ORDINANCE NO 2024 - 2384

BOROUGH OF PHOENIXVILLE
CHESTER COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE PHOENIXVILLE BOROUGH COUNCIL, CHESTER COUNTY, PENNSYLVANIA AMENDING CHAPTER 15, "MOTOR VEHICLES AND TRAFFIC," PART 1 "GENERAL REGULATIONS," SECTION 15-104 "TEMPORARY AND EMERGENCY REGULATIONS," SECTION 15-105 "EXPERIMENTAL REGULATIONS," SECTION 15-106 "TRAFFIC ON STREETS CLOSED OR RESTRICTED FOR CONSTRUCTION, MAINTENANCE OR SPECIAL EVENTS"; PART 4, "GENERAL PARKING REGULATIONS," SECTION 15-402, "PARKING PROHIBITED AT ALL TIMES IN CERTAIN LOCATIONS," AND SECTION 15-422, "PENALTY FOR VIOLATION"; PART 7 "METERED PARKING LOTS," SECTION 15-711 "PENALTY FOR VIOLATION" AND PART 10 "SNOW AND ICE EMERGENCY," SECTION 15-1004, "PENALTY FOR VIOLATION" OF THE CODE OF ORDINANCES OF THE BOROUGH OF PHOENIXVILLE

The Council of the Borough of Phoenixville, Chester County, Pennsylvania hereby ORDAINS that:

SECTION 1.

Chapter 15, "Motor Vehicles and Traffic," Part 1, "General Regulations," Section 15-104 "Temporary and Emergency Regulations" is hereby amended as indicated by the black line and strikeout interlineations below, with strikeout indicating deletions of language and underlined interlineations indicating insertions of language:

3. Such temporary and emergency regulations shall be enforced by the Police Department in the same manner as permanent regulations. Any person who shall operate or park a vehicle or tractor in violation of any such regulation, or who shall, move, remove, destroy, injure or deface any sign or marking erected, posted or made to give notice of any such regulation, shall upon conviction thereof, be subject to ~~the penalty set forth in the law or elsewhere in this Chapter for a violation of such nature and, in case of a violation for which no specific penalty is set forth in the law or elsewhere in this Chapter, to a fine of not more than $25~~ a fine in an amount as established in the Master Fee Schedule of the Borough of Phoenixville together with costs of prosecution.

SECTION 2.

Chapter 15, "Motor Vehicles and Traffic," Part 1, "General Regulations," Section 15-105 "Experimental Regulations" is hereby amended as indicated by the black line and strikeout interlineations below, with strikeout indicating deletions of language and underlined interlineations indicating insertions of language:

The Borough of Phoenixville may, from time to time by resolution, designate places upon and along the highways in the Borough of Phoenixville where, for a period of not more than 90 days,

specific traffic and/or parking regulations, prohibitions and restrictions shall be in force and effect, and shall designate such locations by proper signs and markings. Such regulations, prohibitions and restrictions shall be effective as if they had been specified in this Chapter. No person shall operate and no person shall move, remove, destroy or deface any sign or marking erected, posted or made by authority of this Section. Any person who shall violate any provision of this Section shall, upon conviction thereof, be subject to ~~the penalty set forth in the law or elsewhere in this Chapter for a violation of such nature and, in case of a violation for which no specific penalty is set forth in the law or elsewhere in this Chapter, to a fine of not more than $25 together with costs of prosecution; provided, the purpose of this Section is to allow for test and experimental determination of the feasibility and desirability of permanent changes in the ordinances of the Borough of Phoenixville relative to traffic and parking.~~ a fine in an amount as established in the Master Fee Schedule of the Borough of Phoenixville together with costs.

SECTION 3.

Chapter 15, "Motor Vehicles and Traffic," Part 1, "General Regulations," Section 15-106 "Traffic on Streets Closed or Restricted for Construction, Maintenance or Special Events" is hereby amended as indicated by the black line and strikeout interlineations below, with strikeout indicating deletions of language and underlined interlineations indicating insertions of language:

3. Any person who violates any provision of this Section shall, upon conviction, ~~sentenced to pay a fine of $25 and costs.~~ be subject to a fine in an amount as established in the Master Fee Schedule of the Borough of Phoenixville together with costs.

SECTION 4.

Chapter 15, "Motor Vehicles and Traffic," Part 4, "General Parking Regulations," Section 15-402, "Parking Prohibited at All Times in Certain Locations" is hereby amended as indicated by the black line and strikeout interlineations below, with strikeout indicating deletions of language and underlined interlineations indicating insertions of language:

Street	**Side**	**Between**
Church Street	South	At a point beginning from the intersection of the northwest side of Dean Street extending west 20 feet where a "No Parking: Here to Corner" sign shall be placed with the sign facing west.

SECTION 5.

Chapter 15, "Motor Vehicles and Traffic," Part 4, "General Parking Regulations," Section 15-422 "Penalty for Violation" is hereby amended as indicated by the black line and strikeout interlineations below, with strikeout indicating deletions of language and underlined interlineations indicating insertions of language:

Any person violating any provision of this Part shall, for each and every such violation and upon conviction thereof, be sentenced to pay a fine ~~of $20~~ in an amount as established in the Master Fee Schedule of the Borough of Phoenixville plus costs, except for a violation of § 15-419G, parking in a fire zone, for which the fine shall be ~~$25~~ in an amount as established in the Master

Fee Schedule of the Borough of Phoenixville plus costs, and violation of § 15-419M, parking in any place where official signs prohibit or restrict parking, for which the fine will be that posted on the official sign or, in default of payment of said fines and costs, to undergo imprisonment for not more than five days.

SECTION 6.

Chapter 15, "Motor Vehicles and Traffic," Part 7, "Metered Parking Lots," Section 15-711 "Penalty for Violation" is hereby amended as indicated by the black line and strikeout interlineations below, with strikeout indicating deletions of language and underlined interlineations indicating insertions of language:

Any person violating any of the provisions of this Part shall, for each and every such violation, upon conviction thereof, be sentenced to pay a fine ~~of $20~~ in an amount as established in the Master Fee Schedule of the Borough of Phoenixville plus costs or, in default of payment of said fine and costs, to undergo imprisonment for not more than five days. Any person who shall violate any provision of § 15-709 of this Part shall, for each and every violation, upon conviction thereof, be sentenced to pay a fine of not more than ~~$600~~ an amount as established in the Master Fee Schedule of the Borough of Phoenixville plus costs and, in default of payment of said fine and costs, to undergo imprisonment for not more than 10 days.

SECTION 7.

Chapter 15, "Motor Vehicles and Traffic," Part 10, "Snow and Ice Emergency," Section 15-1004 "Penalty for Violation" is hereby amended as indicated by the black line and strikeout interlineations below, with strikeout indicating deletions of language and underlined interlineations indicating insertions of language:

1. If, at any time during a period of snow emergency declared under § 15-1001 of this Part, a person shall park a motor vehicle or allow a motor vehicle to remain parked anywhere upon a snow emergency route, that person shall be guilty of a violation of this chapter and, upon conviction thereof, shall be sentenced to pay a fine of ~~$20~~ an amount as established in the Master Fee Schedule of the Borough of Phoenixville ~~($25~~ in the case of a violation in residential permit parking areas in § 15-410, Subsection 4A,an amount as established in the Master Fee Schedule of the Borough of Phoenixville), plus costs, or, in default of payment of said fine and costs, to undergo imprisonment for not more than five days.

2. If, at any time during a period of snow emergency declared under § 15-1001 of this Part, a person shall drive a motor vehicle upon a snow emergency route, without having that vehicle equipped with snow tires or chains, that person shall be guilty of a violation of this chapter and, upon conviction, shall be sentenced to pay a fine ~~of $25~~ in an amount as established in the Master Fee Schedule of the Borough of Phoenixville and costs.

SECTION 8.

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, parts, or section hereof. It is

hereby declared as the intent of the Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, part or section thereof not been included herein.

SECTION 9.

All Ordinances or parts of Ordinances conflicting or inconsistent herewith are hereby repealed.

SECTION 10.

This Ordinance shall become effective upon enactment as provided by law.

PASSED by Borough Council this 9th day of April, 2024.

By: _____
Jonathan M. Ewald
President, Borough Council

APPROVED by the Mayor, this 9th day of April, 2024.

By: _____
Peter J. Urscheler, Mayor

ENACTED, this 9th day of April, 2024.

By: _____
E. Jean Krack, Borough Manager/Secretary

I HEREBY CERTIFY that the foregoing is a true and correct copy of the said Ordinance duly adopted at a regular meeting of Borough Council held on the 9th day of April, 2024.

By: _____
E. Jean Krack, Borough Manager/Secretary