permit to be parked any Large Vehicle on any street within Municipal Limits of Darby Borough.

D. **EXCEPTIONS**

This Ordinance shall not apply to Emergency Vehicles as defined by 75 Pa.C.S.A. § 102. Moreover, no provision of this Ordinance shall apply to the Southeastern Pennsylvania Transportation Authority.

E. **PENALTIES FROM VIOLATION**

Any person or the registered owner of any large vehicle who violates Section § 141-61 of this Ordinance shall, upon conviction, be sentenced to pay a fine of not less than Three Hundred Dollars (\$300.00), plus costs of prosecution, unless another penalty is expressly provided for in the Pennsylvania Vehicle Code.

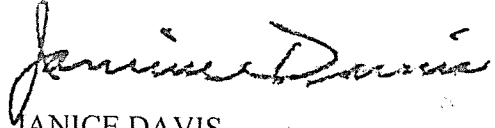
SECTION II: The Darby Borough Police Department, and all others employed or appointed by Darby, are authorized to take all action necessary to ensure implementation of and effect the purpose hereof.

SECTION III: All Ordinances and/or Resolutions, or parts thereof, conflicting herewith are repealed insofar as the matters herein are affected.

SECTION IV: The provisions of this Ordinance are severable, and if any clause, sentence, subsection or section hereof shall be adjudged by any court of competent jurisdiction to be illegal, invalid or unconstitutional, such judgment or decision shall not affect, impair or invalidate the remainder but shall be confined in its operation and application to the clause, sentence, subsection or section rendered. It is hereby declared the intent of the Borough Council that this ordinance would have been adopted if such illegal, invalid, or unconstitutional clause, sentence, subsection, or section had not been included therein.

SECTION V: This is effective immediately upon enactment according to law, and shall remain in effect hereafter until revised, amended, or revoked by action of the Council of the Borough of Darby.

Adopted by the Borough Council this 18th day of May, 2016



JANICE DAVIS
PRESIDENT OF BOROUGH COUNCIL

Approved by the Mayor, this 18th day of May, 2016



HELEN R. THOMAS
MAYOR

I **HEREBY CERTIFY** that the foregoing is a true and correct copy of the said Ordinance duly adopted at a regular meeting of Borough Council held on the 18th day of May, 2016.



Borough Manager/Secretary