



THE BOROUGH OF BRENTWOOD
MUNICIPAL BUILDING – 3624 BROWNSVILLE ROAD
PITTSBURGH, PA 15227-3199
Office 412-884-1500 – FAX 412-884-1911
www.brentwoodboro.com

ORDINANCE NO. 2017-1257

“PARKING ON STREETS AND PRIVATE PROPERTY”

AN ORDINANCE OF THE BOROUGH OF BRENTWOOD, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, AMENDING IN ITS ENTIRETY CHAPTER 154 OF THE CODE OF THE BOROUGH OF BRENTWOOD, WHICH PERTAINS TO PARKING.

WHEREAS, the Borough of Brentwood is a municipal corporation organized and existing under the laws of the Commonwealth of Pennsylvania; and

WHEREAS, the Borough of Brentwood has the power to regulate parking of motor vehicles within the Borough; and

WHEREAS, Brentwood Borough Council has determined that it would further the health, safety and welfare of the residents of the Borough to amend Chapter 154 of the Code of the Borough of Brentwood to reflect a change in the way that motor vehicles may be parked on streets and private property.

NOW THEREFORE, it is hereby Enacted and Ordained by the Council for the Borough of Brentwood, that:

PART I: AMENDMENTS

Chapter 154, Article I of the Code of the Borough of Brentwood is hereby amended and restated in its entirety as follows:

ARTICLE I: GENERAL PROVISIONS

Section 154-1: Applicability

- A. Unless otherwise explicitly stated, the provisions of this Article shall apply to all zoning districts of the Borough of Brentwood.
- B. This Article shall not be construed so as to prohibit activities pertaining to the loading or unloading of goods from or onto any vehicle, provided that such activities are conducted between the hours of 7:00 AM and 10:00 PM, nor shall this Article prohibit the collection and transportation of solid waste between the hours of 6:00 AM and 8:00 PM, Monday through Saturday.

Section 154-2: Parking space requirements

- A. Where designated by approved markings, parking stalls located on streets that are owned and maintained by the Borough of Brentwood shall have a length of twenty-two (22) feet.
- B. Private parking stalls in the R-1, R-2, and R-3 Zoning Districts shall have a length of no less than twenty-two (22) feet and a width of no less than nine (9) feet. Each section of such off-street surface that conforms to said dimensions shall be considered to constitute a separate private parking stall.
- C. Private parking stalls in all other zoning districts shall conform to the standards outlined in Chapter 210 of the Brentwood Borough code.

Section 154-3: Definitions

- A. All of the terms used herein shall have the definitions and connotations ascribed to them in the Pennsylvania Motor Vehicle Code, Title 75 of the Pennsylvania Code, unless otherwise specifically and expressly set forth herein.
- B. As used in this Article, the following terms shall have the meanings indicated:

Commercial vehicle:

Any vehicle used primarily for a commercial, industrial, or institutional purpose, including, but not limited to, the following:

1. Any vehicle which displays on its outer surfaces or windows, or by any other means carried on the vehicle, any information advertising a business, service, or product, excluding police, fire, and other emergency vehicles.
2. Any vehicle containing boxes or chests designed for carrying tools or equipment, and any vehicle containing racks or other means for carrying ladders, tools, and equipment.
3. Any vehicle designed for the transportation of more than nine passengers, inclusive of a driver.

Construction vehicle

Any vehicle designed for specialized construction and maintenance duties, including, but not limited to, backhoes, bulldozers, excavators, forklifts, and tractors.

Enclosed

A structure containing a permanently affixed, opaque roof and sides that are designed to surround the interior of said structure in its entirety. Said structure must be accessed through permanently affixed doors. A structure shall not be considered as "enclosed" if the roof or any side is covered with a tarpaulin, canvas or cloth cover, plastic sheeting, or any similar temporary material.

Lift kit

Any apparatus or device installed or mounted on a vehicle and adapted to raise permanently or periodically the height of the vehicle bumper above the road surface or the vehicle axle.

Oversized vehicle:

Any vehicle that, inclusive of fixtures and accessories, has a length of greater than twenty-two (22) feet, a width of greater than ninety (90) inches, or a height of greater than eight (8) feet, or any vehicle that contains more than two (2) axles.

Park or Parking:

The temporary storing of a vehicle, whether occupied or not, excluding momentary stopping for the purpose of loading or unloading property or passengers for a period of time not to exceed two (2) minutes.

Person:

A natural person, partnership, corporation, association, institution, cooperative enterprise, trust, or other entity classified as a person under Pennsylvania law.

Private parking stall:

Any privately owned driveway, parking pad, or garage constructed for the storage of motor vehicles, excluding those access aisles designed for the circulation of motor vehicles.

Recreational vehicle

Any self-propelled or towed vehicle that provides living and/or sleeping accommodations.

Street:

A section of a recorded public right-of-way designed for vehicular access.

Section 154-4: Inspection and registration required

- A. Any motor vehicle parked in the Borough must display a valid license plate.
- B. Any motor vehicle parked in the Borough that displays a Commonwealth of Pennsylvania license plate must be registered with the Pennsylvania Department of Motor Vehicles. It shall be unlawful to park any motor vehicle on which the registration has been allowed to expire on any street or private property, except as provided in Subsection D.
- C. Any motor vehicle parked in the Borough that displays a Commonwealth of Pennsylvania license plate must be annually inspected at a Pennsylvania Department of Transportation Inspection Station. It shall be unlawful to park any motor vehicle on which the inspection has been allowed to expire on any street or private property, except as provided in Subsection D.

- D. Any motor vehicle parked in the Borough that displays a license plate from a state other than the Commonwealth of Pennsylvania must adhere to any registration or inspection requirements of said state. It shall be unlawful to park any motor vehicle on which said registration or inspection has been allowed to expire on any street or private property, except as provided in Subsection D.
- E. Any vehicle that does not conform to the requirements of Section 154-4 above may only be parked in an enclosed private garage.

Section 154-5: Use of private parking stalls required

- A. No occupant of a residential unit, or guest thereof, shall be permitted to park a motor vehicle on a street at any time unless all private parking stalls on the property at which such occupant resides are occupied by another motor vehicle.
 - 1. If the length, width, grade, height, or any other physical characteristic of a private parking stall makes it impossible to comply with this requirement, the occupant may apply for a parking permit as outlined in Article II of this Chapter.
 - 2. An occupant shall be permitted to park a motor vehicle in the metered parking zones upon payment of the parking fee, as defined in Chapter 201 of the Borough Code, while such occupant patronizes a non-residential use.
 - 3. The owner of a multifamily dwelling may designate private parking stalls for the exclusive use by occupants of certain residential units. In such case, the occupant, or guest thereof, shall not be permitted to park a motor vehicle on a street at any time unless all private parking stalls assigned for the exclusive use of such occupant are occupied by another motor vehicle.
- B. All private parking stalls located at properties containing a non-residential use shall be maintained for the use of employees and/or patrons of such non-residential use.

Section 154-6: Parking of commercial and oversized vehicles

- A. Unless actively engaged in a commercial activity, tow trucks, dump trucks, construction vehicles, and any oversized vehicles shall be prohibited from parking in an R-1, R-2, R-3, or MUN District or at any residential unit, unless parked in an enclosed private garage.
- B. Unless actively engaged in a commercial activity, tow trucks, dump trucks, construction vehicles, and any oversized vehicle shall be prohibited from parking in the CRD district, unless parked behind all front building setback lines of the property on which said commercial vehicle is parked.
- C. Unless actively engaged in a commercial activity, all oversized vehicles and all commercial vehicles, except as further regulated in Subsection A, shall be parked in a private parking stall.

- D. Except as prohibited under Subsection A and Subsection C, if a property does not contain a private parking stall, the Chief of Police may issue a permit for the parking of a commercial vehicle on the street.
- E. Any application for a commercial vehicle parking permit shall be made in writing on a standardized form. The fee for such permit shall be set by resolution of Borough Council.
- F. No more than one (1) permit shall be issued to any person. No more than one (1) permit shall be issued in conjunction with any individual residential unit or non-residential use.
- G. The permit shall be plainly displayed on the commercial vehicle for which said permit was issued.
- H. The permit shall not be transferred from the commercial vehicle for which said permit was issued.
- I. The Chief of Police may impose reasonable conditions related to the use and maintenance of such permit, which conditions must be stated in writing at the time that such permit is issued.
- J. The Chief of Police may revoke the permit from any person who violates any provision of this Article.
- K. Any person may appeal the denial or revocation of a commercial vehicle parking permit to the Borough Mayor.

Section 154-7: General parking regulations

- A. It is unlawful to park any motor vehicle at any time where a “no parking” sign has been erected or the curb adjacent to a street has been painted yellow.
- B. Any boat, boat trailer, utility trailer, or recreational vehicle must be parked in accordance with the following standards:
 - 1. No such vehicle shall be parked on any street at any time.
 - 2. Such vehicle shall be parked in an enclosed private garage or in a driveway that is located behind all front building setback lines of the property on which said vehicle is parked.
- C. No motor vehicle having a lift kit installed thereon and having a bumper height in excess of thirty (30) inches as measured from ground level to the highest point of said bumper, may be parked in an R-1, R-2, R-3, or at any residential unit, unless parked in an enclosed garage.

Section 154-8: Construal of provisions

No provision of this Article shall be construed so as to prevent the placement of dumpsters or portable storage containers in private parking stalls, as permitted under Chapter 174 of the Borough Code.

Section 154-9: Violations and penalties

Any person who violates any provision of this Article, upon conviction thereof by a District Justice or other court, shall be sentenced to pay a fine of \$15.00, plus the costs of prosecution. Each day during which such violation occurs shall constitute a separate offense.

Chapter 154, Article III, is hereby added to the Code of the Borough of Brentwood and shall read as follows:

ARTICLE III: SPECIAL PARKING AREAS

Section 154-16: Establishment of business permit parking zones

- A. A non-residential use shall be defined as any parcel of real property, or portion thereof, utilized for a purpose other than residential occupancy.
- B. Any owner of a non-residential use that abuts the meter parking zones, as defined in Chapter 201 of the Borough Code, may apply for no more than one (1) business parking permit which shall be used exclusively by said owner or an employee thereof.
- C. Each issued permit shall confer to the owner or employee the right to park a motor vehicle between the hours of 6:00 AM and 6:00 PM on the following streets, provided that the parking of said motor vehicle must adhere to the conditions outlined in Article I:
 - 1. Clermont Avenue between Brentwood Avenue and East Bellecrest Avenue.
 - 2. Dalewood Street between Grad Street and Burdine Avenue.
 - 3. Pary Street between Hillson Avenue and Munsey Avenue.
 - 4. Pointview Road between Brownsville Road and Woodrow Avenue.
- D. Between the hours of 6:00 AM and 6:00 PM, a motor vehicle with a residential parking permit, as described in Section 154-10, or a business parking permit shall be permitted to park in the business permit parking zones.

Section 154-17: Establishment of special parking zones

A residential parking permit as described in Article II shall be required to park a motor vehicle at any time on the following streets:

1. Brownsville Road between Bellecrest Avenue and Francis Avenue.

Section 154-18: Signs and enforcement

- A. Signs shall be placed on any street in which parking is restricted under this Article, and such signs shall outline the restrictions set forth herein.
- B. The Chief of Police and/or his designees are empowered to enforce the provisions of this Article.

Section 154-19: Violations and penalties

Any person who violates any provision of this Article, upon conviction thereof by a District Justice or other court, shall be sentenced to pay a fine of \$15.00, plus the costs of prosecution. Each day during which such violation occurs shall constitute a separate offense.

PART II- The Borough Manager, Police Department, Borough Solicitor, and all others employed or appointed by the Borough of Brentwood, are authorized to take any and all action necessary to ensure implementation of this Ordinance and to effectuate the purpose hereof.

PART III- Any and all Ordinances and/or Resolutions, or parts thereof, conflicting herewith are repealed to the extent of such conflict.

PART IV- The provisions of this Ordinance are servable, and if any cause, sentence, section or subsection hereof shall be adjudged by any court of competent jurisdiction to be illegal, invalid or unconstitutional, such judgment or decision shall not affect, impair, or invalidate the remainder of the Ordinance, but shall be confined in its operation and application to the clause, sentence, or subsection rendered. It is hereby declared that it is the intent of the Borough of Brentwood Council that this Ordinance would have been adopted as if such illegal, invalid, or unconstitutional clause, sentence, section, or subsection had not been included therein.

PART V- This Ordinance is effective immediately upon enactment according to law, and shall remain in effect hereafter until revised, amended, or revoked by action of the Council of the Borough of Brentwood.

ORDAINED AND ENACTED THIS _____ DAY OF _____ 2017 BY THE BOROUGH COUNCIL OF THE BOROUGH OF BRENTWOOD.

ATTEST:

BOROUGH OF BRENTWOOD

George Zboyovsky, P.E.

Borough Manager

John Frombach

President of Council

EXAMINED AND APPROVED BY ME THIS _____ DAY OF _____
2017

Dennis Troy

Mayor

APPROVED AS TO FORM

Gavin Robb

Borough Solicitor