

ORDINANCE NO. 2 – 2020

BOROUGH OF WEST CHESTER

CHESTER COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE BOROUGH OF WEST CHESTER, CHESTER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 102 TITLED, “TREES” TO AMEND SECTION 102-6.B TO MAKE IT CLEAR THAT A PROPERTY OWNER IS NOT ENTITLED TO A CREDIT AGAINST THE STREAM PROTECTION FEE IMPOSED IN CHAPTER 94A OF THE CODE FOR PRESERVING A STREET TREE; AMENDING CHAPTER 77 TITLED, “PARKING PROGRAM, RESIDENTIAL” TO ADD 102 SOUTH HIGH STREET TO RESIDENTIAL PARKING PERMIT AREA B; AND AMENDING CHAPTER 104 TITLED “VEHICLES AND TRAFFIC,” SECTION 104-45 TO ADD A HANDICAPPED PARKING SPACE AT 522 EAST MINER STREET AND TO REMOVE A HANDICAPPED PARKING SPACE ON WEST CHESTNUT STREET ONE SPACE IMMEDIATELY EAST OF BRADFORD AVENUE AND AT 426 WEST CHESTNUT STREET.

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 102 of the Code of the Borough of West Chester, titled “Trees” as amended in Ordinance No. 12-2019 adopted on August 21, 2019, is hereby amended by amending Subsection 102-6.B titled, “Heritage Tree Protection on Private Property” to read as follows:

- “B. To encourage the protection and preservation of Heritage Trees on private property, property owners shall be entitled to a credit against the stream protection fee that is charged against all developed property (as defined in the Borough’s Stream Protection Fee Ordinance), which is codified in Chapter 94A of the Borough Code. The amount of the credit shall be based on the total number of Heritage Trees on the Developed Property (as defined in Chapter 94A) and the number of Heritage Trees that are preserved. If there is only one (1) Heritage Tree on the Developed Property, and such Heritage Tree is preserved, the property owner shall be entitled to a credit equal to 33% of the annual stream protection fee assessed against the Developed Property where the Heritage Tree is located. If there is more than one Heritage Tree on the Developed Property, the property owner shall be entitled to a credit equal to: (i) 33% of the annual stream protection fee if one (1) Heritage Tree is preserved; (ii) 50% of the annual stream protection fee if two (2) Heritage Trees are preserved; (iii) 75% of

the annual stream protection fee if three (3) Heritage Trees are preserved; and (iv) 100% of the annual stream protection fee if more than three (3) Heritage Trees are preserved. Notwithstanding the above, the maximum credit that a property owner is entitled to receive shall be \$250.00. Property owners shall not be entitled to a credit for preserving Street Trees located within the public right-of-way on their property.”

SECTION 2. Chapter 77 of the Code of the Borough of West Chester, titled, “Parking Program, Residential”, Section 77-3.B(2)(a) shall be amended by adding a new subparagraph [28] to add 102 South High Street to Residential Permit Parking Area B:

“[28] 102 South High Street”

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 ADD** the following:

Highway	Side	Location	Authorized Purpose or Vehicle
East Miner Street	South	522 East Miner 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 104-45, titled, “Special purpose parking zones established; parking otherwise prohibited,” is hereby amended **TO REMOVE** the following:

Highway	Side	Location	Authorized Purpose or Vehicle
Chestnut Street	South	1 space immediately east of Bradford Avenue	1 parking space for handicapped persons
Chestnut Street	South	426 West Chestnut Street	1 parking space for handicapped persons

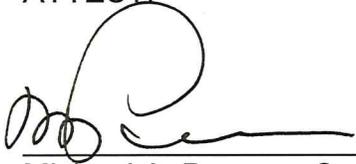
SECTION 5. SEVERABILITY. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts 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 6. 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 7. EFFECTIVE DATE. This Ordinance shall become effective upon enactment as provided by law.

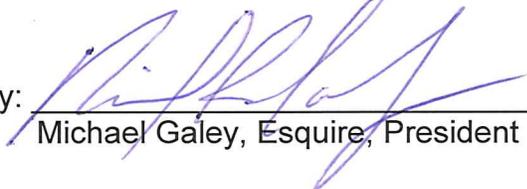
ENACTED AND ORDAINED THIS 19th DAY OF MAY, 2020.

ATTEST:



Michael A. Perrone, Secretary

**COUNCIL FOR THE BOROUGH
OF WEST CHESTER**

By: 

Michael Gale, Esquire, President

APPROVED THIS 19th DAY OF MAY, 2020.



Dianne T. Herrin, Mayor