

**BOROUGH OF JERMYN**

**ORDINANCE NO. 2.05**

**AN ORDINANCE REGULATING THE USE OF CALLAHAN PARK WITHIN THE BOROUGH OF JERMYN AND SETTING FORTH PENALTIES FOR VIOLATION OF SAME**

By the powers granted to the Borough of Jermyn, Lackawanna County, Pennsylvania, by the Borough Code of the Commonwealth of Pennsylvania, 53 P.S. Section 45101 et seq., specifically including but not limited to the power to regulate the streets within the Borough of Jermyn, 53 P.S. Section 46202(17), be it ENACTED AND ORDAINED by the Borough Council of the Borough of Jermyn, Lackawanna County, Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of the Jermyn Borough Council as follows:

**Section I. Title**

This ordinance shall be known as the "Callahan Park Ordinance."

**Section II. Policy**

Pursuant to its authority under 53 P.S. Section 46202(17), as amended, to regulate the streets, public squares, common grounds, sidewalks and curbs of the Borough of Jermyn; pursuant to its authority under 53 P.S. Section 46202(6), as amended, to make such regulations as may be necessary for the health, safety and general welfare of the Borough of Jermyn and its residents; pursuant to its authority under 53 P.S. Section 46202(6), as amended, to impose fines and penalties; pursuant to its authority under 53 P.S. Section 46202(74), as amended, to make and adopt all such ordinances as may be expedient or necessary for the proper management, care or control of the Borough of Jermyn and the maintenance of peace, good government, safety and welfare of the Borough of Jermyn and its citizens; and pursuant to its authority under 53 P.S. Section 46006(3), as amended, to enact and amend such ordinances as it shall deem beneficial to the Borough of Jermyn and to provide for the enforcement of same, the Jermyn Borough Council enacts the within Ordinance.

It is the desire and intent of the Jermyn Borough Council to ensure that the safety and general welfare of the Borough of Jermyn and its citizens is in the best possible condition for both safety and financial reasons. Therefore, in order to provide for the health, safety and general welfare of the Borough of Jermyn and its citizens, the Jermyn Borough Council enacts the within Ordinance.

### **Section III. Purpose**

The purpose of this ordinance is to regulate the use of Callahan Park within the Borough of Jermyn and to set forth penalties for violation of same.

### **Section IV. Regulations**

Regulations of Callahan Park shall be as follows:

(a) Hours of operation: Callahan Park shall open at 7:00 a.m. and close at 9:00 p.m. Any person found in the park between the hours of 9:00 p.m. and 7:00 a.m. shall be cited for trespassing. A sign shall be placed at the entrance of the park indicating same.

(b) Restrictions: Animals, bicycles, skateboards, scooters, motor vehicles, ATVs, dirt bikes and/or any and all other motorized recreational vehicles are strictly prohibited from entering the park. Graffiti on any area of Callahan Park property also is strictly prohibited. A sign shall be placed at the entrance of the park indicating same.

### **Section V. Penalties**

Any person(s) violating any of the provisions of this ordinance shall, upon conviction, pay a penalty of not more than Seventy-five (\$75.00) Dollars per incident involving non-motorized vehicles, animals and/or graffiti; and not more than Three Hundred (\$300.00) Dollars per incident involving motorized vehicles; which shall be recovered by summary proceedings and on default of payment of any such fine imposed the person(s) so convicted may be committed to the Lackawanna County Prison for a period not exceeding thirty (30) days.

**Section VI. Severability and Amendment**

If any section, clause, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this ordinance so long as it remains workable minus the invalid portion.

**Section VII. Repeal of Conflicting Ordinances.**

This Ordinance supersedes and repeals all former and prior ordinances or parts thereof which conflict or are inconsistent with the provisions of this Ordinance, and to the extent that any prior or existing ordinances of the Borough of Jermyn are inconsistent with the terms of this ordinance, said inconsistent ordinances or inconsistent portions thereof are hereby repealed.

**Section VIII. Effective Date**

This ordinance shall become effective thirty (30) days from the date of its enactment.

ENACTED AND ORDAINED this 10 day of NOV. 2005.

**BOROUGH COUNCIL OF THE  
BOROUGH OF JERMYN**

BY:

Joseph Krenitsky  
**JOSEPH KRENITSKY  
PRESIDENT  
BOROUGH COUNCIL**

ATTEST:

Deborah Morcom

**DEBORAH MORCOM  
SECRETARY  
BOROUGH OF JERMYN**

(SEAL)

APPROVED this 10 day of November 2005.

Bruce Smallacombe  
**BRUCE SMALLACOMBE  
MAYOR  
BOROUGH OF JERMYN**