

**BOROUGH OF DURYEA
ORDINANCE NO. 2012-4**

**AN ORDINANCE PROVIDING FOR THE REGULATION OF THE
DISBURSEMENT OF GASOLINE FROM GAS STATIONS DIRECTLY INTO
ENGINE POWERED VEHICLES; AND PROVIDING FOR PENALTIES
THEREFORE WITHIN THE BOROUGH OF DURYEA**

WHEREAS, The Borough of Duryea is a duly authorized municipal subdivision existing pursuant to the Laws of the Commonwealth of Pennsylvania; and

WHEREAS, there are numerous engine powered vehicles in the Borough failing to comply with State and Local regulations; and

WHEREAS, engine powered vehicles are using local gas stations to obtain gasoline which creates a hazard for other vehicles in the station and to other motorists and vehicles on the public roadways when said vehicles travel upon and cross roads and highways; and

WHEREAS, The Borough Council and Mayor believes it is necessary for the health, safety and general welfare of the residents of the Borough of Duryea to discourage violations of the law by engine powered vehicles.

NOW THEREFORE, be it enacted and ordained and **IT IS HEREBY ENACTED AND ORDAINED**, by the Duryea Borough Council, as follows:

SECTION 1. PURPOSE:

The purpose of this Ordinance is regulate the disbursement of gasoline directly into engine powered vehicles and to promote the general welfare of the citizens of the Borough of Duryea.

SECTION 2. DEFINITIONS:

As used in this Ordinance, the following terms shall have the meaning indicated:

- 1) **BOROUGH**– Shall mean the Borough of Duryea, Luzerne County, Commonwealth of Pennsylvania, a municipal corporation of the Commonwealth of Pennsylvania, acting by and through its council or in appropriate cases, acting through its authorized representative.
- 2) **COUNCIL** – The Council of the Borough of Duryea.
- 3) **ENGINE POWERED VEHICLES** – Shall mean all wheeled and belt driven vehicles powered by internal combustion engines, including, but not limited to, motorcycles, motorbikes, trail bikes, motor scooters, snowmobiles, all

terrain vehicles, etc., but shall not be construed to include properly licensed motor vehicles operated upon the public highways, streets, roads and private driveways in accordance with law; agricultural equipment used in the course of farming or commercial equipment being properly used in trade or business of the owner or by such owner's employees or agents.

- 4) **OFFICER** – Shall mean any designated official authorized to act within the Borough of Duryea.

SECTION 3. PROHIBITIONS:

3.1 Any person, partnership, corporation or entity owning a gas station in the Borough of Duryea disbursing gasoline from gas pumps located on said property to the general public is hereby prohibited from disbursing or allowing to be disbursed gasoline directly into any engine powered vehicle.

3.2 Any person, partnership, corporation or entity owning a gas station in the Borough of Duryea disbursing gasoline to the general public is hereby prohibited from allowing any person, including customers, to disburse gasoline from gas pumps located on said property directly into any engine powered vehicle.

3.3 All persons are hereby prohibited from disbursing gasoline from gas pumps located at gas stations directly into any engine powered vehicle.

3.4 It shall not be a violation of this Ordinance to pump gasoline into any engine powered vehicle which is being pulled, carried or hauled by another vehicle on a trailer on in the bed of another vehicle.

SECTION 4. EXCEPTIONS:

The provisions of this ordinance shall not apply to any person, partnership, corporation or entity who are on the roads during a declared emergency by the Federal, State or Local authorities.

SECTION 5. FINES/PENALTIES:

Any person, partnership, corporation or entity violating any provision of this Ordinance shall upon conviction thereof be fined not more than Six Hundred (\$600.00) Dollars, plus costs, for each such offense, and in default of payment shall be imprisoned for a period of not more than Thirty (30) days, and each day that a violation occurs or continues shall be deemed a separate offense.

SECTION 6. ENFORCEMENT:

Any provision of this Ordinance may be enforced by any Borough Police Officer, or Officer as defined herein.

SECTION 7. REPEALER:

All Ordinances, or parts of Ordinances, to the extent they are inconsistent herewith, are hereby repealed.

SECTION 8. SEVERABILITY:

Should any sentence, Section, clause, part of provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part declared to be invalid.

SECTION 9. EFFECTIVE DATE:

This Ordinance shall take effect Thirty (30) days from the date of enactment of this Ordinance.

DULY ENACTED AND ORDAINED into law this 11th day of September, 2012.