

BOROUGH OF KENNETT SQUARE

Chester County, Pennsylvania

ORDINANCE NO. 919

AN ORDINANCE AMENDING THE KENNETT SQUARE BOROUGH CODE, CHAPTER 11, *MOTOR VEHICLES AND TRAFFIC*, ARTICLE IV, *PARKING*:

- (1) DELETING THE ENTIRETY OF DIVISION 2, *PARKING METERS* AND DIVISION 3, *LONG-TERM PARKING*;**
(2) ADDING A NEW DIVISION 2, *PARKING METERS*, AND A NEW DIVISION 3, *LONG-TERM PARKING*

WHEREAS, section 6109(a)(1) of the Vehicle Code, 75 Pa.C.S. §6109(a)(1), confers authority on a municipality to regulate parking as a reasonable exercise of its police powers; and section 1202(2) of The Borough Code, 8 Pa.C.S. §1202(2), confers authority on a borough to operate, make, and regulate charges for parking meters;

WHEREAS, in accordance with the requirements of the Pennsylvania Department of Transportation, the Vehicle Code, and The Borough Code, and based upon studies undertaken by the Borough police department, certain amendments were recommended to the Kennett Square Borough Code, Chapter 11 *Motor Vehicles and Traffic*;

WHEREAS, parking studies determined that parking meter designations and time limitations should be revised to meet parking demands in the Borough;

WHEREAS, the purpose of this ordinance is to provide for orderly, safe, and efficient parking within the Borough;

WHEREAS, this recommendation was presented to the Kennett Square Borough Council for adoption and implementation; and

WHEREAS, amending the parking meter and long-term parking provisions of Chapter 11 *Motor Vehicles and Traffic*, will provide orderly, safe, and efficient parking within the Borough, and it will promote the health, safety, and welfare of the residents of the Borough.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Kennett Square, as follows:

Section 1. Chapter 11, *Motor Vehicles and Traffic*, Article IV, *Parking*, Division 2, *Parking Meters*, of the Kennett Square Borough Code shall be deleted in its entirety and replaced with the following:

11-38 Limitation on parking in parking meter zones.

(a) **15-Minute Parking Meter Zones** - It shall be unlawful for the owner or operator of a vehicle to park a vehicle between the hours of 9:00 am and 5:00 pm on any day (except Sundays and federal holidays) more than 15 minutes at any time on those Borough streets or parking facilities designated in section 11-38.1 as 15-minute parking meter zones.

(b) **3-Hour Parking Meter Zones** - It shall be unlawful for the owner or operator of any vehicle to park a vehicle between the hours of 9:00 am and 5:00 pm on any day (except Sundays and federal holidays) more than three hours at any time on those Borough streets or parking facilities designated in section 11-38.2 as 3-hour parking meter zones.

(c) **6-Hour Parking Meter Zones** - It shall be unlawful for the owner or operator of any vehicle to park a vehicle between the hours of 9:00 am and 5:00 pm on any day (except Sundays and federal holidays) more than six hours at any time on those Borough streets or parking facilities designated in section 11-38.3 as 6-hour parking meter zones.

(d) Combined 3-Hour Parking Meter and Unloading Zones –

(1) It shall be unlawful for the owner or operator of any vehicle, except a vehicle actively making deliveries, to park a vehicle between the hours of 7:00 am and 10:00 am on any day, (except federal holidays) on those Borough streets or parking facilities designated in section 11-38.4 as combined 3-hour parking meter and unloading zones.

(2) It shall be unlawful for the owner or operator of any vehicle to park a vehicle between the hours of 10:00 am and 5:00 pm on any day (except Sundays and federal holidays) more than three hours at any time on those Borough streets or parking facilities designated in section 11-38.4 as combined 3-hour parking meter and unloading zones.

(3) Delivery vehicles actively making deliveries are not required to deposit coins or other approved payment to operate parking meters.

11-38.1 15-minute parking meter zones.

(1) Center Street, between State Street and Scarlett Alley -- the northernmost two spaces;

(2) Center Street, between Cypress Street and Scarlett Alley -- the northernmost two spaces;

(3) West State Street, between Union Street and Maiden Lane -- the space closest to South Union Street on the south side of West State Street; and

(4) East State Street, between Union and Broad Streets -- the space closest to South Union Street on the south side of East State Street; and the two spaces closest to Broad Street on the north and south sides of East State Street.

11-38.2 3-hour parking meter zones.

(1) Broad Street, between East Linden Street and Cypress Street;

(2) State Street, north side, from Elm Street to Church Alley;

(3) State Street, between Church Alley and Meredith Street with the exception of 11-38.1(3), 11-38.1(4), and 11-38.4;

(4) Union Street, west side, from Scarlett Alley to a point 140' north of West Linden Street;

(5) Cypress Street, south side, from a point 190' east of Center Street to Union Street;

(6) East Maple Street, north side, from Broad Street to Union Street;

(7) The municipal parking lot located on the east side of the 100 block of South Union Street, except where designated and posted as permit parking;

(8) The municipal parking lot located at the northeast corner of Church and Apple Alleys, except where designated and posted as permit parking or 15 minute free parking;

(9) The municipal parking lot located at 120 North Broad Street, except where designated and posted as permit parking or 15 minute free parking;

(10) The municipal parking garage located at 100 East Linden Street, entire 1st floor ascending ramp, both sides;

(11) Center Street, between State and Cypress Streets, with the exception of the spaces provided for in section 11-38.1(1) and 2); and

(12) Linden Street, north side, between Broad and Street and Maiden Lane.

11-38.3 6-hour parking meter zones.

North Union Street, west side, from a point 140' north of West Linden Street to Bachelors Alley.

11-38.4 Combination 3-hour parking meter and unloading zones.

W. State Street, south side, from a point 130' west of Center Street to Center Street.

11-39 Signs and Designations.

The parking meters designated within the 15 minute, three-hour, and six-hour parking meter zones shall have the time limit, days, and times of enforcement clearly displayed and shall be color coded using the following colors:

For 15-minute parking meters: Green

For 3-hour parking meters: Gray

For 6-hour parking meters: Burgundy

11-40 Location of parking meters—Legend and what parking meters shall display.

Parking meters installed in the parking meter zones established as provided in sections 11-38.1, 11-38.2 and 11-38.3 shall be placed upon the sidewalk immediately adjacent to the individual parking places. Each parking meter shall be placed to show that the parking space adjacent to such meter is or is not legally occupied. Each parking meter installed shall display the legal parking time established by the Borough and, when operated, shall display the duration of the period of legal parking, and a notice that upon the expiration of such period, continued parking is unlawful and a violation of sections 11-43(a) and (b).

(Ord. No. 387, § 2; Ord. No. 720)

11-41 Parking to correspond to meter.

When a parking space is parallel to the adjacent curb or sidewalk, any vehicle parked in that parking space shall be parked within the space assigned for its corresponding meter. The parked vehicle shall be pointed in the direction of traffic flow.

(Ord. No. 387, § 4; Ord. No. 720)

11-42 Authorized payment methods.

When any vehicle shall be parked in any parking space, five-cent, ten-cent and twenty-five cent coins of the United States, Borough-issued parking meter tokens, credit cards, pre-paid parking meter cards, or other payment means approved by the Borough shall be used.

**11-43 Deposit of coin and operation of parking meters generally—
Occupation of parking space.**

(a) **15-minute Parking Meters.** When any vehicle shall be parked in any parking space adjacent to which a 15-minute parking meter is located during the time of limited parking, the owner or operator of the vehicle shall, upon entering such parking space, immediately deposit a coin of the United States, token, or other approved payment method described in 11-42 in the meter and shall operate the meter in accordance with the instructions thereon. Failure to do so shall be unlawful and shall constitute a violation of this article. Upon the deposit of an authorized payment described in 11-42, the parking space may be lawfully occupied by the vehicle during the period of parking time prescribed for the particular amount deposited. If the vehicle shall remain parked in any such parking space beyond the permitted time, the vehicle shall be considered as parking overtime. Overtime parking shall be unlawful and a violation of this article.

(b) **3-Hour and 6-hour Parking Meters.** When any vehicle shall be parked in any parking space adjacent to which a 3-hour or 6-hour parking meter is located during the time of limited parking, the owner or operator of the vehicle shall, upon entering such parking space, immediately deposit a coin of the United States, token, or approved other payment method described in 11-42 in the meter and shall operate the meter in accordance with the instructions thereon. Failure to do so shall be unlawful and shall constitute a violation of this article. Upon the deposit of an authorized payment described in 11-42, the parking space may be lawfully occupied by the vehicle during the period of parking time prescribed for the particular amount deposited. Coins, tokens, and other approved payment means may be deposited at any time throughout the 3-hour or 6-hour range of the meter. If the vehicle shall remain parked in any such parking space beyond the permitted time, the vehicle shall be considered as parking overtime. Overtime parking of a vehicle shall be unlawful and a violation of this article.

(Ord. No. 387, § 5; Ord. No. 423; Ord. No. 586; Ord. No. 720; Ord. No. 775)

11-44 Deposit of coin for extension of parking time.

It shall be unlawful and a violation of this article for any person to deposit or cause to be deposited in a parking meter, any coin or token for the purpose of increasing or extending the parking time of any vehicle beyond the total legal parking time of 15 minutes for those parking meters established in section 11-38.1; beyond the total legal parking time of three hours for those meters established in section 11-38.2; or beyond the total legal parking time of six hours for those meters established in section 11-38.3.

(Ord. No. 387, § 6; Ord. No. 586; Ord. No. 720)

11-45 Permitting vehicle to be parked by meter displaying overtime parking signal.

It shall be unlawful and a violation of the provisions of this article for any person to permit a vehicle to remain or be placed in any parking space adjacent to any parking meter, while such meter is displaying a signal indicating that the vehicle occupying such parking space has already been parked beyond the period prescribed.

(Ord. No. 387, § 7)

11-46 Relocating vehicle to circumvent parking time limit.

It shall be unlawful and a violation of this article for any person to move a vehicle to a parking space within the same parking zone described in 11-38.1, 11-38.2 and 11-38.3 to extend parking time.

11-47 Deposit of slug, etc., in lieu of coin.

It shall be unlawful and a violation of the provisions of this article to deposit or cause to be deposited in any parking meter any slug, device, or other non-approved substitute for a one-cent, five-cent, ten-cent or twenty-five-cent coin of the United States.

This section shall not apply to any token approved by the Borough.

(Ord. No. 423; Ord. No. 586)

11-48 Defacing, etc., parking meters.

It shall be unlawful and a violation of the provisions of this article for any person to deface, injure, tamper with, open, remove, or willfully break, destroy, or impair the operation of any parking meter installed under the provisions of this article.

(Ord. No. 387, § 9)

11-49 Duty of police officers and parking enforcement officers of the Borough.

(a) Acting in accordance with the instructions issued by the chief of police, police and parking enforcement officers shall report:

(1) The number of any parking meter which indicates that the vehicle occupying the parking space adjacent to such parking meter is, or has been parked in violation of any of the provisions of this article;

- (2) The date and hour of such violation;
- (3) The state of issuance and license number of the vehicle; and
- (4) Any other facts and knowledge necessary for a thorough understanding of the circumstances attending such violation.

(b) The officer shall also place on the vehicle a notice to the owner or operator thereof that the vehicle has been parked in violation of the provisions of this article.

(c) Each owner or operator within ten days shall pay as a penalty for and in full satisfaction of such violation a sum as set forth in the Borough's most recently adopted fee schedule.

(d) The failure of the owner or operator to make such payment at police headquarters as above set forth shall render the owner or operator subject to the penalties provided in the provisions of this article.

(Ord. No. 387, § 10; Ord. No. 568; Ord. No. 618; Ord. No. 687; Ord. No. 720; Ord. No. 775)

11-50 Levy of coins deposited.

The amounts required to be deposited in parking meters as provided in this article are hereby levied and assessed as fees to cover the costs of supervision, inspection, installation, operation, maintenance, control, and use of the parking spaces, regulations of the parking vehicles, street cleaning, and maintenance in the parking meter zones created by section 11-39 and for the maintenance of, improvements to, and traffic regulations on the streets in the Borough.

(Ord. No. 387, § 11; Ord. No. 720)

11-51 Penalties for violation of article.

Any person violating the provisions of this article, or aiding, abetting, or assisting in the violation of such provision shall, upon conviction in summary proceedings, pay a penalty of not more than fifty dollars and the cost of such proceeding for each offense; and in default of such payment, may be subject to incarceration for such period as may be permitted by law. The penalty provided for hereunder shall be in addition to any sums determined to be due under section 11-48, or other sections of this article.

(Ord. No. 387, § 12; Ord. No. 720; Ord. No. 775)

Section 2. The Kennett Square Borough Code, Chapter 11, *Motor Vehicles and Traffic*, Article IV, *Parking*, Division 3, *Long-Term Parking*, shall be deleted in its entirety and replaced with the following:

11-50.1 Long-Term Parking

Long-term parking shall be as follows:

(a) Limitations on Parking.

During the time set forth in subsection (b) of this section, no person shall be permitted to park a motor vehicle in or along the side of any Borough street set forth in subsection (c) herein and known as the long-term parking areas unless a parking permit as provided in subsection (e)(1) herein is displayed on the motor vehicle in a location designated by the Borough, or unless a valid temporary parking permit is displayed in the same designated location as provided by subsection (e)(2).

(b) Long-Term Parking Permitted Between 8:00 a.m. and 5:00 p.m.

The long-term parking permit in the long-term parking areas designated in subsection (c) shall be in effect from 8:00 a.m. to 5:00 p.m. daily, excluding Saturday, Sunday, and federal holidays.

(c) Establishment of Long-Term Parking Area.

The long-term parking areas covered by this section shall be:

- (1) North side of West State Street from Maiden Lane to Lincoln Street;
- (2) South side of West Cypress Street from Center Street to a point 150 feet east of Center Street;
- (3) South side of Cypress Street from Sycamore Alley to Willow Street;
- (4) West side of North Broad Street, beginning at a point forty-eight feet north of Linden Street extending to a point 136.8 feet north of Linden Street;
- (5) North Union Street, west side from Bachelor's Alley to West Sickie Street;
- (6) Municipal parking lot directly behind Bayard Taylor Library, southernmost two rows;

(7) Municipal parking lot located south side of West State Street, south end west side five spaces;

(8) West Linden Street, north side from a point approximately 131.5 feet west of Maiden Lane extending to a point approximately twenty-five feet east of Lincoln Street;

(9) Lincoln Street east side beginning at a point approximately twenty-five feet north of West State Street extending to a point approximately fifty-six and five tenths feet south of West Linden Street; and

(10) West State Street, south side, from Meredith Street to Lafayette Street.

(d) Designation of Parking Spaces—Parking Across Line or Not Entirely Within Parking Space.

There shall be lines or markings painted or placed upon the curb or streets for the purpose of designating the area in which a vehicle must be parked while occupying a space in the Borough's long-term permit parking areas. Each vehicle must be parked within the designated lines or markings. It shall be unlawful and a violation of this article to park any vehicle across the line or marking or to park a vehicle in such a position that the vehicle is not entirely within the area designated by lines or markings.

(e) Description of Permits. Valid parking permits provided by this section shall appear and cost as follows:

(1) The parking permit shall be of a size and shape to be determined by the Borough shall display a permit number, and shall be of a prescribed color for each calendar year. The fee for the permit will be set forth in the Borough's most recently adopted fee schedule and entitles the holder/purchaser of the permit to one parking space in the Borough's designated long-term parking area. It is the responsibility of the permit holder/purchaser to renew his/her permit each year. Replacement permits must be purchased by the vehicle owner. The Borough Manager shall set the cost of replacement permits to reflect cost of duplication and related administrative expenses.

(2) Temporary parking permits shall be of a size and shape to be determined by the Borough and are available at the police department. The temporary parking permit shall be valid for the date(s) of issue only. The fee for such permits shall be set forth in the Borough's most recently adopted fee schedule. The permit will entitle the holder/purchaser of the permit to one parking

space in the Borough's designated area for the valid duration of the permit.

- (f) Eligibility. The eligibility for parking permits provided by this section shall be as follows:

- (1) Parking Permits. Any owner or employee of a business located in the Borough shall be entitled to purchase a parking permit if the applicant presents proof of employment in the Borough and ownership (joint owners shall be treated as one) of a motor vehicle. Residents of the Borough, if determined by the Borough to be necessary due to residential parking limitations, shall be entitled to purchase a parking permit if the applicant owns a legally operable and licensed vehicle. The Borough retains the right to issue as many parking permits as it deems necessary based on available parking. Parking permits may be transferred only to vehicles registered under the same permit number at the time of application (not to exceed two vehicles).

- (2) Temporary Parking Permits. Any person who misplaces a parking permit shall be entitled to purchase a temporary permit as provided in subsection (e)(2) of this section. Any person visiting the Borough for a time greater than three hours shall be entitled to purchase a temporary parking permit for the amount adopted in the most recently adopted fee schedule, subject to the same terms and conditions for parking as a parking permit holder. Any person who wishes to park in the designated long-term parking areas monthly, quarterly, or semi-annually shall be entitled to purchase a temporary parking permit for this purpose.

- (g) Exemptions. The only persons exempt from the provisions of this section shall be owners and operators of emergency and public works vehicles performing their duties.

- (h) Misuse of Parking Permits. When an enforcement officer has reason to believe that a long-term parking permit is not being used in accordance with the purpose, intention, and provisions of this chapter, the Borough Manager shall be notified. The Borough Manager shall then send a letter to the holder of the parking permit informing that person that the parking permit is being used improperly. If the violation continues, the Borough Manager may revoke the parking permit, so long as the holder is afforded an opportunity at an informal conference with the Borough Manager to explain the circumstances. If a parking permit is revoked, the holder shall deliver it to the Borough Manager. Parking in the daily long-term parking area with a revoked parking permit shall be the same as parking with no parking permit.

- (i) Signs. The area known as the long-term parking area shall be posted with a minimum of one sign per block. The signs shall display the area designation and days and times of enforcement.
- (j) Exceptions. Exceptions may be requested from the Borough Manager upon written application. The Borough Manager may grant exceptions in his/her discretion.
- (k) Replacement Vehicle Registration. If a person replaces his or her motor vehicle before his long term permit tag or temporary card period has expired, he or she shall register the replacement vehicle with the police department. The original contract period will remain in effect for the replacement vehicle.
- (l) Renewal of Permit. Long-term parking tags are valid through the expiration date listed on the applicant's registration form, tag, or card. It is the responsibility of each long-term parker to renew his/her permit tag card upon expiration.

(Ord. No. 720; Ord. No. 741; Ord. No. 760; Ord. No. 769)

Section 3. Except as amended by this ordinance, all other sections, parts, and provisions of Chapter 11, *Motor Vehicles and Traffic*, shall remain in full force and effect as previously enacted and amended.

Section 4. Supersedeas. The terms of this amendatory ordinance shall supersede the terms of all other ordinances or resolutions of the Borough inconsistent herewith.

Section 5. Severability. The provisions of this amendatory ordinance are severable. In the event any provision, section, sentence, clause, or part shall be held to be invalid, illegal, or unconstitutional by any court of competent jurisdiction, such invalidity, illegality, or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses, or parts of the amendatory ordinance. It is hereby declared to be the intent of the Borough that this amendatory ordinance would have been adopted as if such illegal, invalid, or unconstitutional provision, section, sentence, clause, or part had not been included herein.

Section 6. Effective Date. This amendatory ordinance shall take effect and be in force from and after its enactment. The enactment date of this amendatory ordinance is the date when the Mayor shall approve it, or the date of passage by the Borough Council over the veto of the Mayor. If the amendatory ordinance is not returned by the Mayor at the regular meeting of Borough Council, occurring at least ten days after the meeting at which such amendatory ordinance was passed by the Borough Council, the date of enactment shall be the date of such succeeding regular meeting of Borough Council.

ENACTED and **APPROVED** this 8th day of September, 2015.

KENNETT SQUARE BOROUGH COUNCIL

By: _____
Leon R. Spencer, Jr.
Borough Council President

ATTEST:

Karen L Scherer
Borough Secretary

[BOROUGH SEAL]

APPROVED by the Mayor this _____ day of
September, 2015.

Matthew W. Fetick, Mayor
Borough of Kennett Square