



Borough Council Meeting Voting Session
June 17, 2026 @ 6:30 PM
This meeting is recorded for public record.

Nicole Scimone, President	Member, 4th Ward	Term Expires: 12/31/27
Bernie Flynn, Vice President	Member, 6th Ward	Term Expires: 12/31/27
Bryan Travis	Member, 2nd Ward	Term Expires: 12/31/27
Brian McGinnis	Member, 3rd Ward	Term Expires: 12/31/29
Stephen Marvin	Member, 5th Ward	Term Expires: 12/31/29
Lisa Kearns	Member, 7th Ward	Term Expires: 12/31/29
Jerome Szczepaniak	Member, 1st Ward	Term Expires: 12/31/29

Mayor: Lillian L. DeBaptiste

Borough Manager: Sean Metrick

Borough Council Meeting:

I. Public Hearings

- A. Public Hearing: June 17 at 6:30 PM: Chapter 104, titled “Vehicles and Traffic,” to prohibit parking on the north side of Wollerton Street on Monday and Thursday from 2:00 am to 5:00 am; Section 104-33, titled “Parking Time Limited At Certain Locations” and to amend Section 104-47 titled, “Parking Meter Zones Established.”
- B. Public Hearing: June 17 @ 6:30 PM amending Chapter 80 of the Borough Code titled “Peddling And Soliciting; Handbills And Posters; Street Performances”, to amend the regulations related to Peddling and Soliciting. (attachment)

II. Call to Order

III. Pledge of Allegiance

IV. Announcements

- A. Announce the Borough Administrative Offices will be closed on June 19, 2026 for the Juneteenth Holiday; and, July 3, 2026 for the 4th of July Holiday
- B. WCU Master Plan Conditional Use Hearing to be continued to June 22, 2026 at 6:00 PM in Borough Council chambers.
- C. A Public Hearing will be held on July 15, 2026 at 6:30 PM to amend Chapter 112 to allow Data Center and Data Center Campus as uses permitted by Conditional Use in the Industrial District (attachment)
- D. There will be a Public Meeting on July 9, 2026, 7:00-9:00 PM in Room #232 at Borough Hall for the National Foam Clean Up Plan - Presented by National

Foam/Ramboll. The public is welcome to attend

- E. Announce the Revolutionary flag raising ceremony at Borough Hall on July 1st at 9:30 AM

V. Comments

Comments, suggestions, petitions by residents, taxpayers and visitors in attendance regarding items that are not on the agenda. Please be advised there is a 5-minute time limit which is at the discretion of the Council President and/or Chair.

VI. Comments by the Borough Council and the Mayor

VII. Reports/Presentations

VIII. New Business

IX. Old Business - Discussion

- A. Motion to appoint the vacancy on the West Chester Borough Pension Committee: Kadushin, David
- B. Motion to approve the HARB Certificate of Appropriateness, contrary to the recommendation from the HARB to deny the application
Issue: Consider Motion to approve the May HARB Certificate of Appropriateness, contrary to a recommendation to deny the application for demolition by the HARB 1. 2026-09 20 W. Chestnut St-Garage demolition
- C. Motion to direct the Solicitor to draft an Ordinance to prohibit the sale of kratom and 7-hydroxymitragynine (7-OH) in the Borough of West Chester (attachment)
- D. Motion to approve a zoning Amendment to Chapter 112– Smoke/Vape Shops; and, schedule a public hearing on August 19, 2026 (attachment)
Issue: Review proposed amendments to Chapter 112
- E. Motion to approve the request from the Friends of Everhart Park to approve the Gazebo renovations

X. Old Business - Consent

- A. Motion to approve COSTARS quote for relining of CMP Culvert on North Everhart Street
Issue: Culvert needs to be repaired. Will also appear on the Finance agenda.
- B. Motion to approve the sale of the Wastewater F-250 vehicle on Municibid with the funds being deposited into the sewer fund.
Issue: sale of decommissioned Wastewater vehicle
- C. Motion to rescind the 2026 paving award to T. Schiefer Contractors; and, award the 2026 paving contract to Longs Asphalt for a total base bid amount of \$243,587.35 (attachment)
- D. Motion to approve Budget Modification #2026-4 for capital improvements to splash pad at John O. Green Park (attachment)
Issue: increased costs for project exceed budget.

- E. Motion to approve purchasing requests (attachment):
Issue: Review and recommend the approval of qualifying purchase orders:
1. VIPR Ai, LLC for \$11,200
 2. Abel Recon- N.Everhart Street Stormwater Culvert Relining for \$198,000.00
 3. McClure Company for \$17,985
- F. Motion to approve HARB applications
Issue: Consider a Motion to approve the May HARB Certificates of Appropriateness
2. 2026-10 21 W. Washington St-Door, window, trim-replace and paint change
 3. 2026-11 104 E. Gay St-Sign
 4. 2026-12 125 N. Church St-Sign
 5. 2026-131 13 W. Chestnut St-Exterior renovation, mural removal
 6. 2026-14 129 E. Gay St-Exterior Renovation/sign
- G. Motion to approve the May 18 and 20, 2026 Borough Council Meeting Minutes

XI. Other Business

XII. Adjournment

Visit www.west-chester.com for access to all attachments.

Agendas are posted to www.west-chester.com by noon 3 business days prior to the meeting.

ORDINANCE NO. ____ - 2026

BOROUGH OF WEST CHESTER

CHESTER COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE BOROUGH OF WEST CHESTER, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE BOROUGH OF WEST CHESTER, CHAPTER 104, TITLED "VEHICLES AND TRAFFIC," SPECIFICALLY TO AMEND SECTION 104-32, TITLED "PARKING PROHIBITED DURING CERTAIN HOURS" TO PROHIBIT PARKING ON THE NORTH SIDE OF WOLLERTON STREET ON MONDAY AND THURSDAY FROM 2:00 AM TO 5:00 AM; SECTION 104-33, TITLED "PARKING TIME LIMITED AT CERTAIN LOCATIONS" AND TO AMEND SECTION 104-47 TITLED, "PARKING METER ZONES ESTABLISHED."

BE IT ENACTED AND ORDAINED, and it is hereby enacted by authority of the Council of the Borough of West Chester that Chapter 104 of the Code of the Borough of West Chester, titled, "Vehicles and Traffic," shall be amended as follows:

SECTION 1. Section 104-32, titled, "Parking prohibited during certain hours," is hereby amended **TO ADD** the following:

§ 104-32. Parking prohibited during certain hours.

The parking of motor vehicles is prohibited as follows:

Highway	Side	Days/Hours	Location
Wollerton Street	North	Mon. and Thurs. / 2:00 am – 5:00 am	From Darlington Street to South New Street

SECTION 2. Section 104-33, titled, "Parking time limited at certain locations," shall be amended to read as follows:

§ 104-33. Parking time limited at certain locations.

A. Three-hour zone;

- (1) Except for such spaces as are or shall be designated as bus spaces, entrances to hotels and theaters, fireplugs or other places where parking is now or may hereafter be prohibited, it shall be unlawful and a violation of this article for the owner or operator of any motor vehicle, between the hours of 8:00 a.m. and 10:00 p.m. on Monday, Tuesday and Wednesday, between the hours of 8:00 a.m. and 12:00 midnight on Thursdays and Fridays, and between the hours of 5:00 p.m. and 12:00 midnight on Saturdays (except holidays), to park such vehicle for more than three hours at any time upon the streets in the Borough of West Chester hereinafter described, which are hereby established as three-hour parking zones:

Highway	Side	Location
Chestnut Street	Both	From Darlington Street to Matlack Street
Church Street	Both	From Barnard Street to Union Street
High Street	Both	From Gay Street to Biddle Street
High Street	West	From Dean Street to a point approximately 45 feet south of Union Street as signed
Lafayette Street	North	From Church Street to High Street
Matlack Street	East	From Market Street to Cedar Alley
Miner Street	Both	From Darlington Street to New Street
Miner Street	Both	From High Street to Church Street
Miner Street	Both	From Railroad Avenue to Matlack Street
Railroad Alley	West	Cedar Alley to E Miner St
Walnut Street	West	From Prescott Alley to the end of 222 N Walnut St.

SECTION 3. Section 104-47, titled, "Parking meter zones established," shall be amended to read as follows:

§ 104-47. Parking meter zones established.

- A. Three-hour zone; with rates to be established by resolution of Borough Council.
 - (1) Except for such spaces as are or shall be designated as bus spaces, entrances to hotels and theaters, fireplugs or other places where parking is now or may hereafter be prohibited, it shall be unlawful and a violation of this article for the owner or operator of any motor vehicle, between the hours of 8:00 a.m. and 10:00 p.m. on Monday, Tuesday and Wednesday, between the hours of 8:00 a.m. and 12:00 midnight on Thursdays and Fridays, and between the hours of 5:00 p.m. and 12:00 midnight on Saturdays (except holidays), to park such vehicle for more than three hours at any time upon the streets in the Borough of West Chester hereinafter described, which are hereby established as three-hour parking meter zones with rates to be established by resolution of Borough Council:

Highway	Side	Location
Chestnut Street	North	From Church Street to Matlack Street
Chestnut Street	South	From New Street to Matlack Street
Church Street	East	From Patton Alley to Barnard Street
Church Street	West	From Patton Alley to Barnard Street
Darlington Street	West	From Chestnut Street to Miner Street
Gay Street	Both	From Matlack Street to New Street
High Street	Both	From Washington Street to Dean Street
Market Street	North	From Entrance to 330 W Market Street to High Street
Market Street	South	From Darlington Street to Franklin Street
Matlack Street	East	From Market Street to Cedar Alley
Miner Street	North	From Church Street to Walnut Street
Miner Street	South	From Church Street to High Street
New Street	West	From Gay Street to Market Street
Walnut Street	East	From Chestnut Street to Cedar Alley
Walnut Street	West	From Prescott Alley to Gay Street
Wollerton Street	North	From Darlington Street to New Street
Wollerton Street	South	From New Street to Borough Parking Lot No. 9/Miner St Lot

B. Four-hour zone; with rates to be established by resolution of Borough Council.

- (1) Except for such spaces as are or shall be designated as bus spaces, entrances to hotels and theaters, fireplugs or other places where parking is now or may hereafter be prohibited, it shall be unlawful and a violation of this article for the owner or operator of any motor vehicle, between the hours of 8:00 a.m. and 10:00 p.m. on Monday, Tuesday and Wednesday, between the hours of 8:00 a.m. and 12:00 midnight on Thursdays and Fridays, and between the hours of 5:00 p.m. and 12:00 midnight on Saturdays (except holidays), to park such vehicle for more than four hours at any time upon the streets in the Borough of West Chester hereinafter described, which are hereby established as four-hour parking meter zones with rates to be established by resolution of Borough Council:

Highway	Side	Location
Church Street	Both	From Sharpless Street to Rosedale Avenue
High Street	West	From University Avenue to Rosedale Avenue
Linden Street	Both	From High Street to Sharon Alley
New Street	East	From Sharpless Street to Rosedale Avenue
Nields Street	Both	From New Street west to the entrance of the West Chester University Parking Garage (on the south side) and along McBratnie Park (on the north side)
Sharpless Street	South	From High Street to New Street
University Avenue	Both	From High Street to Church Street

SECTION 4. SEVERABILITY. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of Council of the Borough of West Chester that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

SECTION 5. REPEALER. All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective upon enactment as provided by law.

ENACTED AND ORDAINED THIS _____ DAY OF _____, 2026.

ATTEST:

**COUNCIL FOR THE BOROUGH
OF WEST CHESTER**

Sean Metrick, Secretary

By: _____
Nicole Scimone, President

APPROVED THIS _____ DAY OF _____, 2026.

Lillian L. DeBaptiste, Mayor

ORDINANCE NO. ___ - 2026

BOROUGH OF WEST CHESTER

CHESTER COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE BOROUGH OF WEST CHESTER, CHESTER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 80 OF THE BOROUGH CODE TITLED "PEDDLING AND SOLICITING; HANDBILLS AND POSTERS; STREET PERFORMANCES", ARTICLE I TITLED PEDDLING AND SOLICITING TO AMEND THE REGULATIONS RELATED TO PEDDLING AND SOLICITING.

BE IT ENACTED AND ORDAINED and it is hereby enacted by authority of the Council of the Borough of West Chester as follows:

SECTION 1. Chapter 80 of the Borough Code titled, "Peddling and Soliciting; Handbills and Posters; Street Performances", Article I, titled, "Peddling and Soliciting" shall be amended in its entirety and replaced with the following new Article I:

"ARTICLE I. Peddling and Soliciting.

§ 80-1. Purpose.

This Article is intended to regulate soliciting and peddling in the Borough to ensure the public health, safety, and welfare; to protect against criminal activities, such as fraud and burglary; to minimize disruption and disturbance to residents and businesses and to maintain the public streets and sidewalks in a safe and passable condition.

§ 80-2. Definitions; word usage.

A. As used in this Article, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

GOODS

Any wares, foodstuffs, merchandise, or services offered for sale, whether or not displayed.

LEGAL HOLIDAY

New Year's Day, Martin Luther King Day, Presidents Day, Memorial Day, Juneteenth, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

PEDDLER

Any Person who goes upon the premises of any private residence or business in the Borough, not having been invited by the occupant thereof, or any Person who goes upon the Borough streets, sidewalks, or other public place, carrying or transporting

Goods, wares, merchandise, personal property, or services of any nature, or offering the same for sale.

PEDDLING

All activities ordinarily performed by a Peddler as indicated under the definition of "Peddler" herein.

PERSON

Any natural Person, partnership, association, corporation, or other legal entity.

SOLICITING

All activities ordinarily performed by a Solicitor as indicated under the definition of "Solicitor" herein.

SOLICITOR

Any Person who goes upon the premises of any private residence or business in the or business in the Borough, not having been invited by the occupant thereof, or any Person who goes upon any or Borough street, sidewalk, or other public place, for the purpose of offering, taking or attempting to take orders for the sale of Goods, merchandise, wares or other personal property of any nature for future delivery or for services to be performed in the future, or for the solicitation of support or donations where said support or donation is unsolicited by the Person or entity being solicited.

- B. The singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and neuter.

§ 80-3. License required; fee.

No Person shall engage in Peddling or Soliciting within the Borough without first having obtained from the Borough a license, including any application fee or related fees, in an amount set by resolution of the Borough Council.

§ 80-4. Application for license.

- A. Every Person desiring a license under this article shall file an application with the Borough prior to commencing Soliciting or Peddling activities. The application shall include, at a minimum, the following:
 - (1) The applicant's full name, date and place of birth, local address, permanent address, telephone number, and copy of driver's license or other form of photo identification.
 - (2) The name, address, telephone number, and tax identification number of the applicant's employer or principal.

- (3) The nature of business or activity in which the applicant wishes to engage within the Borough and a description of the Goods to be sold or the service to be performed.
- (4) The days of the week and hours the applicant wishes to engage in such activity and the specific location where the peddling or soliciting shall occur.
- (5) If a vehicle is to be utilized, a description of the vehicle, the vehicle license number and expiration date, operator's driver's license number and expiration date and proof of automobile liability insurance.
- (6) An authorization from the applicant's employer or principal, which shall contain an agreement on the part of the employer or principal, in consideration for issuance of the license, to become liable for any and all acts of the applicant, while in the Borough.
- (7) An FBI clearance certificate that is dated within 12 months from the date of the application.
- (8) Proof of possession of any license or permit which the applicant is required to have under federal, state, county or other local law in order to conduct the proposed Peddling or Soliciting including proof of registration with the Commonwealth based on the Pa. Solicitation of Funds for Charitable Purposes Act.
- (9) An acknowledgement that the applicant is aware of and understands the regulations set forth in this article.
- (10) If the applicant intends to utilize other people to assist in the Peddling or Soliciting, all applicable information shall also be supplied for each person, and each person will be required to obtain his/her/their own license.

B. Licenses are not transferable to any other Person or entity.

§ 80-5. Exemptions.

The following Persons, although subject to all other provisions of this Article, are exempt from the license and application requirements when engaging in the activities described herein:

- A. Persons who have been licensed by the Commonwealth of Pennsylvania to engage in an activity described below, when so engaged:
 - (1) Real estate broker.
 - (2) Insurance broker.

(3) Securities broker.

B. Political campaign workers.

C. Any organizations that are exempt from registration and licensing based on the Pa. Solicitation of Funds for Charitable Purposes Act.

§ 80-6. Issuance of license; display and exhibit.

A. Upon receipt of such an application and the prescribed fee, the Borough shall have 10 business days to review and verify the information provided.

B. The Borough may deny a license if: 1) the application is incomplete; 2) the FBI clearance certificate evidences that the applicant was convicted of a felony or misdemeanor involving dishonesty, deceit, fraud, theft, sexual offenses, or crimes of violence in the past 10 years; 3) there are misrepresentations in the application; 4) any fraud or deceit is identified in the application; 5) there is prior failure to comply with any law concerning Soliciting, Peddling or consumer sale; or 6) the sale or offering for sale of illegal merchandise or services is proposed.

C. If the application is otherwise in order and there are no grounds for denial of a license as set forth in 80-6.B above, the Borough shall issue the license to the applicant.

D. The license shall be valid for a period of one year from the date of issuance.

§ 80-7. Standards of conduct.

Every person to whom a license has been issued shall in the conduct of his/her activity comply with the following standards of conduct:

A. He/she shall carry his/her license at all times and exhibit it upon request to any police officer or ordinance officer of the Borough and to any person upon whom he/she shall call or with whom he/she shall talk.

B. He/she shall not permit any person to have possession of his/her license and shall immediately report its loss to the Borough Manager. He/she shall not cause or permit his/her license to be altered or defaced in any way.

C. He/she shall not enter or attempt to enter any dwelling or otherwise remain upon any private property without the invitation or permission of the occupant or property owner and shall immediately leave any premises upon request of the occupant or property owner.

D. He/she shall engage in soliciting only between the hours of 9:00 a.m. to 8:30 p.m. Monday through Friday, on Saturday and legal holidays, 12:00 noon to 4:00 p.m. and on Sunday only in the Town Center Zoning District.

- E. He/she shall not occupy any fixed location upon or along any of the streets, alleys, or sidewalks of the Borough for the purpose of peddling or soliciting, with or without any sign, stand, counter, or cart.
- F. He/she shall not occupy or operate in a congested area where the activities may impede or inconvenience the public or block safe pedestrian access. He/she remain a minimum of five feet from all entrances to buildings.
- G. He/she shall inform the Borough Police Department, in writing, of any changes to information supplied on the then-current application within five days of such change.
- H. He/she shall immediately surrender his/her license to the Borough of West Chester Borough Manager upon suspension or revocation thereof.
- I. He/she shall maintain a valid driver's license, vehicle registration and automobile liability coverage valid for the duration of the license period.

§ 80-8. Denial, suspension, and revocation of license; appeals.

- A. The Borough is hereby authorized to suspend or revoke any license if the holder fails to comply with the standards of conduct or responsibilities set forth in this article. A license may also be suspended or revoked upon the basis of:
 - (1) Fraud, misrepresentation or false statements in the license application;
 - (2) Fraud, misrepresentation or false statements by the licensee in the course of Peddling or Soliciting;
 - (3) Peddling or Soliciting in violation of this article or in a manner that violates federal, state, or local law or regulations or the terms of any other license involved in the Peddling or Soliciting;
 - (4) Conviction of a felony or misdemeanor involving dishonesty, deceit, fraud, theft, sexual offenses, or crimes of violence.
 - (5) Peddling or Soliciting in a manner as to create a public nuisance, a breach of peace, or endanger the health, safety, or general welfare of the public.
- B. No part of a license fee shall be refunded to any Person whose license shall have been denied, suspended, or revoked.

§ 80-9. Peddling and Soliciting on Borough owned land.

- A. Any person licensed under this article or exempt under §80-5 hereof shall not occupy or use any street, alley, sidewalk or land owned by the Borough for the purpose of engaging in peddling or soliciting unless approved as part of a special

event pursuant to §80-9.B below or approved as a food truck in accordance with applicable food truck regulations in the Borough Code.

- B. Any person that has received approval from Borough Council to conduct a special event within the Borough shall be responsible for the vendors participating within the boundaries of that event. The organizer of the event shall register each vendor with the Borough Manager and supply information required by § 80-4 of this article. Registered vendors will receive permission to operate their stands for that special event only and will not be required to pay the registration fee required by this article. No other vendors will be permitted within the boundary area of such event during the time period designated for the special event. Existing businesses in the Borough will be permitted to sell merchandise in the area adjacent to the business, provided that such business complies with and conducts such sale in accordance with the vendors' responsibilities and guidelines applicable to such special event.

§ 80-10. Public collection.

Public collection (bucket brigades) shall be conducted in accordance with the provisions of § 80-7. Each person participating in the public collection shall identify on his or her body the name of the organization or cause which the funds are collected for. No public collection will be permitted on Sunday. Only one nonprofit or charitable organization will be permitted to conduct a public collection on any permitted day or within any permitted time period. A nonprofit or charitable organization shall be permitted to conduct a public collection twice per calendar year, provided that each collection is at least six months after the last public collection conducted by such nonprofit or charitable organization.

§ 80-11. Violations and penalties.

Any Person who violates or permits a violation of this chapter shall, upon conviction in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$600, plus costs of prosecution, including reasonable attorneys' fees. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 30 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense.”

SECTION 2. Severability.

If any provision of this Ordinance, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect the remaining provisions of this Ordinance, which shall remain in full force and effect.

SECTION 3. Effective Date.

This Ordinance shall become effective upon enactment as provided by law.

ENACTED AND ORDAINED THIS _____ DAY OF _____, 2026.

ATTEST:

**COUNCIL FOR THE BOROUGH
OF WEST CHESTER**

Sean Metrick, Secretary

By: _____
Nicole Scimone, President

APPROVED THIS _____ DAY OF _____, 2026.

Lillian L. DeBaptiste, Mayor

ORDINANCE NO. 04 – 2026

BOROUGH OF WEST CHESTER

CHESTER COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE BOROUGH OF WEST CHESTER, CHESTER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 80 OF THE BOROUGH CODE TITLED “PEDDLING AND SOLICITING; HANDBILLS AND POSTERS; STREET PERFORMANCES”, ARTICLE I TITLED PEDDLING AND SOLICITING TO AMEND THE REGULATIONS RELATED TO PEDDLING AND SOLICITING.

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“ARTICLE I. Peddling and Soliciting.

§ 80-1. Purpose.

This Article is intended to regulate soliciting and peddling in the Borough to ensure the public health, safety, and welfare; to protect against criminal activities, such as fraud and burglary; to minimize disruption and disturbance to residents and businesses and to maintain the public streets and sidewalks in a safe and passable condition.

§ 80-2. Definitions; word usage.

A. As used in this Article, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

GOODS

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LEGAL HOLIDAY

New Year's Day, Martin Luther King Day, Presidents Day, Memorial Day, Juneteenth, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

PEDDLER

Any Person who goes upon the premises of any private residence or business in the Borough, not having been invited by the occupant thereof, or any Person who goes upon the Borough streets, sidewalks, or other public place, carrying or transporting

Goods, wares, merchandise, personal property, or services of any nature, or offering the same for sale.

PEDDLING

All activities ordinarily performed by a Peddler as indicated under the definition of "Peddler" herein.

PERSON

Any natural Person, partnership, association, corporation, or other legal entity.

SOLICITING

All activities ordinarily performed by a Solicitor as indicated under the definition of "Solicitor" herein.

SOLICITOR

Any Person who goes upon the premises of any private residence or business in the or business in the Borough, not having been invited by the occupant thereof, or any Person who goes upon any or Borough street, sidewalk, or other public place, for the purpose of offering, taking or attempting to take orders for the sale of Goods, merchandise, wares or other personal property of any nature for future delivery or for services to be performed in the future, or for the solicitation of support or donations where said support or donation is unsolicited by the Person or entity being solicited.

- B. The singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and neuter.

§ 80-3. License required; fee.

No Person shall engage in Peddling or Soliciting within the Borough without first having obtained from the Borough a license, including any application fee or related fees, in an amount set by resolution of the Borough Council.

§ 80-4. Application for license.

- A. Every Person desiring a license under this article shall file an application with the Borough prior to commencing Soliciting or Peddling activities. The application shall include, at a minimum, the following:
 - (1) The applicant's full name, date and place of birth, local address, permanent address, telephone number, and copy of driver's license or other form of photo identification.
 - (2) The name, address, telephone number, and tax identification number of the applicant's employer or principal.

- (3) The nature of business or activity in which the applicant wishes to engage within the Borough and a description of the Goods to be sold or the service to be performed.
- (4) The days of the week and hours the applicant wishes to engage in such activity and the specific location where the peddling or soliciting shall occur.
- (5) If a vehicle is to be utilized, a description of the vehicle, the vehicle license number and expiration date, operator's driver's license number and expiration date and proof of automobile liability insurance.
- (6) An authorization from the applicant's employer or principal, which shall contain an agreement on the part of the employer or principal, in consideration for issuance of the license, to become liable for any and all acts of the applicant, while in the Borough.
- (7) An FBI clearance certificate that is dated within 12 months from the date of the application.
- (8) Proof of possession of any license or permit which the applicant is required to have under federal, state, county or other local law in order to conduct the proposed Peddling or Soliciting including proof of registration with the Commonwealth based on the Pa. Solicitation of Funds for Charitable Purposes Act.
- (9) An acknowledgement that the applicant is aware of and understands the regulations set forth in this article.
- (10) If the applicant intends to utilize other people to assist in the Peddling or Soliciting, all applicable information shall also be supplied for each person, and each person will be required to obtain his/her/their own license.

B. Licenses are not transferable to any other Person or entity.

§ 80-5. Exemptions.

The following Persons, although subject to all other provisions of this Article, are exempt from the license and application requirements when engaging in the activities described herein:

- A. Persons who have been licensed by the Commonwealth of Pennsylvania to engage in an activity described below, when so engaged:
 - (1) Real estate broker.
 - (2) Insurance broker.

(3) Securities broker.

B. Political campaign workers.

C. Any organizations that are exempt from registration and licensing based on the Pa. Solicitation of Funds for Charitable Purposes Act.

§ 80-6. Issuance of license; display and exhibit.

A. Upon receipt of such an application and the prescribed fee, the Borough shall have 10 business days to review and verify the information provided.

B. The Borough may deny a license if: 1) the application is incomplete; 2) the FBI clearance certificate evidences that the applicant was convicted of a felony or misdemeanor involving dishonesty, deceit, fraud, theft, sexual offenses, or crimes of violence in the past 10 years; 3) there are misrepresentations in the application; 4) any fraud or deceit is identified in the application; 5) there is prior failure to comply with any law concerning Soliciting, Peddling or consumer sale; or 6) the sale or offering for sale of illegal merchandise or services is proposed.

C. If the application is otherwise in order and there are no grounds for denial of a license as set forth in 80-6.B above, the Borough shall issue the license to the applicant.

D. The license shall be valid for a period of one year from the date of issuance.

§ 80-7. Standards of conduct.

Every person to whom a license has been issued shall in the conduct of his/her activity comply with the following standards of conduct:

A. He/she shall carry his/her license at all times and exhibit it upon request to any police officer or ordinance officer of the Borough and to any person upon whom he/she shall call or with whom he/she shall talk.

B. He/she shall not permit any person to have possession of his/her license and shall immediately report its loss to the Borough Manager. He/she shall not cause or permit his/her license to be altered or defaced in any way.

C. He/she shall not enter or attempt to enter any dwelling or otherwise remain upon any private property without the invitation or permission of the occupant or property owner and shall immediately leave any premises upon request of the occupant or property owner.

D. He/she shall engage in soliciting only between the hours of 9:00 a.m. to 8:30 p.m. Monday through Friday, on Saturday and legal holidays, 12:00 noon to 4:00 p.m. and on Sunday only in the Town Center Zoning District.

- E. He/she shall not occupy any fixed location upon or along any of the streets, alleys, or sidewalks of the Borough for the purpose of peddling or soliciting, with or without any sign, stand, counter, or cart.
- F. He/she shall not occupy or operate in a congested area where the activities may impede or inconvenience the public or block safe pedestrian access. He/she remain a minimum of five feet from all entrances to buildings.
- G. He/she shall inform the Borough Police Department, in writing, of any changes to information supplied on the then-current application within five days of such change.
- H. He/she shall immediately surrender his/her license to the Borough of West Chester Borough Manager upon suspension or revocation thereof.
- I. He/she shall maintain a valid driver's license, vehicle registration and automobile liability coverage valid for the duration of the license period.

§ 80-8. Denial, suspension, and revocation of license; appeals.

- A. The Borough is hereby authorized to suspend or revoke any license if the holder fails to comply with the standards of conduct or responsibilities set forth in this article. A license may also be suspended or revoked upon the basis of:
 - (1) Fraud, misrepresentation or false statements in the license application;
 - (2) Fraud, misrepresentation or false statements by the licensee in the course of Peddling or Soliciting;
 - (3) Peddling or Soliciting in violation of this article or in a manner that violates federal, state, or local law or regulations or the terms of any other license involved in the Peddling or Soliciting;
 - (4) Conviction of a felony or misdemeanor involving dishonesty, deceit, fraud, theft, sexual offenses, or crimes of violence.
 - (5) Peddling or Soliciting in a manner as to create a public nuisance, a breach of peace, or endanger the health, safety, or general welfare of the public.
- B. No part of a license fee shall be refunded to any Person whose license shall have been denied, suspended, or revoked.

§ 80-9. Peddling and Soliciting on Borough owned land.

- A. Any person licensed under this article or exempt under §80-5 hereof shall not occupy or use any street, alley, sidewalk or land owned by the Borough for the purpose of engaging in peddling or soliciting unless approved as part of a special

event pursuant to §80-9.B below or approved as a food truck in accordance with applicable food truck regulations in the Borough Code.

- B. Any person that has received approval from Borough Council to conduct a special event within the Borough shall be responsible for the vendors participating within the boundaries of that event. The organizer of the event shall register each vendor with the Borough Manager and supply information required by § 80-4 of this article. Registered vendors will receive permission to operate their stands for that special event only and will not be required to pay the registration fee required by this article. No other vendors will be permitted within the boundary area of such event during the time period designated for the special event. Existing businesses in the Borough will be permitted to sell merchandise in the area adjacent to the business, provided that such business complies with and conducts such sale in accordance with the vendors' responsibilities and guidelines applicable to such special event.

§ 80-10. Public collection.

Public collection (bucket brigades) shall be conducted in accordance with the provisions of § 80-7. Each person participating in the public collection shall identify on his or her body the name of the organization or cause which the funds are collected for. No public collection will be permitted on Sunday. Only one nonprofit or charitable organization will be permitted to conduct a public collection on any permitted day or within any permitted time period. A nonprofit or charitable organization shall be permitted to conduct a public collection twice per calendar year, provided that each collection is at least six months after the last public collection conducted by such nonprofit or charitable organization.

§ 80-11. Violations and penalties.

Any Person who violates or permits a violation of this chapter shall, upon conviction in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$600, plus costs of prosecution, including reasonable attorneys' fees. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 30 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense.”

SECTION 2. Severability.

If any provision of this Ordinance, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect the remaining provisions of this Ordinance, which shall remain in full force and effect.

SECTION 3. Effective Date.

This Ordinance shall become effective upon enactment as provided by law.

ENACTED AND ORDAINED THIS 17TH DAY OF JUNE, 2026.

ATTEST:

**COUNCIL FOR THE BOROUGH
OF WEST CHESTER**

Sean Metrick, Secretary

By: _____
Nicole Scimone, President

APPROVED THIS 17TH DAY OF JUNE, 2026.

Lillian L. DeBaptiste, Mayor

ORDINANCE NO. ____ - 2026

BOROUGH OF WEST CHESTER

CHESTER COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE BOROUGH OF WEST CHESTER, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE BOROUGH OF WEST CHESTER, CHAPTER 112 TITLED "ZONING" TO AMEND SECTION 112-202 TO ADD DEFINITIONS FOR DATA CENTER, DATA CENTER ACCESSORY USE, DATA CENTER CAMPUS AND SENSITIVE RECEPTOR; SECTION 112-304.C TO ALLOW DATA CENTER AND DATA CENTER CAMPUS AS USES PERMITTED BY CONDITIONAL USE IN THE INDUSTRIAL DISTRICT; SECTION 112-311 TO ADD AREA AND BULK REGULATIONS FOR DATA CENTER AND DATA CENTER CAMPUS; TO ADD A NEW SECTION 112-917 TITLED "DATA CENTER AND DATA CENTER CAMPUS" TO ADD REGULATIONS APPLICABLE TO DATA CENTERS AND DATA CENTER CAMPUSES.

BE IT ENACTED AND ORDAINED and it is hereby enacted by authority of the Council of the Borough of West Chester that Chapter 112 of the Code of the Borough of West Chester, titled "Zoning" shall be amended as follows:

SECTION 1. Section 112-202, titled "Definitions", shall be amended to add the following definitions:

DATA CENTER

A building primarily used for housing and operating computer systems and associated equipment, including servers, data storage and processing systems, and accessory infrastructure such as cooling systems, power generators, electrical substations, and network hardware.

DATA CENTER ACCESSORY USE

Ancillary uses or structures secondary and incidental to a Data Center use, including but not limited to: administrative, logistical, fiber optic, storage, and security buildings or structures; electrical substations; utility lines; domestic and non-contact cooling water and wastewater treatment facilities; water holding facilities; pump stations; water towers; environmental controls (air conditioning or cooling towers, fire suppression, and related equipment); security features, provided such data center accessory uses/structures are located on the same lot or assemblage of lots developed as a unified development with a Data Center.

DATA CENTER CAMPUS

All of the structures and real estate owned, controlled, leased or otherwise occupied primarily for the use and purpose as a Data Center, including (i) Data

Centers; (ii) Data Center Accessory Uses; and (iii) all other systems, equipment, piping, conduit and other ancillary equipment, structures, and other appurtenances that are incidental to and/or needed for the construction, support, operation, repair, maintenance and/or protection of the Data Center or the Data Center Campus.

SENSITIVE RECEPTOR

Buildings used for residences (including institutional uses with a residential component), schools, day cares, institutional uses, nursing homes, parks and hospitals.

SECTION 2. Section 112-304.C and the table of uses permitted in the ID Industrial District shall be amended to add the following uses by conditional use:

8. Data Center and Data Center Campus subject to the provisions of Section 112-917.

SECTION 3. Section 112-311.B shall be amended to adopt the following revised area and bulk chart:

B. Dimensional requirements.

	All Uses Except Data Center and Data Center Campus:	Data Center:
Lot area, minimum	40,000 square feet	See §112-917.A
Lot width, minimum	100 feet	No minimum lot width required
Build-to line/front yard	20 feet from curb	See §112-917.B
Side yard, minimum	20 feet	See §112-917.B
Adjacent to residential use	30 feet	See §112-917.B
Rear yard, minimum	10 feet	See §112-917.B
Adjacent to residential district or use	30 feet	See §112-917.B
Height, maximum	60 feet	60 feet
Impervious coverage, maximum	85%	75%
Building coverage, maximum	50%	50%
Where the ID District is adjacent to a residential district or use, parking and loading facilities shall be prohibited in the minimum yard setbacks.		

SECTION 4. A new Section 112-917 titled “Data Centers and Data Center Campus” shall be adopted and provide as follows:

“§ 112-917. Data Center and Data Center Campus. The following standards shall apply to all Data Centers and Data Center Campuses. If any standard in Section 112-311 differs from the requirements in this Section 112-917, the provisions in this Section 112-917 shall control.

- A. Minimum Lot Size. The minimum lot area for a Data Center and Data Center Campus shall be as follows:

Lot with a Data Center building with a footprint of 100,000 square feet or less in area - 5 acres

Lot with a Data Center building with a footprint greater than 100,000 square feet in area- 10 acres.

Data Center Campus- regardless of the size of the buildings used for Data Centers on the campus- 10 acres.

- B. Minimum Setbacks. Data Centers and Data Center Accessory Uses shall be set back a minimum of 250 feet from all property lines.

- C. Screening of mechanical equipment. Data Center Accessory Uses, including ground level and roof top mechanical equipment used for cooling, ventilating, or otherwise operating the Data Center, shall be screened from view on all sides or setback adequately from the building edge so as to not be visible from adjoining properties and public roads. Such screen may incorporate perforated surfaces as necessary to permit ventilation of the equipment.

- D. Building Design Requirements. A building used as a Data Center shall adhere to the following design requirements. The applicant shall submit elevations/renderings of all buildings used for a Data Center with the conditional use application.

(1) No more than 80 percent of a Principal Building Facade shall consist of one building material or one color, texture, or pattern.

(2) The Principal Building Facade shall require fenestration, step-back(s), cantilever(s), projection(s), or architectural elements extending horizontally across at least 60 percent of the facade.

- E. Energy Usage. The applicant shall submit an energy usage plan with the conditional use application prepared by a professional engineer which provides the following information:

(1) Annual electricity demand for the Data Center.

(2) Source of energy supply for the Data Center.

(3) Energy storage capacity (if applicable).

(4) Proposed sources of back-up power to be installed.

- (5) Documentation of efforts to maximize use of renewable and/or clean energy for all electrical and cooling needs, including those to reduce the need for new electric generation by incorporating the best available energy efficiency into the design of Data Center servers, cooling units, and the building structure. Examples include:
 - (a) Cover unused roof space with solar arrays to offset a portion of the demand on the electric grid and reduce onsite emissions.
 - (b) Explore battery storage as a backup energy source for 50-100% of total onsite back-up energy needs to reduce or eliminate the pollution associated with diesel backup generators.
 - (c) Support off-site renewable energy generation through a power purchase agreement or other arrangement that will result in new renewable energy generation.
- (6) If interconnecting to the energy grid, the applicant shall provide documentation of the energy utility interconnection approval process, including the following:
 - (a) Documentation that an application for the project has been filed with the electric utility provider, and the required fee has been paid.
 - (b) Documentation that a transmission security agreement has been signed by all necessary parties.
 - (c) The date that the electric utility provider provided for the proposed energization of the Data Center.
- (7) If the Data Center intends to use backup generators, the following criteria shall apply.
 - (a) Diesel generators shall meet Tier 4 emission standards of the U.S. Environmental Protection Agency.
 - (b) Diesel generators shall undergo annual testing and reports shall be provided to the Borough to ensure that the generators are performing as designed and that emissions do not exceed permitted limits.
 - (c) Emergency energy generation that is diesel, gasoline, or similarly fueled shall be used only at the following times:
 - (i) When the primary source of energy is not available due to an emergency outage.

- (ii) During routine maintenance, or readiness testing for a short duration of time and capped at 100 hours per year.
- (iii) Routine maintenance testing of back-up fossil fuel-powered generators shall be restricted to the hours of 10:00 am through 4:00 pm Monday through Friday.
- (iv) Use for peak shaving or supplying power to the grid is prohibited.
- (d) The applicant shall design and locate the emergency energy generation systems to limit noise and visual impacts as much as possible.
- (e) The operator shall maintain a public website announcing the times when the generators will be in operation. Any operation of the backup generators for testing purposes shall be announced on the website at least 24 hours in advance. The operator shall also notify the Borough at least 24 hours in advance of a test. The operator shall provide the address of the website where the notices required by this Section are published.

F. Noise and Vibration.

- (1) The applicant shall submit a pre-construction noise and vibration study with the conditional use application prepared and sealed by a qualified professional. Such qualified professional shall be an engineer licensed in the Commonwealth of Pennsylvania or other environmental or technical professional with demonstrated education, training and experience in acoustical noise or vibration analysis applicable to the scope of work being performed (defined herein as “Qualified Professional”) to include the predicted noise and vibration levels from the operation of the Data Center.
- (2) Simultaneous Operation Assumption. All noise evaluations, studies, modeling, and compliance determinations shall assume the concurrent operation of all generators, cooling systems, mechanical equipment, and other noise-producing devices operating at maximum rated capacity (“Simultaneous Operation”), unless a more restrictive operating condition is required by approval.
- (3) Within 180 days following issuance of a use and occupancy certificate and commencement of operations at the Data Center, the applicant shall submit to the Borough an as-built post-construction noise and vibration study.

The study shall:

- (a) Be conducted by a Qualified Professional using applicable ANSI standards and generally accepted criteria.
 - (b) Demonstrate compliance with all applicable noise regulations set forth in the Data Center Noise Standards Tables at the end of this section. Compliance shall be demonstrated using objective sound level limits expressed in A-weighted decibels (dBA), measured and evaluated in accordance with standardized methodologies acceptable to the Borough.
 - (c) Include sound measurements taken at all property lines.
 - (d) Include measurements taken during normal operations, peak cooling load, during operation of emergency generators under load and assuming Simultaneous Operation.
 - (e) Address low-frequency noise impacts, including compliance with applicable dBC limits set forth in the Data Center Noise Standards Tables.
 - (f) Vibration Standards to be used in the study. Vibration shall be evaluated using two distinct criteria: (a) Building Damage: Ground vibration shall not exceed 0.2 to 0.5 inches per second peak particle velocity (PPV), measured in accordance with USBM RI 8507 or successor standard; and (b) Human Perception: Vibration levels shall not exceed 65 VdB, measured in accordance with ISO 2631-1 or successor standard.
 - (g) Identify all measurement locations, instrumentation used, calibration documentation, testing methodology, operational conditions during testing, and meteorological conditions.
- (4) If the post construction study demonstrates non-compliance with any applicable noise or vibration standard, the applicant shall, within 30 days of written notice from the Borough, submit a corrective action plan prepared by a Qualified Professional. All violations shall be fully remediated within a timeframe approved by the Borough, but in no event later than 90 days following Borough notice of non-compliance, unless extended by the Borough for good cause shown.
- (5) If the pre-construction noise study establishes a baseline sound level in excess of the maximum sound level permitted under Data Center Noise Standards Tables, the post-construction study shall demonstrate that operations of the proposed use do not increase baseline ambient sound levels. Sound levels within 1 dBA of the ambient sound levels will meet this requirement.

- (6) Objective Noise Standards. Noise limits shall be established by land use category, measurement location, time-of-day, and averaging period, and shall include provisions for instrumentation and low-frequency noise evaluation.
- (7) The Borough may require additional noise and vibration testing upon receipt of substantiated complaints or following material modification, replacement, or addition of mechanical equipment, cooling systems, generators, or other vibration-generating equipment.
- (8) If initial monitoring or complaints indicate a probable violation, the Borough may require interim mitigation measures, which may include operational modifications, equipment limitations, or temporary curtailment of specific noise producing activities until compliance is demonstrated.
- (9) Data Center Noise Standards Tables.

Data Center Noise Standards Tables

The following tables establish objective noise limits, modeling requirements, and enforcement procedures applicable to Data Center use. These standards shall supersede noise standards set forth in Chapter 73 of the Borough Code.

Table 1: Data Center Noise Limits, Measurement, and Compliance Requirements

Category	Requirement
Applicable Uses	Data Centers, including all accessory mechanical equipment, generators, cooling systems, and substations
Measurement Basis	A-weighted sound levels (dBA), unless noted otherwise for low-frequency noise
Receptor Locations	Measurements and modeling shall be conducted at or beyond the nearest property line and at Sensitive Receptors , when present
Operating Condition Assumption	All compliance evaluations shall assume simultaneous operation of all generators, cooling equipment, and other noise-producing devices at maximum rated capacity

Table 2: Numeric Noise Limits by Zoning Use

Receiving Land Use	Daytime (7:00 AM – 10:00 PM)	Nighttime (10:00 PM – 7:00 AM)
Residential or Sensitive Receptor	55 dBA Leq (1-hour)	45 dBA Leq (1-hour)
Mixed-Use / Commercial	60 dBA Leq (1-hour)	50 dBA Leq (1-hour)
Industrial	65 dBA Leq (1-hour)	55 dBA Leq (1-hour)

Short-term tonal or impulsive noise exceeding the above limits by 5 dBA or more shall constitute a violation.

Table 3: Low-Frequency Noise Criteria

Parameter	Requirement
Frequency Sensitivity	C-weighted sound levels (dBC), capturing enhanced sensitivity to low-frequency noise
Measurement Metric	Equivalent continuous sound level (Leq, 1-hour) in dBC
Measurement Locations	At the nearest property line and at Sensitive Receptors, when present
Daytime Limit (7:00 AM – 10:00 PM)	70 dBC Leq (1-hour)
Nighttime Limit (10:00 PM – 7:00 AM)	60 dBC Leq (1-hour)
Tonal / Narrowband Noise	Clearly perceptible low-frequency tonal noise shall require mitigation regardless of overall dBC compliance, as determined by the Qualified Professional or the Borough based on clearly perceptible tonal characteristics
Applicability	Limits apply under simultaneous operation of all generators, cooling systems, and mechanical equipment

Table 4: Modeling and Study Requirements

Requirement	Standard
Pre-construction Study	Required with conditional use application
Post-construction Verification	Required within 180 days of commencement of operations
Prepared By	Qualified Professional with demonstrated noise expertise
Modeling Methodology	ISO 9613-2, CadnaA, SoundPLAN, or equivalent accepted industry model
Meteorological Assumptions	Downwind propagation, ISO-conservative conditions
Equipment Data	Manufacturer sound power levels and octave-band spectra
Low-Frequency Evaluation	Required where large generators or cooling systems are used

Table 5: Measurement Procedures

Element	Requirement
Instrumentation	Type 1 or Type 2 ANSI-certified sound level meter
Calibration	Pre- and post-measurement field calibration required
Measurement Duration	Minimum 15 minutes per location unless otherwise specified. Sound level limits expressed as hourly equivalent levels (Leq, 1-hour) may be evaluated using shorter-duration measurements, including the minimum durations identified in this table, where such measurements are conducted under steady-state operating conditions and are representative of normal operations.
Operating Conditions	Measurements shall include peak cooling load and generator operation under load
Background Noise	Baseline ambient levels documented prior to construction

Table 6: Compliance

Item	Requirement
Material Increase Definition	An increase of ≥ 3 dBA above baseline ambient sound level
Violation Determination	Exceedance of numeric limits or material increase
Retesting Authority	Borough may require additional testing following substantiated complaints or equipment changes

G. Water.

- (1) A Data Center shall be connected to public water.
- (2) The applicant shall provide detailed estimates of daily and annual water usage.
- (3) The applicant shall provide documentation from the public water provider that there is sufficient water available to serve the Data Center without impacting water pressure or availability of water to other users in the Borough. No Data Center shall be approved unless the applicant demonstrates that the anticipated water supply yield is sufficient for the Data Center and will not adversely impact water pressure or availability of water to other users in the Borough.
- (4) The Data Center shall not use groundwater or direct withdrawals from surface watercourses as its primary source of water for cooling purposes.
- (5) The Data Center shall be designed to include air-cooled or closed-loop water circulation systems to cool processing equipment. An applicant may propose an alternative cooling system that is demonstrated to use less water and energy than closed loop systems which alternative cooling system must be approved by the Borough.
- (6) If cooling towers are utilized, the applicant shall submit a plan for mitigating the risk of legionella.
- (7) The applicant shall submit a drought response plan to demonstrate compliance with state, water supplier and local drought declaration requirements.

H. Wastewater Disposal.

- (1) A Data Center shall be connected to public sewer.

- (2) The applicant shall submit an analysis of wastewater disposal needs with the conditional use application which indicates the quantity of wastewater generation expected from sewage and water discharge as part of the Data Center's HVAC system.
- (3) Any untreated discharge of wastewater generated at the Data Center may not be discharged to stormwater systems or surface waters.
- (4) The applicant shall submit documentation certified by the public sewer provider that the provider can support the conveyance and treatment needed.

I. Power Generation Facilities.

- (1) Any energy generation system designed or used to supply power directly to a Data Center during normal operations, including solar, wind, fossil fuel, or nuclear energy generating systems, shall not be considered part of the Data Center use but shall be subject to existing municipal or utility regulations. Such systems shall be considered a separate principal use and shall be approved according to all applicable state and federal regulations along with municipal zoning regulations applicable to such use. The applicant shall select, design and locate the energy generation systems to limit noise, emissions, and visual impacts to adjacent and nearby uses as much as possible. Data center principal buildings shall be located between energy generation systems and residential districts or any other sensitive receptors.
- (2) Electric Utility Substations on the same property as the Data Center they serve must be located on the side or rear of a Data Center principal building so they are screened from public view and shall not be located in a required front yard. On-site substations do not require a buffer or screening between the Data Center Principal Building and the substation.
- (3) Data Center electric utility substations visible from an arterial roadway must include a combination of year-round opaque landscaping and screening walls to minimize visual impact.
- (4) Burying power lines serving the property is strongly encouraged. On-site power lines of 34.5 kV and below must be buried.
- (5) Substations abutting a district boundary other than industrial and/or a parcel containing a sensitive receptor shall be set back a minimum of 800 feet from the property line. If abutting another industrial-zoned parcel and use, substations shall meet the requirements for accessory uses in the underlying zoning district.
- (6) The Data Center electric utility substation shall be subject to applicable zoning district setback requirements. Setbacks shall be measured from the edge of the

enclosure containing the substation to the property boundary of the lot it occupies.

J. Emergency management.

- (1) The applicant shall submit an emergency response plan (ERP) with the conditional use application prepared by a qualified professional. The ERP shall:
 - (a) Be reviewed and accepted by the local fire department, emergency management services and Borough emergency management coordinator as part of the conditional use process.
 - (b) Include detailed procedures for fire suppression, containment, ventilation, and evacuation.
 - (c) Include an evaluation of the access roads and hydrant locations within the site to ensure suitable access for emergency equipment within the site.
 - (d) Ensure that all first responders receive adequate training specific to the installed system.
 - (e) Include provisions for annual fire safety inspections demonstrating compliance with fire safety standards to be performed by a qualified professional on behalf of the Data Center.
- (2) Costs incurred, including specialized training for fire and EMS personnel, shall be reimbursed by the applicant, including future ongoing training specific to the Data Center's ERP.
- (3) Any Data Center proposing battery storage or any other device or group of devices capable of storing energy in order to supply electrical energy at a later time, whether the energy is stored for use on-site or off-site, shall demonstrate compliance with National Fire Protection Association (NFPA) Standard 855, Installation of Stationary Energy Storage Systems, or an equivalent nationally recognized standard and must include fire suppression systems designed specifically for battery storage.
- (4) No Data Center shall be approved unless the applicant demonstrates that procedures for fire suppression, containment, ventilation, and evacuation are sufficiently protective of public health, safety and welfare.
- (5) Each Data Center shall provide 24-hour emergency contact signage that is visible at the main entrance. Such signage shall include the company name (if applicable), the owner/representative's name, the telephone number, and the corresponding local power company's name and telephone number.

- (6) The applicant shall coordinate with the municipal emergency management coordinator to ensure there is adequate radio coverage for emergency responders within all on-site buildings and facilities, based upon existing coverage levels of the municipal public safety radio communications system exterior to on-site buildings. The applicant shall install enhancement systems, as needed, to achieve compliance.
- K. Construction Plans. Applicant shall coordinate with the Borough and develop a construction plan which shall be adhered to by all vehicles and equipment involved in the construction of the Data Center including construction deliveries, equipment and contractors, to minimize disruption to the traffic in the vicinity of the subject property. This plan shall include appropriate times and locations for access by construction vehicles and anticipated delivery of large equipment. This construction plan shall be approved by the Borough as part of final land development plan approval. The Borough shall have the authority to require more detailed information be added to the plans as well as consistent updates as the project progresses.
- L. Electronic Waste. An Electronic Waste Plan shall be submitted with the conditional use application outlining procedures for safe removal and recycling and/or disposal of server infrastructure, hazardous materials, batteries, electronic waste, and related products that meet all state and federal requirements, which will apply in cases when the equipment within the data center is updated or decommissioned. The report shall be subject to review and approval by the Borough.
- M. Decommissioning.
- (1) The applicant shall submit with the conditional use application a decommissioning plan prepared by a qualified professional. The plan shall outline the procedures for safe shutdown, removal of equipment, disposal or recycling of materials, and site restoration.
 - (2) The owner of the Data Center must submit a notification of closure if operations are permanently ceased.
 - (3) Decommissioning must begin within one year of cessation of Data Center operations, or upon notice of abandonment by the operator, whichever occurs first. Decommissioning shall be completed within 18 months thereafter, unless extended by the Borough for good cause.
 - (4) Standards for Decommissioning.
 - (a) All above-ground structures, equipment, and accessory facilities shall be removed.
 - (b) Hazardous materials, including batteries, fuel, or refrigerants, shall be disposed of in compliance with state and federal law.

- (c) Disturbed soils shall be stabilized and re-vegetated.
 - (d) Any utility connections shall be safely disconnected and capped
 - (e) The site shall be restored to a condition compatible with surrounding land uses or consistent with the most restrictive adjacent zoning district.
- (5) The Borough may require financial security (with related agreements) to be posted to cover the full cost of decommissioning and site restoration if not done in a timely fashion by the operator/owner of the Data Center.”

SECTION 5. SEVERABILITY. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of Council of the Borough of West Chester that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

SECTION 6. REPEALER. All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 7. EFFECTIVE DATE. This Ordinance shall become effective upon enactment as provided by law.

ENACTED AND ORDAINED THIS _____ DAY OF _____, 2026.

ATTEST:

**COUNCIL FOR THE BOROUGH
OF WEST CHESTER**

Sean Metrick, Secretary

By: _____
Nicole Scimone, President

APPROVED THIS _____ DAY OF _____, 2026.

Lillian L. DeBaptiste, Mayor

Reasons to Prohibit Kratom and Kratom-related Products in West Chester

LAK 10 May 2026

There are compelling reasons to follow the lead of our state lawmakers and fellow municipalities like Scranton and make it unlawful for any person within the borough to:

1. Sell or offer for sale any Kratom or 7-Hydroxymitragynine Product;
2. Manufacture, process, package, distribute, or deliver any Kratom or 7-Hydroxymitragynine Product;
3. Possess any Kratom or 7-Hydroxymitragynine Product with intent to distribute;
4. Use or consume any Kratom or 7-Hydroxymitragynine Product in any public place or private property open to the public;
5. Maintain, operate, or knowingly permit any establishment or premises to be used for the purpose of selling or distributing Kratom or 7-Hydroxymitragynine Products within the borough

The FDA has labeled Kratom as "the next wave of the opioid epidemic".

Kratom and Kratom-related products (high-potency 7-OH) are unapproved and unregulated products being sold in WC vape stores, including one in the middle of an NC2 neighborhood.

Without additional regulation, Kratom and Kratom-related products can currently be sold and marketed to children in PA.

Coroners in multiple PA counties, including Chester County, have confirmed Kratom-related fatalities

"Vape stores are popping up in every neighborhood in America, and many are selling addictive products... After the last wave of the opioid epidemic, we cannot get caught flat-footed again."

- FDA Commissioner Marty Makary, M.D., M.P.H.

Current Local, Regional, National, and International Legislative Action:

Legislative Action

- **Scranton (Lackawanna County):** City Council has introduced ordinances to ban the sale and possession of kratom within city limits, driven by reports of addiction and high-dose toxicity.
- **Doylestown Borough (Bucks County):** Officials have moved to ban 7-OH (7-hydroxymitragynine), a potent, synthetic component of some kratom products.
- **Radnor Township (Delaware County):** In 2022, the township passed an ordinance regulating the sale of kratom, specifically aiming to restrict its availability near schools.
- **PA Senate Bill 233:** Passed the Senate Health and Human Services Committee in late 2025, focusing on banning synthetic kratom (specifically products with high concentrations of 7-hydroxymitragynine). Also prohibits the sale of any Kratom products to individuals under 21 and requires proper labeling and testing.

- **PA House Bill 2058:** Similar to the Senate bill, this legislation aims to regulate the industry by prohibiting sales to those under 21, banning synthetic products, requiring testing and clear labeling, and prohibiting marketing to children.
- **Senate Bill 899:** Another vehicle for regulating kratom as part of the state's Controlled Substance, Device, and Cosmetic Act.
- **Countries that have banned Kratom include:** Australia, Denmark, Finland, Israel, Japan, New Zealand, Sweden, Russia, Singapore, Poland, Romania, South Korea, Thailand, Vietnam, Malaysia, Latvia, Lithuania, Myanmar
- **More than 36 states** have some form of Kratom regulation
- **More than 10 states** have imposed a complete, statewide ban on Kratom, including California

All branches of the US Military ban Kratom use in all forms – active duty or reserves – on duty or off

Basic Facts About Kratom:

Kratom, or *Mitragyna Speciosa*, is a psychoactive substance made from tree leaves that grow in Indonesia, Malaysia, Papua New Guinea, and Thailand.

- The FDA has labeled Kratom as **"the next wave of the opioid epidemic"**.
- FDA: *"There are **no FDA-approved uses for kratom** [and the FDA] continues to warn consumers not to use any products labeled as containing the botanical substance kratom **or its psychoactive compounds**, mitragynine and 7-hydroxymitragynine."*
- Kratom is **not lawfully marketed in the U.S.** as a drug product, a dietary supplement, or a food additive (FDA)
- Mayo Clinic has called Kratom **"Unsafe and Ineffective."**
- The U.S. Drug Enforcement Administration (DEA) has listed kratom as a **"drug of concern"**
- There has been a **1,200% jump in Kratom-related calls to Poison Control Centers** over the last decade, according to the US Centers for Disease Control, with **167 cases reported to PA Poison Control Centers** between Jan 1, 2022 and June 30, 2025
- **PA Dep of Health issued a Kratom-related health advisory** in August 2025, citing Poison Control Center cases ranging from **infants (12 months old) to seniors (80 years old)**
- Kratom **reacts with other medicines, including common OTC medications**, resulting in serious health consequences, such as liver damage and death.
- People who took kratom for more than six months **reported withdrawal symptoms like those from opioid use** and may need treatments given for opioid addiction
- **Kratom affects babies during pregnancy.** The baby may be born with symptoms of withdrawal and need treatment

"There are no FDA-approved uses for Kratom...or its psychoactive compounds" - FDA

- Kratom products have been found to have heavy metals, such as lead, and harmful germs, such as salmonella, which has been fatal. **The FDA has linked more than 35 deaths to salmonella-tainted kratom**

Basic Facts About 7-OH:

7-OH (formally known as 7-Hydroxymitragynine) is a powerful, psychoactive, concentrated derivative of the naturally occurring compound in Kratom.

- **13 or more times more potent than morphine**
- **Acts on the same brain receptors as opioids**
- The FDA says Kratom is "**the next wave of the opioid epidemic**". 7-OH is a concentrated synthetic version of Kratom
- **7-OH is Engineered to be Addictive.** It is a Potent Opioid by Design. (FDA)
- **Can be legally sold to children in PA**
- There are **no prescription or over-the-counter drug products** containing kratom or its known alkaloids **that are legally on the market in the U.S.**
- DEA has officially classified it as a "**drug of concern.**"
- The **PA health department has issued a health advisory** citing an increased volume of calls related to Kratom and 7 – OH to Pennsylvania poison centers
- A 100 mg dose of isolate 7-OH (which is **being sold in WC** vape stores) is many times higher than the standard "strong" dose. It carries a **severe risk of addiction, respiratory depression, overdose, and potentially fatal consequences**
- 7-OH Products are Designed to Look Like Everyday Treats Like Gummies, Candies, and Ice Cream (FDA). West Chester shops **sell flavors including Bubble Gum, Strawberry, Mint Chocolate, Blueberry, etc.**

7-OH is a powerful, psychoactive opioid; a concentrated derivative of Kratom

7-OH is engineered to be addictive

13 or more times more potent than morphine

Child-friendly flavors include Bubble Gum, Mint Chocolate, Blueberry, etc.

This dangerous opioid is sitting on store shelves, making gas stations and convenience stores **risky places where kids can purchase these drugs as easily as buying candy**

“Even better than rolling back a public health crisis would be never having one in the first place.

Let’s not allow 7-OH to drive the next wave of the U.S. opioid epidemic.”

- Marty Makary, M.D., M.P.H., FDA Commissioner

ORDINANCE NO. XX- - 2026

BOROUGH OF WEST CHESTER

CHESTER COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE BOROUGH OF WEST CHESTER, CHESTER COUNTY, PENNSYLVANIA, TO PROHIBIT THE SALE, MANUFACTURE, AND PUBLIC USE OF KRATOM, KRATOM-DERIVED PRODUCTS, AND CONCENTRATED 7-OH SUBSTANCES WITHIN THE BOROUGH

BE IT ENACTED AND ORDAINED and it is hereby enacted by authority of the Council of the Borough of West Chester as follows:

WHEREAS, the Borough of West Chester is a home-rule municipality organized under the laws of the Commonwealth of Pennsylvania and governed by an elected Borough Council vested with legislative authority over municipal policy, appropriations, and the use of Borough resources pursuant to the Borough's Home Rule Charter; and

WHEREAS, the FDA has labeled Kratom as "the next wave of the opioid epidemic" and stated, "There are no FDA-approved uses for kratom [and the FDA] continues to warn consumers not to use any products labeled as containing the botanical substance kratom or its psychoactive compounds, mitragynine and 7-hydroxymitragynine."

WHEREAS, Kratom is not lawfully marketed in the U.S. as a drug product, a dietary supplement, or a food additive (FDA)

WHEREAS, the U.S. Drug Enforcement Administration (DEA) has listed kratom as a "drug of concern"

WHEREAS, there has been a 1,200% jump in Kratom-related calls to Poison Control Centers over the last decade, according to the US Centers for Disease Control, with 167 cases reported to PA Poison Control Centers between Jan 1, 2022 and June 30, 2025

WHEREAS, Coroners in multiple PA counties, including Chester County, have confirmed Kratom-related fatalities

WHEREAS, All branches of the US Military completely ban Kratom use in all forms – active duty or reserves – on or off duty

WHEREAS, 7-OH is a concentrated synthetic version of Kratom and is 13 or more times more potent than morphine, acts on the same brain receptors as opioids, and is engineered to be addictive and there are no prescription or over-the-counter drug products containing kratom or its known alkaloids that are legally on the market in the U.S.

WHEREAS, Kratom affects babies during pregnancy. The baby may be born with symptoms of withdrawal and need treatment

WHEREAS, West Chester has always prioritized public safety, responsible commerce, and the well-being of our residents.

NOW THEREFORE, be it ordained and enacted by the Borough Council of the Borough of West Chester, Chester County Pennsylvania, as follows:

SECTION 1. DEFINITIONS. For purposes of this Ordinance:

A. "Kratom Product" means any product, compound, mixture, preparation, extract, derivative, concentrate, resin, or substance containing any part of the plant *Mitragyna speciosa*, including its leaves, alkaloids, extracts, or synthesized equivalents, whether marketed for human consumption or otherwise.

B. "7-Hydroxymitragynine Product" or "7-OH Product" means any product containing 7-hydroxymitragynine, whether naturally derived, chemically synthesized, converted, concentrated, isolated, or otherwise produced, including analogs, derivatives, salts, isomers, or compounds substantially similar in chemical structure or effect.

C. "Sell" or "Sale" means to offer for sale, barter, exchange, transfer, distribute, deliver, furnish, provide, advertise for sale, or otherwise dispense for consideration or without consideration.

D. "Possession with Intent to Distribute" means possession of a prohibited product in quantities, packaging, labeling, marketing, or circumstances indicating an intent to sell, transfer, distribute, or deliver the product to another person.

E. "Manufacture" means to produce, prepare, process, compound, convert, package, repack, label, or otherwise create a prohibited product.

F. "Person" means any individual, firm, partnership, corporation, company, association, business entity, organization, estate, trust, governmental entity, or other legal entity.

G. "Use" means to ingest, inhale, smoke, vape, chew, consume, apply, or otherwise introduce a prohibited product into the human body.

SECTION 2. PROHIBITED ACTS.

It shall be unlawful for any person within the Municipality to:

A. Sell or offer for sale any Kratom Product or 7-Hydroxymitragynine Product;

B. Manufacture, process, package, distribute, or deliver any Kratom Product or 7-Hydroxymitragynine Product;

C. Possess any Kratom Product or 7-Hydroxymitragynine Product with intent to distribute;

D. Use or consume any Kratom Product or 7-Hydroxymitragynine Product in any public place or private property open to the public;

E. Maintain, operate, or knowingly permit any establishment or premises to be used for the purpose of selling or distributing Kratom or 7-Hydroxymitragynine Products within the borough

SECTION 3. EXEMPTIONS.

This Ordinance shall not apply to:

A. Any federally approved pharmaceutical product lawfully prescribed and dispensed by a licensed healthcare provider or pharmacy;

B. Possession or handling of prohibited products by law enforcement personnel, emergency responders, forensic laboratories, or government agencies acting within the scope of official duties;

C. Research activities conducted by accredited educational or scientific institutions in compliance with applicable federal and state law.

SECTION 4. ENFORCEMENT.

A. This Ordinance may be enforced by the Police Department, Code Enforcement Officers, Health Department, or any other official authorized by the Municipality.

B. Authorized officials may inspect commercial premises open to the public during normal business hours to ensure compliance with this Ordinance.

C. Any prohibited products found in violation of this Ordinance may be seized and destroyed in accordance with applicable law.

D. The Municipality may seek injunctive relief, license suspension, license revocation, or any other remedy authorized by law.

SECTION 5. PENALTIES.

A. Civil Penalties.

The Municipality may impose:

1. Civil fines not exceeding \$~~100~~250 for a first offense;
2. A fine not exceeding \$~~200~~500 for a second offense; and \$~~500~~1,000 for a third and subsequent offenses
3. Suspension or revocation of municipal business licenses;
4. Administrative enforcement costs;
5. Closure orders for businesses operating in violation of this Ordinance.

Each day a violation continues shall constitute a separate offense.

SECTION 6. NUISANCE DECLARATION.

Any property, business, establishment, or premises used in violation of this Ordinance is hereby declared to be a public nuisance and may be subject to abatement proceedings and other lawful remedies.

SECTION 7. NON-PREEMPTION.

This Ordinance shall be interpreted and applied to the fullest extent permitted under state and federal law. Nothing herein shall be construed to permit conduct prohibited by state or federal law.

SECTION 8. SEVERABILITY.

If any provision of this Ordinance, or the application thereof to any person or circumstance is held invalid shall not affect the remaining provisions of this Ordinance, which shall remain in full force and effect.

SECTION 9. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon final enactment as provided by law. Compliance date is 60 days after enactment.

ORDINANCE NO. XX- - 2026
BOROUGH OF WEST CHESTER
CHESTER COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE BOROUGH OF WEST CHESTER, CHESTER COUNTY, PENNSYLVANIA, TO PROHIBIT THE SALE, MANUFACTURE, AND PUBLIC USE OF KRATOM, KRATOM-DERIVED PRODUCTS, AND CONCENTRATED 7-OH SUBSTANCES WITHIN THE BOROUGH

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WHEREAS, the FDA has labeled Kratom as "the next wave of the opioid epidemic" and stated, "There are no FDA-approved uses for kratom [and the FDA] continues to warn consumers not to use any products labeled as containing the botanical substance kratom or its psychoactive compounds, mitragynine and 7-hydroxymitragynine."

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WHEREAS, All branches of the US Military completely ban Kratom use in all forms – active duty or reserves – on or off duty

WHEREAS, 7-OH is a concentrated synthetic version of Kratom and is 13 or more times more potent than morphine, acts on the same brain receptors as opioids, and is engineered to be addictive and there are no prescription or over-the-counter drug products containing kratom or its known alkaloids that are legally on the market in the U.S.

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C. "Sell" or "Sale" means to offer for sale, barter, exchange, transfer, distribute, deliver, furnish, provide, advertise for sale, or otherwise dispense for consideration or without consideration.

D. "Possession with Intent to Distribute" means possession of a prohibited product in quantities, packaging, labeling, marketing, or circumstances indicating an intent to sell, transfer, distribute, or deliver the product to another person.

E. "Manufacture" means to produce, prepare, process, compound, convert, package, repack, label, or otherwise create a prohibited product.

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B. Manufacture, process, package, distribute, or deliver any Kratom Product or 7-Hydroxymitragynine Product;

C. Possess any Kratom Product or 7-Hydroxymitragynine Product with intent to distribute;

D. Use or consume any Kratom Product or 7-Hydroxymitragynine Product in any public place or private property open to the public;

E. Maintain, operate, or knowingly permit any establishment or premises to be used for the purpose of selling or distributing Kratom or 7-Hydroxymitragynine Products within the borough

SECTION 3. EXEMPTIONS.

This Ordinance shall not apply to:

A. Any federally approved pharmaceutical product lawfully prescribed and dispensed by a licensed healthcare provider or pharmacy;

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SECTION 9. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon final enactment as provided by law. Compliance date is 60 days after enactment.

ORDINANCE NO. ____ – 2026

BOROUGH OF WEST CHESTER

CHESTER COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE BOROUGH OF WEST CHESTER, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE BOROUGH OF WEST CHESTER, CHAPTER 112 TITLED “ZONING” TO AMEND SECTION 112-202 TO AMEND THE DEFINITION FOR RETAIL STORE OR SHOP AND TO ADD A DEFINITION FOR TOBACCO STORE/SMOKE SHOP; SECTION 112-304.C TO ADD A TOBACCO STORE/SMOKE SHOP AS A USE PERMITTED BY CONDITIONAL USE IN THE TC TOWN CENTER AND CS COMMERCIAL SERVICE DISTRICT; AND TO ADD A NEW SECTION 112-917 TO ADOPT REGULATIONS FOR TOBACCO STORE/SMOKE SHOPS.

BE IT ENACTED AND ORDAINED and it is hereby enacted by authority of the Council of the Borough of West Chester that Chapter 112 of the Code of the Borough of West Chester, titled “Zoning” shall be amended as follows:

SECTION 1. Section 112-202, titled “Definitions”, shall be amended to amend the following definition:

RETAIL STORE OR SHOP

An enterprise engaged in the sale of goods or merchandise to the general public, and the rendering of services incidental to such sale, for items such as antiques, books, beverages, confections, dry goods, flowers and plants, foodstuffs, gifts, garden supplies, hardware, household appliances, jewelry, notions, paint, periodicals, stationary, ~~tobacco~~ or wearing apparel, including a dispensary. A retail store of shop which maintains 20% or more of its total display area for the sale of tobacco, tobacco products, Delta (8, 9, 10) or THC products, kratom, ingestible CBD products or materials, or vaping products shall be considered a tobacco store/smoke shop for the purposes of this Chapter.

SECTION 2. Section 112-202, titled “Definitions”, shall be amended to add the following definition:

TOBACCO STORE/SMOKE SHOP- A retail store or shop primarily engaged in selling tobacco and/or tobacco products, CBD, THC, kratom, and/or vaping products. A retail store or shop which maintains 20% or more of its total display area for the sale of tobacco and/or tobacco products and vaping products shall be considered a tobacco store/smoke shop for the purposes of this Chapter. A retail store or shop which holds itself out as a “tobacco store”, a “smoke shop”, a “vape shop” or similar establishment, shall also be considered a “tobacco store/smoke shop” for the purposes of this Chapter. Examples of

vaping-products referred to in this Chapter include, without limitation, vaporizers, vape pens, vapor products, hookah pens, electronic cigarettes, e-cigarettes, e-cigs, e-pipes and any other electronic nicotine delivery systems (“ENDS”). –ENDS shall be deemed noncombustible tobacco products. Tobacco products as referred to in this Chapter shall include, without limitation, matches, lighters, hookahs, pipes, chewing tobacco, cigarette rolling machines, ashtrays, pipe tools, pipe supplies and pipe accessories.

SECTION 3. Section 112-304.C and the table of uses permitted by conditional use in the TC Town Center or CS Commercial Service District shall be amended to add the following use:

8. Tobacco Store/Smoke Shop.

SECTION 4. A new Section 112-917 titled, “Standards for tobacco store/smoke shop” shall be added and provide as follows:

“§112-917. Standards for tobacco store/smoke shop.

- A. In addition to the requirements in § **112-1008** that apply to all uses permitted by conditional use, tobacco stores/smoke shops shall also comply with the standards and criteria in this section.
- B. The following standards shall apply to a tobacco store/smoke shop which is permitted by conditional use in the CS Commercial Service District.
 - (1) A tobacco store/smoke shop shall be located a minimum of 500 feet from another lot where there is a building or structure used as a tobacco store/smoke shop, as measured from the property line.
 - (2) A tobacco store/smoke shop shall be located a minimum of 500 feet from another lot where there is a building or structure or the lot is used as a school, religious use, public recreation facility, day care center, school bus shop or library, as measured from the property line.
 - (3) A tobacco store/smoke shop shall not be permitted on a lot or within a building that is improved with a residential dwelling or dwellings.
 - (4) Persons under the age of 18 shall not be permitted to enter a tobacco store/smoke shop without a parent or legal guardian. Businesses shall be responsible for verifying the age of consumers. Exterior signage shall be provided stating that minors are prohibited from entering the facility without a parent or legal guardian.
 - (5) Tobacco stores/smoke shops shall not employ persons under the age of 18.
 - (6) The sale of tobacco and vape products through self-service displays in a tobacco store/smoke shop shall be prohibited.

(7) ~~Smoking shall be prohibited within a tobacco store/smoke shop.~~

(8) Food sales shall be prohibited within a tobacco store/smoke shop.

SECTION 5. SEVERABILITY. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of Council of the Borough of West Chester that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

SECTION 6. REPEALER. All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 7. EFFECTIVE DATE. This Ordinance shall become effective upon enactment as provided by law.

ENACTED AND ORDAINED THIS _____ DAY OF _____, 2026.

ATTEST:

**COUNCIL FOR THE BOROUGH
OF WEST CHESTER**

Sean Metrick, Secretary

By: _____
Nicole Scimone, President

APPROVED THIS _____ DAY OF _____, 2026.

Lillian L. DeBaptiste, Mayor

ORDINANCE NO. ____ - 2026

BOROUGH OF WEST CHESTER

CHESTER COUNTY, PENNSYLVANIA

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vaping products referred to in this Chapter include, without limitation, vaporizers, vape pens, vapor products, hookah pens, electronic cigarettes, e-cigarettes, e-cigs, e-pipes and any other electronic nicotine delivery systems (“ENDS”). ENDS shall be deemed noncombustible tobacco products. Tobacco products as referred to in this Chapter shall include, without limitation, matches, lighters, hookahs, pipes, chewing tobacco, cigarette rolling machines, ashtrays, pipe tools, pipe supplies and pipe accessories.

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SECTION 5. SEVERABILITY. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of Council of the Borough of West Chester that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

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SECTION 7. EFFECTIVE DATE. This Ordinance shall become effective upon enactment as provided by law.

ENACTED AND ORDAINED THIS _____ DAY OF _____, 2026.

ATTEST:

**COUNCIL FOR THE BOROUGH
OF WEST CHESTER**

Sean Metrick, Secretary

By: _____
Nicole Scimone, President

APPROVED THIS _____ DAY OF _____, 2026.

Lillian L. DeBaptiste, Mayor













A photograph of a stream restoration project. The stream is bordered by a stone wall on the right and a concrete wall on the left. The water is clear and reflects the sky. The surrounding area is lush with green grass and trees. In the background, there are residential buildings and a clear blue sky with some clouds.

Taylor Run Stream Restoration

- **Construction Sep 2025 – May 2026**
- **\$266,013 construction costs**
- **\$49,130 design/bid/permit/construction management**
- **Outstanding costs <\$10,000**
- **Estimated Final Costs \$325,143**
- **Remaining *ARPA* grant funds: \$233,987**

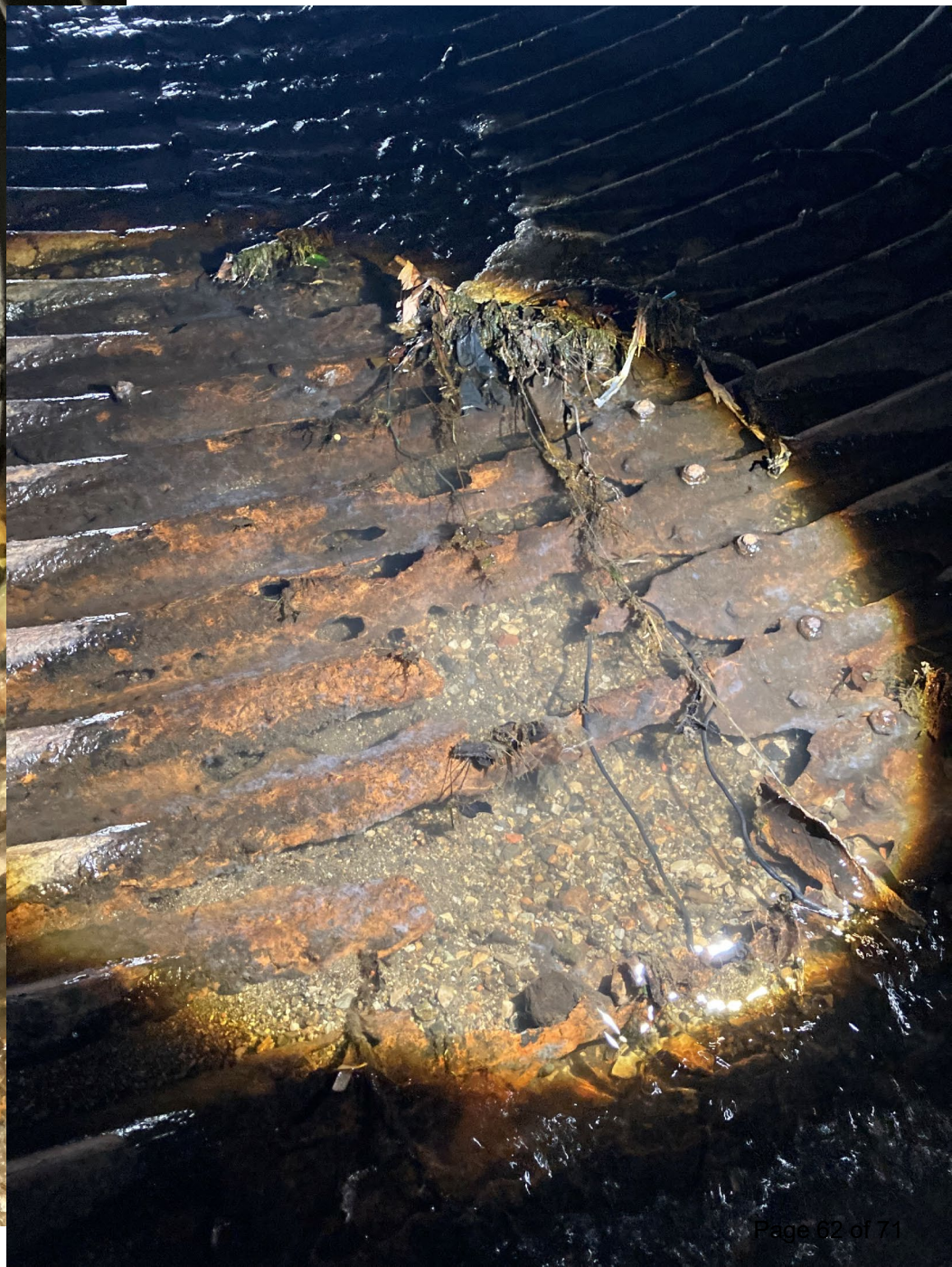




Taylor Run Site











Taylor Run/N. Everhart Culvert Repair

- **Remaining *ARPA* grant funds: \$233,987**
- **Culvert rehabilitation: \$198,000 – COSTARS quote from Abel Recon**
- **Grant Match 25%**
- **Net costs to West Chester Borough: \$49,500**

Caveat: Must obtain DEP permit AND complete work by September 30, 2026

BOROUGH OF WEST CHESTER

Finance Department Use Only
Purchase Order Number



PURCHASE ORDER REQUEST

TO: Sean Metrick, Borough Manager

FROM: Will Williams, Sustainability Director

SUB: PURCHASE ORDER REQUEST

DATE: 6/5/2026

IT IS REQUESTED THAT A PURCHASE ORDER BE ISSUED TO:

Vendor Abel Recon

Contact Howad Myers, GM

Address PO Box 476
Mountville, PA 17554

Phone (717) 285-3103

Email info@abelrecon.com

Fax

Justification

COSTARS quote for Taylor Run culvert rehabilitation on N. Everhart Street, by Abel Recon
\$400,000 in relining work budgeted in 2026 SPF CIP
Grant-eligible under Taylor Run stream project grants, closing out 3Q 2026

TOTAL AMOUNT TO BE PAID:	\$ 198,000.00
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Reference (select one) Quote SOW SA State Contract



Memorandum

TO: Don Anderson, Public Works

FROM: Nate Cline, PE, Borough Engineer

DATE: June 4, 2026

SUBJECT: **Road Program**
PennDOT Prequalification of Bidders

As discussed, the low bidder (T. Schiefer Contractors, Inc.) provided a PennDOT pre-qualification certificate as part of their bid however, upon our review, this contractor is only prequalified as a subcontractor and not prime contractor. The PennDOT pre-qualification specifications require the contractor to be pre-qualified as a prime contractor. We have been in contact with PennDOT and they have confirmed that they cannot waive this requirement.

Below is a summary of results from the May 19th bid opening. After discussion with the Borough Solicitor, it was confirmed that the Borough can select the second low bidder and award the contract to Long’s Asphalt at their base bid of \$243,587.35. We have confirmed Long’s Asphalt is pre-qualified as a prime contractor.

Contractor	Base Bid	Alternate 1	Base Bid Plus Alternate
T. Schiefer Contractors, Inc.	\$ 233,993.20	\$ 22,204.40	\$ 256,197.60
Long’s Asphalt	\$ 243,587.35	\$ 25,988.00	\$ 269,575.35
Marino Corporation	\$ 244,196.60	\$ 32,247.40	\$ 276,444.00
Glasgow Inc.	\$ 260,954.62	\$ 24,808.84	\$ 285,763.46

If you agree, we recommend a motion be made at the next meeting to rescind the award to T. Schiefer Contractors and award to Long’s Asphalt at the total base bid amount of \$243,587.35, contingent upon their execution of the Contract and supply of the required Bonds and Insurance.

We will contact both T. Schiefer Contractors and Long’ s Asphalt to notify them of the change in award.

If you have any questions please contact me.

Budget Modification Request

Budget Year:	2026
Modification #:	2026-4

Justification:

Budget modification is needed for capital projects in the Recreation Department. Budgeted revenues for capital projects are below expectations by \$50,532 and expenses are over budget by \$45,339.

Requesting reallocations from the following capital projects to complete John O. Green park upgrades:

Hoopes Park Renovations	20,000.00
Gay Street project	75,871.00
Total	95,871.00

Vendor	Invoice #	Date	G/L	Increase	Decrease
Recreation Capital Project- JOG splashpad			10-43013-07	95,871.00	
Recreation Capital Project- Hoopes Park			10-43013-07		20,000.00
PW Capital Project- Gay Street (net savings)			10-43013-80	-	75,871.00
Total				95,871.00	95,871.00

BOROUGH OF WEST CHESTER



PURCHASE ORDER REQUEST

TO: Sean Metrick, Borough Manager

FROM: Joshua B. Lee, Chief of Police

SUB: PURCHASE ORDER REQUEST

DATE: 5/26/2026

IT IS REQUESTED THAT A PURCHASE ORDER BE ISSUED TO:

Vendor VIPR ai, LLC.

Contact Sean Petty

Address 600 Eagleview Blvd.
Suite 300
Exton, PA 19341

Phone

Email accounts@vipr.ai

Fax

Justification

VIPR Annual Subscription for cameras
(VIPR.ai, LLC was formerly known as Platelogiq)
CoStars #033-033

TOTAL AMOUNT TO BE PAID:	\$ 11,200.00
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Reference (select one) Quote SOW SA

BOROUGH OF WEST CHESTER



PURCHASE ORDER REQUEST

TO:

FROM:

SUB: PURCHASE ORDER REQUEST

DATE:

IT IS REQUESTED THAT A PURCHASE ORDER BE ISSUED TO:

Vendor

Contact

Address

Phone

Email

Fax

Justification

TOTAL AMOUNT TO BE PAID:

Reference (select one) [] Quote [] SOW [] SA State Contract

BOROUGH OF WEST CHESTER



PURCHASE ORDER REQUEST

TO:

FROM:

SUB: PURCHASE ORDER REQUEST

DATE:

IT IS REQUESTED THAT A PURCHASE ORDER BE ISSUED TO:

Vendor

Contact

Address

Phone

Email

Fax

Justification

TOTAL AMOUNT TO BE PAID:

Reference (select one) [] Quote [] SOW [] SA State Contract

