

## ORDINANCE NO. 223

**AN ORDINANCE OF THE TOWNSHIP OF SOUTH HEIDELBERG, BERKS COUNTY, PENNSYLVANIA, AMENDING AND RESTATING IN ITS ENTIRETY ORDINANCE NO. 74 ENACTED JULY 12, 1979, AS AMENDED BY ORDINANCE NO. 77 ENACTED OCTOBER 9, 1980, TO ADOPT REGULATIONS PROHIBITING THE PARKING OF CERTAIN TYPES OF MOTOR VEHICLES IN RESIDENTIAL ZONING DISTRICTS WITHIN THE CORPORATE LIMITS OF THE TOWNSHIP OF SOUTH HEIDELBERG.**

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of South Heidelberg, Berks County, Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of the same as follows:

### Section 1. Prohibition Against Parking of Certain Vehicles in Any Residential Zoning District.

(a) It shall be unlawful for any person to park or leave standing, any type of non-motorized vehicle or trailer, including, but not limited to recreational vehicles, upon any public street, alley or way in any type of residential zoning district, so designated at any time from time to time in the Southwestern Berks County Zoning Ordinance of 2004, as amended, and its Official Zoning Map; provided, however, such a non-motorized vehicle or trailer may be parked temporarily in said area for the purpose of loading or unloading said vehicle, in which case it may be temporarily parked for a period of not more than forty-eight (48) consecutive hours; and further provided, that a non-motorized vehicle or trailer used in connection with the operation of a business or for other commercial purposes may not be parked for loading or unloading purposes in said areas, unless temporarily parked in conjunction with the construction, maintenance, removal, repair or remodeling of a structure located within fifty (50) feet of said parked vehicle or trailer.

(b) It shall be unlawful for any person to park or leave standing any motor vehicle having a gross vehicle weight rating in excess of thirteen thousand (13,000) pounds upon any public street, alley or way in any type of residential zoning district, so designated at any time and from time to time in the Southwestern Berks County Zoning Ordinance of 2004, as amended, and its Official Zoning Map; provided, however, that such a vehicle may be parked temporarily in said area for purposes of loading and unloading household goods, furniture or other merchandise, property or wares used in connection with a residence, in which case the vehicle shall be removed immediately after the loading or unloading operation is completed. A period of forty-eight (48) consecutive hours shall be the maximum period of time permitted for said operations.

### Section 2. Personal Notice Required Prior to Prosecution.

(a) Personal notice of the provisions of this Ordinance and the penalty imposed hereby shall be given to the owner, lessee, operator, possessor or custodian of any vehicle which

is observed to be parked in violation of the provisions of this Ordinance as a condition precedent to enforcing the provisions of this Ordinance, including the penalty provided herein. The personal notice required hereunder shall be given by delivery of a copy of this Ordinance or summary of the provisions thereof to the owner, lessee, operator, possessor or custodian of a vehicle or trailer which has been observed as aforesaid in violation of this Ordinance. Upon receipt of such notice, owner, lessee, operator, possessor or custodian shall within twenty-four (24) hours remove the unlawfully parked motor vehicle or trailer from the public street, alley or way of the residential zoning district. In the event that the owner, lessee, operator, possessor or custodian shall fail to timely comply with the notice, then said individual shall be in violation of this Ordinance and subject to the penalty set forth in Section 3 below. The Police Department for the Township of South Heidelberg or other authorized agent or official of the Township shall only be required to provide one (1) notice hereunder to an owner, lessee, operator, possessor or custodian. Accordingly, such notice shall remain in effect at all times for any future violations by such owner, lessee, operator, possessor or custodian of this Ordinance.

(b) The Police Department for the Township of South Heidelberg shall maintain a log of the names for every individual who has received said personal notice, the address of said party, the date and place where the vehicle parked in violation of the provisions of this Ordinance was observed and the date, time and place of the delivery of the Notice required herein.

Section 3. Penalty for Violation. Any person who shall violate any of the provisions of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than Fifteen Dollars (\$15.00) plus costs of prosecution for each and every violation; provided that a separate offense is committed for each day that a violation of any of the provisions of this Ordinance continues after the initial day of the offense.

Section 4. Repeal of Ordinances. Any ordinance, parts of ordinances, resolution or parts of resolutions conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance's provisions. Ordinance 74 and Ordinance 77 of the Township of South Heidelberg are hereby repealed in their entirety.

Section 5. Severability. If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance, is, for any reason declared to be illegal, unconstitutional or invalid, by any Court of competent jurisdiction, this decision shall not affect or impair the validity of the Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word, or remaining portion of the within Ordinance. The Board of Supervisors of the Township of South Heidelberg, Pennsylvania, hereby declares that it would have adopted the within Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, irrespective of the limitations, restrictions, sentences, clauses, phrases, or word that may be declared illegal, unconstitutional or invalid.

Section 6. Effective Date. This Ordinance shall take effect five (5) days subsequent to its enactment.

DULY ENACTED AND ORDAINED this 13<sup>th</sup> day of August, 2009.

TOWNSHIP OF SOUTH HEIDELBERG

Attest:

David A. Schaeffer  
David A. Schaeffer, Chairman

[Signature] (SEAL)  
Secretary


Dean M. Baim  
Dean M. Baim, Supervisor

Richard E. Hummel  
Richard E. Hummel, Supervisor

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing is a true and accurate copy of Ordinance No. 223 adopted by the Board of Supervisors of the Township of South Heidelberg, Berks County, Pennsylvania at a regular meeting held on August 13, 2009, pursuant to notice as required by law.

Date: 8/13/09

  
Secretary