WEST NORRITON TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 2016-702

AN ORDINANCE AMENDING THE WEST NORRITON TOWNSHIP ORDINANCE, CHAPTER 15, MOTOR VEHICLES AND TRAFFIC, PART 4, GENERAL PARKING REGULATIONS, TO PROVIDE FOR A RESIDENTIAL PARKING PERMIT PROGRAM AND ESTABLISH DEFINITIONS, CRITERIA, RESIDENTIAL PERMIT PARKING AREAS, APPLICATION AND PERMIT REQUIREMENTS AND FEES, AND PENALTIES FOR VIOLATIONS.

WHEREAS, the First-Class Township Code, 53 P.S. 66506, entitled "General Powers", authorizes the Board of Commissioners to make and adopt ordinances necessary for the proper management, care and control of the township and the maintenance of peace, good government, health and welfare of the Township; and

WHEREAS, The Board of Commissioners of West Norriton Township, Montgomery County, Pennsylvania believes that certain residential areas in the Township are subject to commuter vehicle parking, and therefore Township residents are deprived of parking at or near their residences;

WHEREAS, The Board of Commissioners deems it to be in the best interest and the general welfare of the citizens and residents of Township to establish a residential parking permit program within designated locations within the Township and establish criteria, designated locations, parking permit application and issuance standards, and penalties for violations of the same, in order to better serve such residential areas in the Township that are subject to commuter vehicle parking;

WHEREAS, the Board of Commissioners of West Norriton Township, after due consideration of the proposed ordinance at a duly advertised public hearing, has determined that the health, safety and general welfare of the residents of West Norriton Township will be served by this amendment of the West Norriton Township Ordinance to establish a residential parking permit program;

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Commissioners of West Norriton Township, Montgomery County, Pennsylvania, and it is hereby enacted and ordained by the authority of same as follows:

§ 1. CODE AMENDMENT. THE WEST NORRITON TOWNSHIP ORDINANCE, CHAPTER 15, PART 4, IS HEREBY AMENDED BY ADDING THE FOLLOWING SECTIONS:

§ 410. Residential Permit Parking.

1. Purpose and Findings. The primary purpose of residential parking permits is to make every reasonable effort to accommodate residents living in areas of the Township that have a mix of business, office and residential uses which would ordinarily result in parking restrictions that would not occur in a predominately residential area. These restrictions include time limits and other regulations during the hours when businesses are normally open in the areas of the Township where many businesses and other non-residential uses are located. The Township further finds that:

    a. Certain residential areas in the Township are subject to commuter vehicle parking, therefore depriving the residents of those areas of spaces in which to park their own vehicles.

    b. The establishment of a parking permit program for certain affected areas should facilitate efficient movement of traffic by providing for parking preferences during certain hours of the day and days of the week. Therefore, the Township considers it to be in the best interest of the people of the Township to provide for the establishment of a residential permit parking program to insure primary access to available parking spaces by neighborhood residents.

2. Definitions. For the purpose of this Section, words and terms listed in the above section, as follows, shall have the following meanings:

BONA FIDE OCCUPANCY - In good faith; without fraud – occupying; taking, keeping or holding in possession; or being an occupants.

COMMUTER VEHICLE - A motor vehicle parked in a residential area by a person not a resident of that residential area.

INOPERABLE VEHICLE - An inoperable vehicle is defined as one that does not start and move under its own power; or does not display valid license plates; or does not display a valid inspection decal or one that has been expired for more than 60 days.

MOTOR VEHICLE - A passenger car which shall not include any bus, motor home or passenger car attached to a trailer of any kind.

OFF-STREET PARKING - A parking area which is not in the right-of-way of a public street or alley, associated with any property or building within the residential permit parking area, which can accommodate one or more vehicles, regardless of whether any costs are associated with the ability to park in this area.

PARKING ZONE - A street or portion of a street where permanent time-limit parking restrictions have been imposed.

PROPRIETOR - A person who owns or leases real estate within a residential permit area of which he or she is not a resident, but who owns or manages the business enterprise, professional office, religious facility, or non-profit agency maintained at the address.

RESIDENT - A person who owns or leases real property within a residential permit area and who maintains either a voting residence or a bona fide occupancy, or both, at that address.

RESIDENTIAL AREA - A contiguous area containing public highways or parts of public highways primarily abutted by residential property or residential and non-business property (such as schools, parks, places of worship, hospitals and nursing homes).

3. Criteria. The residential areas designated in §410.4 are deemed impacted by commuted vehicles, and hence eligible for residential permit parking, due to the following criteria:

    a. During any period between the hours of 8:00 am and 8:00 pm, Monday through Saturday, due to the mix of residential and non-residential uses, there are a significant number of vehicles that utilize on-street parking capacity of that area. For the purpose of this criteria, a legal parking space shall be defined as 20 linear feet.

    b. During the same time periods as specified above in §410.4.(a), there are significant identifiable vehicles parked (or standing) on the street not registered in the name of a person residing in the area.

4. Designation of Residential Permit Parking Areas.
   a. Unless otherwise prohibited in specified locations or at specified times under Chapter 15, Part 4, of the Township Code, the following streets are designated as residential permit parking areas:

Street	Side	Time Limit	Location
West Main Street	Both	3 Hours	N. Montgomery Ave. to Forrest Ave.
Forrest Avenue	West	3 Hours	W. Main St. to W. Marshall St.
Centre Avenue	Both	3 Hours	W. Main St. to W. Marshall St.
North Montgomery Avenue	Both	3 Hours	W. Main St. to W. Marshall St.
South Montgomery Avenue	Both	3 Hours	Entire Length

   b. Signs shall be erected along the streets in each residential permit parking area, indicating the days, hours, locations and conditions under which certain parking shall be permitted by permit only. Holders of a residential parking permit shall be permitted to park in the designated parking zone (except handicap parking spaces) in excess of three hours.

   c. Parking on streets affected by this section shall be limited to the time limit established under 4a per street. At the expiration of such interval, motor vehicles shall not remain on the same street in which it has been parked.

   d. Inoperable vehicles shall not be parked on be parked on streets affected by the section.

5. Application for Permit. Application for a residential parking permit shall be made by the person desiring the permit to the Chief of Police or the Chief's designee. Applications shall only be considered from an owner or driver of a motor vehicle who is defined as a proprietor or a resident and is able to demonstrate no use or availability of any off-street parking space(s) for the motor vehicle sought to be permitted. A separate application shall be required for each motor vehicle. Each application shall contain the following information: 1) the name of the owner or the driver, as applicable, of the motor vehicle; 2) the name of the business office or non-profit, as applicable; 3) the address of the resident or the proprietor, as applicable; 4) the make, model, color and registration number of the motor vehicle; and 5) the driver number as taken from the Applicant's current driver's license.

At the discretion of the Chief of Police or the Chief's designee, the Applicant shall be required at the time of making Application to present his or her driver's license and vehicle registration card. The West Norriton Police Department, in conjunction with the Township Manager, or their authorized agent or expressly authorized designee, are hereby empowered to establish further rules and regulations to effectuate the administration of this residential permit parking program established under this Section.

6. Issuance of Permit. Upon receipt of a completed Application and payment of the established parking permit fee, with such fee established amendment pursuant to a Resolution of the Board, and upon determination by the West Norriton Police Department that the information upon the Application shows that the Applicant is entitled to a residential parking permit, the Township shall issue to the Applicant the applicable residential parking permit, which shall be valid for the appropriate applicable time period. The permit shall display the permit number, the license number(s) of the permitted vehicle(s), and the expiration date and the renewal date of the permit. The permittee shall have the right to park the permitted vehicle on any public street, in any legal parking space, within the appropriate designated parking category and parking zone where the residential parking restriction exists.

7. Temporary and Exempt Parking Permits. Temporary parking permits may be issued by the Township for up to seven days (168 hours in duration), upon payment of a fee established pursuant to a Resolution of the Board, to bona fide visitors of residents of a designated residential permit parking area; and exemption parking permits may be issued without payment of a fee to handicapped persons. Contractors who are doing work within the designated parking areas may display a valid construction permit in lieu of a parking permit.

8. Responsibility of Permit Holder.

    a. Notwithstanding any provisions of this Section to the contrary, a residential parking permit holder shall be authorized to stand or park the permit holder's motor vehicle in the designated residential permit parking area during those times when parking of a motor vehicle is permitted in that area. At such time, the parking permit shall be displayed by hanging such permit from the front inside rear-view mirror, with the vehicle license numbers facing outward. Any vehicle having a mirror which cannot hold a permit must attach or affix the permit to the back of the mirror by other means so that the permit information is visible from outside of the vehicle. If the vehicle has no inside rear-view mirror, the vehicle owner is responsible to improvise such that the permit hangs near the center of the windshield so that the permit is visible. A residential parking permit shall not

guarantee or reserve a parking space within a designated residential permit parking area.

b. A residential parking permit shall not authorize the permit holder to stand or park the permitted motor vehicle in any place where, or at any time when, stopping, standing or parking the permitted motor vehicle is prohibited or if such location/time is set aside for other specified types of vehicles. Further, a residential parking permit shall not exempt the permit holder from the observance of any traffic or parking regulations other than the residential permit parking regulations or restrictions in the designated residential permit parking area.

c. No person other than the permit holder whose vehicle plate number(s) appears on the permit shall use the associated residential parking permit or display such permit on any other vehicle. Any such use or display by a person other than the permit holder for the permitted vehicle shall constitute a violation of this Section by the permit holder and by the person who so used or displayed the parking permit.

d. As a condition of the permit, the permit holder understands that any permitted vehicle parked for more than three hours without displaying the proper permit is in violation. Any permitted vehicle will be in violation if the permit is not displaying by hanging the permit from the rear-view mirror, or otherwise affixed to the center of the windshield, so that the information on the permit can be visible from outside of the vehicle.

e. It shall constitute a violation of this Section for any person to falsely represent himself or herself as eligible for a residential parking permit or to furnish false information in an Application to the Chief of Police in order to obtain a residential parking permit.

9. Revocation of Permits. The Chief of Police or the Chief's designee shall have the authority to revoke the residential parking permit of any permit holder found to be in violation of any provision of this Section. Upon written notification to the permit holder of such revocation, the permit holder shall surrender the permit to the Chief of Police or the Chief's designee. Failure to do so shall constitute a violation of this Section, provided that any person receiving such notice may, within 10 days after the date set forth on the notice, appeal to the Board of Commissioners for a hearing on the revocation, and the decision of the Board of Commissioners shall be final.

§2. REPEALER.

All Ordinances or parts of Ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

§3. REVISIONS.

The West Norriton Township Board of Commissioners does hereby reserve the right, from time to time, to adopt modifications of, supplements to, or amendments of its Ordinance, including this provision.

§4. SEVERABILITY.

In the event that any section, sentence, clause, phrase or word of this Ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose enforcement of any of the remaining portions of this Ordinance.

§5. EFFECTIVE DATE.

This amendment shall become effective five (5) days after date of adoption.

ORDAINED AND ENACTED by the Board of Commissioners for West Norriton Township, Montgomery County, Pennsylvania, this 12th day of April, 2016.

ATTEST:

Jason Bobst, Township Manager

WEST NORRITON TOWNSHIP BOARD OF COMMISSIONERS:

By: **Ralph J. Panzullo,** President