

BOROUGH OF JERMYN
ORDINANCE NO. 3-94

AN ORDINANCE PROHIBITING BUSES, AND VEHICLES IN EXCESS
OF FIVE TONS, FROM TRAVELLING EITHER EASTERLY OR
WESTERLY ON MAPLE STREET WITHIN THE BOROUGH OF JERMYN,
LACKAWANNA COUNTY, PENNSYLVANIA AND PROVIDING FOR FINES
AND PENALTIES FOR ANY VIOLATION OF THIS ORDINANCE

By the powers granted to the Borough of Jermyrn by the Borough Code, 53 P.S. §45101 et seq., be it enacted and ordained by the Borough Council of the Borough of Jermyrn, Lackawanna County, Pennsylvania, and it is hereby enacted and ordained by the authority of the Jermyrn Borough Council as follows:

SECTION I. TITLE.

This ordinance shall be known as the "Ordinance Prohibiting Buses, and Five Ton Vehicles, on Maple Street Ordinance".

SECTION 2. POLICY.

Pursuant to its authority under 53 P.S. §46202(3) to impose fines and penalties; pursuant to its authority under 53 P.S. §46202(4) to prohibit and remove any nuisance in the streets of the Borough of Jermyrn; pursuant to its authority under 53 P.S. §46202(6) to make such regulations as may be necessary for the health, safety, general welfare and cleanliness and the beauty, convenience, comfort and safety of the Borough of Jermyrn and its residents; pursuant to its authority under 53 P.S. §46202(17) to

regulate the streets within the Borough of Jermyn and pursuant to its authority under 53 P.S. §46202(74) to make and adopt any ordinance necessary for the proper management, care and control of the Borough of Jermyn and its finances, and the maintenance of peace, good government, safety and welfare of the Borough of Jermyn and its trade, commerce and manufacturers, the Jermyn Borough Council enacts the within ordinance. It is the desire and intent of the Jermyn Borough Council to ensure that the health, safety, morals, general welfare and cleanliness, as well as the beauty, convenience, comfort and safety of the Borough of Jermyn and its residents is in the best possible condition for both safety and financial reasons. Therefore, in order to provide for the health, safety and welfare of its citizens, the Jermyn Borough Council enacts the within ordinance.

SECTION 3. DEFINITIONS.

- A. **"BOROUGH"** - means the Borough of Jermyn, Lackawanna County, Pennsylvania, the Mayor of the Borough of Jermyn, the Borough Council of Jermyn and any duly authorized agent of any of the above.
- B. **"BUS"** - means any motor vehicle with a long body equipped with three or more seats or benches for passengers or students, including school buses and vehicles of a similar nature.
- C. **"VEHICLE"** - means any means in or by which someone travels or something is carried or conveyed including, but not limited to, automobiles, trucks and motor driven cycles.
- D. **"TON"** - a unit of weight equivalent to 2,000 pounds.

- E. **"EMERGENCY VEHICLE"** - means any vehicle used in situations demanding or requiring immediate action for the preservation of life, property or order within the Borough of Jermyn such as an ambulance, fire truck and apparatus, police vehicle and other vehicles of a similar nature.

SECTION 4. CONSTRUCTION OF WORDS AND PHRASES.

- A. **NUMBER; GENDER; TENSE** - The singular shall include the plural, and the plural, the singular. Words used in the masculine gender shall include the feminine and neuter. Words used in the past or present tense shall include the future.
- B. **WORDS AND PHRASES** - Words and phrases shall be construed according to rules of grammar and according to their common and approved usage; but technical words and phrases and such others as have acquired a peculiar and appropriate meaning or are defined in the within ordinance, shall be construed according to such peculiar and appropriate meaning or definition.
- C. **RULES OF INTERPRETATION** - Where applicable, the rules of interpretation as set forth in 1 Pa. C.S.A. §1901 et seq. are incorporated by reference as though same were fully set forth at length in the within ordinance.

SECTION 5. PROHIBITION ON BUSES, AND VEHICLES IN EXCESS OF FIVE TONS, FROM TRAVELLING EITHER EASTERLY OR WESTERLY ON MAPLE STREET WITHIN THE BOROUGH OF JERMYN, LACKAWANNA COUNTY, PENNSYLVANIA

From the effective date of the within ordinance, no bus, or vehicle in excess of five tons, shall travel either in an easterly direction or a westerly direction on Maple Street within the Borough of Jermyn, Lackawanna County, Pennsylvania.

This ordinance prohibiting buses, and vehicles in excess of five tons, from travelling either in an easterly or westerly direction on Maple Street within the Borough of Jermyn, Lackawanna County, Pennsylvania shall **not** apply to emergency vehicles or local

deliveries.

SECTION 6. PENALTIES.

Any person violating any of the provisions of this ordinance shall, upon conviction therefore, be responsible to pay a fine or penalty of Fifty Dollars (\$50.00) to be recovered by summary proceedings before the district justice, and upon default in the payment of any such fine or penalty so imposed shall face further prosecution according to the practice in the case of summary convictions pursuant to 53 P.S. §48301.

SECTION 7. SEVERABILITY AND AMENDMENT.

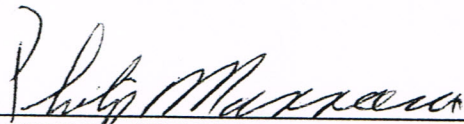
If any section, clause, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this ordinance so long as it remains workable minus the invalid portion.

SECTION 8. EFFECTIVE DATE.

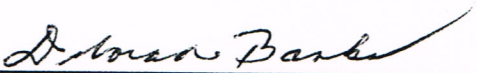
This ordinance shall become effective thirty (30) days from the date of its enactment herein.

Enacted and ordained this 12th day of May,
1994.

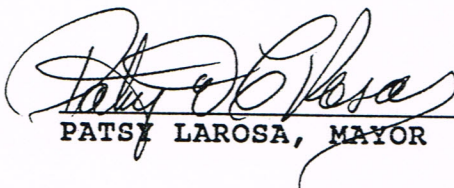
BOROUGH COUNCIL OF THE BOROUGH OF JERMYN

BY: 
PHILIP MARRARA, PRESIDENT

ATTEST:


DEBORAH BANKS, SECRETARY

Examined and approved this 12th day of May,
1994.


PATSY LAROSA, MAYOR