

**BOROUGH OF MOUNT POCONO
MONROE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 4 of 2011

**AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF MOUNT POCONO CODE BY ADDING
ARTICLE VIII TO CHAPTER 200 - VEHICLES AND TRAFFIC.**

ARTICLE VIII

Establishment of Loading and Unloading Zones for Commercial Buses

§200-1. Findings.

The Borough Council finds that the loading and unloading of commercial buses on or along public streets in areas not designated for such loading and unloading constitutes a hazard to the public health, safety and welfare by unduly interfering with the free movement of traffic and may disrupt the normal operation of businesses and other lawful land uses.

§200-2. Definitions.

For the purposes of this Article the following terms shall have the stated meaning:

COMMERCIAL BUS - A motor vehicle designed to transport 16 or more passengers, including the driver, and used for the transportation of persons for compensation. The term does not include:

- (1) A vehicle used in a ride sharing arrangement, as defined in the Act of December 14, 1982 (P.L.1211, No.279), entitled *An Act Providing for Ride Sharing Arrangements and Providing That Certain Laws Shall Be Inapplicable to Ride Sharing Arrangements*,
- (2) A school bus used to transport pre-primary, primary or secondary school students to or from public, private or parochial schools or events related to such schools or school-related activities, or
- (3) A vehicle operated or sponsored by a social service agency which transports passengers to and from individuals' residences.

LOADING AND UNLOADING - The halting of a vehicle, whether occupied or not, for the purpose of and while actually engaged in loading, unloading or awaiting passengers.

§200-3. Authority.

The Borough Council is hereby authorized to establish loading and unloading zones for commercial buses along the streets and alleys of the Borough by Resolution of Council, and to cause the same to be designated and set apart by official signs and markings.

§200-4. Establishment of commercial bus loading or unloading zone.

Every person, partnership, firm or corporation, before occupying any part of any of the streets or alleys in the Borough for the purpose of commercial bus loading or unloading, shall first make written application to the Borough Council for the establishment of a commercial bus loading or unloading zone, submitting such information as the Council may require.

§200-5. Prohibitions.

- A. No part of a street or alley in the Borough shall be occupied for commercial bus loading or unloading unless such area has been established in accord with § 200-3 and physically designated and delineated by the Borough.
- B. No vehicle, other than a commercial bus engaged in loading, unloading or awaiting passengers, shall be parked or otherwise occupy a commercial bus loading and unloading zone at any time.

§200-6. Violations and penalties.

Any violation of this Article VIII shall constitute a summary offense. Violators shall be subject to a summary citation imposing a monetary fine as follows:

- A. Violation of §200-4 or §200-5.A: \$300 fine, plus costs.

B. Violation of §200-5.B:

- (1) First offense: \$50 fine, plus costs.
- (2) Second offense: \$100 fine, plus costs.
- (3) Third offense: \$200 fine, plus costs.
- (4) Fourth and subsequent offenses: \$300 fine, plus costs.

SEVERABILITY

Should any section, subsection, clause, provision or other portion of this Ordinance be declared invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance; the Borough Council having adopted this Ordinance as if such invalid portions had not been included therein.

EFFECTIVE DATE

This Ordinance shall become effective five (5) days from its adoption.


ADOPTION

ORDINANCE ORDAINED AND ENACTED this 3rd day of October, 2011, by the Borough Council of the Borough of Mount Pocono, Monroe County, Pennsylvania, to be effective immediately.

By:


John Finnerty, Council President

ATTEST:


Lori Noonan, Secretary

APPROVED this 3rd day of October, 2011

By:


Dan McDavitt, Mayor