

**BOROUGH OF BEN AVON HEIGHTS
ORDINANCE NO. [REDACTED]**

**AN ORDINANCE OF THE BOROUGH OF BEN AVON HEIGHTS,
ALLEGHENY COUNTY, COMMONWEALTH OF
PENNSYLVANIA, AMENDING ORDINANCE NO. 245 TO
MODIFY THE TIME PERIODS AND LOCATIONS IN WHICH
ON-STREET PARKING IS PROHIBITED AND TO ENACT A
PROCESS THROUGH WHICH RESIDENTS WHO MEET
CERTAIN QUALIFICATIONS MAY OBTAIN ON-STREET
PARKING PERMITS**

WHEREAS, Borough of Ben Avon Heights Ordinance Number 245 regulates the parking of vehicles on the streets of the Borough, authorizes the Mayor or President of Council to order the removal of vehicles from such streets for certain purposes and provides penalties for violation; and

WHEREAS, Ordinance Number 245 prohibits parking along any Borough road, with the exception of Briar Cliff Road, between the hours of 6 p.m. and 6 a.m. for a period of longer than six hours; prohibits parking within 10 feet of a Borough intersection, and does not include any exceptions when, due to the configuration of their home, it is impossible or impractical for residents to park a vehicle in compliance with the Ordinance; and

WHEREAS, for the convenience, safety, security and well-being of Borough residents, to provide for consistent enforcement of Borough parking regulations and to provide residents the ability to park along Borough streets in an orderly manner, the Council of the Borough of Ben Avon Heights believes it is in the Borough's best interest to amend Ordinance Number 245 to modify the time periods and locations in which on-street parking is prohibited and to provide for a process through which residents who meet certain qualifications may obtain on-street parking permits allowing those residents to park on Borough roads at locations and times in which parking would otherwise be prohibited; and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Council of the Borough of Ben Avon Heights, County of Allegheny, Commonwealth of Pennsylvania, that Ordinance No. 245 is amended as follows:

PARKS, RECREATION, AND PLAYGROUND AREA RULES AND REGULATIONS

SECTION 1

Section 1 of Borough of Ben Avon Heights Ordinance 245, which currently states,

SECTION 1. It shall be unlawful for the owner or operator of any motor vehicle to park such vehicle, or to permit such vehicle to be parked, on any street of the Borough except Briar Cliff Road between the hours of 6 p.m. and 6 a.m., prevailing time, for a period longer than six hours.

shall be amended to provide that parking is prohibited at all times between the hours of 12 a.m. and 6 a.m. unless by permit, and shall state:

SECTION 1. It shall be unlawful for the owner or operator of any motor vehicle to park such vehicle, or to permit such vehicle to be parked, on any street of the Borough except Briar Cliff Road between the hours of 12 a.m. and 6 a.m., prevailing time, except by Overnight Parking Permit.

SECTION 2:

Section 2 of Borough of Ben Avon Heights Ordinance 245, which currently states,

SECTION 2. It shall be unlawful for the owner or operator of any motor vehicle to park such vehicle, or to permit such vehicle to be parked, within the intersection of any street of the Borough including any T-intersection, or within ten (10) feet of any such intersection.

shall be amended to increase the distance from an intersection in which parking is prohibited from ten feet to twenty feet, and shall state:

SECTION 2. It shall be unlawful for the owner or operator of any motor vehicle to park such vehicle, or to permit such vehicle to be parked, within the intersection of any street of the Borough including any T-intersection, or within twenty (20) feet of any such intersection.

SECTION 3.

Ben Avon Heights Borough Ordinance 245 shall be amended to add a new section 2.A, stating as follows:

SECTION 2.A: Notwithstanding Section 1 and Section 2 of this Ordinance, the Borough of Ben Avon Heights may permit residents of the Borough to park along the curbs of Borough streets, between the hours of 12 a.m. and 6 a.m., pursuant to and subject to the following regulations:

- a. An overnight parking permit may be obtained on application to the Secretary of Ben Avon Heights Borough, or designee, on an official Borough form.
- b. Required information to be included in the application for either a daily or annual overnight parking permit shall include:
 1. Applicant's name, street address and proof of residency (utility bills, voting registration, paystub, etc.); and
 2. Vehicle make, model, color, license plate number and model year; and
 3. Date(s) requested for parking and requested streets for parking.
 4. The acknowledged signature of the owner of the vehicle verifying under oath the applicant is the owner of the vehicle and information within the application is true to the best of the applicant's knowledge.
- c. Only residents of the Borough of Ben Avon Heights are eligible to obtain an overnight parking permit.
- d. Two types of overnight parking permits will be issued by the Borough, per vehicle owned by a Borough resident: a daily overnight parking permit and an annual overnight parking permit.
- e. Any permit issued must be displayed on the front dashboard of the permitted vehicle.
- f. A daily overnight parking permit is subject to the following additional regulations:

1. Each vehicle granted a daily overnight parking permit will be permitted to park between 12 a.m. and 6 a.m. for a maximum of ten consecutive days, and for no more than 25 days per year.
 2. A fee of \$5 per day, per vehicle, shall be charged for each daily overnight parking permit issued by the Borough of Ben Avon Heights.
 3. Applications for a daily overnight parking permit shall be subject to approval by the Secretary of the Borough of Ben Avon Heights, or designee.
- g. An annual overnight parking permit is subject to the following additional regulations:**
1. Each vehicle granted an annual overnight parking permit will be permitted to park along the portions of the Borough streets specified in the application, for the calendar year specified in the application. Each annual overnight parking permit shall expire at the end of the calendar year, and residents must re-apply every subsequent year a permit is desired.
 2. A fee of \$50 per year, per vehicle, shall be charged for each annual overnight parking permit issued by the Borough of Ben Avon Heights.
 3. An application for annual overnight parking permit shall only be granted in cases where the configuration of a resident's property, or other factors, make it impossible or unreasonable for the resident to park their vehicle off Borough streets, or to otherwise comply with the requirements of this Ordinance. An application for annual overnight parking shall contain sufficient information including, where applicable, drawings, pictures and narrative descriptions, to demonstrate the need for an annual overnight parking permit.
 4. An annual overnight parking permit must be approved by Borough Council at a public meeting of Council before it is valid.
 5. Effective January 1, 2024, an annual overnight parking permit must be submitted to the Borough Secretary by December 1 of the preceding calendar year, for consideration by Borough Council, except the December 1 deadline shall not apply to new homeowners within the Borough as explained below. Borough Council will review and consider annual permits at the final month's council meeting before the new year. In the event a Borough Council meeting is not held in the month preceding the new year, applications for annual overnight parking permits received by the applicable deadline will be considered at the next public meeting of Council. New homeowners moving into the Borough shall have 90 days from the closing on the purchase of their home to apply for an annual overnight permit, notwithstanding the generally applicable December 1 deadline above.
- h. The Borough official(s), or designee(s), reviewing applications to issue or reissue a daily overnight parking permit or an annual overnight parking permit shall have discretion to grant or deny such application in consideration of the following factors:**
1. The proximity of the affected properties to available public or private off street parking;
 2. The availability to the affected properties of private off-street parking solutions;

3. **The availability of sufficient street width and capacity to assure the free movement of general vehicular traffic, fire, other public safety, and public works vehicles;**
4. **Potential interference with access to fire hydrants; and**
5. **Visibility of stop signs and traffic at or near intersections.**

SECTION 4. Any and all prior Ordinances or Resolutions of the Borough of Ben Avon Heights (or parts thereof) which are in conflict with or are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such conflict of inconsistency.

SECTION 5. This Ordinance shall be effective immediately.

ORDAINED AND ENACTED into law this _____ day of _____, 2023.

ATTEST:

BOROUGH OF BEN AVON HEIGHTS

Jessica DiNuzzo, Secretary

Jason Brown, President

EXAMINED and APPROVED this ___ day of _____, 2023.

Scott Dismukes, Mayor