

BOROUGH OF MALVERN,
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 2025-04

**AN ORDINANCE AMENDING CHAPTER 139 OF THE CODE OF
ORDINANCES OF THE BOROUGH OF MALVERN, PENNSYLVANIA,
ENTITLED "PARKS and RECREATION", TO PROHIBIT CERTAIN
ACTIVITIES AND ACTIONS IN BOROUGH PARKS.**

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) recreation places [Section 2701(a)]; (2) the general regulation of nuisances and protections for health, safety, and general welfare of the public [Sections 1202 (4) and 1202(5)]; and (3) 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, the Borough owns the following parks and recreation places, which constitute “Recreation places”, as defined in the Borough Code at 8 Pa. C.S.A. Section 2700: (1) that certain approximate 40.01 acre parcel located off South Warren Avenue, being Chester County UPI #2-7-34.1, and commonly known as the “Paoli Battlefield”; (2) those certain parcels located off South Warren Avenue, being Chester County UPI # 2-4-190 and 2-4-194, and commonly known as “Samuel & M. Elizabeth Burke Park” (“Burke Park”); (3) that certain approximate 39 acre portion of Chester County UPI # 2-4-361, and which is subject to a conservation easement in favor of the Willistown Conservation Trust, Inc., recorded in the Office of Recorder of Deeds of Chester County, Pennsylvania, at Book 5068, Page 1278, *et seq.*, and known as “Randolph Woods”; (4) that certain approximate 15,000 s.f. parcel located at the intersection of East Broad Street and Old Lincoln Highway, being Chester County UPI #2-4-95, and commonly known as “Theodore S. A. Rubino Memorial Park”; (5) that certain approximate 0.42 acre parcel located at the corner of Old Lincoln Highway and Bridge Street, being Chester County UPI #2-4-79.1, and commonly known as “John and Marion Herzak Memorial Park”; and (6) that certain approximate 1.37 acre parcel located at the corner of West First Avenue and South Warren Avenue, being Chester County UPI #2-7-33, and commonly known as “The

Horace J. Quann Memorial Park” (collectively, the “Parks”); and

WHEREAS, Borough Council has determined that, in order to protect and promote the health, safety, and welfare of the citizens, certain activities and/or actions should be prohibited within the Parks; and

WHEREAS, Borough Council has determined that the proliferation of signs placed within the Parks, including within the public rights-of-way portions of the Parks, creates visual clutter, distraction and interference with motorists’ sight distances which endanger the users of the Parks; and that abandoned signs constitute litter; and that signs within the Parks interfere with the mowing and other maintenance of the Parks; 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 139-2. *Unlawful acts*, of the Malvern Borough Code, is hereby amended to add the following subsection to section A thereof:

(28) To place and/or locate any sign or banner, as defined in section 220-201 of the Borough of Malvern Zoning Ordinance of 2003, as amended, within any of the Parks, defined herein, including the public right-of-way portions of the Parks. Notwithstanding anything to the contrary herein, the permit holder for an event or use to be held or conducted within a Park(s), and which is open to the public, may place temporary yard signs or banners within that Park(s) to advertise the event, provided that any such temporary yard sign or banner shall be placed no earlier than seventy-two (72) hours prior to the start of the event and shall be removed no later than twenty-four (24) hours after the conclusion of the event. In addition to the enforcement proceedings set forth in Section 139-3, any authorized employee of the Borough may remove and confiscate, without notice to the owner, any sign or banner placed or remaining in place in violation of this provision. Such signs may be redeemed by the owner upon proof of ownership and payment of a redemption fee as set forth in the Borough’s fee schedule. Nothing in this subsection shall apply to nor prohibit the placement or location of governmental signs, as defined in section 220-201 of the Borough of Malvern Zoning Ordinance of 2003, as amended.

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 in thirty (30) days following enactment as provided by law and Article III, Section 304, of the Borough's Home Rule Charter.

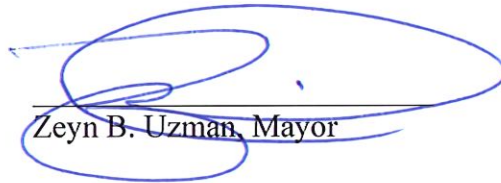
ORDAINED by Borough Council

this 18 day of November, 2025


Brendan Phillips, President

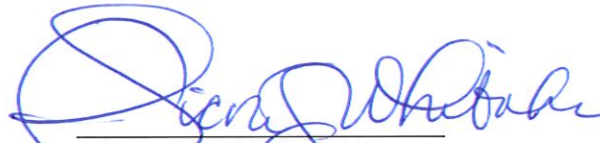
APPROVED by the Mayor

this 18 day of November, 2025


Zeyn B. Uzman, Mayor

ENACTED,

this 18 day of November, 2025


Nicole S. Whitaker, MS
Secretary/ Borough Manager