

BOROUGH OF AVALON
ORDINANCE NO. 1303

**AN ORDINANCE OF THE BOROUGH OF AVALON, A
BOROUGH CODE MUNICIPALITY, OPENING AND/OR
IMPROVING "SOUTH SCHOOL STREET" FROM A ONE-
WAY STREET INTO A TWO-WAY STREET, THEREBY
ENABLING THE BOROUGH OF AVALON'S POLICE
DEPARTMENT TO ACCESS THE NORTHERN AND
SOUTHERN PARTS OF THE BOROUGH FOR THE PUBLIC
SAFETY**

WHEREAS, the Borough Council of the Borough of Avalon desires and is required to maintain the peace, promote the public safety, and work toward the benefit of the general welfare of its citizens, residents, visitors, and/or businesses; and

WHEREAS, the Borough is scheduled to open its new Borough Building later this year, in 2006; and

WHEREAS, the main entrance to this building is located on California Avenue; and

WHEREAS, the Borough's Police Department will be located on the lower level and at the rear of this building; and

WHEREAS, the Police Department's only access to a public street will be the Department's access to South School Street, which currently is a one-way street that travels from north to south (from Duff Alley to Taylor Avenue); and

WHEREAS, Borough Council of the Borough of Avalon believes that, in order to efficiently maintain the peace, promote the public safety and the general welfare of Avalon's citizens, residents, visitors, and/or businesses, the Police must have efficient access to the northern and southern parts of the Borough and that, in order to have this access, South School Street must be opened and/or improved from a one-way street into a two-way street; and

WHEREAS, the Borough of Avalon has the power take this action pursuant to Article XVII, sections 1701 through 1763 of the Borough Code, 53 P.S. §§ 46701 through 46763.

NOW, THEREFORE, THE COUNCIL OF THE BOROUGH OF AVALON HEREBY ORDAINS AS FOLLOWS:

SECTION 1. That South School Street, within thirty-days of enacting this Ordinance, will hereafter be designated as a two-way street.

SECTION 2. Within ten days of enacting this Ordinance (where the ten days falls within the thirty days referenced in section 1.) the Borough shall give personal Notice to all property owners and/or residents abutting¹ South School Street that this Street will hereafter be designated as a two-way street within thirty days of enacting this Ordinance.

SECTION 3. That the ten days Notice referenced in section 2. shall advise any property owners and/or residents abutting South School Street that they have a right to petition Council for a hearing regarding this directional change to South School Street but that if no petition is filed within thirty days from the date this Ordinance is enacted, then this Ordinance will take effect, as drafted.

SECTION 4. That the property owners and/or residents shall be advised that any hearing, sought by the petition referenced in section 3., will be held within thirty days after filing the petition with Council and that any petition will serve to stay the effective date of this Ordinance until Council has held the hearing and has acted upon the petition by motion, or, in the case of further appeal, until a court has disposed of this matter. The property owners and/or residents shall be advised that if they disagree with Council's action, they have a right of appeal to the court of quarter sessions.

SECTION 5. If a hearing is scheduled pursuant to sections 3. and 4., then the Borough shall give at least fifteen days Notice of this hearing, prior to the hearing, in a newspaper of general circulation in the Borough.

SECTION 6. From herein, parking on South School Street will be restricted to the west-side of the street only.


SECTION 7. Any other Ordinance, or part of any Ordinance of the Borough of Avalon conflicting with the provisions of this Ordinance is hereby repealed insofar as the same affects this Ordinance.

¹For purposes of this Ordinance, "abutting" is defined as meaning those property owners whose real property actually touches, borders, and/or is contiguous with South School Street. Black's Law Dictionary, Fifth Edition.

SECTION 8. The provisions of this Ordinance are severable and, if any section, sentence, clause, and/or phrase shall be held by a court of competent jurisdiction to be illegal, invalid, and/or unconstitutional, the remaining portions of this Ordinance shall not be affected or impaired.

ORDAINED AND ENACTED this 21st day of MARCH, 2006.

ATTEST:


Borough Manager, Harry Dilmore


President of Council, Edward Klicker

EXAMINED AND APPROVED THIS 21st day of MARCH, 2006.


Mayor, David Haslett