



Smart Growth Committee Meeting  
**July 8, 2026 @ 6:00 PM**  
*This meeting is recorded for public record.*

**Committee Members:**

Jerome Szczepaniak, Chair  
Bryan Travis  
Stephen Marvin

**Director of Building & Housing: Aaron Flook**  
**Borough Manager: Sean Metrick**

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**Smart Growth Committee Meeting:**

1. Call to Order
2. Announcements
  - A.

**NOTICE IS GIVEN** that on **July 15, 2026 at 6:30 p.m.**, prevailing time, Council for the Borough of West Chester, Chester County, Pennsylvania, will hold a public hearing :

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.

3. 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.
4. Reports
  - A. Director's report – (attachment)
  - B. Smart Growth Committee - Chair Report
5. Old Business
  - A. Motion to approve Smart Growth Committee minutes – June 10, 2026 (attachment)
  - B. Continue discussion of Large Party Permits on Private Property  
*Issue: Should Borough create a permit for large parties on private property*

6. New Business
  - A. Discussion of Gas-powered leaf blower restrictions
7. Other Business
8. Adjournment

Visit [www.west-chester.com](http://www.west-chester.com) for access to all attachments.

Agendas are posted to [www.west-chester.com](http://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 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.

	<b>All Uses Except Data Center and Data Center Campus:</b>	<b>Data Center:</b>
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
<b>Applicable Uses</b>	Data Centers, including all accessory mechanical equipment, generators, cooling systems, and substations
<b>Measurement Basis</b>	A-weighted sound levels (dBA), unless noted otherwise for low-frequency noise
<b>Receptor Locations</b>	Measurements and modeling shall be conducted at or beyond the nearest property line and at <b>Sensitive Receptors</b> , when present
<b>Operating Condition Assumption</b>	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**

<b>Requirement</b>	<b>Standard</b>
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**

<b>Element</b>	<b>Requirement</b>
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 <b>≥ 3 dBA</b> 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



**Borough of West Chester**  
401 East Gay St West Chester PA 19382  
www.west-chester.com

**Borough Council**

Nicole Scimone, President  
Bernie Flynn, Vice President  
Jerome Szczepaniak  
Bryan Travis  
Brian McGinnis  
Stephen Marvin  
Lisa Kearns

**Mayor**

Lillian DeBaptiste

**Borough Manager**

Sean Metrick

**DEPARTMENT OF BUILDING, HOUSING AND CODE ENFORCEMENT**

June 2nd 2026

**Executive Summary**

- Our 2025-2026 Rental Season ended June 30<sup>th</sup>. This was a highly successful rental season with many new processes to help get Rental licenses renewed more efficiently and effectively. As of June 30<sup>th</sup>, we have at most 44 rental licenses needing renewed in 2025 and had not done so. (out of over 5800, >.0.75%) This is a huge reduction over last year.
- The Planning commission began reviewing two land development preliminary plan reviews.
  - 410 S. High Street. – This property has gone through the process of plan review previously. However, this time they are looking to create a small Townhouse community that fits into the scale of the neighborhood. This property has had the initial review and comments made by our consultants.
  - 615 – 617 S Walnut Street – This property is two lots, with a set of twin homes sitting on the two lots. The plan is to unify the lots, renovate the existing twins and add 5 townhouses along Willow Alley. This plan has had an initial review, and our consultants have reviewed and made comments.
- Reworked the COE schedule for July and August to try having two designated Building inspectors and a designated Code Enforcement Officer. This should allow each group to focus better on individual priorities. We will be continuing to have Saturday Hours through the summer to help deal with Building Code issues.

**Zoning**

- Zoning Hearing Board
  - June 15<sup>th</sup> Application #1040, 255 E. Evans Street, The board heard the Applicant's testimony and continued the hearing to later in July.

**Code Enforcement**

Cases (as of the 26 <sup>th</sup> of the Month)				
	April 26	May 26	June 26	YTD 26
Enforcement Requests	105	140	66	677
Cases Opened	65	98	55	434
Cases Closed	115	129	66	724

Major reduction of the open and close cases is that the violations for not renewing rental licenses

**Rental Inspections:**

Inspection Performed (as of the 26 <sup>th</sup> of the Month)				
	April 26	May 26	June 26	YTD 26
Annual Rental Inspection	123	137	248	1251
Initial Rental Inspection	9	5	16	78

**Permit Applications Received:**

Permit Type	Received (Monthly)	Issued YTD
Building Final	2	44
Comm. Addition, Alteration-Repair	15	67
Commercial Demolition	1	3
Land Development Application	1	2
Residential Addition-Alteration-Repair	26	166
Sign Permit	1	9
Zoning Site Plan Review	14	44
Cafe Permit	0	29
Certificate of Occupancy	1	3
Variance/Special Exception/Zoning appeal	1	11

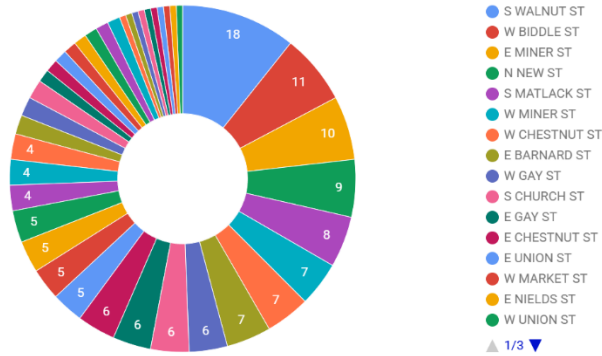
**Code Enforcement Officer Inspections: (Non-Ticketing)**

	Received (Monthly)	Issued YTD
Garbage, Rubbish, Refuse	0	4
Grass/Weeds	4	29
Illegal Rentals	1	9
Junk Vehicles	1	3
Property Maintenance	23	230
Stop Work Orders	2	1
Zoning Violations	0	2
Building Code Violations	0	5

## Ticket Types Issued

Approximate number of tickets per street

Borough of West Chester - Tickets By Location (Jun. 2026)

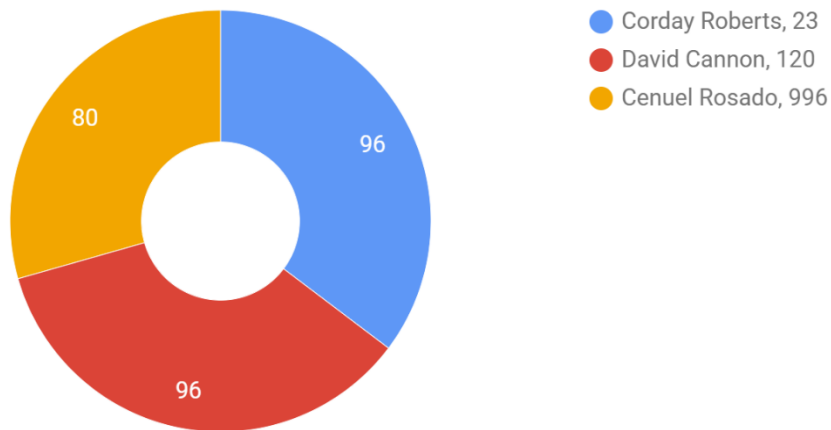


Data as of 7/6/2026, 12:00:00 AM

May 2026	June 2026
S. Matlack – 32	S. Walnut – 18
E. Miner – 14	W. Biddle – 11
S. Franklin – 11	E. Miner – 10
E. Gay - 11	E. Matlack - 9

The department has changed the areas that our code enforcement officers are patrolling. This allowed a more balanced approach to code enforcement.

Borough of West Chester - Tickets By Officer (Last 30 Days)



Data as of 6/5/2026, 12:00:00 AM

### Disruptive Conduct Report

The department is continuing to record and monitor Disorderly Conduct Reports (DCR) generated when the police respond to a nuisance complaint.

### Disruptive Conduct Reports Received (25-26 Rental Season, as of April 30)

Sept 2025	Oct 2025	Nov 2025	Dec 2025	Jan 2026	Feb 2026	Mar 2026	April 2026	May 2026	Jun 2026
9	13	8	8	1	0	13	10	6	3

Disruptive Conduct Reports. (these DCR were submitted to BHCE by months end)

Date	Address	WCU	Reason
6/5/26	100 Block of E. Miner	No	Chpt 73 Noise disturbance
6/13/26	500 Block of W. Biddle	No	Chpt 73 Barking dog
6/13/26	600 Block of S Walnut	Yes	Chpt 73, Loud Music

A detailed report on the violations and points for the 25-26 rental season will be submitted to the Borough Council.

**PART 4**  
**OUTDOOR SOCIAL GATHERINGS**

**§ 13-401. Definitions. [Ord. 928, 3/22/2010; as amended by Ord. 933, 11/22/2010]**

As used in this Part, the following terms shall have the meanings indicated:

**BUILDING** — Anything constructed or erected, the use of which requires a permanent location on the land or that is attached to something having a permanent location on the land. Tents, covered patios, open porches, and decks are not "buildings" under this Part.

**OUTDOOR** — The space on a premises not including any building on the premises.

**PERSON** — An individual or individuals, group, organization, corporation, proprietorship, partnership, association, or other entity.

**PREMISES** — A parcel of land upon which all or part of a regulated social gathering takes place.

**REGULATED SOCIAL GATHERING** — An outdoor congregation of persons primarily for social interaction where alcoholic beverages are served or consumed and which is attended at any one time by more than 150 persons, regardless of age, on a single lot or any number of contiguous lots regardless of the ownership of the lots, which is organized, hosted, or sponsored by a student or students enrolled at Bloomsburg University or a student organization associated with Bloomsburg University or which takes place on premises occupied by students enrolled at Bloomsburg University and which does not take place on the campus of Bloomsburg University. **[Amended by Ord. 963, 2/23/2015]**

**§ 13-402. Permit Required. [Ord. 928, 3/22/2010]**

1. Each person organizing, hosting, or sponsoring a regulated social gathering shall file with the Chief of Police of the Town of Bloomsburg an application for a permit for a regulated social gathering on a form provided by the Town of Bloomsburg when the number of persons who will attend the regulated social gathering exceeds 150.
2. A fee, as set by resolution of the Town Council of the Town of Bloomsburg, from time to time,<sup>1</sup> shall accompany a permit application and be payable either in cash or by a cashier's check (not a certified check) or money order to the Town of Bloomsburg.
3. An application for a permit for a regulated social gathering shall be filed no less than 30 days prior to the date the gathering is to be held. Failure to timely file the application shall be in and of itself grounds for denying the application for a permit. **[Amended by Ord. 963, 2/23/2015]**
4. A conviction for a prior violation of this Part within five years from the date of the permit application by the person organizing, hosting, or sponsoring the regulated social gathering may be grounds for denying an application for a permit under this Part by the Chief of Police after taking into account the nature of the violation, the impact on the community, and whether personal injuries were the result of the violation.

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1. Editor's Note: The current fee resolution is on file in the Town offices.

5. A conviction for a prior violation of this Part within five years from the date of the permit application on the same premises where a regulated social gathering is to be held may be grounds for denying an application for a permit under this Part by the Chief of Police after taking into account the nature of the violation, the impact on the community, and whether personal injuries were the result of the violation.
6. A conviction for a prior violation within five years from the date of the permit application of the Pennsylvania Liquor Code or a conviction for a prior violation of any provision of the Pennsylvania Crimes Code, which constitutes a misdemeanor or felony, by the person organizing, hosting, or sponsoring the regulated social gathering on any premises where a regulated social gathering was held shall be in and of itself grounds for denying an application for a permit under this Part.
7. A conviction for a prior violation within five years from the date of the permit application of the Pennsylvania Liquor Code or a conviction for a prior violation of any provision of the Pennsylvania Crimes Code, which constitutes a misdemeanor or felony, on the same premises where a regulated social gathering is to be held may be grounds for denying an application for a permit under this Part by the Chief of Police after taking into account the nature of the violation, the impact on the community, and whether personal injuries were the result of the violation.

**§ 13-403. Requirements for a Regulated Social Gathering. [Ord. 928, 3/22/2010]**

1. Social gatherings regulated by this Part shall comply with the following:
  - A. The regulated social gathering shall last no longer than eight hours and shall start no earlier than 10:00 a.m. and end no later than 9:00 p.m.
  - B. One security person for every 50 persons attending the regulated social gathering shall be provided by the person organizing, hosting, or sponsoring a regulated social gathering, and each security person shall wear a shirt or jacket designating such person as a security person that shall be readily identifiable by police officers. Adequate security shall be provided only by a security company duly licensed under the laws of the Commonwealth of Pennsylvania and/or self-employed individuals who are duly licensed under the laws of the Commonwealth of Pennsylvania. Security persons shall not consume alcohol while on duty at any regulated social gathering. **[Amended by Ord. 963, 2/23/2015]**
  - C. No beverages shall be consumed from glass bottles or glass containers.
  - D. One portable toilet shall be provided by the person organizing, hosting, or sponsoring a regulated social gathering for every 100 persons attending the regulated social gathering.
  - E. A thirty-cubic-yard trash receptacle will be required for every 1,000 persons attending the regulated social gathering over an eight-hour period.
  - F. The premises shall be cleaned up by 10:00 a.m. on the day following the regulated social gathering and shall be made clear of all rubbish, trash, garbage, and debris.

- G. The Zoning Ordinance of the Town of Bloomsburg, and no permit shall be issued for a regulated social gathering which violates the Zoning Ordinance of the Town of Bloomsburg. **[Added by Ord. 963, 2/23/2015<sup>2</sup>]**
- H. If an application is approved, a permit shall be issued setting forth the following:
  - (1) Name of the person sponsoring the regulated social gathering.
  - (2) The number of persons permitted to attend.
  - (3) The number of security personnel to be provided.
  - (4) The number of portable toilets to be provided.
  - (5) The size of the trash receptacle to be provided.
- I. The permit shall be prominently displayed on the structure on the premises, and damage to or removal of the permit shall be a violation of this Part.

**§ 13-404. Application. [Ord. 928, 3/22/2010]**

- 1. The application for a permit for a regulated social gathering shall include the following:
  - A. The names, local and permanent addresses, telephone numbers and ages of all persons organizing, hosting, or sponsoring the regulated social gathering. If a corporation is organizing, hosting, or sponsoring the regulated social gathering, the officers and directors of the corporation shall be considered the person organizing, hosting, or sponsoring the regulated social gathering in addition to any other person organizing, hosting, or sponsoring the regulated social gathering.
  - B. The location where the regulated social gathering shall take place, the zoning district in which it is located, and the name and address of the owner of the property and the name and address of the owner of any contiguous lots upon which the regulated social gathering will take place. **[Amended by Ord. 963, 2/23/2015]**
  - C. A sketch of the open space on the property setting forth the lot or contiguous lots upon which the regulated social gathering will take place, including the square footage of the open space. **[Amended by Ord. 963, 2/23/2015]**
  - D. The number of persons who will attend the regulated social gathering.
  - E. The identity of the source of alcoholic beverages for the regulated social gathering.
  - F. The time that the regulated social gathering will start and the time it will end.
  - G. A description of the entertainment that will be present at the regulated social gathering.
  - H. The name, address, and telephone number of the licensed security company and/or self-employed licensed security personnel, if not employed by a company, that will be providing security at the regulated social gathering and the number of security personnel

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2. Editor's Note: This ordinance also redesignated former Subsection 1G and H as Subsection 1H and I, respectively.

that will be present at the regulated social gathering. **[Amended by Ord. 963, 2/23/2015]**

- I. The written authorization for a regulated social gathering from the owner of the lot and contiguous lots, if any, for the date on which the regulated social gathering is to take place. **[Amended by Ord. 963, 2/23/2015]**
  - J. The manner in which the furnishing of alcoholic beverages or the consumption of alcoholic beverages by minors will be prevented.
  - K. The manner in which alcohol will be served.
  - L. The name, address, and telephone number of the company providing portable toilets for the regulated social gathering.
  - M. Whether or not admission to the regulated social gathering will require the payment of a direct or indirect consideration or a donation. Direct consideration shall mean the payment of an admission fee to the regulated social gathering. Indirect consideration shall include, but not be limited to, payment for a bracelet or any other item that indicates that a consideration has been paid or a donation made for admission to the regulated social gathering. **[Added by Ord. 963, 2/23/2015]**
2. At the time an application is submitted, it shall be accompanied by the following:
    - A. A cash bond payable either in cash or by a cashier's check (not a certified check) or money order payable to the Town of Bloomsburg in an amount as set by resolution of the Town Council of the Town of Bloomsburg, from time to time,<sup>3</sup> to cover the projected costs for police response to the premises where the regulated social gathering is to be held.
    - B. A cash bond payable either in cash or by a cashier's check (not a certified check) or money order payable to the Town of Bloomsburg in an amount as set by resolution of the Town Council of the Town of Bloomsburg, from time to time, to cover the cost of cleaning up the premises where the regulated social gathering is to be held if the cleanup is not completed by 10:00 a.m. on the day following the regulated social gathering.
    - C. A certificate of insurance showing comprehensive liability insurance covering the property where the regulated social gathering is to be held with a policy limit of no less than \$500,000.
    - D. A copy of the license of the security company or individual(s), if not employed by a security company, that will provide security at the regulated social gathering. **[Added by Ord. 963, 2/23/2015]**
  3. If an application for a permit is denied by the Chief of Police, an appeal may be filed with the Town Council of the Town of Bloomsburg pursuant to the provisions of the Local Agency Act.

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3. **Editor's Note: The current fee resolution is on file in the Town offices.**

**§ 13-405. Violations. [Ord. 928, 3/22/2010]**

1. It shall be a violation of this Part for any person to organize, host, sponsor, attend, or participate in a regulated social gathering in the absence of a permit issued by the Chief of Police of the Town of Bloomsburg.
2. It shall be a violation of this Part for the owner of the premises or those occupying or in control of the premises to permit a regulated social gathering to take place on the premises in the absence of a permit issued by the Chief of Police of the Town of Bloomsburg.
3. It shall be a violation of this Part for any property owner or person in control of the premises to permit a regulated social gathering to take place or continue on the premises that violates any requirements of this Part imposed upon the regulated social gathering by the permit.
4. It shall be a violation of this Part for any property owner or person in control of the premises to permit a regulated social gathering to take place or continue to take place in violation of any ordinance of the Town of Bloomsburg, including the Zoning Ordinance of the Town of Bloomsburg. **[Added by Ord. 963, 2/23/2015<sup>4</sup>]**
5. Furnishing false information on an application for a permit for a regulated social gathering shall be a violation of this Part.
6. A person who organizes, hosts, or sponsors a regulated social gathering who is not identified as an organizer, host, or sponsor on an application for permit shall be in violation of this Part.

**§ 13-406. Enforcement. [Ord. 928, 3/22/2010]**

1. Any person violating any provision of this Part shall, upon conviction in a summary proceeding, be sentenced to pay a fine not to exceed \$600 for the use of the Town of Bloomsburg, along with costs of prosecution, or to be imprisoned for not more than 10 days or both.
2. The Police Department of the Town of Bloomsburg shall have the authority to disperse persons, upon notice, who attend a regulated social gathering for which no permit has been obtained or when the regulated social gathering is in violation of any provisions of this Part. Failure to disperse shall be a violation of this Part.
3. Nothing in this Part shall limit the Town of Bloomsburg from filing an action in equity to enjoin a regulated social gathering held in violation of this Part nor limit the Police Department from making arrests for violation of the laws of the Commonwealth of Pennsylvania and the Ordinances of the Town of Bloomsburg.

**§ 13-407. Repealer. [Ord. 928, 3/22/2010]**

This Part repeals Ordinance No. 857 and any amendments thereto subsequent to its enactment.<sup>5</sup>

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4. Editor's Note: This ordinance also redesignated former Subsections 4 and 5 as Subsections 5 and 6, respectively.

5. Editor's Note: Ordinance No. 857, as amended, appeared in former Part 4 of this Chapter.

**§ 13-408. Effective Date. [Ord. 928, 3/22/2010]**

This Part is effective upon enactment.

Borough of West Chester, PA  
Thursday, May 28, 2026

## Chapter 73. Noise Disturbance

[HISTORY: Adopted by the Council of the Borough of West Chester 5-17-2018 by Ord. No. 5-2018.<sup>[1]</sup> Amendments noted where applicable.]

### GENERAL REFERENCES

Animals — See Ch. 37, Art. II.

[1] *Editor's Note: This ordinance also provided for the repeal of former Ch. 73, Noise Disturbance, adopted 3-19-1997 by Ord. No. 4-1997, as amended.*

### § 73-1. Purpose and scope.

The purpose and scope of this chapter is to ensure that public health, safety and welfare shall not be abridged by the making or creating of public nuisances from disturbing or excessive noises in the Borough of West Chester and to protect the physical, mental and social well-being of the residents of the Borough of West Chester by prohibiting such noise and/or sound.

### § 73-2. Definitions.

For the purpose of this chapter, the following words, terms and phrases shall have the meanings indicated herein:

#### **BOROUGH**

The Borough of West Chester.

#### **NOISE**

Any sound emitted by a person, an appliance, equipment, an instrument or other device or an animal.

#### **PERSON**

Any individual, association, trust, partnership or corporation, including any members, directors, officers, employees, partners or principals thereof. Whenever used in any clause prescribing and imposing a penalty, "person" includes the members, trustees, partners, directors, officers, managers and supervisors, or any of them, of partnerships, associations, corporations or other forms of entity.

#### **UNREASONABLE NOISE**

Noise that is above and beyond the ordinary noises associated with the appropriate and customary uses of the particular forum in which the sound is made, taking into account the time of day, day of week, location, and/or other relevant factors, and such noise is of such a volume, frequency, pattern, or duration, that it prevents, disrupts, injures, or endangers the health, safety, welfare, comfort or repose of reasonable persons of ordinary sensitivities within the Borough of West Chester.

### § 73-3. Prohibited acts.

- A. General prohibition. It shall be unlawful for any person to make or cause to be made unreasonable noise, or to allow any unreasonable noise to be caused or made on any real or personal property

occupied or controlled by that person within the limits of the Borough of West Chester, except as otherwise permitted in this chapter.

- B. Specific prohibitions. The following are specifically prohibited, except as otherwise permitted in this chapter:
- (1) No person shall operate, play or permit the operation or playing of any radio, television, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound in such a manner as to create unreasonable noise.
  - (2) No person shall operate or permit the operation of any tools or equipment used on construction operations, drilling or demolition or other work or in the sweeping of parking lots between the hours of 9:00 p.m. of one day and 7:00 a.m. of the following day on weekdays and Saturdays or at any time on Sundays or legal holidays such that the sound therefrom creates unreasonable noise.
  - (3) No person shall operate or permit the operation of any powered saw, drill, sander, grinder, lawn or garden tool, snow blower or similar device used outdoors between the hours of 9:00 p.m. of one day and 7:00 a.m. of the following day so as to create unreasonable noise.
  - (4) No person shall deliver, load, open, close or otherwise handle boxes, crates, containers, building materials, garbage cans or other objects between the hours of 9:00 p.m. of one day and 7:00 a.m. of the following day in such a manner as to create unreasonable noise. This subsection shall not apply to emergency municipal or public utility services in or about the public right-of-way.
  - (5) No person shall own, possess, harbor or control any animal which howls, barks, meows, squawks or makes other sounds continuously and/or incessantly for a period of 10 minutes or makes such noise intermittently for 1/2 hour or more to the disturbance of any person at any time of the day or night, regardless of whether the animal or bird is situated in or upon private property; provided, however, that at the time the animal or bird is making such noise, no person is trespassing or threatening to trespass upon private property in or upon which the animal or bird is situated or for any other cause which teased or provoked the animal or bird.
  - (6) No person shall offer for sale or sell by shouting or outcry or by any other amplified or unamplified sound, except between the hours of 7:00 a.m. of one day and 7:00 p.m. of the same day.
  - (7) No person shall remove or render inoperative, other than for purposes of maintenance, repair, replacement or other work, any muffler or sound-dissipative device or element of design or noise label of any product; or use a product which has had a muffler or sound-dissipative device or element of design or noise label removed or rendered inoperative with knowledge or reason to know that such action has occurred; or intentionally move or render inaccurate or inoperative any sound-monitoring instrument or other device positioned by or for the Borough or other governmental entity, provided that such device or the immediate area is clearly labeled or posted to warn of the potential illegality.
  - (8) No person shall repair, rebuild or test or otherwise work on any motorcycle or other motor vehicle, motorboat or aircraft in such a manner as to create unreasonable noise.
  - (9) No person shall create such other noise as might pose a danger to the public health, safety or welfare of the Borough or otherwise constitute a nuisance in fact.
  - (10) No person shall make, continue or cause to be made or continued any noise which creates or causes unreasonable noise.
  - (11) No person shall operate a motorcycle, truck, automobile or other motor vehicle in such a manner as to cause unreasonable noise.

## § 73-4. Exemptions and permits.

A. The following noises are exempted from the provisions above:

- (1) Blasting, only if performed in accordance with a permit issued by the Borough's Department of Building and Housing or its designee. Such blasting may occur only between 8:00 a.m. and 4:30 p.m., Monday through Friday, unless specifically authorized otherwise by the permit.
- (2) Band concerts, carnivals or other performances or similar activities publicly or privately sponsored and presented in any public or private space outdoors, provided that such activities do not occur between 11:00 p.m. on one day and 10:00 a.m. on the following day. Such activities may require a permit pursuant to criteria set forth in § **73-4B(2)**.
- (3) Noises caused by the performance of emergency work or by the ordinary and accepted use of emergency apparatus and equipment.
- (4) Noises resulting from the provision, repair and maintenance of municipal/governmental facilities, services or public utilities.
- (5) Noises created by organized, school-related programs, activities, athletic and entertainment events or other public programs, activities or events, other than motor vehicle racing events.
- (6) Noises made by warning devices operating continuously for three minutes or less, except that, in the event of an actual emergency, the limitation shall not apply.
- (7) Noises made by bells, chimes, or carillons used for religious purposes or in conjunction with national celebrations or public holidays; existing bells, chimes and carillons and clock-strike mechanisms that are currently in use for any purpose and were in use at the time of the original passage of this chapter.

B. The following noises, events, and/or gatherings held outdoors within the limits of the Borough shall require a permit issued by the Borough's Department of Building and Housing or its designee. The Borough reserves the right to require reasonable time, place, and manner restrictions as part of the issuance of the permit for the following noises and/or events based on the nature of the location in which the noise and/or event will be taking place:

- (1) Blasting, as permitted in § **73-4A(1)**.
- (2) Band concerts, carnivals or other performances or similar activities publicly or privately sponsored and presented in any public or private space outdoors in which 100 people or more are reasonably expected to attend by the organizers.
- (3) Public demonstrations, political protests, or other similar events in which 250 people or more are reasonably expected to attend by the organizers.

## § 73-5. Violations and penalties.

Any person who violates or permits the violation of any provision of this chapter shall, upon conviction thereof in a summary proceeding before the District Justice, be guilty of a summary offense and sentenced to pay a fine of not less than \$300 for the first offense, and not less than \$750 for any subsequent offenses in a one-hundred-twenty-day period. The defendant shall also be liable for all court costs, including reasonable attorneys' fees incurred by the Borough. Upon default of payment thereof, the defendant may be sentenced to imprisonment in the county prison for a period of not more than 30 days. Each section or provision of this chapter that is violated shall constitute a separate offense, and each day or portion thereof in which a violation of this chapter is found to exist shall constitute a separate offense, each of which shall be punishable by a separate fine imposed by the District Justice in the amounts specified above plus the costs of prosecution. Upon default of payment thereof, the defendant may be sentenced to imprisonment in the county prison for a term of not more than 30 days.