

ORDINANCE NO. 2010 - 2

BOROUGH OF PORT CARBON

AN ORDINANCE OF THE BOROUGH OF PORT CARBON, COUNTY OF SCHUYLKILL, COMMONWEALTH OF PENNSYLVANIA, AUTHORIZING THE INCREASE IN FINES FOR GENERAL ORDINANCES AND PARKING VIOLATIONS, AS WELL AS OTHER ORDINANCES AMENDING ARTICLE I, § 1-2., VIOLATIONS OF GENERAL ORDINANCES.

WHEREAS, the Borough of Port Carbon is a municipal corporation organized and operating under the Commonwealth Borough Code, 53 Pa.C.S.A. 46101, et seq; and

WHEREAS, the Borough of Port Carbon receives fees for police tickets for the purpose of violations according to the traffic and parking laws of the Commonwealth of Pennsylvania and Port Carbon Code of Ordinances; and

WHEREAS, the Borough of Port Carbon upon recommendation of the Police Department of Port Carbon to increase fees; and

WHEREAS, the Borough of Port Carbon Code of Ordinances schedule of parking fines does not impose minimum fines sufficient for acting as a deterrent; and

WHEREAS, the Borough of Port Carbon Code of Ordinances schedule of parking fines does not impose minimum fines sufficient for the cost of prosecution for the Port Carbon Police Department; and

WHEREAS, Borough of Port Carbon Council and Port Carbon Police Department determined that the current schedule of parking fines fail in acting as a deterrent for illegal parking due to nominal imposition of fee; and

WHEREAS, the Commonwealth Borough Code at 53 P.S. § 46202 specifically empowers a Borough to regulate parking within the Borough limits; and

WHEREAS, the Commonwealth Borough Code at 53 P.S. § 48301 allows Borough ordinances to be enforced through the summary conviction process; and

WHEREAS, the Commonwealth Borough Code at 53 P.S. § 48308 allows the Borough to enact ordinances with a maximum fine of \$1,000.00; and

WHEREAS, the Port Carbon Code of Ordinances is hereby amended at Article I, § 1-2 for purposes of increasing general fines and parking fines.

NOW THEREFORE BE IT ORDAINED, and it is hereby ordained and enacted by the Borough Council of the Borough of Port Carbon, County of Schuylkill, Commonwealth of Pennsylvania, that the fees for parking violations are amended and increased as follows as the minimum fine, and Article I, § 1-2 shall be amended to read as follows:

§ 1-2. Violations of general ordinances.

A. The fine or penalty for collection of violations of Borough ordinances, other than parking violations set forth in Section B of this ordinance, shall not be less than the sum of \$25 and shall not exceed the sum of \$1,000 for violation of any other prior enacted code or ordinances as allowed by the Pennsylvania State Borough Code.

B. The fines for parking violations shall be as follows:

1. Parking within intersection	\$25.00
2. Parking on a crosswalk	\$25.00
3. Parking within fifteen (15) feet of a fire station entrance	\$50.00
4. Parking within fifteen (15) feet of a fire hydrant	\$30.00
5. Parking on a sidewalk or walkway	\$25.00
6. Blocking private legal driveway	\$25.00
7. Parking less than fifteen (15) feet from a travel space	\$25.00
8. Double parking	\$25.00
9. Parking in a no parking zone	\$25.00
10. Parking against traffic (wrong side)	\$25.00
11. Parking over one (1) hour limit	\$25.00
12. Parking over twelve (12) inches from curb	\$25.00
13. Parking in a handicapped parking space	\$50.00

C. That the maximum fine shall not exceed \$1,000.00 or the maximum amount imposed by law at 53 P.S. § 48308 or its successor sections and enactments under the Commonwealth Borough Code.

D. All prior ordinances, or parts of ordinances inconsistent with this ordinance be and the same are hereby repealed.

E. The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section, or provision is declared void or unenforceable for any reason, by any court of competent jurisdiction, it shall not affect any portion of the ordinance other than said part or portion thereof, and any prior enacted ordinance shall remain in full force and effect as though not repealed and amended.

F. Any ordinances not in conflict herewith shall remain in full force and effect.

G. That the recitals set forth in the "WHEREAS" clause of this ordinance are hereby incorporated herein as though set forth at length.

H. That the Borough of Port Carbon may enforce the within ordinance under any and all available procedures as allowed by the Commonwealth Borough Code.

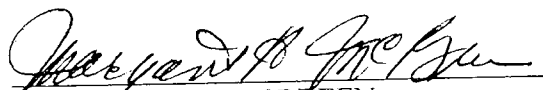
I. That the Borough of Port Carbon may enforce this ordinance through its Borough Police Department, Code Enforcement Officer, or Mayor as the Borough deems appropriate, and may designate the appropriate official by and through resolution but need not do so and that the enforcement parties are listed as above.

J. That the Borough of Port Carbon may collect together with fines the costs of prosecution for violation thereof.

ADOPTED this 9th day of March 2010.

PORT CARBON BOROUGH

ATTEST:



MARGARET A. MCBREEN

Borough Secretary

(Seal)

BY: 
HAROLD HERNDON, Council President

APPROVED on the date above written.

THOMAS PAVLICK, Mayor