

BOROUGH OF JERMYN

ORDINANCE NO. 1.10

AN ORDINANCE AMENDING ORDINANCE 0 OF 1914, THE SIDEWALK ORDINANCE, AND CHANGING THE PENALTY FOR VIOLATIONS.

By the powers granted to the Borough of Jermyn, Lackawanna County, Pennsylvania (the "Borough") by the Pennsylvania Borough Code, 53 P.S. Section 45101 et seq., including but not limited to the power to amend Borough ordinances as it shall deem beneficial to the Borough, 53 P.S. Section 46006(3), be it ENACTED and ORDAINED, and it is hereby ENACTED and ORDAINED, by the authority of the Jermyn Borough Council as follows:

Section I. Title.

This Ordinance shall be known as the "Ordinance Amending Ordinance No. 0 of 1914, the Sidewalk Ordinance."

Section II. Policy.

Pursuant to its authority under 53 P.S. Section 46202(17), as amended, to regulate the streets, public squares, common grounds, sidewalks and curbs of the Borough; pursuant to its authority under 53 P.S. Section 46202(6), as amended, to make such regulations as may be necessary for the health, safety and general welfare of the Borough and its residents; pursuant to its authority under 53 P.S. Section 46202(6), as amended, to impose fines and penalties; pursuant to its authority under 53 P.S. Section 46202(74), as amended, to make and adopt all such ordinances as may be expedient or necessary for the proper management, care or control of the Borough and the maintenance of peace, good government, safety and welfare of the Borough and its citizens; and pursuant to its authority under 53 P.S. Section 46006(3), as amended, to enact and amend such ordinances as it shall deem beneficial to the Borough; it is the desire and intent of the

Jermyn Borough Council to ensure that the safety and general welfare of the Borough and its citizens are in the best possible condition for both safety and financial reasons.

Therefore, the Jermyn Borough Council enacts the within Ordinance.

Section III. Incorporate by Reference Ordinance 0 of 1914.

This Ordinance incorporates by reference Ordinance 0 of 1914 as though fully set forth herein.

Section IV. Definitions.

A. BOROUGH - "Borough" shall be defined as 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. 24-HOUR LIMIT - "24-Hour Limit" shall be defined as the end of the 24-hour time period immediately after the snow precipitation stops or ceases.

Section V. Penalties.

Whenever any person, firm, corporation or other entity violates any section, clause, provision or portion of this Ordinance, as amended, a law enforcement officer of the Borough shall order that person to stop causing or committing such condition. If any person receiving such order from a law enforcement officer fails or refuses to obey such an order, then that person shall be guilty of violating the pertinent section of this Ordinance, as amended, a summary offense, and upon conviction shall be subject to a fine not less than Twenty-five (\$25.00) Dollars for the first offense, not less than Fifty (\$50.00) Dollars for the second offense, and not more than Three Hundred (\$300.00) Dollars in any instance, or imprisonment of not more than ninety (90) days, or both, plus costs of prosecution. Each day in violation of this Ordinance shall constitute a separate offense.

Fines collected pursuant to this Ordinance, as amended, shall be paid into the treasury of the Borough.

Section VI. 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, then such decision shall not affect any other section, clause, provision or portion of this Ordinance, so long as the Ordinance remains workable minus the invalid portion.

Section VII. Repeal of Conflicting Ordinances.

This 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 are inconsistent with the terms of this Ordinance, said inconsistent ordinance or inconsistent portion thereof is hereby repealed.

Section VIII. Effective Date.

This ordinance shall become effective thirty (30) days from the date of its enactment herein.

ENACTED AND ORDAINED THIS 13 DAY OF APRIL
2000.

JERMYN BOROUGH COUNCIL

Deborah Morcom (SEAL)
DEBORAH MORCOM
MANAGER

Philip Marrara
PHILIP MARRARA
PRESIDENT

EXAMINED AND APPROVED THIS 13 DAY OF APRIL
2000.

James W. Buckingham
BY: JAMES BUCKINGHAM
MAYOR