

ORDINANCE NO. ____ - 2023

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, TO AMEND
AND REPLACE IN ITS ENTIRETY CHAPTER 77, TITLED
“PARKING PROGRAM, RESIDENTIAL.”**

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 77 of the Code of the Borough of West Chester, titled, “Parking Program, Residential” shall be amended and replaced in its entirety to read as follows:

**“CHAPTER 77
PARKING PROGRAM, RESIDENTIAL**

§77-1. History and Legislative Intent.

- A. **History.** The streets of West Chester were, for the most part, not built with the intention of allowing parking along the sides. Most streets were built before the advent of motor vehicles, a day when most people either walked or moved about by horse or horse and buggy. Needless to say, those horses and buggies were not stored on the street for long periods of time. As a courtesy, with the growth of the automobile, municipalities have allowed parking on streets. At all times, however, regulation of that parking has remained within the powers of those municipalities. The right of such regulation has never been successfully challenged. As the years passed, the necessity for the automobile grew. In the years since the Korean War, the auto has been looked upon as one item that each family had to own; in the last decade, many families have operated more than one vehicle. Congestion on the streets and growing inconvenience to residents, as well as the impedance of normal and necessary traffic flow, has been the inevitable consequence of the Borough's normal urban development. In West Chester, this condition has been heightened by the growth of West Chester University and the related growth of rooming and apartment houses near the University, without the development of off-street parking, and by the growth of county government and related professional offices without provision for the necessary parking by the great number of cars brought in by this growth. The situation has reached the point where Borough residents are unable, in many parts of town, to find parking near their homes. Most of these people do not have garages and lack enough yardage to construct parking. This most seriously affects our senior citizens who are unable to shop or carry on other routine business for fear of losing parking that they do have, or of not finding parking upon their return. Another point of increasing significance is the

effect on the environment of heavy vehicular traffic. The noise, dirt, litter and pollution created by the thousands of cars that visit the Borough is unhealthy to the Borough and its residents, both aesthetically and physically.

- B. **Legislative Intent.** This chapter is designed to increase the quality of life in the Borough's older, more crowded sections of town; to preserve the safety of children and other pedestrians; to promote traffic safety and the peace, good order, comfort, convenience and welfare of the inhabitants of the Borough; to encourage commuters to carpool or use mass transit; and to encourage those agencies and establishments contributing to increased traffic to help promote additional parking facilities.

§77-2. Definitions.

As used in chapter, the following terms shall have the meanings indicated:

DWELLING UNIT

A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, which normally include provisions for sleeping, eating, cooking and sanitation but which also include each room in a rooming house.

HOLIDAY

New Year's Day, Martin Luther King's Birthday, President's Day, Good Friday, Memorial Day, Juneteenth, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

MOTOR VEHICLE

A vehicle which is self-propelled, except one which is propelled solely by human power or by electric power obtained from overhead trolley wires, but not operated upon rails.

PERSON

A natural person, firm, partnership, association or corporation.

PROFESSIONAL USE

A trained and certified or licensed individual, such as a medical practitioner, lawyer, accountant or design professional.

STREET

A way intended for general public use to provide means of travel for vehicles and pedestrians. The word shall include the words "road," "alley", "highway" and "thoroughfare."

VEHICLE

Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon rails or tracks.

§77-3. Creation of Residential Parking Program. The Residential Parking Program (RPP) shall consist of those residential permit parking areas in the Borough of West Chester, which shall be designated as permit parking areas and specifically identified in a Resolution adopted by Borough Council, as amended from time to time. No person shall be permitted to park a motor vehicle in or along the side of any Borough of West Chester block, street or property set forth in the residential permit parking areas designated in such Resolution and known as a "residential parking permit area" unless they obtain a parking permit, guest pass, special business permit or special permit as provided hereinafter permitting such vehicle to park within the specific permitted area.

§77-4 Establishment of Parking Permit Areas A-N. The Residential Parking Program for Permit Areas A through N shall be in effect on the days and times and on the blocks, streets and property addresses as designated in a Resolution adopted by Borough Council, as amended from time to time.

§77-5. Permits.

A. Eligibility Requirements for Parking Permits.

- (1) **Owner Occupied Dwelling Residential Parking Permit.** Any person owning and living in a residence abutting 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 or photo identification with current address 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.
 - (c) The application fee for the parking permit as determined by resolution of the Council.
- (2) **Tenant Occupied Dwelling Residential Parking Permit.** Any person living in a residence that abuts 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 or photo identification with current address 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. 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) The application fee for the parking permit as determined by resolution of the Council.
- (3) **Student Home Residential Parking Permit.** Any person living in a student home as defined in Chapter 112 "Zoning" which abuts 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. 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 a 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 lease to property where Applicant resides.
 - (d) Copy of Rental Registration Form that applicant 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.
- (4) **Nonresidential Parking Permit.** Any owner(s) and employee(s) of a business located in a building abutting 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.
- (5) **Military personnel on active duty.** Military personnel on active duty shall be eligible to obtain a residential parking permit for their vehicles by presenting appropriate military identification, two items constituting proof of residency in the specific permit area for which they are making application and by paying the fees required and in effect for parking permits in the applicable permit area as more particularly set forth in this chapter. The application is subject to the review and approval of the Borough.
- B. **Ineligibility for Parking Permits and Guest Passes.** The following properties are excluded from eligibility in the residential parking program and occupants and tenants in the following properties shall not be entitled to the issuance of a residential parking permits.

- (1) The Washington Square Apartment located at 21 W. Washington Street (Chester County Tax Parcel No. 1-4-275).
- (2) Any mixed-use development constructed on the property identified as 410 S. High Street (Chester County Tax Parcel No. 1-9-1030).
- (3) Any mixed-use development constructed on the property identified as 250 E. Market Street (Chester County Tax Parcel No. 1-9-370).
- (4) Any mixed-use development constructed on the property identified as 322 W. Market Street (Chester County Tax Parcel No. 1-8-495).

- C. **Issuance of Parking Permits.** The Borough shall have a reasonable period of time, not to exceed 10 working days from the date of application, to determine the eligibility of the applicant for a parking permit and to issue the parking permit to an eligible applicant. The permit issued shall be nontransferable and effective only for the specific permitted area for which it was issued.
- D. **Replacement of Parking Permits / Change of Motor Vehicle.** If a person sells his or her motor vehicle, he or she shall notify the Borough and the parking permit previously issued shall be amended to reflect the replacement vehicle and the revised permit shall be valid for the remaining period of validity of the old parking permit. The Borough may charge a fee for the replacement permit in an amount determined by resolution of the Council.
- E. **Regulations for leased vehicles.** Any person otherwise eligible for a residential parking permit in any permit area may obtain a residential parking permit for a leased vehicle by presenting a true and correct copy of a bona fide lease agreement between the applicant and a leasing entity engaged in the leasing of vehicles in the usual and ordinary course of its business, and by paying the fees required and in effect for parking permits in the applicable permit area as more particularly set forth in this chapter.
- F. **Regulations for company vehicles.** Any person otherwise eligible for a residential parking permit in any permit area may obtain a residential parking permit for a motor vehicle owned by the business or company of which he or she is an employee by presenting a letter on the letterhead of the business and company, which shall state that the applicant is currently employed by the company, that the applicant is required by the business or company to use the motor vehicle on a regular basis and that the Borough is authorized to issue a residential parking permit for the motor vehicle, and by paying the fees required and in effect for parking permits in the applicable permit area as more particularly set forth in this chapter.

- G. **Revocation of Parking Permits.** When the Parking Department has reason to believe that a parking permit was issued in error, or that a person to whom a parking permit was issued is no longer eligible, or that a person to whom a parking permit was issued has violated the requirements of this chapter, the Parking Department shall send a letter to the possessor of the parking permit advising that person of the ineligibility or violation. If the violation continues, and/or the person is unable to demonstrate that he or she is eligible or continues to be eligible for a parking permit, the Parking Department shall revoke the parking permit. Violators who have had a parking permit revoked shall be ineligible for a parking permit issuance for one year. In addition, upon the occurrence of a violation of this chapter, the Borough may also institute and enforce the violation and penalty provisions of § 77-8 of this chapter.
- H. **Exemptions.** Owners and operators of emergency vehicles shall be exempt from the requirement of obtaining a parking permit.
- I. **Posting of Parking Permit Areas.** Each permit area in the residential parking program shall be posted with a minimum of two signs per block noting the date and time of restricted parking in the specific permit area.

§77-6 Guest Passes.

- A. Single-family dwelling. Each single-family dwelling and each apartment dwelling located in a permit parking area is eligible to be issued up to two guest passes with the exception of a student home. Student homes shall not be entitled to issuance of guest passes.
- B. Rooming house. Each rooming house in a permit parking area is eligible to be issued two guest passes per house.
- C. An applicant for guest passes must present proof of residency as required by §77-5. The Borough shall have no responsibility for the issuance of guest passes to any particular resident of a dwelling unit. A guest pass shall be limited to the specific address for which it was issued (such address shall be noted on the face of the guest pass) and shall be limited in use and validity to the block in which property is located and a two-block area contiguous to the specific address for which the guest pass is issued.
- D. A guest pass may be utilized for a guest's vehicle for up to, but not in excess of, a week (five consecutive permit days). In the event that a guest pass is needed for a vehicle for a defined period of time in excess of the maximum week (five

consecutive permit days), a special permit may be issued, at the discretion of the Borough.

- E. Guest passes shall be in such size and design as the Borough, from time to time, deems appropriate and shall be issued by the Borough. The cost for the guest passes shall be determined by resolution of the Council.

§77-7 Special Permit, Special Business Permit, and Rental Property Management Permit.

A. Special permit.

- (1) Upon written application to the Borough, special permission may be obtained for a special permit to be used for limited hours during special events.
- (2) Such application must note the purpose of the event, the date and times, the number of vehicles expected, a copy of the vehicle(s) registration, and the name of the responsible person to contact with respect to said event. The cost for the special permit, if any, shall be determined by resolution of the Council.
- (3) The Borough shall grant such number of special permits for special events as it shall deem appropriate, taking into consideration the health, safety and welfare of the residents of the surrounding community, residents of the residential parking permit area, residents of the Borough of West Chester and the purposes of the residential parking program.
- (4) When permission is granted, the Borough shall notify the enforcement officers that a special permit has been issued.
- (5) A special permit for special events which are distributed by the Borough are valid for no longer than 24 hours and shall be so designated.

B. Special Business Permit.

- (1) Upon written application to the Borough, a service provider performing service in a residential permit area shall be entitled to receive one special business permit for use while providing service in a residential parking permit area.
- (2) Overnight parking (7:00 p.m. to 6:00 a.m.) for the service provider shall be prohibited except for emergency repairs/service.

- (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; 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.
- (4) Notwithstanding the provisions of § 77-7B(3) above, the owners and employees of businesses located at 222 North Walnut Street will be limited to a collective maximum total of three special business parking permits which will be issued to qualified applicants on a first-come, first-served basis.

C. Rental Property Management Permit.

- (1) Upon written application to the Borough, a property owner shall be entitled to receive one rental property management permit, in the form of a hangtag, for each rental property it owns which is located in a residential parking permit area.
- (2) The rental property management permit shall be visibly displayed from the rearview mirror while parked in a permit area.
- (3) Overnight parking (7:00 p.m. to 6:00 am) shall be prohibited except for emergency situations which require the property manager on site.
- (5) An applicant for a rental property management permit must present proof of ownership of rental property as required by § 77-5; proof of an active rental permit from the Borough Building and Housing Department; proof of ownership of a registered motor vehicle; and the application fee for the parking permit as determined by resolution of the Council.

§77-8 Violations and penalties.

- A. An owner or operator of a motor vehicle parked in violation of any provision of this chapter shall be issued a notice of violation and be ordered to pay a fine of \$35 payable to the Borough of West Chester, unless the fine is paid within 14 days of the issuance of such notice, in which case the fine amount shall be reduced to \$25.
- B. If the owner or operator of the motor vehicle fails to respond to the notice of violation as set forth in Subsection A above by payment of the fine within 14 days of issuance of such notice, the Borough shall send a warning letter requesting payment of the full fine of \$35 within 10 days of the date of the letter. Should the owner or operator of the motor vehicle fail to respond to the letter by payment

within the ten-day time frame, the Borough shall proceed with the issuance of a citation for the greater fine amount in accordance with the Pennsylvania Rules of Criminal Procedure. Upon conviction of the offense, the defendant shall be ordered to pay the applicable fine and the costs of prosecution, and/or to be incarcerated in the county prison for not more than five days.

- C. It shall be the duty of the enforcement officers of the Borough to report all violations of any provision of this chapter, indicating, in each case, the section thereof violated, the license number of the vehicle involved in such violation, the location where the violation took place, the time of such violation and any other facts necessary to secure a clear understanding of the circumstances attending such violation. Each such officer shall also place on such vehicle a notice of violation to the owner or operator thereof that such vehicle has been parked in violation of the provisions of this chapter, instructing such owner or operator to pay the fine and costs, as provided herein, and further notifying such owner or operator that failure to respond will result in the issuance of a citation.”

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 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 3. 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 4. EFFECTIVE DATE. This Ordinance shall become effective upon enactment as provided by law.

ENACTED AND ORDAINED THIS _____ DAY OF _____, 2023.

ATTEST:

**COUNCIL FOR THE BOROUGH
OF WEST CHESTER**

Sean Metrick, Secretary

By: _____
Michael Stefano, President

APPROVED THIS _____ DAY OF _____, 2023.

Lillian L. DeBaptiste, Mayor