

NOTICE

Notice is hereby given that on May 17, 2021, 7:00 p.m., via Zoom, an online meeting platform, the Borough Council for the Borough of Kennett Square shall consider for adoption (and may adopt) the following ordinance.

Title: AN ORDINANCE AMENDING THE KENNETT SQUARE BOROUGH CODE, CHAPTER 11, MOTOR VEHICLES AND TRAFFIC, BY ADDING, REMOVING AND MODIFYING MOTOR VEHICLES, TRAFFIC AND PARKING REGULATIONS TO CERTAIN STREETS PURSUANT TO 75 PA.C.S. § 6109

Summary: The proposed Ordinance: Sections 1, 2 and 3: amend Borough Code Chapter 11, Article III, Section 11-33, "Enumeration of streets where parking is prohibited at all times," to add a portion of D Street and to alter the portion of South Union Street affected; Sections 4, 5 and 6: amend Borough Code Chapter 11, Article III, Section 11-35, providing for limited parking hours, to add a portion of South Union Street and to alter the portions of North Union Street and North Walnut Street affected; Section 7: states that all required official signs and signals shall be erected, posted and maintained to properly give effect to this Ordinance; Section 8: states all other sections, parts, and provisions of Chapter 11 of the Borough Code remain in full force and effect; Section 9: provides for the severability of the ordinance; and Section 10: establishes the Ordinance's effective date.

At the meeting noted above, the Borough Council shall consider all public comment and thereafter may hold a vote on the adoption of the above-referenced Ordinance. The proposed ordinance may be examined or obtained during regular business hours at the Kennett Square Borough Hall, 120 Marshall Street, Kennett Square, PA and the office of Media News Group, Daily Local News, 307 Derstine Avenue, Lansdale, PA. An attested copy of the ordinance has been sent to the Chester County Law Library, 201 W. Market Street, West Chester, PA. The proposed ordinance is also available on the Borough's website at www.kennettsq.org. If you wish to attend the meeting and are a person with a disability requiring an auxiliary aide, service or other accommodation to participate in the proceedings or attend, please contact the Kennett Square Borough Office (610-444-6020) to discuss how the Borough can best accommodate your needs.

Michael G. Crotty, Esquire
Siana Law, LLP
Solicitor, Borough of Kennett Square

BOROUGH of KENNETT SQUARE
COUNTY of CHESTER, COMMONWEALTH of PENNSYLVANIA

ORDINANCE NO.

AN ORDINANCE AMENDING THE KENNETT SQUARE BOROUGH CODE, CHAPTER 11, MOTOR VEHICLES AND TRAFFIC, BY ADDING, REMOVING AND MODIFYING MOTOR VEHICLES, TRAFFIC AND PARKING REGULATIONS TO CERTAIN STREETS PURSUANT TO 75 PA.C.S. § 6109

WHEREAS, the Kennett Square Borough Code, Chapter 11 Motor Vehicles and Traffic, among other things, sets forth restrictions related to vehicles and traffic;

WHEREAS, based upon safety concerns and needs as determined by the Kennett Square Police Department, Kennett Fire Company, and the Department of Public Works, the Public Safety Committee has recommended certain additions and amendments to the Kennett Square Borough Code, Chapter 11 "Motor Vehicles and Traffic" in accordance with the requirements of the Pennsylvania Department of Transportation and the Pennsylvania Vehicle Code 75 Pa.C.S. §101 et.seq.; and

WHEREAS, such recommendations were presented and recommended for approval by the Public Safety Committee; and

WHEREAS, such recommendations were presented to the Kennett Square Borough Council.

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

Section 1. Amending The Kennett Square Borough Code, Chapter 11, Article III, **Division 3, Regulations Applicable to Certain Streets**, Section 11-33, Enumeration of streets where parking is prohibited at all times by adding the following:

(83) D Street, south side, from the intersecting curb line of South Mill Road to a point two hundred five feet east of the intersecting curb line of South Mill Road.

Section 2. Amending The Kennett Square Borough Code, Chapter 11, Article III, **Division 3, Regulations Applicable to Certain Streets**, Section 11-33, Enumeration of streets where parking is prohibited at all times by removing the following:

(68) South Union Street, both sides, a distance of fifty feet north and south of Mulberry Street.

Section 3. Amending The Kennett Square Borough Code, Chapter 11, Article III, **Division 3, Regulations Applicable to Certain Streets**, Section 11-33, Enumeration of streets where parking is prohibited at all times by adding the following:

(68) South Union Street, east side, a distance of fifty feet north and south of Mulberry Street; west side, a distance of fifty feet south of Mullberry Street and a distance of seventy eight feet north of Mulberry Street.

Section 4. Amending The Kennett Square Borough Code, Chapter 11, Article III, **Division 3, Regulations Applicable to Certain Streets**, Section 11-35 - No parking for more than two hours between 8:00 a.m. and 6:00 p.m., except by permit; and on Saturdays, Sundays and federal holidays by adding the following:

(l) South Union Street, from Cypress Street to Juniper Street.

Section 5. Amending The Kennett Square Borough Code, Chapter 11, Article III, **Division 3, Regulations Applicable to Certain Streets**, Section 11-35 - No parking for more than two hours between 8:00 a.m. and 6:00 p.m., except by permit; and on Saturdays, Sundays and federal holidays by removing the following:

(d) North Union Street, from Linden Street north to Bachelors Alley.

(e) North Walnut Street, from State Street north to the Borough line.

Section 6. Amending The Kennett Square Borough Code, Chapter 11, Article III, **Division 3, Regulations Applicable to Certain Streets**, Section 11-35 - No parking for more than two hours between 8:00 a.m. and 6:00 p.m., except by permit; and on Saturdays, Sundays and federal holidays by adding the following:

(d) North Union Street, west side, a distance of one hundred forty-five feet north of West Linden Street.

(e) North Walnut Street, west side from State Street north to Hazel Avenue.

Section 7. There shall be procured all official signs and signals, required under any of the Sections of this Ordinance or any future amendment hereof or additions hereto, which shall be erected, posted and maintained so as to properly give effect to the provisions of all of the sections of this Ordinance, and so as to properly comply with law, including the requirements set forth in the rules and regulations of the Department of Transportation of the Commonwealth of Pennsylvania.

Section 8. 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 9. 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 10. 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 the amendatory ordinance was passed by the Borough Council, the date of enactment shall be the date of the succeeding regular meeting of Borough Council.

DULY ORDAINED and **ENACTED** this 3rd day of May 2021 by the Borough Council of the Borough of Kennett Square, Chester County, Pennsylvania, in lawful session duly assembled.

BY: _____
Brenda Mercomes
Borough Council President

ATTEST:

Rachel J. Berkowitz
Borough Secretary

[BOROUGH SEAL]

APPROVED this ____ day of _____, 2021.

Matthew W. Fetick
Mayor

11-35 - No parking for more than two hours between 8:00 a.m. and 6:00 p.m., except by permit; and on Saturdays, Sundays and federal holidays.

It shall be unlawful for any person to park any vehicle between 8:00 a.m. and 6:00 p.m., on any day, except Sundays and holidays, for more than two hours at any time upon any of the following streets or any portion thereof:

- (a) East Linden Street, from Broad Street east to Elm Street.
- (b) East State Street, from Elm Street east to Willow Street.
- (c) (Reserved)*
- (d) North Union Street, from Linden Street north to Bachelors Alley.
- (e) North Walnut Street, from State Street north to the borough line.
- (f) West Linden Street, from Union Street west to Maiden Lane.
- (g) West State Street, from Center Street west to Meredith Street.
- (h) Cypress Street, south side, from Meredith Street east to Filbert Alley.
- (i) Meredith Street, west side, from Cypress Street extending south two hundred thirty-six feet.
- (j) South Broad Street, from Cypress Street to Mulberry Street.
- (k) Marshall Street, from Cypress Street to Mulberry Street.

(Ord. No. 468, § 1; Ord. No. 597; Ord. No. 740; Ord. No. 873, §§ 1, 2, 2-17-2009; Ord. No. 903, § 2, 4-1-2013)

Editor's note— Ord. No. 873, § 1, adopted February 17, 2009, changed the title of section 11-35 from "No parking for more than two hours between 8:00 a.m. and 6:00 p.m., except Sundays and holidays" to "No parking for more than two hours between 8:00 a.m. and 6:00 p.m., except by permit; and on Saturdays, Sundays and federal holidays."

* Editor's Note: Former subsection (c) was repealed by Ord. No. 597.

11-38.2 - Three-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 one hundred forty feet north of West Linden Street;
 - (5) Cypress Street, south side, from a point one hundred ninety feet 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 fifteen-minute free parking;
 - (9) The municipal parking lot located at 120 North Broad Street, except where designated and posted as permit parking or fifteen-minute free parking;
 - (10) Center Street, between State and Cypress Streets, with the exception of the spaces provided for in section 11-38.1(1) and (2); and
 - (11) Linden Street, north side, between Broad and Street and Maiden Lane.
- (Ord. No. 919, § 1, 9-8-2015; Ord. No. 945, §§ 3, 4, 1-7-2019)

Editor's note— Ord. No. 945, §§ 3, 4, adopted January 7, 2019, repealed § 11-38.2 (10) and renumbered § 11-38.2 (11) and (12) as 11-38.2 (10) and (11), respectively.

- **11-38.3 - Six-hour parking meter zones.**

- (a) North Union Street, west side, from a point one hundred forty-five feet north of West Linden Street to Bachelors Alley.
 - (b) The municipal parking garage located at 100 East Linden Street, entire first floor ascending ramp, both sides.
- (Ord. No. 919, § 1, 9-8-2015; Ord. No. 945, § 5, 1-7-2019)