

ORDINANCE NO. 09– 2024

BOROUGH OF WEST CHESTER

CHESTER COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE BOROUGH OF WEST CHESTER, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE BOROUGH OF WEST CHESTER, CHAPTER 104, TITLED “VEHICLES AND TRAFFIC,” SPECIFICALLY TO AMEND SECTION 104-45, TITLED “SPECIAL PURPOSE PARKING ZONES ESTABLISHED, PARKING OTHERWISE PROHIBITED”; TO ADOPT A NEW SECTION 104-45.1 TITLED “PARKING PROHIBITED AT HANDICAPPED AREAS”; AND TO AMEND SECTION 104-46 TITLED, “VIOLATIONS AND PENALTIES.”

BE IT ENACTED AND ORDAINED, and it is hereby enacted by authority of the Council of the Borough of West Chester that Chapter 104 of the Code of the Borough of West Chester, titled, “Vehicles and Traffic,” shall be amended as follows:

SECTION 1. Section 104-45, titled, “Special purpose parking zones established; parking otherwise prohibited,” shall be amended to read as follows:

“§ 104-45. Special purpose parking zones established; parking otherwise prohibited.

The following are hereby established as special purpose parking zones, and it shall be unlawful for any person to park any vehicle or tractor, or to allow the same to be parked in any such zone, except as specifically provided for such zone:

<u>Highway</u>	<u>Side</u>	<u>Location</u>	<u>Authorized Purpose or Vehicle</u>
Chestnut Street	North	45 feet east of High Street	Motor coach parking only
Church Street	East	Anderson Hall	2 parking spaces on each side of the Anderson Hall entrance for official West Chester University vehicles only
Church Street	East	60 ft. south of University Avenue	1 service vehicle

Darlington Street	West	Between Market Street and Courthouse Alley	West Chester Police parking only, Monday through Friday, 8:00 a.m. to 4:30 p.m.
Market Street	North	From Courthouse Alley to a point approximately 80 feet east thereof	Parking for West Chester Police only, Monday through Friday 8:00 a.m. to 4:00 p.m.
Nields Street	North	Between designated signs next to McBratnie Park immediately to the east of Permit Area B	1 parking space for McBratnie Park patron use only, 1-hour limit, Mon. - Fri./8:00 a.m. - 8:00 p.m.
University Avenue	South	West of High Street at Phillips Hall	1 parking space for official West Chester University vehicles only

SECTION 2. A new Section 104-45.1, titled, "Parking prohibited at handicapped areas" shall be adopted and provide as follows:

"§104-45.1. Parking prohibited at handicapped areas.

- A. No person shall park or leave unattended a vehicle at any place specifically reserved for handicapped parking, unless the parked vehicle has a state-issued plate or placard (displayed conspicuous manner) for a handicapped person or severely disabled veteran and is being used in the immediate service of a handicapped person or severely disabled veteran. Borough Council shall adopt and amend from time to time by resolution the designated parking spaces that are reserved for handicapped parking.
- B. For the purpose of this section, a reserved handicapped parking place must be indicated by a Pennsylvania Department of Transportation approved sign with universally accepted handicapped symbols. Each sign must indicate that the state-issued placard or plate must be displayed at all times while parking in the space.
- C. The Parking Department shall process applications for handicapped parking spaces twice a year on application forms provided by the Department. The Parking Director shall have the authority to approve a handicapped parking space on a Borough owned road based on criteria established by Borough Council in a Resolution. The Parking Department shall maintain a list of the addresses where a handicapped parking space has been established. Once approved, a property owner must annually provide evidence to the Parking Department that the person

for whom the handicapped space was assigned continues to reside at that address and continues to possess a state-issued plate or placard for a handicapped person or severely disabled veteran.”

SECTION 3. Section 104-46.A, titled, “Violations and penalties” shall be amended to provide as follows:

“§104-46. Violations and penalties.

- A. An owner or operator of any motor vehicle parked in violation of any provisions of this Article III, except §§ 104-29, 104-39A, and 104-45.1, shall be issued a notice of violation and shall be ordered to pay a fine of \$30, unless the fine is paid to the Borough of West Chester within 14 days of the issuance of such notice, in which case the fine amount shall be reduced to \$20.
- B. An owner or operator of any motor vehicle parked in violation of any provision of § 104-29 shall be issued a notice of violation and shall be ordered to pay a fine of \$35, unless the fine is paid to the Borough of West Chester within 14 days of the issuance of such notice, in which case the fine amount shall be reduced to \$25.
- C. An owner or operator of any motor vehicle parked in violation of any provision of § 104-39A shall be issued a notice of violation and shall be ordered to pay a fine of \$75 for each such violation and each day in which such violation continues shall constitute a separate violation or offense, unless the fine is paid to the Borough of West Chester within 14 days of the issuance of such notice, in which case each fine amount shall be reduced to \$65.
- D. If the owner or operator of the motor vehicle fails to respond to the notice of violation as set forth in Subsections A, B and C above by payment of the fine within 14 days of issuance of such notice, the Borough shall send a warning letter requesting payment of the full amount of the fine within 10 days of the date of the letter. Should the owner or operator of the motor vehicle fail to respond to the letter within the ten-day time frame, the Borough shall proceed with the issuance of a citation for the greater fine amount in accordance with the Pennsylvania Rules of Criminal Procedure. Upon conviction of the offense, the defendant shall be ordered to pay the applicable fine and the costs of prosecution, and/or to be incarcerated in the county prison for not more than five days.
- E. An owner or operator of any motor vehicle parked in violation of any provision of § 104-45.1 shall be issued a citation in accordance with the Pennsylvania Rules of Criminal Procedure. Upon conviction of the offense, the defendant shall be sentenced to pay a fine of not less than \$50 nor more than \$200 and to pay the applicable costs of prosecution, and/or to be incarcerated in the county prison for not more than five days.”

SECTION 4. 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 hereof. It is hereby declared as the intent of Council of the Borough of West Chester that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

SECTION 5. REPEALER. All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective upon enactment as provided by law.

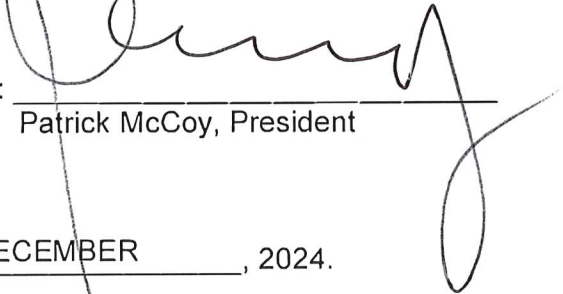
ENACTED AND ORDAINED THIS 18 DAY OF DECEMBER, 2024.

ATTEST:



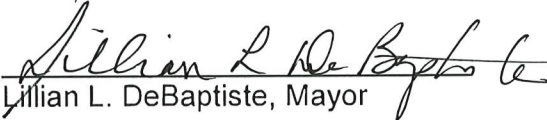
Sean Metrick, Secretary

**COUNCIL FOR THE BOROUGH
OF WEST CHESTER**

By: 

Patrick McCoy, President

APPROVED THIS 18 DAY OF DECEMBER, 2024.



Lillian L. DeBaptiste, Mayor