

ORDINANCE NO. 02 - 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," TO ADD SECTION 104-41 TO PROHIBIT PARKING ON PRIVATE PROPERTY; TO AMEND SECTION 104-45, TITLED "SPECIAL PURPOSE PARKING ZONES ESTABLISHED; PARKING OTHERWISE PROHIBITED," TO ADD A HANDICAPPED PARKING SPACE AT 710 S. ADAMS STREET AND REMOVE A HANDICAPPED PARKING SPACE AT 119 MAGNOLIA STREET; SECTION 104-67 TO AMEND THE PARKING TIME LIMITS AND HOURS OF OPERATION FOR VARIOUS BOROUGH OWNED PARKING LOTS; AND TO AMEND CHAPTER 77 OF THE CODE OF THE BOROUGH OF WEST CHESTER TITLED, "PARKING PROGRAM, RESIDENTIAL," SECTION 77-5.A(1) TO PROVIDE PROOF OF OWNERSHIP AND RESIDENCY AND VALID MOTOR VEHICLE REGISTRATION REQUIREMENTS OF OWNER OCCUPIED DWELLING RESIDENTS; SECTION 77-5.A(2) TO PROVIDE VALID DRIVER'S LICENSE AND MOTOR VEHICLE REGISTRATION REQUIREMENTS OF TENANT OCCUPIED DWELLING RESIDENTS; SECTION 77-5.A(3) TO LIMIT STUDENT HOME RESIDENTIAL PARKING PERMITS TO ONE AND TO PROVIDE TENANT OCCUPANCY AND RENTAL REGISTRATION FORM REQUIREMENTS OF STUDENT OCCUPIED DWELLING RESIDENTS; SECTION 77-5.A(4) TO ALLOW OWNERS AND EMPLOYEES OF BUSINESSES TO OBTAIN A PARKING PERMIT SUBJECT TO CERTAIN CONDITIONS; SECTION 77-5.B(4) TO EXCLUDE CERTAIN PROPERTIES FROM ELIGIBILITY FOR PARKING PERMITS AND GUEST PASSES; AND SECTION 77-7.B(3) TO PROVIDE MOTOR VEHICLE REGISTRATION REQUIREMENTS FOR SPECIAL BUSINESS PERMITS.

BE IT ENACTED AND ORDAINED, and it is hereby enacted by authority of the Council of the Borough of West Chester as follows:

**SECTION 1.** Chapter 104 of the Code of the Borough of West Chester, titled, "Vehicles and Traffic", Section 104-41 is hereby added and shall read as follows:

**"§104-41. Parking prohibited on private property.**

- A. No person shall park or leave unattended a vehicle on private property without the consent of the owner or other person in control or possession of the property except in the case of an emergency or disablement of the vehicle, in which case the operator shall arrange for the removal of the vehicle as soon as possible.
  
- B. The provisions of this section shall not apply to private parking lots unless such lots are conspicuously posted to notify the public of any parking restrictions and the operator of the vehicle violates such parking restrictions. For purposes of this section a "private parking lot" means a parking lot open to the public or used for parking without charge; or a parking lot used for parking with charge."

**SECTION 2.** Chapter 104 of the Code of the Borough of West Chester, titled, "Vehicles and Traffic", Section 104-45, titled, "Special purpose parking zones established; parking otherwise prohibited," is hereby amended **TO ADD** the following:

Highway	Side	Location	Authorized Purpose or Vehicle
Adams Street	West	710 S. Adams Street	1 parking space for handicapped persons

**SECTION 3.** Chapter 104 of the Code of the Borough of West Chester, titled, "Vehicles and Traffic", Section 104-45, titled, "Special purpose parking zones established; parking otherwise prohibited," is hereby amended **TO REMOVE** the following:

Highway	Side	Location	Authorized Purpose or Vehicle
Magnolia Street	East	119 Magnolia Street	1 parking space for handicapped persons

**SECTION 4.** Chapter 104 of the Code of the Borough of West Chester, titled, "Vehicles and Traffic", Section 104-67, titled "Parking time limits, charges and hours of operation for various parking lots" shall be amended to read as follows:

**"§ 104-67. Parking time limits, charges and hours of operation for various parking lots.**

The time limits, charges and hours of operation for the following Borough parking lots shall be as follows:

- A. Chestnut Street Garage, with rates and hours of operation to be established by resolution of Borough Council.
- B. Bicentennial Garage, with rates and hours of operation to be established by resolution of Borough Council.
- C. West Gay Street Lot (Lot #3) shall be reserved for parking on an annual permit basis, Monday through Friday, 8:00 a.m. to 5:00 p.m. Each permit will be sold on an annual basis and will be effective from August 1 to July 31 of the following year. If more than 15 permits are requested, the permits will be distributed on a lottery basis. The cost of each permit shall be in accordance with a schedule of fees adopted by resolution of the Borough Council.
- D. South High Street Lot (Lot #5) shall be metered with a multi-space pay station where it shall be lawful to park between 8:00 a.m. and 10:00 p.m. on Mondays, Tuesdays and Wednesdays, between the hours of 8:00 a.m. and 12:00 midnight on Thursdays and Fridays, and between the hours of 5:00 p.m. and 12:00 midnight on Saturdays, at a rate to be established by resolution of Borough Council. Notwithstanding the foregoing, Borough Council may designate and reserve parking spaces for monthly permit parking. The cost of each monthly parking permit shall be in accordance with a schedule of fees adopted by resolution of Borough Council.
- E. Hannum Avenue Lot (Lot #6) is leased to the County of Chester on Monday through Friday from 8:00 a.m. to 5:00 p.m. except that 120 spaces shall be metered with a multi-space pay station where it shall be lawful to park between 8:00 a.m. and 10:00 p.m. on Mondays, Tuesdays and Wednesdays, between the hours of 8:00 a.m. and 12:00 midnight on Thursdays and Fridays, and between the hours of 5:00 p.m. and 12:00 midnight on Saturdays, at the rate set forth in a schedule of fees adopted by resolution of Borough Council.
- F. North Darlington Street (Lot #7) shall be metered with a maximum of 10 parking meters where it shall be lawful to park between 8:00 a.m. and 10:00 p.m. on Mondays, Tuesdays and Wednesdays, between the hours of 8:00 a.m. and 12:00 midnight on Thursdays and Fridays, and between the hours of 5:00 p.m. and 12:00 midnight on Saturdays, at a rate to be established by resolution of Borough Council. The remaining parking spaces not serviced by parking meters are available for public parking Monday through Friday from 5:00 p.m. until 8:00 a.m. and on weekends.
- G. West Miner Street Lot (Lot #9) shall be metered with a multi-space pay station where it shall be lawful to park between 8:00 a.m. and 10:00 p.m. on Mondays, Tuesdays and Wednesdays, between the hours of 8:00 a.m. and 12:00 midnight

on Thursdays and Fridays, and between the hours of 5:00 p.m. and 12:00 midnight on Saturdays, at a rate to be established by resolution of Borough Council. In addition to the multi-space pay station, up to a maximum of 15 parking meters may be installed, where it shall be lawful to park between 8:00 a.m. and 10:00 p.m. on Mondays, Tuesdays and Wednesdays, between the hours of 8:00 a.m. and 12:00 midnight on Thursdays and Fridays, and between the hours of 5:00 p.m. and 12:00 midnight on Saturdays, at a rate to be established by resolution of Borough Council.

- H. Certain parking spaces at West Chestnut Street Lot (Lot #10) shall be reserved for parking on a monthly basis. Each permit will be sold on a monthly basis and will allow parking every day of the week, 24 hours a day. The cost of each permit shall be in accordance with a schedule of fees adopted by resolution of Borough Council. The remaining spaces in West Chestnut Street Lot shall be metered with a multi-space pay station where it shall be lawful to park at the parking meters between 8:00 a.m. and 10:00 p.m. on Mondays, Tuesdays and Wednesdays, between the hours of 8:00 a.m. and 12:00 midnight on Thursdays and Fridays, and between the hours of 5:00 p.m. and 12:00 midnight on Saturdays, at a rate to be established by resolution of Borough Council.
- I. East Market Street Lot (Lot #11) shall be metered with a multi-space pay station where it shall be lawful to park between 8:00 a.m. and 10:00 p.m. on Mondays, Tuesdays and Wednesdays, between the hours of 8:00 a.m. and 12:00 midnight on Thursdays and Fridays, and between the hours of 5:00 p.m. and 12:00 midnight on Saturdays, at a rate to be established by resolution of Borough Council.
- J. Greenfield Lot shall be utilized for monthly permit parking, the cost of each monthly parking permit shall be in accordance with the schedule of fees adopted by resolution of Borough Council. There will also be an allotted number of spaces reserved specifically for park usage during park hours, which will be designated by signage.”

**SECTION 5.** Chapter 77 of the Code of the Borough of West Chester, titled, “Parking Program, Residential”, Section 77-5.A(1) titled, “Owner Occupied Dwelling Residential Parking Permit” shall be revised to read as follows:

- “(1) Owner Occupied Dwelling Residential Parking Permit.** Any person owning and living in a residence that is located on the streets in the various permit parking areas established in §77-4 and in a Resolution adopted by Council shall be entitled to receive a nontransferable residential parking permit for the specific permitted area in which such person resides provided the owner completes an application for a residential parking permit and presents the following:

- (a) Proof of ownership and residency in the specific permitted area. The owner shall submit a valid driver's license registered to the property address in designated Borough Residential Permit Area issued by the Commonwealth of Pennsylvania and a copy of the deed or tax bill to the owner's property.
- (b) Copy of the valid registration for the motor vehicle registered to the same corresponding Borough property address.
- (c) The application fee for the parking permit as determined by resolution of the Council."

**SECTION 6.** Chapter 77 of the Code of the Borough of West Chester, titled, "Parking Program, Residential", Section 77-5.A(2) titled, "Tenant Occupied Dwelling Residential Parking Permit" shall be revised to read as follows:

**"(2) Tenant Occupied Dwelling Residential Parking Permit.** Any person living in a residence that is located on the streets in the various permit parking areas established in §77-4 and in a Resolution adopted by Council shall be entitled to receive a nontransferable residential parking permit for the specific permitted area in which such person resides provided the owner completes an application for a residential parking permit and presents the following:

- (a) The owner shall submit a valid driver's license registered to the property address in designated Borough Residential Permit Area issued by the Commonwealth of Pennsylvania and a copy of the current lease to the property where the person resides. If the lease is a month-to-month lease, the applicant should provide a letter from the landlord that confirms that the applicant is a current resident of the property and will continue as such until terminated by the parties.
- (b) Copy of the valid registration for the motor vehicle registered to the same corresponding Borough property address.
- (c) The application fee for the parking permit as determined by resolution of the Council."

**SECTION 7.** Chapter 77 of the Code of the Borough of West Chester, titled, "Parking Program, Residential", Section 77-5.A(3) titled, "Student Home Residential Parking Permit" shall be revised to read as follows:

“(3) **Student Home Residential Parking Permit.** Any person living in a student home as defined in Chapter 112 “Zoning” that is located on the streets in the various permitted areas as set forth in §77-4 and in a Resolution adopted by Council shall be entitled to receive a nontransferable residential parking permit for the specific permitted area in which such person resides. The maximum number of residential parking permits for a student home is calculated by the number of residents in the dwelling minus the number of off-street parking spaces provided at the property. Each student shall be entitled to only one motor vehicle permit. Guest passes shall be prohibited for student homes. The person applying for a student home residential parking permit shall present the following upon submission of the application:

- (a) Valid Driver's License.
- (b) Valid proof of ownership of the registered motor vehicle. If the applicant is not the owner of the registered motor vehicle, the owner of the registered motor vehicle must provide a notarized affidavit, in form and content acceptable to the Borough, acknowledging that the owner accepts financial responsibility for all tickets issued by the Borough which relate to the registered motor vehicle.
- (c) Copy of current executed lease to property where Applicant resides showing lease terms and property address, including unit designation if applicable.
- (d) Copy of Rental Registration Form & Tenant List, listing applicant as tenant, that was filed with the Department of Building & Housing in order to register the property as a student home.
- (e) The application fee for the parking permit as determined by resolution of the Council.”

**SECTION 8.** Chapter 77 of the Code of the Borough of West Chester, titled, “Parking Program, Residential”, Section 77-5.A(4) titled, “Nonresidential Parking Permit” shall be revised to read as follows:

“(4) **Nonresidential Parking Permit.** Any owner(s) and employee(s) of a business located in a building that is located on the streets in the various permitted areas as set forth in §77-4 and in a Resolution adopted by Council shall be entitled to receive a nontransferable nonresidential parking permit, which shall be the same as a residential parking permit for the specific permitted area. Overnight parking (7:00 p.m. to 6:00 a.m.)

shall be prohibited except for emergency repairs. The person applying for a nonresidential parking permit shall present the following upon submission of the application:

- (a) proof of ownership of a business or employment in a business located in the specific permitted area.
- (b) Valid driver's license.
- (c) Valid proof of ownership of a registered motor vehicle.
- (d) The application fee for the parking permit as determined by resolution of the Council."

**SECTION 9.** Chapter 77 of the Code of the Borough of West Chester, titled, "Parking Program, Residential", Section 77-5.B(4) titled, "Ineligibility for Parking Permits and Guest Passes" shall be revised to amend subsection (4) to read as follows:

- "(4) Any mixed-use development constructed on the properties identified as 322 W. Market Street (Chester County Tax Parcel No. 1-8-495); 330 W. Market Street (Chester County Tax Parcel No. 1-8-495.1B); 342 W. Market Street (Chester County Tax Parcel No. 1-8-495.1A); and 7 S. Wayne Street (Chester County Tax Parcel No. 1-8-495.1)."

**SECTION 10.** Chapter 77 of the Code of the Borough of West Chester, titled, "Parking Program, Residential", Section 77-7.B. titled, "Special Business Permit" shall be revised to amend subsection (3) to read as follows:

- "(3) An applicant for a special business permit must present proof of ownership or employment in a business providing service to residential dwellings as required by § 77-5; proof of ownership of a registered motor vehicle registered in the name of the business; insurance registered to the business; a valid driver's license and the application fee for the parking permit as determined by resolution of the Council."

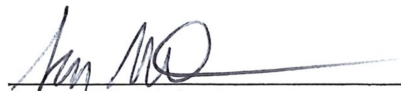
**SECTION 11. SEVERABILITY.** If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts 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 12. REPEALER.** All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

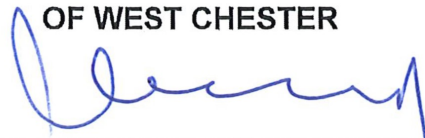
**SECTION 13. EFFECTIVE DATE.** This Ordinance shall become effective upon enactment as provided by law.

ENACTED AND ORDAINED THIS 20<sup>th</sup> DAY OF MARCH, 2024.

ATTEST:

  
Sean Metrick, Secretary

**COUNCIL FOR THE BOROUGH  
OF WEST CHESTER**

By:   
Patrick McCoy, President

APPROVED THIS 20<sup>TH</sup> DAY OF MARCH, 2024.

  
Lillian L. DeBaptiste, Mayor