

**BOROUGH OF JERMYN**

**ORDINANCE NO. 6-98**

**AN ORDINANCE AMENDING ORDINANCE 3 OF 1997 PROHIBITING LOITERING WITHIN THE BOROUGH, AND DELETING TIME LIMITATIONS IN SECTION V(G)(3) OF SAID ORDINANCE AND THUS MAKING IT UNLAWFUL TO LOITER OR LINGER AT ANY TIME WITHIN THE BOROUGH FOR PURPOSES AS SET OUT IN SAID ORDINANCE, AND OTHERWISE INCORPORATING BY REFERENCE HEREIN ORDINANCE 3 OF 1997 IN ITS ENTIRETY.**

By the powers granted to the Borough of Jermyn by the Pennsylvania Borough Code, 53 P.S. Section 45101 et seq., including, but not limited to, the power to amend such ordinances as it shall deem beneficial to the Borough of Jermyn, 53 P.S. Section 46006(3), 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 "1998 Ordinance Amending Ordinance No. 3 of 1997."

**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. Incorporate by Reference Ordinance 3 of 1997.**

This Ordinance incorporates by reference as though fully set forth herein Ordinance 3 of 1997 ("the Ordinance").

**Section IV. Amendment.**

Section V(G)(3) of the Ordinance shall be and hereby is amended as follows:

It shall be unlawful for any person or persons to loiter or linger upon sidewalks or parking lots, public or private, within the Borough of Jermyn, or in vehicles parked thereon, **at any time**, for a purpose unconnected with lawful activity related to the use and purpose for which such parking lots were established, provided that, with respect to private parking lots, appropriate signs be erected that are either visible from the entrance to such parking lots or posted conspicuously so as to give reasonable notice.

**Section V. Penalties.**

A. Whenever any person causes or commits any of the conditions enumerated in the Ordinance, as amended, a law enforcement officer of the Borough of Jermyn shall order that person to stop causing or committing such condition. If any person receiving

such order from a law enforcement officer fails or refuses to obey such an order, then that person shall be guilty of violating the pertinent subsection of the Ordinance, as amended, a summary offense and, upon conviction, is subject to a fine not to exceed Three Hundred (\$300.00) Dollars or imprisonment of not more than ninety (90) days, or both, plus costs of prosecution, as a violator of this summary offense. The posting of the property shall constitute a warning.

B. Any documents submitted to the Chief of Police of the Borough of Jermyn or written by the Chief of Police of the Borough of Jermyn verifying the proper posting and public notice as set forth in the Ordinance, as amended, shall be, after certification by the Jermyn Borough Secretary, or an authorized custodian of the Borough of Jermyn that such documents are fair and accurate copy of those on file with the Jermyn Borough Municipal Office, competent evidence in any court of competent jurisdiction to show compliance with the provisions of the Ordinance, as amended, without any further evidence of this truth, accuracy or authenticity in any prosecution under the Ordinance, as amended.

C. Fines collected pursuant to the Ordinance, as amended, shall be paid into the treasury of the Borough of Jermyn.

#### **Section VI. Severability and Amendment.**

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

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

The within 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

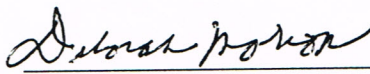
inconsistent with the terms of the within Ordinance, said inconsistent Ordinances or inconsistent portions thereof are hereby repealed.

**Section VIII. Effective Date.**

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

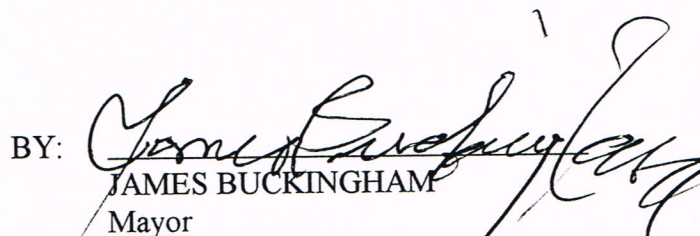
ENACTED AND ORDAINED THIS 10<sup>th</sup> DAY OF SEPTEMBER 1998.

BOROUGH COUNCIL OF THE  
BOROUGH OF JERMYN

 (SEAL)  
DEBORAH MORCOM  
Manager

  
PHILIP MARRARA  
President

EXAMINED AND APPROVED THIS 10 DAY OF SEPTEMBER 1998.

BY:   
JAMES BUCKINGHAM  
Mayor