

**BOROUGH OF ST. CLAIR  
SCHUYLKILL COUNTY, PENNSYLVANIA**

ORDINANCE NO. 433

**AN ORDINANCE OF THE BOROUGH OF ST. CLAIR,  
SCHUYLKILL COUNTY, PENNSYLVANIA, PROHIBITING  
PARKING ALONG THE SOUTHERN SHOULDER OF WADE  
ROAD (S.R. 1006) FROM THE OPPOSITE SIDE OF THE  
INTERSECTION OF MEMORIAL AVENUE AND WADE ROAD  
(S.R. 1006) TO THE INTERSECTION OF WADE ROAD (S.R.  
1006) AND JOSEPH LONG BOULEVARD (S.R. 0061).**

The Borough Council of the Borough of St. Clair, Schuylkill County, Pennsylvania (the "Borough"), hereby enacts and ordains as follows:

WHEREAS, Section 1201 of the Borough Code, 53 P.S. §46201, entitled "General Powers", authorizes the Borough to make and adopt ordinances necessary for the proper management, care and control of the Borough, and the maintenance of the health and welfare of the Borough and its citizens; and

WHEREAS, Section 1202 of the Borough Code, 53 P.S. §46202, entitled "Specific Powers", authorizes the Borough to adopt ordinances to secure the safety of persons or property within the Borough, and to regulate parking to promote the convenience and protection of the public; and

WHEREAS, Section 6109 of the Pennsylvania Motor Vehicle Code, 75 Pa.C.S.A. § 6109, acknowledges that the Borough can reasonably exercise its police power by regulating or prohibiting parking.

NOW THEREFORE, BE IT ENACTED AND ORDAINED BY the Borough Council of the Borough of St. Clair, Schuylkill County, Pennsylvania, in accordance with the general powers permitted by the Borough Code (53 P.S. §46201, et seq.) and the statutes noted above, as follows:

**Section 101. Title.**

This Ordinance shall be known as the “St. Clair Borough Parking Ordinance for the Schuylkill Transportation System Land Development Plan”.

**Section 102. Citation**

This Ordinance may be cited as the “St. Clair Borough Parking Ordinance for the Schuylkill Transportation System Land Development Plan”.

**Section 103. Purpose.**

The purpose of this Ordinance is to protect the public health, safety and welfare by prohibiting parking along the southern shoulder of Wade Road (S.R. 1006) from the opposite side of the intersection of Memorial Avenue and Wade Road (S.R. 1006) to the intersection of Wade Road (S.R. 1006) and Joseph Long Boulevard (S.R. 0061) in order to allow for appropriate sight distance, as required by the Pennsylvania Department of Transportation, for vehicles entering and exiting the parcel to be used by the Schuylkill Transportation System (STS) as its transportation building.

**Section 104. Definitions**

STS: “STS” shall refer to the Schuylkill Transportation System parcel located in the Borough of St. Clair along Wade Road (S.R. 1006).

STS Land Development Plan: "STS Land Development Plan" shall mean the STS Land Development Plan submitted and approved by the St. Clair Borough Planning Commission and Borough Council.

Vehicle: Any motorized or nonmotorized device, including a trailer, capable of being moved upon a public street and in, upon, or by which persons or property may be transported or drawn upon a public street.

**Section 105. Parking Restrictions.**

Parking any vehicle is prohibited along the portion of the south side of the eastbound lane of Wade Road (S.R. 1006) from the intersection of Memorial Avenue and Wade Road (S.R. 1006) to the intersection of Wade Road (S.R. 1006) and Joseph Long Boulevard (S.R. 0061) as noted on the STS Land Development Plan indicating proposed No Parking signs along Wade Road (S.R. 1006), at the following segments:

1. Segments 0060, offset 1157 to offset 1232 (west side of the proposed STS access drive);
2. Segments 0060, offset 1434 to offset 1544 (east side of the proposed STS access drive);
3. Segments 0060, offset 1434 to offset 1544 (west side of the existing access drive to the site);
4. Segments 0060, offset 1631 to offset 1729 (east side of the existing access drive and the remainder of the shoulder to the intersection).

as more fully depicted in the attached Exhibit "A", which is a true and correct copy of the relevant portion of the said STS Land Development Plan. The developer or owner of said property shall install the No Parking signs as depicted in the STS Land Development Plan.

**Section 106. Penalties for Violation.**

**Section 106.1.** The Borough hereby elects to use parking tickets to inform defendants of parking violations and offer defendants an opportunity to avoid criminal proceedings by paying an amount specified on the ticket within the time specified on the ticket. Parking ticket fines for violations of this Ordinance are hereby set at Twenty-Five (\$25.00) Dollars per violation. Each day that a violation of this Ordinance continues or each section of this Ordinance, which shall be found to have been violated, shall constitute a separate offense. For purposes of this Ordinance, the doing of an act or thing prohibited by any provision of this Ordinance or the failure to do any act or thing or to which any provision of this Ordinance creates an affirmative duty shall constitute a violation of this Ordinance, punishable as herein stated. The imposition of a fine or penalty for any violation of, or non-compliance with, this Ordinance shall not excuse the violation or non-compliance or permit it to continue, and all such persons shall be required to correct or remedy such violations and non-compliances.

**Section 106.2.** All parking ticket fines are as noted above if paid within ten (10) days. If the defendant makes no response within the ten (10) days, or if the defendant indicates a desire to plead not guilty, and the Borough police department desires to proceed with the case, the law enforcement officer may then institute a criminal proceeding by either filing a citation directly with the proper issuing authority, or have the parking violation information electronically transmitted, if practicable, and additional fines and costs may be imposed. Upon summary conviction before a District Magistrate having jurisdiction, any person, firm, corporation or organization violating any provision

of this Ordinance shall be sentenced to pay a fine of not less than Twenty-Five (\$25.00) Dollars nor more than Fifty (\$50.00.) Dollars plus the costs of prosecution, and in default of the payment thereof, shall be sentenced to undergo imprisonment in any County Jail for a period not to exceed ten (10) days.

**Section 106.3.** It is the intention of Borough Council that the fines noted herein for the parking ticket may be amended from time to time by resolution rather than by ordinance.

**Section 107. Inapplicable to Official Borough Vehicles.**

The provisions of this Ordinance shall not apply to vehicles belonging to the Borough of St. Clair, which are marked with the Official Seal of the Borough of St. Clair on the side thereof.

**Section 108. Removal, Impoundment and Storage of Illegally Parked Vehicles.**

In addition to the penalties assessed herein, if any vehicle is parked or left standing in violation of this Ordinance for seven (7) consecutive days, or if the parking of such vehicle prohibits or interferes with the use of the street or any portion thereof, said vehicle may be removed, or caused to be removed by a police officer and impounded or placed in storage with all towing and storage costs to be paid by the offender/owner of the vehicle. The Borough will only return the vehicle that was impounded to the proven owner once all outstanding fines, assessments and costs have been verified as paid

**Section 109. Nuisance, Injunction.**

In addition to the penalties assessed herein, if any vehicle left standing in violation of this Ordinance for seven (7) consecutive days, or if the parking of such vehicle prohibits or interferes with the use of the street or any portion thereof, said violation or condition shall be considered a

nuisance. In addition to any other relief provided by this Ordinance, the borough solicitor may apply to the Court of Common Pleas for an injunction to prohibit the continuation of any violation of this Ordinance. Such application for relief may include seeking a temporary restraining order, temporary injunction, and permanent injunction.

**Section 110. Severability.**

The provisions of this Ordinance are severable, and if any section, clause, sentence, part or provision thereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect, impair or invalidate any of the remaining sections, clauses, sentences, parts or provisions of this Ordinance. It is hereby declared to be the intent of St. Clair Borough Council that this Ordinance would have been adopted if such illegal, invalid or unconstitutional section, clause, sentence, part or provision had not been included herein.

**Section 111. Repealer/Savings.**

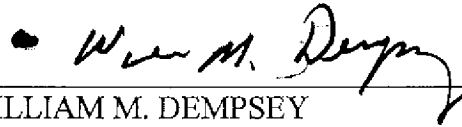
The provisions of any prior ordinance which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency. Nothing contained in this Ordinance shall be construed to affect any suit or proceeding in any court, or any rights acquired or liability incurred, or any cause of action existing prior the enactment of this Ordinance. Nothing contained in this Ordinance establishing parking zone restrictions shall be construed to permit parking vehicles in those spaces within any zone in which by other ordinances of the Borough or state law parking is prohibited.

**Section 112. Effective Date.**

This Ordinance shall become effective immediately after the adoption hereof.

DULY ENACTED AND ORDAINED by Borough Council of the Borough of St. Clair,  
Schuylkill County, Pennsylvania, this 6<sup>TH</sup> day of OCTOBER, 2020, in lawful  
session duly assembled.

ST. CLAIR BOROUGH



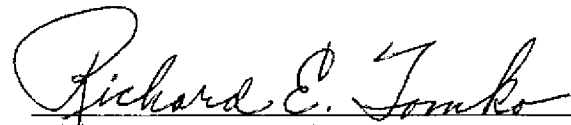
WILLIAM M. DEMPSEY  
Council President

ATTEST:



ROLAND PRICE, JR.  
Borough Secretary

Approved by me this 6<sup>TH</sup> day of OCTOBER, 2020.



RICHARD E. TOMKO  
Mayor

**IN RE: AN ORDINANCE OF THE BOROUGH OF ST. CLAIR, SCHUYLKILL COUNTY, PENNSYLVANIA, PROHIBITING PARKING ALONG THE SOUTHERN SHOULDER OF WADE ROAD (S.R. 1006) FROM THE OPPOSITE SIDE OF THE INTERSECTION OF MEMORIAL AVENUE AND WADE ROAD (S.R. 1006) TO THE INTERSECTION OF WADE ROAD (S.R. 1006) AND JOSEPH LONG BOULEVARD (S.R. 0061).**

**CERTIFICATION**

I hereby certify that the within Ordinance is a true and correct copy of an Ordinance enacted by Borough Council of the Borough of St. Clair, Schuylkill County, Pennsylvania, on the 6<sup>th</sup> day of October, 2020.

SEAL



Roland Price, Jr., Secretary  
St. Clair Municipal Building  
16 South Third Street  
St. Clair, PA 17970  
Telephone No. (570) 429-0640