

## **Ordinance No. 6 of 2009**

Whereas, the Council of the Borough of Olyphant intends hereby to establish regulations for the parking of motor vehicles on Borough streets during snow emergencies as defined herein and as declared by the Mayor of the Borough of Olyphant; Borough Council also intends hereby to regulate the removal of snow and ice from public roadways, sidewalks, driveways, and private property;

Whereas, consistent with section 1202 of the Borough Code Act of February 1, 1966 (P.L. 1656, No. 581), as amended, (Borough Code), the Borough of Olyphant is vested with certain specific powers in the exercise of which it may enact any Ordinance or make any regulation, restriction, or prohibition providing for the enforcement thereof and setting forth penalties for the violation thereof or for the failure to conform thereto;

Whereas, consistent with section 1202 (17) of the Borough Code, the Borough of Olyphant is authorized to regulate the Borough streets, sewers, public squares, common grounds, sidewalks, curbs, gutters, culverts, and drains and to prohibit the erection or construction of any building or other obstruction to the convenient use of the same;

NOW, THEREFORE, be it ordained and enacted by the Council of the Borough of Olyphant, and it is hereby ordained and enacted by the authority of the same as follows:

### **SECTION 1**

The following words and phrases shall have the following meanings as set forth in this section unless a singular usage clearly indicates an alternative or additional meaning:

- (a) Snow: Any precipitation depositing any accumulation on the streets, sidewalks, driveways, common grounds, or public squares of the Borough of Olyphant including snow, sleet, hail, ice, or freezing rain.
- (b) Snow Emergency: A state or condition declared by the Mayor of the Borough of Olyphant as herein described during which, in the opinion of the Mayor, street conditions are hazardous and dangerous to vehicular and/or pedestrian traffic.
- (c) Vehicles: All motor vehicles using or parking on Borough streets including all public and private transportation conveyances, automobiles, trucks, and any other powered vehicles.

### **SECTION 2**

It is hereby declared a violation of this Ordinance for any person, association, firm, partnership, corporation, or other entity owning, possessing, or occupying any property along or adjoining any dedicated or undedicated public street or alleyway within the Borough of Olyphant to fail to remove from the sidewalk abutting said property all snow, ice, hail, or sleet within twenty-four (24) hours after the same shall have ceased to fall thereon and to keep said sidewalks free and clear of all snow, ice, hail, or sleet thereafter.

### SECTION 3

It is hereby declared a violation of this Ordinance for any person, association, firm, partnership, corporation, or other entity owning, possessing, or occupying any property along or adjoining any dedicated or undedicated public street or alleyway within the Borough of Olyphant, in removing all said snow, ice, hail, or sleet from any sidewalk, driveway, lot, or other area, to deposit the same on the said streets or alleyways of the Borough.

### SECTION 4

In order to facilitate the movement of vehicle and pedestrian traffic and to mitigate the hazards of snow on the streets and alleyways of the Borough of Olyphant, the Mayor may declare a snow emergency. Notice of the snow emergency declaration shall be given by the Borough to the public by means of radio, television, or newspaper broadcast or any other available method; public notice of the termination of the snow emergency shall be in a like manner.

- (a) After the declaration of a snow emergency, it shall be a violation of the Ordinance to park any vehicle on the uneven number side of all Borough streets until such time as plowing, salting, and/or cindering is completed on said side of the street; the uneven side of the street is determined by the address numbers assigned to the houses or buildings adjoining said streets.
- (b) After 8:00 AM on the day following any declaration of a snow emergency and until after plowing, salting, and/or cindering is completed, it shall be a violation of this Ordinance to park any vehicle on the even numbered side of all Borough streets; the even side of the street is determined by the address numbers assigned to the houses or buildings adjoining said streets.
- (c) Any owner or operator of any vehicle may use the parking lot in either Condella Park or Fern Hill Park to temporarily park his/her vehicle in order to comply with this Ordinance in the event that adequate parking is not available in close proximity to the usual parking space of the subject vehicle.
- (d) The Officers of the Olyphant Borough Police Department are hereby authorized to have any vehicle towed at the owner's expense that is parked in violation of this Ordinance; vehicles will be towed to the storage facilities of the towing firms approved by the Borough of Olyphant and vehicle owners must pay all fees prior to the return of the vehicle.
- (e) This Ordinance shall be enforced by a civil enforcement proceeding filed at the office of the District Justice. Upon a finding of violation, such violation is punishable by a fine of twenty-five dollars (\$25.00) plus towing charges, filing fees, and other expenses provided that prior to the imposition of a fine the person alleged to have violated the Ordinance shall have been given a written warning; provided further, however, that any vehicle parked in violation of the provisions of this Ordinance may be towed regardless of whether or not the vehicle's owner/operator was given prior warning or regardless of a prior finding of Ordinance violation at the office of the District Justice.

## **SECTION 5**

The parking of any vehicle referred to herein as being a violation of this Ordinance is also hereby declared to be a public nuisance that can be abated or removed by towing the vehicle without the necessity of further notice; in the event that the cost of such abatement or removal, including the towing charge, is not promptly paid, a municipal lien is hereby authorized and shall be filed in order to recover such cost or such cost may be otherwise collected as authorized by law.

## **SECTION 6**

Any Ordinance or Resolution or parts of any Ordinance or Resolution in conflict with the Ordinance contained herein shall be and are hereby repealed to the extent of said conflict.

## **SECTION 7**

If any provision, sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is declared hereby as the intent of the Olyphant Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid provision, sentence, clause, section, or part thereof not been included herein.

## **SECTION 8**

This Ordinance shall take effect immediately upon adoption hereof.

Attest:

Borough of Olyphant

John Tomcho, Secretary

Robert Hooper, President

Borough of Olyphant

Borough of Olyphant

Approved this 1<sup>st</sup> day of December, 2009.

Jayme D. Morano, Mayor

Borough of Olyphant

## **CERTIFICATION**

I, John Tomcho, the Secretary for the Borough of Olyphant, hereby certify that the foregoing Ordinance No. 6 of 2009 was adopted by the Olyphant Borough Council and approved by the Mayor of the Borough of Olyphant at a regular session of Borough Council held on December 1, 2009 at 7:30 PM at the Olyphant Municipal Building, 113 Willow Avenue, Olyphant, Pennsylvania, which regular session of Borough Council was duly advertised at which a quorum was present.

John Tomcho, Secretary

Borough of Olyphant

Dated: December 1, 2009