

ORDINANCE NO. 06 - 2018

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, SPECIFICALLY CHAPTER 104 TITLED, "VEHICLES AND TRAFFIC", TO AMEND SECTION 104-43.F TO REVISE THE TIME FOR THE LOADING ZONE ON THE WEST SIDE OF WALNUT STREET NORTH OF CHESTNUT STREET; SECTION 104-45 TO REMOVE A HANDICAPPED PARKING SPACE AT 507 W. MARKET STREET; SECTIONS 104-46, 104-58.B AND C, 104-77.A AND B, 104-83.A AND B, 104-96.E, 104-97.B, 104-98.B AND C AND 104-99.B AND C TO AMEND THE ALLOWABLE FINES FOR A VIOLATION OF CERTAIN ENUMERATED SECTIONS; SECTION 104-47.F TO REVISE THE TIMES FOR THE PARKING METERS ON THE WEST SIDE OF WALNUT STREET FROM EVANS ALLEY TO A POINT 90 FEET SOUTH THEREOF.

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 104-43, titled, "Designation of loading zones; parking otherwise prohibited," is hereby amended to amend the following two loading zones in Section 104-43.F on the west side of Walnut Street to read as follows:

Highway	Side	Time Limit	Days/Hours	Location
Walnut Street West			Mon-Fri. 6:45am -6:30 pm	From Chestnut Street to a point 105 feet north
Walnut Street West			Mon-Fri. 6:45 am-9:15 am 3:45pm-6:30pm	From Evans Alley to a point 90 feet south

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 delete the following:

Highway	Side	Location	Authorized Purpose or Vehicle
Market Street	North	507 W. Market	1 parking space for handicapped persons

SECTION 3. Chapter 104 of the Code of the Borough of West Chester, titled, "Vehicles and Traffic," Section 104-47, titled, "Parking meter zones established" is hereby amended by amending Section 104-47.F to read as follows:

"F. It shall be unlawful and a violation of this article for the owner or operator of any motor vehicle, between the hours of 9:15 a.m. and 3:45 p.m. and 6:30 p.m. to 10:00 p.m. Monday, Tuesday and Wednesday, between the hours of 9:15 a.m. and 3:45 p.m. and 6:30 p.m. to 12:00 a.m. Thursdays and Fridays and between the hours of 5:00 p.m. and 12:00 a.m. on Saturdays (except holidays), to park such vehicle for more than three hours at any time upon the streets in the Borough of West Chester hereinafter described, which are hereby established as three-hour parking meter zones requiring payment of \$1.50 per hour:

Highway	Side	Location
Walnut Street	West	From Evans Alley to a point 90 feet south thereof

SECTION 4. Chapter 104 of the Code of the Borough of West Chester, titled, "Vehicles and Traffic," Section 104-46, titled, "Violations and penalties," is hereby deleted and replaced with the following:

§ 104-46. Violations and penalties.

- A. An owner or operator of any motor vehicle parked in violation of any provisions of this Article III, except §§ 104-29, 104-41, and 104-45 shall be issued a notice of violation and shall be ordered to pay a fine of \$30, unless the fine is paid to the Borough of West Chester within 14 days of the issuance of such notice, in which case the fine amount shall be reduced to \$20. An owner or operator of any motor vehicle parked in violation of any provision of §§ 104-29 and 104-41 shall be issued a notice of violation and shall be ordered to pay a fine of \$35, unless the fine is paid to the Borough of West Chester 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 amount of the fine within 10 days of the date of the letter. Should the owner or operator of the motor vehicle fail to respond to the letter within the 10 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. An owner or operator of any motor vehicle parked in violation of any provision of §104-45 shall be issued a citation in accordance with the Pennsylvania Rules of Criminal Procedure. Upon conviction of the offense, the defendant shall be sentenced to pay a fine of not less than \$50 nor more than \$200 and to pay the applicable costs of prosecution, and/or to be incarcerated in the county prison for not more than five days.

SECTION 5. Chapter 104 of the Code of the Borough of West Chester, titled, "Vehicles and Traffic," Sections 104-58.B and 104-58.C, titled, "Violations and penalties," is hereby deleted and replaced with the following:

§ 104-58. Violations and penalties.

- B. An owner or operator of a motor vehicle who shall violate any provisions of this Article IV, with the exception of § 104-55, shall be issued a notice of violation and be ordered to pay a fine of \$35, unless the fine is paid to the Borough of West Chester within 14 days of the issuance of such notice, in which case the fine amount shall be reduced to \$25.
- C. If the owner or operator of the motor vehicle fails to respond to the notice of violation as set forth in Subsection B 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 \$35 fine 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 10 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.

SECTION 6. Chapter 104 of the Code of the Borough of West Chester, titled, "Vehicles and Traffic," Section 104-77, titled, "Violations and penalties," is hereby deleted and replaced with the following:

§ 104-77. Violations and penalties.

- A. An owner or operator of any motor vehicle parked in violation of any provisions of this Article VI, with the exception of § 104-73, shall be issued a notice of violation and ordered to pay a fine of \$35, unless the fine is paid to the Borough of West Chester 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 \$35 fine 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 10 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.

SECTION 7. Chapter 104 of the Code of the Borough of West Chester, titled, "Vehicles and Traffic," Section 104-83, titled, "Violations and penalties," is hereby deleted and replaced with the following:

§ 104-83. Violations and penalties.

- A. An owner or operator of any motor vehicle parked in violation of any provisions of this Article VII shall be issued a notice of violation and shall be ordered to pay a fine of \$25, unless the fine is paid to the Borough of West Chester within 14 days of the issuance of such notice, in which case the fine amount shall be reduced to \$15.
- 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 \$25 fine 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 10 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, the late fee of \$10 and the costs of prosecution, and/or to

be incarcerated in the county prison for not more than five days.

SECTION 8. Chapter 104 of the Code of the Borough of West Chester, titled, "Vehicles and Traffic," Section 104-96.E, titled, "Parking restrictions at sidewalks, crosswalks, bridges and beyond curb in non-designated parking spaces," is hereby deleted and replaced with the following:

§ 104-96. Parking restrictions at sidewalks, crosswalks, bridges and beyond curb in nondesignated parking spaces.

E. Penalties for offenses:

- (1) An owner or operator of a motor vehicle parked in violation of any provision of this Article IX shall be issued a notice of violation and be ordered to pay a fine of \$25, unless the fine is paid to the Borough of West Chester within 14 days of the issuance of such notice, in which case the fine amount shall be reduced to \$15.
- (2) If the owner or operator of the motor vehicle fails to respond to the notice of violation as set forth in Subsection E(1) 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 \$25 fine 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 10 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, the late fee of \$10 and the costs of prosecution, and/or to be incarcerated in the county prison for not more than five days.

SECTION 9. Chapter 104 of the Code of the Borough of West Chester, titled, "Vehicles and Traffic," Section 104-97.B, titled, "Parking restrictions at curblines, railroad crossings and traffic devices and near intersections," is hereby deleted and replaced with the following:

§ 104-97. Parking restrictions at curblines, railroad crossings and traffic control devices and near intersections.

- B. Any owner or operator of a motor vehicle parked in violation of this section shall be issued a notice of violation and be ordered to pay a fine of \$30, unless the fine is paid to the Borough of West Chester within 14 days of the issuance of such notice, in which case the fine amount shall be reduced to \$20. If the owner or operator of the motor vehicle fails to respond to the notice of violation 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 \$30 fine 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 10 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.

SECTION 10. Chapter 104 of the Code of the Borough of West Chester, titled, "Vehicles and Traffic," Sections 104-98.B and 104-98.C, titled, "Parking restrictions within intersections and at excavations, driveways or fire hydrants," is hereby deleted and replaced with the following:

§ 104-98. Parking restrictions within intersections and at excavations, driveways or fire hydrants.

- B. Any person who violates the provisions of § 104-98A(1)(a), 104-98A(1)(b), 104-98A(2)(a), 104-98A(2)(c) or 104-98A(2)(d) shall be issued a notice of violation and be ordered to pay a fine of \$25, unless the fine is paid to the Borough of West Chester within 14 days of the issuance of such notice, in which case the fine amount shall be reduced to \$15. If the owner or operator of the motor vehicle fails to respond to the notice of violation 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 \$25 fine within 10 days of the date of the letter. Should the person fail to respond to the letter by payment within the 10 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. Any person who violates the provisions of § 104-98A(2)(b) and (e) shall be issued a notice of violation and be ordered to pay a fine of \$35, unless the fine is paid to the Borough of West Chester within 14 days of the issuance of such notice, in which case the fine amount shall be reduced to \$25. If the owner or operator of the motor vehicle fails to respond to the notice of violation 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 \$35 fine within 10 days of the date of the letter. Should the person fail to respond to the letter by payment within the 10 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.

SECTION 11. Chapter 104 of the Code of the Borough of West Chester, titled, "Vehicles and Traffic," Sections 104-99.B and 104-99.C, titled, "Stopping and/or standing of vehicles/double parking prohibited on any public street or public alley," is hereby deleted and replaced with the following:

§ 104-99. Stopping and/or standing of vehicles/double parking prohibited on any public street or public alley.

- B. An owner or operator of any motor vehicle stopped, standing and/or double parked in violation of the provisions of § 104-99A shall be issued a notice of violation and be ordered to pay a fine of \$35, unless the fine is paid to the Borough of West Chester within 14 days of the issuance of such notice, in which case the fine amount shall be reduced to \$25.
- C. If the owner or operator of the motor vehicle fails to respond to the notice of violation 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 \$35 fine 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 10 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.


SECTION 12. 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 13. 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 14. EFFECTIVE DATE. This Ordinance shall become effective upon enactment as provided by law.

ENACTED AND ORDAINED THIS 17th DAY OF MAY, 2018.

ATTEST:



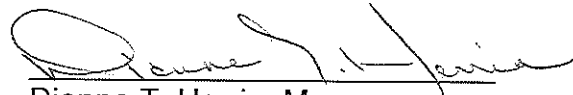
Michael A. Perrone, Secretary

**COUNCIL FOR THE BOROUGH
OF WEST CHESTER**

By: 

Diane C. LeBold, President

APPROVED THIS 17th DAY OF MAY, 2018.



Dianne T. Herrin, Mayor