

ORDINANCE NO. 1198

AN ORDINANCE OF THE BOROUGH OF TYRONE, A HOME RULE MUNICIPALITY, RESTRICTING SIDEWALK OBSTRUCTIONS; REQUIRING A PERMIT FOR PLACEMENT OF ANY OBSTRUCTION ON ANY SIDEWALK WITHIN THE BUSINESS DISTRICT OF THE BOROUGH; PERMITTING REGISTRATION BY THE BOROUGH OF EXISTING NON-CONFORMING OBSTRUCTIONS OF ANY SIDEWALK; PRESCRIBING PENALTIES FOR VIOLATION; AND ESTABLISHING AN EFFECTIVE DATE.

The Borough of Tyrone hereby ordains:

SECTION 1 RESTRICTIONS ON SIDEWALKS; PERMIT REQUIREMENT.

Unless hereinafter excepted, it shall be unlawful for any person to store, display, exhibit or sell wares on sidewalks abutting any street or alleyway, or any portion thereof, or to make use of any sidewalk or in any way to obstruct the sidewalk, or any portion thereof, within the Business District of the Borough, as hereinafter defined, without first having obtained from the Borough a permit, for which no fee shall be charged, as hereinafter set forth. Business District shall mean those sidewalks located on either side of Pennsylvania Avenue from the Railroad Park to 12th Street; and 10th Street from the underpass to the VFW/Bald Eagle Avenue; and Logan Avenue from the 9th Street underpass to 12th Street.

SECTION 2. EXCEPTIONS TO OBSTRUCTION ON SIDEWALKS.

1. Sidewalks may be used temporarily for the purpose of loading or unloading items by any owner or lessee of a premises, so long as, such use would not cause injury to any person and such use is limited to the minimum time necessary to accomplish such loading or unloading.

2. The terms of this Ordinance shall not apply to portable displays and/or portable obstructions protruding not more than three (3) feet from the merchants building into the sidewalk and so long as at least four (4) feet of unobstructed sidewalk is available for pedestrian traffic. For purposes of this Ordinance, the term "portable" shall mean capable of being easily moved (such as by one person) so as to permit the display and/or obstruction to be carried from the sidewalk, if necessary.

3. The terms of this Ordinance shall not apply to obstructions in violation of this Ordinance which exist as of the date of enactment of this Ordinance, however, should the business relocate and/or should the control and/or ownership of the business change, then any and all such registered obstructions (as hereinafter set forth) located on the sidewalk at that premises must comply with the provisions of this Ordinance.

SECTION 3. REGISTRATION OF NON-CONFORMING OBSTRUCTION.

In order to determine obstructions and/or displays existing as of the date of enactment of this Ordinance, the Borough shall register any and all such obstructions and/or displays.

SECTION 4. PERMIT APPLICATION.

Every person desiring a permit under this ordinance shall first make application to and on forms provided by, the Borough, for such permit. Said application shall indicate the location of the sidewalk, its width, the width of the sidewalk able to be used by the traveling public with the partial obstruction in place, the purpose of the obstruction, the length of time the obstruction shall exist and such other pertinent information as may be necessary to process the application. In no event shall any permit be issued under any circumstance where the obstruction would be detrimental to the health, safety and/or welfare of the public traversing said sidewalk, nor shall any permit be issued under any circumstance where to sidewalk would be completely obstructed, without to applicant providing for an alternate means of travel by the public, as may be approved by the Borough. The Borough retains the right to limit permits for obstructions to any sidewalk, where such obstructions are repetitive in nature and/or detract from the character of the particular area where the sidewalk may be located.

SECTION 5. PENALTIES.

Any person, firm or corporation who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine not less than twenty five dollars (\$25.00) and not more than six hundred dollars (\$600.00), and in default of payment, to imprisonment for a term not to exceed thirty

(30) days. Each day that a violation of this ordinance continues shall constitute a separate offense.

Nothing herein shall prevent the Borough from removing any obstruction from any sidewalk where such obstruction is not licensed or such obstruction is or becomes a public nuisance, charging the cost of such removal to the person causing and/or permitting the same as may be permitted by law, including but not limited to, the filing of a municipal lien against the owner of any such property.

SECTION 6. 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 Borough Council of the Borough of Tyrone that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 7. REPEALER.

Any Ordinance or Resolution or parts thereof inconsistent with the terms of this Ordinance are hereby repealed.

SECTION 8. EFFECTIVE DATE.

This Ordinance shall become effective at the earliest possible date provided by law.

ORDAINED AND ENACTED as an Ordinance of the Borough of Tyrone by the Borough

Council on this 16th day of June, 2003.

ATTEST:



William Latchford
Vice President of Borough Council

BOROUGH OF TYRONE

By Patricia Stoner
Patricia Stoner, Mayor/President of Council