

ORDINANCE NO.4 – 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 THE DEFINITIONS OF HERITAGE TREE AND STREET TREE IN SECTION 102-2; AMENDING CHAPTER 3, TITLED "ADMINISTRATIVE CODE" SPECIFICALLY SECTION 3-38, TITLED "ADVISORY BOARDS AND COMMISSIONS" TO AMEND SECTION 3-38.Q TO ESTABLISH THE NUMBER OF MEMBERS ON THE COMMITTEE TO REESTABLISH RAIL SERVICE TO WEST CHESTER; AMENDING CHAPTER 104 TITLED "VEHICLES AND TRAFFIC," SECTION 104-29 TITLED "PARKING PROHIBITED AT ALL TIMES IN CERTAIN LOCATIONS" TO PROHIBIT PARKING 60 FEET TO THE EAST AND WEST OF THE EXISTING DRIVEWAY AT 513 WEST MARSHALL 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 the definitions of "Heritage Tree" and "Street Tree" in Subsection 102-2 titled, "Definitions" to read as follows:

**HERITAGE TREE** – a tree with a DBH of twenty-four inches (24") or greater located within the Borough on private or public land except for Street Trees that are located within the public right-of-way and trees that are listed on the list titled "List of Trees that are Excluded From Heritage Tree Designation" which is attached hereto as Exhibit "A" and which shall be attached to this Chapter as an appendix.

**STREET TREE** – a tree located adjacent to, along or upon the side of any street and within the public right-of-way. A Street Tree shall not be considered a "Heritage Tree."

**SECTION 2.** Chapter 3 of the Code of the Borough of West Chester, titled "Administrative Code," Section 3-38, titled, " Advisory Boards and Commissions", is hereby amended by amending Subsection 3-38.Q(2), titled, "Committee to Reestablish Rail Service to West Chester ", as follows:

"(2) The Committee shall consist of a minimum of seven members appointed by a majority of the Borough Council. A majority of Council may from time to time change the number of members on the Committee, but such change shall occur no more than once

every calendar year. Not less than three members of the Committee shall be residents of the Borough of West Chester.”

**SECTION 3.** Chapter 104 of the Code of the Borough of West Chester, titled, “Vehicles and Traffic,” Section 104-29, titled, “Parking prohibited at all times in certain locations” is hereby amended **TO ADD** the following:

Highway	Side	Location
West Marshall Street	North	60 feet to the west and east of the driveway at 513 W. Marshall

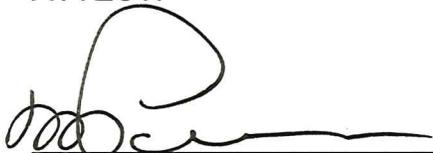
**SECTION 4. SEVERABILITY.** If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts 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 5. REPEALER.** All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

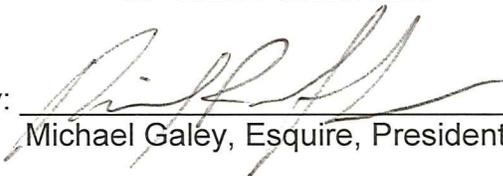
**SECTION 6. EFFECTIVE DATE.** This Ordinance shall become effective upon enactment as provided by law.

ENACTED AND ORDAINED THIS 16th DAY OF JUNE, 2020.

ATTEST:

  
Michael A. Perrone, Secretary

**COUNCIL FOR THE BOROUGH OF WEST CHESTER**

By:   
Michael Galey, Esquire, President

APPROVED THIS 16th DAY OF JUNE, 2020.

  
Dianne T. Herrin, Mayor

EXHIBIT "A"

LIST OF TREES THAT ARE EXCLUDED FROM HERITAGE TREE DESIGNATION

- Acer pseudoplatanus (sycamore maple)
- Acer ginnala (Amur maple)
- Ailanthus altissima (tree-of-heaven)
- Aralia elata (Japanese angelica tree)
- Broussonetia papyrifera (paper mulberry)
- Morus alba (white mulberry)
- Paulownia tomentosa (princesstree)
- Pellodendron amurense (Amur cork-tree)
- Pyrus calleryana (callery pear)