

BOROUGH OF MALVERN,
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 2023-01

**AN ORDINANCE AMENDING CHAPTER 200 OF THE CODE OF
ORDINANCES OF THE BOROUGH OF MALVERN, PENNSYLVANIA,
ENTITLED "VEHICLES AND TRAFFIC" AT ARTICLE III, PARKING
REGULATIONS, TO LIMIT PARKING AT CERTAIN TIMES ON A
PART OF EAST BROAD STREET.**

WHEREAS, the Borough of Malvern ("Borough") is a municipality in the Commonwealth of Pennsylvania organized and governed according to its Home Rule Charter; and

WHEREAS, Article I, Section 103, of the Borough's Home Rule Charter grants the Borough any power or function not denied it by the Constitution of the Commonwealth of Pennsylvania, by the Pennsylvania General Assembly, or by its own Home Rule Charter; and

WHEREAS, the Pennsylvania General Assembly has granted unto boroughs certain powers as enumerated under the Borough Code, 8 Pa. C. S. A. Section 101, et seq.; and

WHEREAS, the Borough Code authorizes Borough Council to regulate, among other things, the following: (1) streets [Section 1202 (12)]; (2) parking [Section 1202(31)(iii)]; (3) the general regulation of nuisances and protections for health, safety, and general welfare of the public [Sections 1202 (4) and 1202(5)]; and (4) such other authority generally granted under the Borough Code, 8 Pa.C.S.A. Section 101, et seq.; and

WHEREAS, the Borough has been granted broad powers under its Home Rule Charter at Article I, Section 103.B, and under the Borough Code at Section 1202, 8 Pa. C.S.A. Section 1202, generally, to act for the benefit of the public welfare; and

WHEREAS, in order to provide for a comprehensive and consistent means of regulation of traffic, parking, and use of streets within the Borough, Borough Council has provided for a comprehensive and consistent means of regulation of traffic, parking, and use of the streets which has been enacted by ordinances under Chapter 200, Vehicles and Traffic, of the Code of Ordinances of the Borough of Malvern, Pennsylvania (the "Malvern Borough Code"); and

WHEREAS, Borough Council has determined that regulations of traffic, parking, and street usage are matters that require frequent revision to address changes in traffic patterns, parking patterns, street usage, development, and other natural reoccurring circumstances; and

WHEREAS, Borough Council, in order to protect the health, safety, and welfare of the citizens of the Borough and of the public generally, desires to amend the Malvern Borough Code at Chapter 200, Vehicles and Traffic, Article III, Parking Regulations, by amending section 200-25, *Parking time limited in certain locations, certain days and hours*, and to specifically to limit parking at certain times on the west side of East Broad Street from the intersection of Old Lincoln Highway along the property boundary for Borough-owned property located at UPI No.2-4-95 and being more commonly known as “Rubino Park”; and

WHEREAS, Article III, Section 301.A(8) of the Borough’s Home Rule Charter requires that amendments to ordinances to promote, benefit, and protect the health, safety, and welfare of the citizens shall be by ordinance; and

WHEREAS, Borough Council has determined that the adoption of this Ordinance is necessary to further promote, benefit, and protect the public’s health, safety, and welfare.

NOW THEREFORE, IT IS HEREBY ORDAINED AND ENACTED BY THE BOROUGH AS FOLLOWS:

Section 1. Chapter 200, Vehicles and Traffic, Article III, Parking Regulations, Section 200-25, *Parking time limited in certain locations, certain days and hours*, of the Malvern Borough Code is hereby amended to add the following street and location:

Section 200-25, Parking time limited in certain locations, certain days and hours.

Name of Street	Side	Days	Hours	Parking time limit	Location
East Broad Street	West	Every day	6:00 a.m. to 8:00 p.m.	2 hours	from intersection of Old Lincoln Highway along Boundary of Parcel UPI No. 2-4-95

Section 2. 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 the intent of Borough Council that

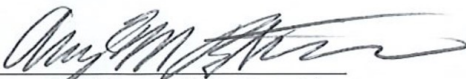
this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included therein.

Section 3. Repealer. All ordinances or parts of ordinances conflicting with any provision(s) of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

Section 4. Effective Date. This Ordinance shall become effective upon enactment as provided by law and Article III, Section 304, of the Borough's Home Rule Charter.

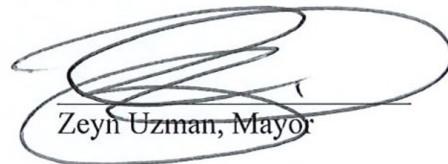
ORDAINED by Borough Council

this 1st day of August, 2023


Amy Finkbiner, PhD, President


APPROVED by the Mayor

this 1st day of August, 2023


Zeyn Uzman, Mayor

ENACTED,

this 1st day of August, 2023


Tiffany M/ Loomis,
Secretary/ Borough Manager