

AN ORDINANCE OF THE TOWNSHIP OF PITTSTON PROHIBITING THE PLACEMENT OF ANY PORTABLE BASKETBALL GOALS/STANDS ON ANY TOWNSHIP-OWNED ROADWAY BETWEEN NOVEMBER 1 AND MARCH 31.

WHEREAS, the Township Board of Supervisors has been notified by Township road maintenance personnel that Township residents are placing portable basketball goals/stands on Township-owned roadways.

WHEREAS, the Township Board of Supervisors has been notified by Township road maintenance personnel that portable basketball goals/stands located on Township-owned roadways constitute a hazard to property and public safety when plowing snow from Township-owned roadways.

WHEREAS, the Township Board of Supervisors has been notified by Township road maintenance personnel that Township road maintenance trucks have been damaged during snow plowing operations due to collisions with portable basketball goals/stands located on Township-owned roadways.

WHEREAS, the Township Board of Supervisors desire to eliminate the risk of collisions between Township road maintenance trucks performing snow plowing and portable basketball goals/stands on Township-owned roadways.

WHEREAS, because historical weather data evidences that snow is reasonably expected to fall in Pittston Township between November 1 and March 31 every winter season, the Township Board of Supervisors desires to eliminate the hazard posed by portable basketball goals/stands on Township-owned roadways during this period.

NOW THEREFORE BE IT ORDAINED by the Board of Supervisors of Pittston Township that:

SECTION 1. PLACEMENT OF PORTABLE BASKETBALL GOALS/STANDS ON ANY TOWNSHIP-OWNED ROADWAY IS PROHIBITED BETWEEN NOVEMBER 1 AND MARCH 31.

It shall be unlawful for any person to place a portable basketball goal/stand on any Township-owned roadway for use between November 1 and March 31. If any portion of a portable basketball goal/stand extends onto a Township-owned roadway, the entire basketball goal/stand shall be considered to be on the Township-owned roadway and subject to this Ordinance. Any violation of this provision shall constitute a summary criminal offense

SECTION 2. DUTY TO REMOVE ANY PORTABLE BASKETBALL GOALS/STANDS FROM ANY TOWNSHIP-OWNED ROADWAY BETWEEN NOVEMBER 1 AND MARCH 31.

It shall be unlawful for any person who has placed a portable basketball goal/stand on any Township-owned roadway for use not to remove it from the Township-owned

roadway between November 1 and March 31. If any portion of a portable basketball goal/stand extends onto a Township-owned roadway, the entire basketball goal/stand shall be considered to be on the Township-owned roadway and subject to this Ordinance. Any violation of this provision shall constitute a summary criminal offense.

SECTION 3. ENFORCEMENT/PENALTY.

Enforcement of the provisions of this Ordinance shall be the responsibility of the Pittston Township Police Department. Enforcement procedures shall be in accordance with the procedures governing summary offenses under the Pennsylvania Rules of Criminal Procedure. Upon conviction, any person determined to have violated this Ordinance shall be sentenced to pay a fine of not more than \$300.00 for each offense, plus costs and attorney's fees incurred by the Township in the enforcement proceedings. Each day a violation of this Ordinance continues shall constitute a separate offense. Pursuant to 53 P.S. 66601 (c.1)(4), the Township may also enforce this Ordinance by instituting an equity action in the Court of Common Pleas of Luzerne County.

SECTION 4. EFFECTIVE DATE/SEVERABILITY.

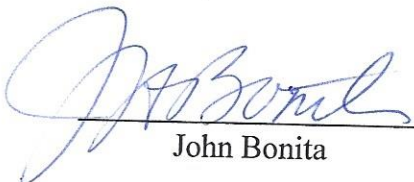
This Ordinance shall become effective ten (10) days after final approval by the Pittston Township Board of Supervisors. If any provision of this Ordinance is deemed invalid for any reason, such determination shall not affect the continuing validity of the remaining provisions of this Ordinance.


SECTION 5. PRIOR ORDINANCES.

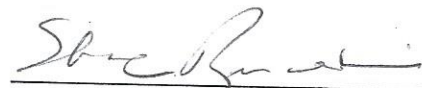
This Ordinance repeals any other Ordinance and/or Resolution to the extent that such Ordinance conflicts with any specific provisions of this Ordinance.

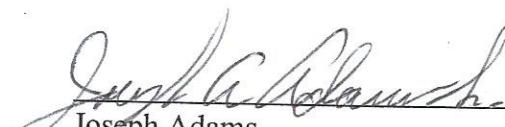
RESOLVED AND ENACTED, this 21st day of March, 2011.

ATTEST:


John Bonita


Ron Marcellini


Steve Rinaldi


Joseph Adams