

AN ORDINANCE ESTABLISHING THE POSITION OF PARKING ENFORCEMENT OFFICER FOR THE BOROUGH, AUTHORIZING THE ENFORCEMENT OF CERTAIN PARKING REGULATIONS, ISSUANCE OF CITATIONS, AND RELATED DUTIES TO ENSURE PUBLIC SAFETY, TRAFFIC FLOW, AND COMPLIANCE WITH LOCAL PARKING ORDINANCES.

DEFINITIONS:

A. Words and phrases, when used in this ordinance, shall have the meanings ascribed to them in the Vehicle Code of Pennsylvania, as now in force or as hereafter amended, enacted or reenacted, except where the context clearly indicates a different meaning.

COMMERCIAL VEHICLE- A motor vehicle designed or used to transport passengers or property under the following conditions:

- A) If the vehicle has a gross vehicle weight rating of 26,001 or more pounds or such lesser rating as the Pennsylvania Department of Transportation shall adopt under the provisions of Section 6103(e) of the Vehicle Code, as determined by Federal regulation and published by the Pennsylvania Department of Transportation as a notice in the Pennsylvania Bulletin;
- B) If the vehicle is designed to transport 16 or more passengers, including the driver;
- C) If the vehicle is a school bus;
- D) If the vehicle is transporting hazardous materials and is required to be placarded in accordance with Pennsylvania Department of Transportation regulations;
- E) If the vehicle is a piece of construction equipment including but not limited to motor scrapers, backhoes, motorgraders, compactors, excavators, tractors, trenchers, and bulldozers.

MOTOR HOME- A motor vehicle designed or adapted for use as a mobile dwelling or office, whether or not the vehicle is actually capable of moving. The term includes what is commonly referred to as an “RV” or “recreational vehicle.”

SECTION 1. PURPOSE AND AUTHORITY.

This Ordinance is enacted pursuant to the authority granted to the Borough of Port Carbon by the Pennsylvania Borough Code, 8 Pa.C.S. § 1202, § 3321, and other applicable laws of the Commonwealth, to regulate the use of public streets, sidewalks, and rights-of-way, and to enforce Borough ordinances concerning the safety, welfare, and convenience of the public. The purpose of this Ordinance is to authorize the Borough Parking Enforcement Officer to enforce specific vehicle-related provisions of the Port Carbon Borough Code of Ordinances by issuing tickets and citations, thereby ensuring compliance with local parking and nuisance vehicle regulations.

SECTION 2. DESIGNATION OF ENFORCEMENT.

The Port Carbon Borough Parking Enforcement Officer (PEO) is hereby authorized and empowered to:

- A. Issue parking tickets and/or non-traffic citations for violations of Borough ordinances related to the stopping, standing, or parking of vehicles.

- B. The Parking Enforcement Officer may enforce the following provisions of the Port Carbon Borough Code:
 - (1) Vehicles parked on sidewalks as laid out in Port Carbon Borough Code §226-6;
 - (2) Vehicles parked on any highway that is under construction as laid out in Port Carbon Borough Code §226-19;
 - (3) Vehicles parked outside marked spaces as laid out in Port Carbon Borough Code §226-22;
 - (4) Vehicles parked on an angle as laid out in Port Carbon Borough Code §226-23;
 - (5) Vehicles parked on prohibited streets as laid out in Port Carbon Borough Code §226-24;
 - (6) Vehicles parked during prohibited times as laid out in Port Carbon Borough Code §226-26;
 - (7) Vehicles parked in handicapped parking spaces as laid out in Port Carbon Boric Code §226-44;
 - (8) Abandoned or unregistered vehicles as laid out in Port Carbon Borough Code Chapter 223;
 - (9) Vehicles within fifteen (15) feet of a fire hydrant or in a designated fire zone;
 - (10) Vehicles that parked in the lane of traffic so as to impede the flow of traffic;
 - (11) Vehicles parked without the legally required plating;
 - (12) Vehicles that are stopped, standing or parked in any manner contrary to a sign properly posted by the Borough regulating parking;
 - (13) Vehicles parked in any manner which obstructs a crosswalk or sidewalk;

- C. No person shall park any vehicle in front of, across, or in any way blocking a public or private driveway. Any vehicle obstructing access to a driveway, including encroaching on the curb cut or apron, is in violation and subject to ticketing or citation.

- D. 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.

- 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 forty-eight (48) hours.
- F. No person shall park any large vehicle, including motorhomes, commercial trucks, trailers, or oversized vans, in any manner that obstructs traffic flow or limits a motorist's clear view of the roadway. Large vehicles must not be parked within 30 feet of any intersection. Any large vehicle parked in violation of these requirements is subject to ticketing or citation.
- G. When a snow emergency is declared by the Borough, no person shall park, stop, or leave any vehicle on any designated Snow Emergency Route. Vehicles parked on a Snow Emergency Route during a declared emergency are subject to immediate ticketing and may be towed at the owner's expense.

SECTION 3. CITATION AND TICKETING PROCEDURE.

- A. The Parking Enforcement Officer may issue a ticket or non-traffic citation by:
 - (i) Affixing it securely to the offending vehicle; or
 - (ii) Delivering it directly to the operator or registered owner, when available.
- B. The ticket shall include:
 - (1) The date, time, and location of the violation;
 - (2) The nature of the violation and reference to the applicable Borough ordinance section;
 - (3) The fine amount and instructions for payment or appeal; and
 - (4) The name or identification of the issuing officer.
- C. If the fine is not paid within the prescribed period, the violation may be filed as a non-traffic citation before the appropriate Magisterial District Judge, in accordance with the Pennsylvania Rules of Criminal Procedure.

SECTION 5. TOWING.

The Parking Enforcement Officer is hereby authorized to remove and impound, or to order the removal and impounding of, any vehicle parked on any street, highway, or public property in the Borough in violation of this ordinance, pursuant to the authority granted under 75 Pa.C.S. § 6109(a)(22); provided, however, that no such vehicle shall be removed or impounded except in strict adherence to the provisions of this ordinance.

SECTION 6. COORDINATION WITH LAW ENFORCEMENT.

This authorization shall not limit or restrict the powers of any law enforcement officer of the Borough of Port Carbon or of the Commonwealth of Pennsylvania to enforce parking or vehicle-related laws under the Pennsylvania Vehicle Code (Title 75).

SECTION 7. ENFORCEMENT.

Pursuant to the authority granted under the Pennsylvania Borough Code, 8 Pa.C.S. §1202 and §3321, the provisions of this ordinance may be enforced by the Parking Enforcement Officer, who is appointed by the Borough Council and shall act under the authority of the Mayor or their designee.

SECTION 8. SEVERABILITY.

If any section, clause, or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 9. REPEAL

Unless otherwise specifically stated in this Ordinance, all ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 10. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon adoption and proper advertisement, in accordance with the Pennsylvania Borough Code.

ENACTED AND ORDAINED this ____ day of _____, 2026, by the Borough Council of the Borough of Port Carbon, Schuylkill County, Pennsylvania.

ATTEST:

ANGELA LASELVA
Borough Secretary
(Seal)

BY: _____
SCOTT KRATER, Council President

APPROVED on the date above written.

JAMES P. MCBREEN, Mayor