

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

ORDINANCE NO. 436

**AN ORDINANCE OF THE BOROUGH OF ST. CLAIR,
SCHUYLKILL COUNTY, PENNSYLVANIA, REGULATING
PARKING ON SECOND STREET, THIRD STREET, AND AN
UNNAMED ALLEY BETWEEN RAILROAD STREET AND
PATTERSON STREET.**

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 Second Street, Third Street, and an Unnamed Alley Between Railroad Street and Patterson Street”.

Section 102. Citation

This Ordinance may be cited as the “St. Clair Borough Parking Ordinance for Second Street, Third Street, and an Unnamed Alley Between Railroad Street and Patterson Street”.

Section 103. Purpose.

The purpose of this Ordinance is to protect the public health, safety and welfare by prohibiting parking along the east side of Third Street, one hundred forty (140’) feet north of Patterson Street, between Railroad Street and Patterson Street; prohibiting parking in an alley between Railroad Street and Patterson, and prohibiting parking along Third Street, pursuant to a Plan for the Alert Fire Company No. 1.

Section 104. Definitions

Alert Fire Company No. 1: “Alert Fire Company No. 1” shall refer to the Alert Fire Company No. 1 located at 30-34 South Second Street in the Borough of St. Clair.

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 on the east side of South Third Street, one hundred forty (140') feet north of Patterson Street, between Railroad Street to Patterson Street; in the alley between Railroad Street and Patterson Street; along Second Street as depicted in the Sight Distance Plan attached as Exhibit "A" with "No Parking" signs to be located on State Route 1027, Segment 20, Offset 1076 and S.R. 1027, Segment 20, Offset 1183.

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

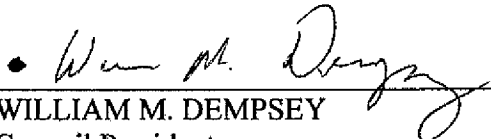
permit parking vehicles in those spaces within any zone in which by other ordinances of the Borough or state law parking is prohibited.

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 5th day of October, 2021, in lawful session duly assembled.

ST. CLAIR BOROUGH


WILLIAM M. DEMPSEY
Council President

ATTEST:


ROLAND PRICE, JR.
Borough Secretary

Approved by me this 5th day of October, 2021.


RICHARD E. TOMKO
Mayor

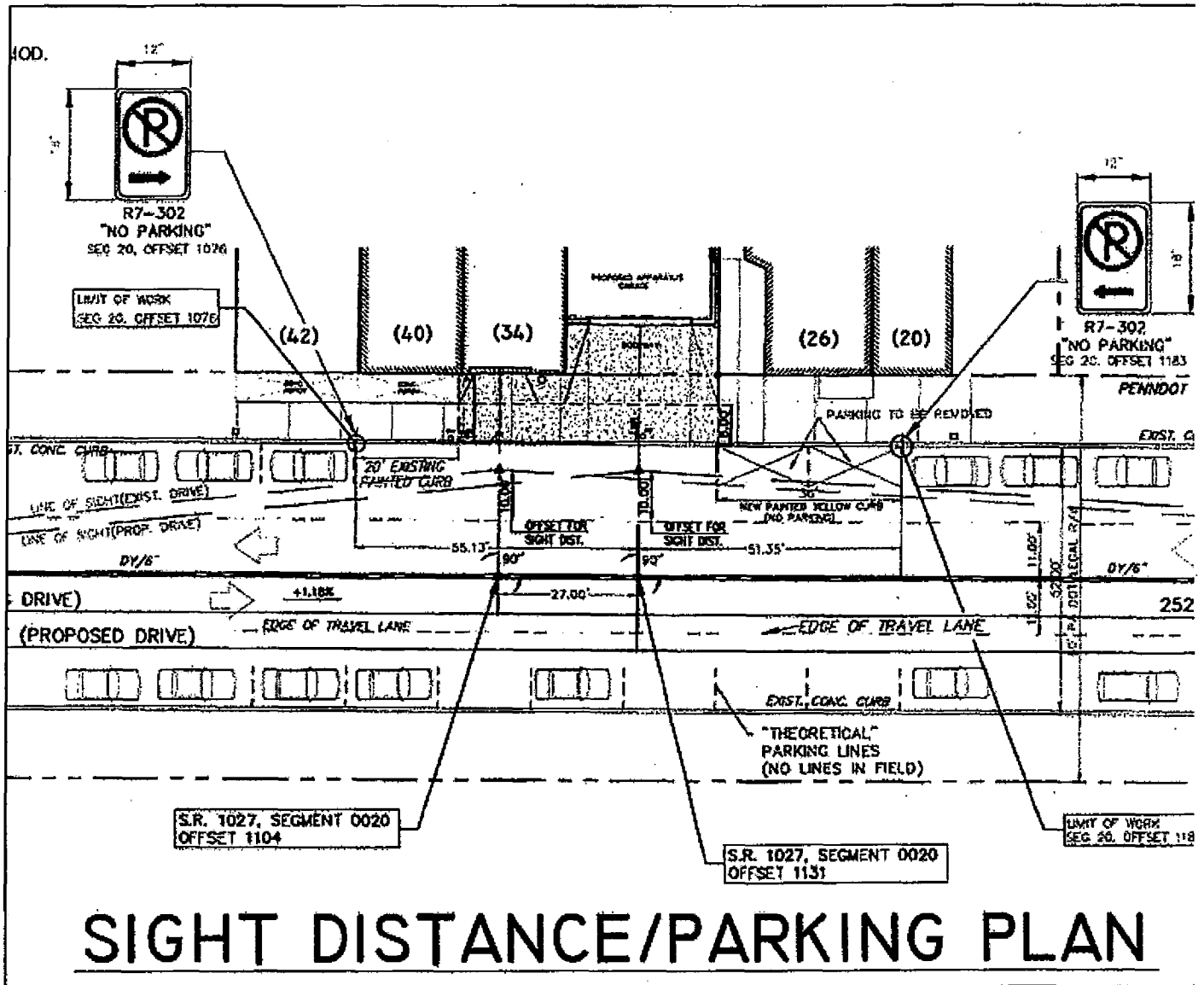


EXHIBIT "A"

IN RE: AN ORDINANCE OF THE BOROUGH OF ST. CLAIR, SCHUYLKILL COUNTY, PENNSYLVANIA, REGULATING PARKING ON SECOND STREET, THIRD STREET, AND AN UNNAMED ALLEY BETWEEN RAILROAD STREET AND PATTERSON STREET.

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 5th day of October, 2021.

SEAL



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