

# ALBURTIS CODIFIED ORDINANCES

## Chapter 39

### Trailers

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## Chapter 39 — Trailers

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## Article I — In General

### § 39-101 Definitions.

The following words, when used in this Chapter, shall, for the purpose of this Chapter, have the meanings respectively ascribed to them in this Section except in those instances where the context clearly indicates a different meaning:

(a) **Person.** The term “person” includes any person or persons, firm or corporation.

(b) **Trailer or Trailer Coach.** The terms “trailer” or “trailer coach” means any structure which is mounted or designed for mounting upon wheels and which includes accommodations designed for sleeping or living purposes for one (1) or more persons, except a device used exclusively upon stationary rails or tracks.

(c) **Vehicle.** The term “vehicle” includes every device mounted or designed for mounting on wheels, in, upon or by which any person or property is or may be transported or drawn upon a public highway.

### **§ 39-102 Use As Living Quarters.**

No person shall, within the limits of the Borough of Alburtis, occupy, reside in or use as living quarters any vehicle or trailer coach.

### **§ 39-103 Lease For Use As Living Quarters.**

No person, whether as owner or agent, shall lease to or permit the use of by any person any vehicle or trailer coach as living quarters within the limits of the Borough of Alburtis.

### **§ 39-104 Establishment of Trailer Park or Camp.**

No trailer park or trailer camp designed or intended for the purpose of supplying a location or accommodations for trailers or trailer coaches shall be established or erected within the limits of the Borough of Alburtis.

### **§ 39-105 Exception For Pre-existing Uses.**

The provisions of this Chapter shall not apply to trailer parks or trailer camps established or erected as of September 4, 1951, nor to persons occupying trailers or trailer coaches as living quarters as of September 4, 1951.

### **§ 39-106 Violations and Penalties.**

(a) **Civil Penalty.** Any person who violates any provision of this Chapter shall be subject to a civil penalty of Three Hundred Dollars (\$300.00).

(b) **Initial Determination of Violation.** Council hereby delegates the initial determination of violations under this Chapter to the Zoning Officer. The Zoning Officer shall serve notice of the violation(s) upon the person determined to have violated this Chapter in person or by first class U.S. mail addressed to that person at his/her last known address. The notice shall include a description of the violation(s), the provision(s) of the Codified Ordinances violated (*i.e.* section, subsection, paragraph, etc.), the penalty imposed for each violation, and the time for payment prior to the commencement of a civil enforcement proceeding. Service shall be complete on the date of in-person service or the date of mailing.

(c) **Civil Enforcement Proceeding.** When the penalty imposed for a violation(s) of this Chapter is not voluntarily paid to the Borough within fifteen (15) calendar days after service of the violation notice under subsection (b), the Zoning Officer shall initiate a civil enforcement

proceeding in the name of the Borough before a magisterial district judge (or, where applicable under Borough Code § 3321(5), 53 PA. STAT. ANN. § 48321(5), the Lehigh County Court of Common Pleas). The civil enforcement proceeding shall be initiated by complaint or by such other means as may be provided by the Pennsylvania Rules of Civil Procedure. Any person found to have violated this Chapter in the civil enforcement proceeding shall be assessed court costs and reasonable attorney fees incurred by the Borough in the proceedings, in addition to the penalty provided.

**(d) Separate Offenses.** Each day or portion of a day that a given violation exists or continues shall constitute a separate offense, and each violation of a separate section, subsection, paragraph, or other division of this Chapter shall constitute a separate offense.

**(e) Equitable Remedies.** In addition to or in lieu of enforcement of this Chapter through a civil action, the Borough may enforce this Chapter through an action in equity brought in the Court of Common Pleas of Lehigh County. The Borough Solicitor shall have authority to commence the action in equity on behalf of the Borough without explicit authorization of Council in any situation where the Solicitor or the President of Council deems it advisable to act before the next regular Council meeting.

## Appendix

### ¶ 39-A Disposition of Ordinance 58.

<u>Ordinance 58</u>	<u>1981 Code</u>	<u>2003 Codified Ordinances</u>
§ 1	§ 125-1	§ 39-101
§ 2	§ 125-2	§ 39-102
§ 3	§ 125-3	§ 39-103
§ 4	§ 125-4	§ 39-104
§ 5	§ 125-5	§ 39-106
§ 6	§ 125-6	§ 39-105
§ 7 (severability)		
§ 8 (effective date)		

### ¶ 39-B Disposition of 1981 Code, Chapter 125.

<u>1981 Code</u>	<u>2003 Codified Ordinances</u>
§ 125-1	§ 39-101
§ 125-2	§ 39-102
§ 125-3	§ 39-103
§ 125-4	§ 39-104
§ 125-5	§ 39-106
§ 125-6	§ 39-105

**§ 39-C      Source Ordinances.**

Ordinance 58	09-04-1951
Ordinance 215	11-11-1981
Ordinance 415	10-29-2003
Ordinance 518	03-12-2014