

GORDON BOROUGH, SCHUYLKILL COUNTY
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 2019-01

AN ORDINANCE OF GORDON BOROUGH, SCHUYLKILL COUNTY, COMMONWEALTH OF PENNSYLVANIA, ESTABLISHING PARKING REGULATIONS, AUTHORIZING TOWING AND ESTABLISHING PENALTIES FOR VIOLATIONS.

WHEREAS, Section 1202(31) of the Borough Code, 8 Pa.C.S.A. §1202(31), authorizes a borough council to regulate parking; and

WHEREAS, the Gordon Borough Council wishes to regulate certain parking practices in Gordon Borough;

NOW, THEREFORE, be it ORDAINED as follows:

Section 1. Title.

This Ordinance shall be known and may be cited as the Gordon Borough Parking Ordinance.

Section 2. Definitions.

The following words, when used in this Ordinance, shall have the meanings given to them in this Section unless the context clearly indicates otherwise.

“Commercial Vehicle” - a motor vehicle or combination, or part or attachment thereof, designed or used to transport 10 or more passengers, to transport personal property for delivery, or to engage in real property cultivation or maintenance, including but not limited to school buses, tractors, tractor trailers or cargo moving vehicles or attachments.

“Driveway” - any passageway, whether paved or unpaved, situated on private property which intersects a public road for the purpose of providing ingress and egress from said private property to said public road..

“Borough” - Gordon Borough, Schuylkill County, Commonwealth of Pennsylvania.

Section 3. Prohibitions.

A. No person shall park a motor vehicle on a street, road or right-of-way of the Borough, or any other public property, as follows:

(1) in a space designated as a handicapped parking space unless the motor vehicle is authorized or permitted by law to park in such a handicapped parking space;

- (2) within 15 feet of a fire hydrant or in a designated fire zone;
 - (3) within 20 feet of an intersection of 2 or more public roads;
 - (4) within 15 feet of a Driveway;
 - (5) outside any portion of the lines painted by the Borough to designate an intended parking space;
 - (6) more than 12 inches from any curb;
 - (7) in the lane of traffic so as to impede the flow of traffic;
 - (8) without a valid, unexpired, inspection sticker;
 - (9) without the legally required plating;
 - (10) opposing the direction of traffic;
 - (11) in any space or area designated as “No Parking”, and containing a sign to that effect, by the Borough;
 - (12) in any manner contrary to a sign properly posted by the Borough regulating parking or vehicle movement on either a temporary or permanent basis;
 - (13) in any manner which obstructs a crosswalk or sidewalk;
 - (14) in any manner that blocks the entrance to or exit from a garage; or
 - (15) in any manner inconsistent with the directive of a police officer acting on behalf of the Borough, the Mayor, a member of a volunteer fire company serving the Borough, or a Gordon Borough official who is regulating parking in connection with an emergency situation; or
 - (16) in any manner inconsistent with a notice provided by a Gordon Borough official, whether provided by posting or placement of a sign in a conspicuous location near the intended area, by a Borough-wide phone message, by a posting on the Borough website, or by direct notice given verbally, of a limited parking prohibition (limited as to location and time) to allow the performance of a Borough service, such as street maintenance.
- B. No person shall park a Commercial Vehicle on a street, road or right-of-way of the Borough, or on any other public property, except for the purpose of delivering goods or rendering services during the normal course of business provided that such Commercial Vehicle does not substantially impede the flow of vehicular traffic, and except for the purpose of road construction when construction is in progress.
- C. No person shall park a motor vehicle on private property in the Borough without the consent of the property owner.
- D. No person shall park a motor vehicle on private property in the Borough that impedes the view of the driver of a motor vehicle at an intersection of 2 or more public roads.
- E. If a motor vehicle is physically inoperable, no person shall park it on a Borough street, road or right-of-way, or on any other public property, so as to impede the normal flow of traffic; and if not impeding the normal flow of traffic no person shall park it on a Borough street, road or right-of-way for a period in excess of 48 hours.
- F. No person shall remove, deface, destroy or vandalize any sign erected or placed by the Borough to regulate parking in connection with this Ordinance.

Section 4. Towing.

If a violation of Section 3A(1) through 3A(14), or Section 3B, or Section 3C, of this Ordinance exists for a period of at least 24 hours, or if a violation of Section 3E of this Ordinance exists for a period of at least 48 hours, or if a violation of Sections 3A(15) or 3A(16) of this Ordinance exists and creates an immediate and emergency safety concern, or if a violation of Sections 3A(15) or 3A(16) of this Ordinance exists with no immediate and emergency safety concern for a period of at least 24 hours, a police officer authorized to act on behalf of the Borough is authorized to arrange for the towing of the offending motor vehicle. If a motor vehicle is towed pursuant to this Ordinance, the police officer who arranged for the towing shall immediately take steps to notify, either in person or via certified mail, the owner of the motor vehicle of the motor vehicle's location. The owner of the motor vehicle shall be responsible for any towing or storage fees incurred as a result of the towing.

Section 5. Penalties.

- A. If a motor vehicle is parked in violation of any provisions of Section 3 of this Ordinance, a police officers authorized to act on behalf of the Borough, the Mayor, the Borough Code Enforcement Officer or the Borough's Assistant Code Enforcement Officer, may issue a ticket for the violation to the owner or operator of the vehicle by either placing the ticket on the offending vehicle, or hand delivering a ticket to the owner or operator thereof. The ticket shall indicate that it is for a parking violation. The ticket shall impose a fine in the amount of \$15.00 per violation of this Ordinance, or such other amounts as may be established from time to time by Resolution of the Borough. If the owner or operator abates the violation and pays the fine imposed by the ticket at the Gordon Borough Municipal Building to the Borough Secretary within 10 days of the date the ticket is either placed on the vehicle or hand delivered to the owner or operator, there shall be no further penalties.
- B. If the owner or operator of any motor vehicle, or any other person, violates any prohibition of Section 3 of this Ordinance, and fails to abate any violation and pay any ticket issued pursuant to Section 5A of this Ordinance if applicable, enforcement of this Ordinance may be by action brought before a district justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The municipal solicitor may assume charge of the prosecution without the consent of the District Attorney. Any person found to have violated any provisions of this Ordinance shall, for each violation, pay a fine of no less than \$100.00, nor more than \$500.00, plus court costs, and/or be sentenced to imprisonment either for a violation of any provisions of this Ordinance or for failure to pay a fine or costs for a term not to exceed 30 days.
- C. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each section or part of this Ordinance which is found to have been violated.
- D. Enforcement of this Ordinance may be by an action in equity in the Schuylkill County Court of Common Pleas.

Section 6. Severability.

If any section or part of this Ordinance is found by a court of competent jurisdiction to be illegal or unenforceable, the rest and remainder of this Ordinance shall be given full force and effect as if adopted by the Borough Council without the section or part found illegal or unenforceable.

Section 7. Repealer.

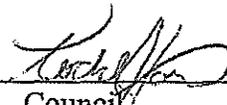
Any prior ordinances of Gordon Borough which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give effect to this Ordinance.

Section 8. Effective Date.

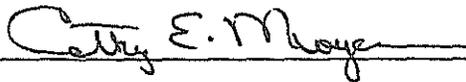
This Ordinance shall be effective immediately after enactment, or on the first day allowed by law thereafter.

ORDAINED and ENACTED this 11TH day of JUNE, 2019.

BOROUGH OF GORDON
Schuylkill County, Pennsylvania

BY: 
Council

ATTEST:


Cathy E. Meyer

APPROVED:


Mayor