

#3-2014

EXAMINED AND APPROVED THIS 10 DAY OF JULY, 2014.

BOROUGH OF JERMYN ORDINANCE NO. OF 2014
AN ORDINANCE REPEALING ALL PREVIOUSLY ENACTED
ORDINANCES, AS AMENDED, CONCERNING ALTERNATE
PARKING OF VEHICLES AND ENACTING A NEW ALTERNATE
PARKING OF VEHICLES EMERGENCY ORDINANCE

By the powers granted to the Borough of Jermyn by the Pennsylvania Borough Code, 53 P.S. §45101 et seq., including, but not limited to, the power to repeal and enact such ordinances as it shall deem beneficial to the Borough of Jermyn, 53 P.S. §46006 (4), be it ENACTED and ORDAINED by the Borough Council of the Borough of Jermyn, Lackawanna County, Pennsylvania, and it is hereby ENACTED and ORDAINED by the authority of the Jermyn Borough Council as follows:

SECTION I. TITLE

This Ordinance shall be know as the "Alternate Parking Of Vehicles Ordinance of 2014.

SECTION II PURPOSE

The purpose of this Ordinance shall be to repeal the Ordinance Establishing Alternate Parking of Vehicles, adopted January 11, 2007, as amended, in its entirety and enacting this new Ordinance, concerning alternate parking, the Ordinance enforcement periods, enforcement area and penalties.

SECTION III POLICY

Pursuant to its authority under 53 P.S. §46202(12) to regulate the streets, public squares, common grounds, sidewalks and curbs of the Borough of Jermyn; pursuant to its authority under 53 P.S. §46202(5) to make such regulations as may be necessary for the health, safety and general welfare of the Borough of Jermyn and its residents; pursuant to its authority under 53 P.S. §46202(3) to impose fines and penalties; pursuant to its authority under 53 P.S. §46202(34) to tow vehicles or make contracts to tow vehicles and to impose fines and fees thereto; pursuant to its authority under 53 P.S. §46203 to make and adopt all such ordinances as maybe expedient or necessary for the proper management, care or control of the Borough of Jermyn and the maintenance of peace, good government, safety and welfare of the Borough of Jermyn and its citizens; and pursuant to its authority under 53 P.S. §46006(4) to repeal and enact such ordinances as it shall deem beneficial to the Borough of Jermyn and to provide for the enforcement of same; It is the desire and intent of the Jermyn Borough Council to ensure that the safety and general welfare of the Borough of Jermyn and its citizens is in the best possible condition for both safety and financial reasons. Therefore, in order to provide for the health, safety and general welfare of the Borough of Jermyn and its citizens, the Jermyn Borough Council enacts the within Ordinance.

SECTION IV. DEFINITIONS

A. BOROUGH - Means the Borough of Jermyn, Lackawanna County, Pennsylvania, the Mayor of the Borough of Jermyn, the Jermyn Borough Council and any duly authorized member or agent of any of the above.

B. STREET - In addition to the definitions of "Street" contained in the Borough Code at 53 P.S. §45111 and 53 P.S. §46701, which definitions are incorporated herein by reference, "Street" means any public street, avenue, road, boulevard, highway, place, court or other public place located in the Borough of Jermyn and established for the use of vehicles excepting, however, Washington Avenue and Rushbrook Street within the Borough of Jermyn.

C. VEHICLE - In addition to the definition of "Vehicle" contained in the Pennsylvania Motor Vehicle Code at 75 Pa. C.S. §102, which definition is incorporated herein by reference, the term "Vehicle" shall mean all motor vehicles using Borough streets, including all public and private transportation conveyances, tracks and other powered vehicles.

D. MOTOR VEHICLE - Means a vehicle which is self-propelled except one which is propelled solely by human power.

E. PARK, PARKED or PARKING - Means the halting of a vehicle or motor vehicle, whether occupied or not, except momentarily for the purpose of and while actually engaged in loading or unloading property or passengers.

F. ALTERNATE PARKING - Means parking of vehicles adjacent to the even numbered side of the street on the even numbered days of the year and parking of vehicles adjacent to the odd numbered side of the street on the odd numbered days of the year for all days in which this Ordinance is in effect.

SECTION V. CONSTRUCTION OF WORDS AND PHRASES

A. NUMBER: GENDER: TENSE - The singular shall include the plural and the plural, the singular. Words used in the masculine gender shall include the feminine and neuter. Words used in the past or present tense shall include the future.

B. WORDS AND PHRASES - Words and phrases shall be construed according to rules of grammar and according to their common and approved usage; but technical words and phrases and such others as have acquired a peculiar and appropriate meaning or are defined in the within ordinance, shall be construed according to such peculiar and appropriate meaning or definition.

C. RULES OF INTERPRETATION - Where applicable, the rules of interpretation as set forth in 1 Pa. C.S.A. §1901, et seq., shall apply to the within Ordinance.

SECTION VI. PARKING PERMITTED AND PROHIBITED

A. During the period from November 1st of each year to March 31st, of the following year and at any other time that a snow emergency or any other type of emergency exists, as set forth hereinafter is declared, alternate parking of vehicles within the Borough of Jermyn will be in effect between the hours of 12:00 a.m. and 5:00 p.m. when the Mayor of the Borough of Jermyn issues a formal declaration that alternate parking of vehicles is in effect within the Borough of Jermyn, based upon what the Mayor, in his sound judgment, considers and determines to be the occurrence, or forecast, of a plowable snowfall.

B. The formal declaration by the Mayor of the Borough of Jermyn that alternate parking is in effect within the borough of Jermyn shall be communicated to residents and inhabitants of the Borough of Jermyn by way of television broadcast on Channel 7 of Adams CATV. In addition, whenever the Mayor of the Borough of Jermyn declares that alternate parking is in effect within the Borough of Jermyn, a written notice shall be affixed to the outside front and side doors of the Jermyn Borough Municipal Building located at 440 Jefferson Avenue, Jermyn, Pennsylvania 18433. In addition said notice will be posted on the Jermyn Borough Police Department face book and to the Borough of Jermyn's web cite.

C. Each time the Mayor of the Borough of Jermyn issues a formal declaration that alternate parking of vehicles is in effect within the Borough of Jermyn, there shall be an eight (8) hour grace period from the time the declaration is first made during which eight (8) hour grace period the Jermyn Borough Police will issue warnings to any vehicle owners or operators in violation of the, alternate parking provisions.

D. Each time the Mayor of the Borough of Jermyn issues a formal declaration that alternate parking is in effect within the Borough of Jermyn, said declaration will remain in effect for ninety-six (96) hours unless and until the declaration is either renewed or repealed by virtue of the same means in which the declaration was issued, i.e., by means of television broadcast on Channel 7 of Adams CATV, the written notice affixed to the outside front and side doors of the Jermyn Borough Municipal Building located at 440 Jefferson Avenue, Jermyn, Pennsylvania 18433, and the posting on the Jermyn Borough Police Department face book and to the Borough of Jermyn's web cite.

E. In the absence or incapacity of the Mayor of the Borough of Jermyn, the President or acting President of the Borough of Jermyn Council shall assume all responsibilities and exercise all authority of the within Ordinance.

F. During the time that alternate parking of vehicles is in effect within the Borough of Jermyn pursuant to this Ordinance, vehicle owners or operators within the Borough of Jermyn will be permitted to move vehicles to the opposite side of the street between the hours of 5:00 p.m. and 12:00 a.m. of the next calendar day for each day that alternate parking is in effect pursuant to the provisions of this Ordinance.

G. During the time that alternate parking of vehicles is in effect within the Borough of

Jermyn pursuant to this Ordinance, parking will be allowed on both sides of the street on Sundays only between the hours of 8:00 a.m. and 1:00 p.m. only on the following streets:

- (1) The five hundred (500) and six hundred (600) blocks of Madison Avenue;
- (2) The one hundred (100) and two hundred (200) blocks of Franklin Street;
- (3) The seven hundred (700) block of Jefferson Avenue;
- (4) The two hundred (200) and three hundred (300) blocks of Hudson Street;
- (5) Bridge Street; and
- (6) Walnut Street.

H. During the time that alternate parking of vehicles is in effect within the Borough of Jermyn pursuant to this Ordinance, parking will be allowed on both sides of a Street only in the following limited circumstances:

(1) Parking will be allowed on both sides of the block of any street within and during which any wedding reception is held, or funeral service conducted at a church or private residence; and.

(2) Temporary parking not to exceed fifteen(15)minutes is allowed on both sides of any Street for loading or unloading of motor vehicles. All other parking of vehicles on such streets during such period is prohibited.

SECTION VII. PENALTIES

The penalties for any person violating this ordinance regarding alternate parking of vehicles shall be guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of twenty-five (\$25.00) Dollars.

In addition to the above fine, any person violating this ordinance regarding alternate parking, shall have their vehicle removed, at the discretion of the Police, and will be responsible for any and all costs related to the removal of the vehicle in violation, such as towing costs.

SECTION VIII. SEVERABILITY AND AMENDMENT

If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance, so long as it remains workable minus the invalid portion.

SECTION IX. REPEAL OF CONFLICTING ORDINANCES

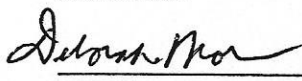
The within Ordinance supersedes and repeals all former and prior Ordinances or parts thereof which conflict or are inconsistent with the provisions of this Ordinance and to the extent that any prior or existing Ordinances of the Borough of Jermyn are inconsistent with the terms of the within Ordinance, said inconsistent Ordinances are hereby repealed.

SECTION X. EFFECTIVE DATE

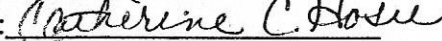
This ordinance shall take effect in accordance with The Borough Code §3301.3 (b).

ENACTED AND ORDAINED THIS 18th DAY OF JULY, 2014.

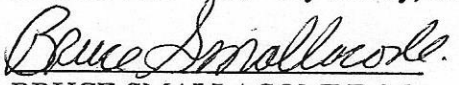
ATTEST:

 (SEAL)
DEBORAH MORCOM
BOROUGH MANAGER

BOROUGH COUNCIL OF THE
BOROUGH OF JERMYN

BY: 
President CATHERINE HOSIE

APPROVED this 18th day of July, 2014.


BRUCE SMALLACOMBE, Mayor