

BOROUGH OF ORWIGSBURG
SCHUYLKILL COUNTY, PENNSYLVANIA

ORDINANCE NO. 294

AN ORDINANCE OF THE BOROUGH OF ORWIGSBURG, SCHUYLKILL COUNTY, PENNSYLVANIA, PROHIBITING STREET OBSTRUCTIONS: ESTABLISHING DEFINITIONS AND FINDINGS AND DETERMINING THE PURPOSE HEREOF: AUTHORIZING REMOVAL AND IMPOUNDMENT OF CERTAIN OBJECTS: REQUIRING PAYMENT FOR REMOVAL, STORAGE AND RECLAMATION CHARGES AND THE RECORDING THEREOF: RESTRICTING THE REMOVAL OF CERTAIN OBJECTS: AND PRESCRIBING PENALTIES FOR VIOLATION.

The Orwigsburg Borough Council hereby ordains as follows;

SECTION 1.00 FINDINGS AND PURPOSE.

The Borough Council finds that;

1. Cartway areas of the streets, alleys and ways of the Borough of Orwigsburg are subjected to constant obstruction by objects other than motor vehicles, including, but not limited, to snowplows, sailboats, trailers, equipment, cement mixers, and a myriad of other like objects.

2. That the prohibition of placement of objects other than motor vehicles on the cartways of Orwigsburg streets, alleys and ways will permit the proper utilization of those streets, alleys and ways and advance the public safety of the citizens of Orwigsburg.

SECTION 2.00 DEFINITIONS

Cartway--the paved, macadamized or otherwise improved portion of a street, alley or way.

Motor Vehicle--a vehicle which is self-propelled on land, except that which is propelled solely by human power or wind.

SECTION 3.00 OBSTRUCTION OF CARTWAYS PROHIBITED

It shall be unlawful for any person to park, place, or in the case of a person who is the owner, lessee or otherwise has an interest in the object, allow to remain any object other than a motor vehicle in the cartway of any street, alley or way of the Borough of Orwigsburg.

SECTION 4.00 AUTHORITY TO REMOVE AND IMPOUND.

The Borough of Orwigsburg shall have the authority to remove and impound, or to order the removal and impounding, of any non-motorized object or vehicle found in the cartway of the streets or alleys of the Borough of Orwigsburg.

SECTION 5.00 PAYMENT OF REMOVAL AND STORAGE CHARGES.

The payment of removal and storage charges shall not relieve the owner, lessee or other person having any interest in such an object from liability for any fine or penalty for the violation of the provisions of this Ordinance for which the object was removed or impounded.

SECTION 6.00 RECLAMATION COSTS.

In order to reclaim an object removed pursuant to the provisions hereof, the owner, lessee or other person having an interest therein, shall pay removal and storage costs.

SECTION 7.00 RECORDS OF OBJECTS REMOVED AND IMPOUNDED.

The Orwigsburg Borough shall cause a record to be kept of all objects impounded under this Ordinance, and shall be liable at all reasonable times to furnish the owners, lessee or other persons having an interest in said object with information as to the place of storage of the object.

SECTION 8.00 RESTRICTIONS UPON REMOVAL OF OBJECTS.

No object shall be removed under the authority of this Ordinance, if, at the time of the intended removal, the owner or other person in charge of such object is present and expresses a willingness and intention to remove the object immediately.

SECTION 9.00 PENALTIES.

Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred (\$600.00) dollars, and in default of payment thereof, shall be subject to imprisonment for a term not to exceed thirty (30) days. Every day that a violation of this Ordinance continues shall be in addition to the obligation of the person to pay any removal and storage charges as set forth in other provisions of this Ordinance.

SECTION 10.00 REPEALER.

All Ordinances of parts of Ordinances which are inconsistent herewith are hereby repealed.

SECTION 11.00 SEVERABILITY.

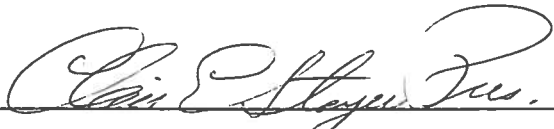
If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Orwigsburg Borough that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 12.00 EFFECTIVE DATE.

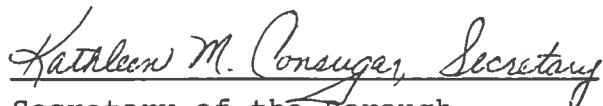
This Ordinance shall become effective on October 10, 1990.

ENACTED AND ORDAINED INTO AN ORDINANCE this 10 day of OCTOBER, A.D., 1990 by the Council of the Borough of Orwigsburg, Schuylkill County, Pennsylvania, in lawful session duly assembled.


BOROUGH OF ORWIGSBURG

BY: 
President of Council
Borough of Orwigsburg

ATTEST:


Secretary of the Borough
of Orwigsburg

EXAMINED AND APPROVED this 10 day of OCTOBER, A.D., 1990.


Mayor of the Borough of Orwigsburg
Schuylkill County, Pennsylvania

per: Ordinance No. 294.