

**A G E N D A**  
March 20, 2023  
Deliberative Meeting

**Resolutions**

1. Authorize approval for the installation of handicap parking zones;
2. Authorize approval for amendment of Resolution 185-2022;
3. Authorize approval of the Redevelopment Agreement for 1900-1910 W. 2<sup>nd</sup> Street;
4. Authorize approval of an Agreement of Sale for 722 McIlvain Street;
5. Authorize approval of the F.Y. 2023 Annual Action Plan;
6. Authorize approval of the amendment to the F.Y. 2021 Annual Action Plan;
7. Authorize approval to award the contract for RFP 2023-01;
8. Authorize approval to enter into a Temporary Easement Agreement;
9. Authorize approval to issue a road opening permit to PECO;
10. Authorize approval of the designation of PENNDOT e-signor;
11. Authorize approval of the Property Review Policy;
12. Authorize approval for the advertisement of an RFP;
13. Authorize approval for the advertisement of a bid;
14. Authorize to approve Expenditure List;

**Ordinances**

1. First Reading – Amending Article 925 – entitled, “Refuse Collection”;
2. First Reading – Enacting new Article 1714 – entitled, “Licensing Residential Rental Units”;
3. First Reading – Enacting new Article 1715 – entitled, “Pre-sale Inspection of Residential Properties and Units”;
4. First Reading – Repealing Article 1131 and enacting new Article 1716 – entitled, “Lead Poisoning Prevention and Lead Hazard Control”;
5. First Reading – Repealing Article 1746 and enacting new Article 1746 – entitled “Defaulted Vacant and Abandoned Real Property”;
6. First Reading - Enacting new Article 110 – entitled, “Responsible Contractor”

**RESOLUTION**

**NO. 41 - 2023**

**WHEREAS**, the following individuals have requested a handicapped parking zone:

1. Michael Bell, 605 Central Avenue, Chester, PA 19013; and
2. Danielle Tillery, 1231 Pine Lane, Chester, PA 19013;

**WHEREAS**, after a thorough investigation by the Department of Public Works, it has been determined the aforementioned individuals have met all of the required criteria and have a need for said handicapped parking zone.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF CHESTER DOES RESOLVE:**

That it does hereby authorize the proper City officials to install a handicapped parking zone in the 600 Block of Central Avenue; and in the 1200 Block of Pine Lane, in the City of Chester.

**WE HEREBY CERTIFY** that this Resolution passed Council this 22<sup>nd</sup> day of March, A.D. 2023.

\_\_\_\_\_  
MAYOR

Attest: \_\_\_\_\_  
CITY CLERK

**RESOLUTION**

**NO. 42 - 2023**

**WHEREAS**, the City of Chester hired Stephanie Moye as the Human Resource Director, effective December 5, 2022, and due to staffing limitations Ms. Moye had to complete another assignment within the Department of Accounts and Finance; and

**WHEREAS**, the City would like to amend Resolution No. 185-2022 to read as follows:

**WHEREAS**, the City of Chester hired Stephanie Moye as the full-time Human Resource Director, Department Accounts, Finance and Human Resources, effective February 27, 2023, for 37.5 hours per week, with no benefits and a sixty (60) day probationary period; and

**WHEREAS**, said employment is contingent upon said individual successfully completing a sixty (60) days probation from the date of hire; and

**WHEREAS**, the City is required by law to offer said employee medical benefits after sixty (60) consecutive days of employment, which is completed on April 28, 2023; and

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF CHESTER DOES RESOLVE:**

**FURTHER**, if said employee fails to meet the job expectations within the sixty (60) days probation, said employee will no longer be eligible for the position and will be subject to termination from said position.

**WE HEREBY CERTIFY** that this Resolution passed Council this 22<sup>nd</sup> day of March, A.D. 2023.

\_\_\_\_\_  
MAYOR

Attest: \_\_\_\_\_  
CITY CLERK

**RESOLUTION**

**NO. 43 - 2023**

**WHEREAS**, Holding Brothers, LLC wishes to purchase and redevelop certain real property located at 1900-1910 W. 2<sup>nd</sup> Street to develop a take-out restaurant; and

**WHEREAS**, the Board of the Redevelopment Authority of the City of Chester has approved the Redevelopment Authority entering into a Redevelopment Agreement conditioned upon approval of the Agreement by the Chester City Council; and

**WHEREAS**, the subject properties at 1900-1910 W. 2<sup>nd</sup> Street are located in a redevelopment area in the City of Chester and as such, the sale, lease or transfer of such property is subject to approval by Chester City Council under the Urban Redevelopment Law, at 35 P.S. Section 1709(k).

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF CHESTER DOES RESOLVE:**

That it does hereby approve the Redevelopment Agreement between the Redevelopment Authority of the City of Chester and Holding Brothers, LLC., for the purchase of certain real property at 1900-1910 W. 2<sup>nd</sup> Street, for the development of a take-out restaurant.

**WE HEREBY CERTIFY** that this Resolution passed Council this 22<sup>nd</sup> day of March, A.D. 2023.

\_\_\_\_\_  
MAYOR

Attest: \_\_\_\_\_  
CITY CLERK

**RESOLUTION**

**NO. 44 - 2023**

**WHEREAS**, Diego Nieves-Melecio, Jr. and Dorothy Jackson wish to purchase and redevelop certain real property located at 722 McIlvain Street as a side yard; and

**WHEREAS**, the Board of the Redevelopment Authority of the City of Chester has approved the Redevelopment Authority entering into an Agreement of Sale with Mr. Melecio, Jr. and Ms. Jackson conditioned upon approval of the Agreement by the Chester City Council; and

**WHEREAS**, the property is located in a redevelopment area in the City of Chester and as such, the sale, lease or transfer of such property is subject to approval by Chester City Council under the Urban Redevelopment Law, at 35 P.S. Section 1709(k).

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF CHESTER DOES RESOLVE:**

That it hereby approve the Agreement of Sale between the Redevelopment Authority of the City of Chester and Diego Nieves-Melecio, Jr. and Dorothy Jackson for the development of a side yard at the certain real property located at 722 McIlvain Street.

**WE HEREBY CERTIFY** that this Resolution passed Council this 22<sup>nd</sup> day of March, A.D. 2023.

\_\_\_\_\_  
MAYOR

Attest: \_\_\_\_\_  
CITY CLERK

## **RESOLUTION**

### **NO. 45 - 2023**

**WHEREAS**, under Title I of the Housing and Community Development Act of 1974, as amended, the Secretary of the U.S. Department of Housing and Urban Development is authorized to extend financial assistance to communities in the prevention and elimination of slums or urban blight, carry out activities which will benefit low- and moderate-income persons or address other urgent community development needs; and

**WHEREAS**, under the HOME Program created by the National Affordable Housing Act of 1990, as amended, the Secretary of HUD is authorized to extend financial assistance to participating jurisdictions to expand the supply of decent, safe, sanitary and affordable housing; and

**WHEREAS**, the City of Chester has been notified that the F.Y 2023 Community Development Block Grant (CDBG) Program allocation will be \$1,261,211.00 and its HOME Investment Partnerships Program (HOME) allocation will be \$407,146.00; and

**WHEREAS**, the City of Chester intends to reprogram prior year CDBG funds in the amount of \$125,000 that are currently unprogrammed and \$25,000 for the Penn Home Health Care Foundation public service activity that did not move forward; and

**WHEREAS**, the City of Chester, in collaboration with the Chester Economic Development Authority, has prepared a draft Annual Action Plan for Fiscal Year 2023, which proposes how the entitlement grant funds will be expended to address the housing and community development needs identified in the City's Five Year Consolidated Plan; and

**WHEREAS**, a draft of the F.Y. 2023 Annual Action Plan was on public display from February 1, 2023 through March 3, 2023, and the City held a series of public meetings and hearings on the said Plan, and the comments of various agencies, groups, and residents were taken into consideration in the preparation of the final document; and

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF CHESTER, DOES RESOLVE:**

**Section 1.** That the Annual Action Plan for the Fiscal Year 2023 CDBG and HOME Programs is hereby in all respects approved, and the City Clerk is hereby directed to file a copy of said Annual Action Plan for Fiscal Year 2023 with the Official Minutes of this Meeting of this Council.

**Section 2.** That the City Council of the City of Chester is cognizant of the conditions that are imposed in the undertaking and carrying out of the Community Development Block Grant Program and the HOME Investment Partnerships Program with Federal financial

assistance under Title I, including those relating to (1) the relocation of site occupants, (2) the prohibition of discrimination because of race, color, age, religion, sex, disability, familial status, or national origin, and (3) other assurances as set forth under the certifications.

**Section 3.** That the Mayor of the City of Chester, on behalf of City Council, is authorized to file an Application for financial assistance with the U.S. Department of Housing and Urban Development for the F.Y. 2023 CDBG Program and HOME Program.

**Section 4.** That the Mayor, on behalf of the City of Chester, Pennsylvania, is authorized to provide assurances and/or certifications as required by the Housing and Community Development Act of 1974, as amended, and any other supplemental or revised data which the U.S. Department of Housing and Urban Development may request in review of the City's Application.

**WE HEREBY CERTIFY** that this Resolution was passed by City Council this 22<sup>nd</sup> day of March, A.D. 2023.

\_\_\_\_\_  
MAYOR

Attest: \_\_\_\_\_  
CITY CLERK

**EXHIBIT "A"**  
**F.Y. 2022 ACTION PLAN BUDGET**  
**CITY OF CHESTER, PENNSYLVANIA**

<b>CDBG Program</b>	
Senior Community Services – Chester Senior Center Services	\$20,000.00
Wesley House Community Corp. – Wesley House Shelter Operations	\$40,000.00
Domestic Abuse Project – Counseling and Legal Advocacy	\$20,000.00
Salvation Army Chester Corps – Stepping Stone Case Management	\$10,000.00
Chester Community Improvement Project – Pre-purchase Counseling	\$20,000.00
Boys & Girls Club of Chester – Afterschool Programs	\$10,000.00
Making A Change Group – Connected Visions Management Services	\$10,000.00
Infrastructure Improvements – Streets, Inlets, Sidewalks/ADA, etc.	\$571,042.00
Fire Department – Truck Payment 3 of 7	\$105,127.00
Demolition and Site Clearance	\$150,000.00
Section 108 Loan – Principal and Interest Repayment	\$202,800.00
Administration/Planning	\$252,242.00
Total CDBG Budget	\$1,411,211.00
<b><u>HOME PROGRAM</u></b>	
Pulaski Affordable Housing Development	\$285,012.00
CCIP CHDO Set-Aside for Affordable Housing Development	\$61,070.00
CCIP CHDO Operating Expenses	\$20,350.00
Administration/Planning	\$40,714.00
Total HOME Budget	\$407,146.00



**RESOLUTION**

**NO. 46 - 2023**

**WHEREAS**, Congress approved the American Rescue Plan Act of 2021 and appropriated American Rescue Plan (ARP) funds to be administered through the Department of Housing and Urban Development’s HOME Investment Partnerships Program; and

**WHEREAS**, HOME-ARP funds are to be used to perform the following four (4) activities for qualifying individuals and families who are homeless, at risk of homelessness, or in other vulnerable populations: Development and support of affordable housing; tenant-based rental assistance (TBRA); provision of supportive services; and acquisition and development of non-congregate shelter units; and

**WHEREAS**, the Department of Housing and Urban Development has allocated a total of \$1,318,782 in HOME-ARP funds to the City of Chester; and

**WHEREAS**, the City has prepared a Proposed HOME-ARP Allocation Plan in accordance with HUD HOME-ARP Allocation Plan requirements; and

**WHEREAS**, the City of Chester has met the requirements for the public comment period and public hearing.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF CHESTER DOES RESOLVE:**

**Section 1.** The Amendment to the City of Chester’s F.Y. 2021 Annual Action Plan to add \$1,318,782 in HOME-ARP funding is hereby approved, to be utilized pursuant to the City’s Proposed HOME-ARP Allocation Plan.

**Section 2.** The proposed use of HOME-ARP funding as set forth in the Proposed HOME-ARP Allocation Plan is as follows:

Development of Affordable Housing	\$ 989,087.00
Supportive Services	\$ 131,878.00
Non-Profit Operating	\$ 65,939.00
Administration and Planning	<u>\$ 131,878.00</u>
Total	<u>\$1,318,782.00</u>

**WE HEREBY CERTIFY** that this Resolution was passed by City Council this 22<sup>nd</sup> day of March, A.D. 2023.

\_\_\_\_\_  
MAYOR

Attest: \_\_\_\_\_  
CITY CLERK

**RESOLUTION**

**NO. 47 - 2023**

**WHEREAS**, the City of Chester (“City”) requires the services of a firm that provides management of Information Technology/Systems (IT/IS) support services and will provide a complete IT infrastructure assessment within the first 30 days of award; and

**WHEREAS**, the City issued Request For Proposal (“RFP”) 2023-01 for IT/IS Management through the Commonwealth of Pennsylvania Cooperative Purchasing Program (COSTARS); and

**WHEREAS**, as a COSTARS member, the City has met all the requirements of the Commonwealth Procurement Code; and

**WHEREAS**, the proposals were due back on February 20, 2023 and the Scoring Committee met to review the three (3) proposals that were received and found no discrepancies with the proposals.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF CHESTER DOES RESOLVE:**

That it does hereby award the contract for RFP 2023-01 for IT/IS Management to Wake Technology, as the lowest, most qualified and responsible bidder, for a total price of Two Hundred and Forty Thousand Dollars (\$240,000.00) annually for three years.

**FURTHER**, said bidder submitted an initial IT infrastructure assessment price of Fifty Thousand Dollar (\$50,000.00) which shall be paid with American Rescue Plan Act of 2021 (ARPA) funds.

**FURTHER**, all other proposals for the above services are hereby rejected.

**FURTHER**, the proper City official shall provide a copy of the contract to be reviewed by the Solicitor’s Office and the successful bidder shall furnish a Performance Bond in the full amount of the contract in accordance with the RFP, and to the satisfaction of City Council.

**WE HEREBY CERTIFY** that this Resolution passed Council this 22<sup>nd</sup> day of March, A.D. 2023.

\_\_\_\_\_  
MAYOR

Attest: \_\_\_\_\_  
CITY CLERK

**R E S O L U T I O N**

**NO. 48 - 2023**

**WHEREAS**, the City of Chester has commenced a public improvement project for the Reconstruction of the Lloyd Street Bridge, (“Project”); and

**WHEREAS**, it has been determined in order for the Project to move forward, the City will have to enter a Temporary Easement For Construction agreement for the real property located at 1029 West 5<sup>th</sup> Street, owned by Penn Street Apartments, LP; and

**WHEREAS**, this will allow for the entry and re-entry of City employees, agents, and contractors to do any and all work necessary for the completion of the Project; and

**WHEREAS**, the City agrees to restore the area covered by the easement to a condition consistent with the balance of the property.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF CHESTER DOES RESOLVE:**

That it does hereby authorize the Mayor to execute the Temporary Easement For Construction agreement for the real property located at 1029 West 5<sup>th</sup> Street, owned by Penn Street Apartments, LP, permitting access to the property for the Reconstruction of the Lloyd Street Bridge Project.

**FURTHER**, it does authorize payment of the Final Settlement for this Project by the Department of Accounts and Finance, in an amount not to exceed Three Thousand Eight Hundred Dollars (\$3,800.00).

**WE HEREBY CERTIFY** that this Resolution passed Council this 22<sup>nd</sup> day of March, A.D. 2023.

\_\_\_\_\_  
MAYOR

Attest: \_\_\_\_\_

CITY CLERK

**RESOLUTION**

**NO. 49 - 2023**

**THE COUNCIL OF THE CITY OF CHESTER DOES RESOLVE:**

That it does hereby grant permission and authorize the issuance of a road opening permit to PECO for the installation of 690 feet of new electrical lines within the City of Chester, at the following locations:

1. PA State Route 291 from Ridley Creek to Hinkson Street;
2. Hinkson Street from PA State Route 291 to E. 6<sup>th</sup> Street; and
3. E. 7<sup>th</sup> Street from E. 6<sup>th</sup> Street to Caldwell Street

**FURTHER**, said permit is contingent upon PECO's compliance with all the conditions outlined by the City Engineer and performed in a manner that is satisfactory to City Council, specifically the following:

1. PECO performs a half mill and overlay on all road openings exceeding 100' or three (3) patches within 100'.
2. PECO provides appropriate traffic control measures to ensure continual operation of City Streets.
3. PECO obtains all required Road Opening Permits from the City as well as any other required permits.
4. PECO obtain a PENNDOT Highway Occupancy Permit.

**WE HEREBY CERTIFY** that this Resolution passed Council this 22<sup>nd</sup> day of March, A.D. 2023.

\_\_\_\_\_  
MAYOR

Attest: \_\_\_\_\_

CITY CLERK

**RESOLUTION**

**NO. 50 - 2023**

**WHEREAS**, Chester City Council approved the submission of an application to the Pennsylvania Department of Transportation (“PENNDOT”) for an ARLE grant for the construction and installation of a new Automated Traffic Signal at the Intersection of PA State Route 291 and Jeffrey Street; and

**WHEREAS**, all grant documents must be signed through Commonwealth’s electronic signature portal.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF CHESTER DOES RESOLVE:**

That it does hereby approve Michael Galante, City Engineer, to electronically sign all documents necessary for completion of the PENNDOT ARLE grant application for traffic signal improvements.

**WE HEREBY CERTIFY** that this resolution passed Council this 22<sup>nd</sup> day of March, A.D. 2023.

\_\_\_\_\_  
MAYOR

Attest: \_\_\_\_\_  
CITY CLERK

**RESOLUTION**

**NO. 51 - 2023**

**WHEREAS**, a Property Review Policy, (“Policy”) has been developed to outline the steps necessary to sell or rent vacant or surplus City owned real estate for fair market value; and

**WHEREAS**, the Policy requires the creation of a Property Review Committee, (“Committee”), which will consist of one (1) Chairperson and five (5) regular members, who will make recommendations to the Mayor, Council, and Chief of Staff regarding the disposition of vacant or surplus City real estate which have been determined by the Committee to be non-essential to providing current or future public services to the citizens of the City; and

**WHEREAS**, the Committee shall meet on an as needed basis and shall periodically review a list of City owned real estate to determine the advisability of selling or leasing vacant City owned real estate; and

**WHEREAS**, the Committee shall address requests from elected officials, department directors, City staff, interested citizens and organizations that maintain valid interest concerning matters related to City owned real estate; and

**WHEREAS**, the Committee shall summarize its recommendations which will include the method of disposition for each property and shall prepare a final report containing the Committee’s recommendations, Director’s comments and supporting documentation to be reviewed by the Mayor and Chief of Staff and then forwarded to Council for consideration.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF CHESTER DOES RESOLVE:**

That it does hereby approve the Property Review Policy and does appoint the following individuals to the Property Review Committee:

- Chairperson - Director of Planning or designee
- Director of Public Works or designee
- Superintendent of Parks /Recreation Coordinator
- Building Code Official, or designee
- Assistant City Solicitor
- Engineer

**WE HEREBY CERTIFY** that this Resolution passed Council this 22<sup>nd</sup> day of March, A.D. 2023.

\_\_\_\_\_  
MAYOR

Attest: \_\_\_\_\_  
CITY CLERK

**RESOLUTION**

**NO. 52 - 2023**

**THE COUNCIL OF THE CITY OF CHESTER DOES RESOLVE:**

That the Receiver has authorized the proper City official to prepare specifications for the advertisement for Request for Proposals (RFP) for Temporary Parking Management Services & Development of Comprehensive Parking Plan for the entire City of Chester.

**FURTHER,** that it does authorize the designated City official to advertise for the aforementioned RFP and accept bids in consultation with the Receiver.

**WE HEREBY CERTIFY** that this Resolution passed Council this 22<sup>nd</sup> day of March, A.D. 2023

\_\_\_\_\_  
MAYOR

Attest: \_\_\_\_\_  
CITY CLERK

**R E S O L U T I O N**

**NO. 53 - 2023**

**THE COUNCIL OF THE CITY OF CHESTER DOES RESOLVE:**

That it does hereby authorize the proper City official to prepare the specifications for the advertisement for the following bid:

Street Light Maintenance

**FURTHER**, that it does hereby authorize the City Clerk to advertise for the aforementioned bid.

**WE HEREBY CERTIFY** that this Resolution passed Council this 22<sup>nd</sup> day of March, A.D. 2023.

\_\_\_\_\_  
MAYOR

Attest: \_\_\_\_\_  
CITY CLERK



**RESOLUTION**

**NO. 54- 2023**

**THE COUNCIL OF THE CITY OF CHESTER DOES RESOLVE:**

That it does approve and order payment of a series of bills and refunds as prepared by the Department of Accounts and Finance and as shown on Expenditure Approval List dated March 10, 2023, attached hereto and made a part hereof, subject to approval from the Department of Accounts and Finance.

**WE HEREBY CERTIFY** that this Resolution passed Council this 22<sup>nd</sup> day of March, A.D. 2023.

\_\_\_\_\_  
MAYOR

Attest: \_\_\_\_\_  
CITY CLERK

BILL NO. 3

1<sup>st</sup> READING 3/22/2023

PASSED \_\_\_\_\_

NO. \_\_\_\_\_, 2023

**A N O R D I N A N C E**

**AN ORDINANCE OF THE CITY OF CHESTER, DELAWARE COUNTY, PENNSYLVANIA, OF THE CODIFIED ORDINANCES OF THE CITY OF CHESTER, 1978, AS SUPPLEMENTED AND AMENDED TO PROVIDE FOR THE AMENDMENT OF ARTICLE 925 ENTITLED “REFUSE COLLECTION”; BY AMENDING THE INDEX TO CORRECT SECTION 925.04 TO READ AS “COMMINGLING ASHES, GARBAGE AND RUBBISH”; BY AMENDING SECTION 925.021, ENTITLED “FEES” UPDATING THE CUBIC FEET OF REFUSE COLLECTION; BY UPDATING SUBSECTION (b) AND (c) OF SECTION 925.023, ENTITLED “DELINQUENCIES”; BY AMENDING SECTION 925.04, ENTITLED “COMMINGLING ASHES, GARBAGE AND RUBBISH” PROVIDING FOR ACCEPTABLE DISPOSAL METHOD; BY AMENDING SECTION 925.05, ENTITLED “ACCEPTABLE RECEPTACLES” PROVIDING FOR THE RESPONSIBILITY OF PROVIDING RECEPTACLES AND DESCRIPTION OF ACCEPTABLE RECEPTACLES; BY AMENDING SUBSECTION (c) AND (e) AND ADDING NEW SUBSECTIONS (f) AND (g) OF SECTION 925.07, ENTITLED “REFUSE PREPARATION FOR DEPOSIT OR COLLECTION” PROVIDING FOR ACCEPTABLE RECYCLING CONTAINERS, AND MATTRESS PLACEMENT, BY ADDING ACCEPTABLE PLASTIC BAG PLACEMENT AND FOR MULTI-FAMILY PROPERTY OWNER RECEPTACLE PLACEMENT; BY AMENDING SUBSECTION (c) OF SECTION 925.08, ENTITLED “RECEPTACLE LID, SANITATION AND CONDITION” PROVIDING FOR MINIMUM RECEPTACLE REQUIREMENTS; BY AMENDING SUBSECTION (a) AND ADDING SUBSECTIONS (c) AND (d) OF SECTION 925.10, ENTITLED “RECEPTACLE PLACEMENT FOR COLLECTION” PROVIDING FOR THE PROPER PLACE FOR**

RECEPTACLE PLACEMENT, IDENTIFYING RESPONSIBLE FOR WASTE PRIOR TO COLLECTION AND PROHIBITING PRIVATELY CONTRACTED COLLECTORS FROM DEPOSITING MUNICIPAL WASTE AT THE POINT OF COLLECTION OR IN THE RIGHT-OF-WAY; AMENDING SUBSECTIONS (a) AND (b) OF SECTION 925.12, ENTITLED "MAXIMUM RECEPTACLES PER RESIDENTIAL UNIT, PROVIDING FOR THE USE OF TWO (2) 65 GALLON REFUSE RECEPTACLES; AMENDING SECTION 925.13, ENTITLED "NO HOLIDAY COLLECTION", PROVIDING FOR WHERE TO LOCATE THE HOLIDAY SCHEDULE; AMENDING SUBSECTION (d) OF SECTION 925.15, ENTITLED "SEPARATE COLLECTION OF RECYCLABLE ITEMS FOR RECYCLING PURPOSES", PROVIDING FOR THE PLACEMENT OF RECYCLABLE ITEMS; AMENDING SUBSECTION (b) OF SECTION 925.99, ENTITLED "NONCOMPLIANCE; REMEDY BY CITY; PENALTY" PROVIDING IDENTIFICATION OF THE PROPER PARTY TO AUTHORIZE THE CITY TO ABATEMENT OF A VIOLATION; AND ADDING NEW SECTIONS 925.100 THROUGH 925.106, PROVIDING FOR PRIVATE COLLECTION AND DISPOSAL RESPONSIBILITY AND COLLECTION; TRANSPORTATION; THE IDENTIFICATION OF APPROVED DISPOSAL FACILITIES; THE DISPOSAL OF PERSONAL WASTE AND HAZARDOUS WASTE AS DEFINED BY THE PENNSYLVANIA SOLID WASTE MANAGEMENT ACT; ENFORCEMENT; TICKET APPEAL REQUIREMENTS; SEVERABILITY; FINES, VIOLATIONS AND PENALTIES; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT THEREWITH.

**THE COUNCIL OF THE CITY OF CHESTER DOES ORDAIN:**

**SECTION 1.** That the Index Section of Article 925, entitled "Refuse Collection" of the Codified Ordinance of the City of Chester, 1978, as supplemented and amended, shall read as: 925.04 Commingling ashes, garbage and rubbish.

**SECTION 2.** That section 925.021 entitled “FEES” of Article 925, entitled “Refuse Collection” of the Codified Ordinance of the City of Chester, 1978, as supplemented and amended, reads as follows:

**925.021 FEES.**

If during the calendar year it is determined by the Director of the Department that collection of refuse from any single residence exceeds the maximum amount of refuse permitted to be collected from any single-family dwelling unit at any one time as set forth in this article (approximately twenty cubic feet), a second bill shall be forwarded in an amount for each additional unit or parts thereof over and above the maximum amount of refuse permitted to be collected from any single-family dwelling unit as aforesaid. However, the City will not collect refuse from any individual establishment on any collection day which exceeds the sum of 100 cubic feet.

**Be and the same is hereby amended to read as follows:**

**925.021 FEES.**

If during the calendar year it is determined by the Director of the Department that collection of refuse from any single residence exceeds the maximum amount of refuse permitted to be collected from any single-family dwelling unit at any one time as set forth in this Article (approximately 17.4 cubic feet), 17.4 cubic ft = 130.6 gals or less than two 65 gal trash cans, a second bill shall be forwarded in an amount for each additional unit or parts thereof over and above the maximum amount of refuse permitted to be collected from any single-family dwelling unit as aforesaid. However, the City will not collect refuse from any individual establishment on any collection day which exceeds the sum of 17.4 cubic ft = 130.6 gals or less than two 65 gal trash cans with the exception of one bulk item per pick-up.

**SECTION 3.** That Subpart (b) of Subsection 925.023 of Article 925, entitled “Refuse Collection” of the Codified Ordinances of the City of Chester, 1978, as supplemented and amended, reads as follows:

**925.023(b) DELINQUENCIES.**

If payment is not made until July 1<sup>st</sup>, in addition to the ten percent (10%) penalty, such delinquent taxpayer shall pay interest at the rate of one-half percent ( $\frac{1}{2}$  %) of the unpaid balance per month until paid in full.

**Be and the same is hereby amended to read as follows:**

**925.023(b) DELINQUENCIES.**

If payment is not made until July 1st, in addition to the ten percent (10%) penalty, such delinquent taxpayer shall pay interest at the rate of one-half percent ( $1/2$  %) of the unpaid balance per month until paid in full.

**SECTION 4.** That Subsection (c) of Section 925.023 of Article 925, entitled “Refuse Collection” of the Codified Ordinances of the City of Chester, 1978, as supplemented and amended, reads as follows:

**925.023(c) DELINQUENCIES.**

It shall be the duty of the Department of Accounts and Finance, to notify such property owner of any unpaid rubbish fees as of July 1<sup>st</sup> of each year showing all unpaid fees, penalties and interest payments due at that time. The City shall have the following options relative to such rubbish fee delinquencies:

**Be and the same is hereby amended to read as follows:**

**925.023(c) DELINQUENCIES.**

It shall be the duty of the Department of Accounts and Finance, to notify such property owner of any unpaid rubbish fees as of July 1 of each year showing all unpaid fees, penalties and interest payments due at that time. The City shall have the following options relative to such rubbish fee delinquencies:

**SECTION 5.** That Subsection 925.04 of Article 925, entitled “Refuse Collection” of the Codified Ordinances of the City of Chester, reads as follows:

**925.04 COMMINGLING ASHES, GARBAGE AND RUBBISH.**

Ashes, garbage and rubbish shall be allowed to be placed and maintained in the same containers long as they are placed in the containers in strict compliance with the provisions of this article.

**Be and the same is hereby amended to read as follows:**

**925.04 COMMINGLING ASHES, GARBAGE AND RUBBISH.**

Ashes, garbage and rubbish shall be allowed to be placed and maintained in the same tied garbage bag as long as they are placed in the containers in strict compliance with the provisions of this article.

**SECTION 6.** That Subsection 925.05 of Article 925, entitled “Refuse Collection” of the Codified Ordinances of the City of Chester, reads as follows:

**925.05 ACCEPTABLE RECEPTACLES.**

Refuse receptacles shall be made of metal or a synthetic material approved by the Director of Streets and Public Improvements, shall be watertight and shall

be provided with a tight-fitting cover. Plastic bags of a type approved by the Director shall be acceptable receptacles.

**Be and the same is hereby amended to read as follows:**

**925.05 ACCEPTABLE RECEPTACLES.**

It shall be the duty of every owner of property and every person occupying any dwelling unit, premises or place of business within the City of Chester where municipal waste is produced and is accumulated, by his own expense and cost, to provide and keep at all times, a sufficient number of acceptable containers to hold all municipal wastes which may accumulate during the intervals between collection of such municipal waste by an authorized collector.

Refuse receptacles shall be 65-gallon capacity rollout trash cans, plastic and have built-in wheels to make it easier to move the can when full.

- a. The containers shall be plainly and legibly marked with the participant's address and apartment number, if any,
- b. It shall be the duty of every owner of multifamily dwellings, rooming units, and any other residential units included in City collection, except owner-occupied single-family dwellings, to permanently post and maintain in each unit the trash and recycling procedures issued by the Department of Streets and Public Improvements.

**SECTION 7.** That Subsection 925.07(c) of Article 925, entitled "Refuse Collection" of the Codified Ordinances of the City of Chester, reads as follows:

**925.07(c) REFUSE PREPARATION FOR DEPOSIT OR COLLECTION.**

Newspapers, magazines or other periodicals shall be securely tied together in bundles of a size easily handled by one man.

**Be and the same is hereby amended to read as follows:**

**925.07(c) REFUSE PREPARATION FOR DEPOSIT OR COLLECTION.**

Newspapers, magazines or other periodicals shall be securely tied together in bundles of a size easily handled by one man and placed in a 32-gallon recycling container.

**SECTION 8.** That Subsection 925.07(e) of Article 925, entitled "Refuse Collection" of the Codified Ordinances of the City of Chester, reads as follows:

**925.07(e) REFUSE PREPARATION FOR DEPOSIT OR COLLECTION.**

Any mattress and/or box spring placed curbside for collection shall be securely wrapped and bagged in such a manner as to prevent the spread of bedbugs. In the event any mattress or box spring is placed curbside in violation of this subsection, the City may refrain from collecting such item, and shall tag the item with notice of noncompliance and issue a violation ticket to the owner or occupant of the property.

**Be and the same is hereby amended to read as follows:**

**925.07(e) REFUSE PREPARATION FOR DEPOSIT OR COLLECTION.**

Any mattress and/or box spring placed along the curb, or the side of the street or alley, from which collection is to be made as directed by the Director of Streets and Public Improvements for collection shall be securely wrapped and bagged in such a manner as to prevent the spread of bedbugs. In the event any mattress or box spring is placed curbside in violation of this subsection, the City may refrain from collecting such item, and shall tag the item with notice of noncompliance and issue a violation ticket to the owner or occupant of the property.

**SECTION 9.** To add new Subsections 925.07(f) of Article 925, entitled “Refuse Collection” of the Codified Ordinances of the City of Chester, reads as follows:

**925.07(f) REFUSE PREPARATION FOR DEPOSIT OR COLLECTION.**

(f) Furthermore, plastic trash bags are not to be stored anywhere on the exterior of the property except in approved 65-gallon containers prior to being placed at the point for collection, as described below.

**SECTION 10.** To add new Subsections 925.07(g) of Article 925, entitled “Refuse Collection” of the Codified Ordinances of the City of Chester, reads as follows:

**925.07(g) REFUSE PREPARATION FOR DEPOSIT OR COLLECTION.**

(g) Property owners of multifamily dwellings included in City Curbside Collection must provide a location on their property for the storage of trash and recycling in between collections. Storage must be in compliance with all City of Chester ordinances and must not create a public nuisance or vector control issues. Exceptions and alternate storage locations may be

subject to review and approval by the Department of Streets and Public Improvements and Code Enforcement.

**SECTION 11.** That Subsections 925.08(c) of Article 925, entitled “Refuse Collection” of the Codified Ordinances of the City of Chester, reads as follows:

**925.08(c) RECEPTACLE LID, SANITATION AND CONDITION.**

Every household within the City of Chester shall all have and maintain refuse receptacles which shall be provided by the owner, tenant, lease or occupant of the premises from which the collection of refuse is to be made except as provided hereinafter. All refuse receptacles shall be maintained in good and usable condition. Any refuse receptacle that does not conform to the provisions of this article or that has any ragged or sharp edges or any other defect which may hamper or injure a person collecting the contents thereof shall be replaced immediately with a required refuse receptacle.

**Be and the same is hereby amended to read as follows:**

**925.08(c) RECEPTACLE LID, SANITATION AND CONDITION.**

Every household within the City of Chester shall all have and maintain a minimum of one (1) 65-gallon and no more than two (2) refuse receptacles which shall be provided by the owner, tenant, lessee or occupant of the premises from which the collection of refuse is to be made except as provided hereinafter. All refuse receptacles shall be maintained in good and usable condition. Any refuse receptacle that does not conform to the provisions of this article or that has any ragged or sharp edges or any other defect which may hamper or injure a person collecting the contents thereof shall be replaced immediately with a required refuse receptacle.

**SECTION 12.** That Subsections 925.10(a) of Article 925, entitled “Refuse Collection” of the Codified Ordinances of the City of Chester, reads as follows:

**925.10(a) RECEPTACLE PLACEMENT FOR COLLECTION.**

Refuse receptacles shall be placed for collection along the curb, or the side of the street or alley, from which collection is to be made as directed by the Director of Streets and Public Improvements.

**Be and the same is hereby amended to read as follows:**



**925.10(a) RECEPTACLE PLACEMENT FOR  
COLLECTION.**

Refuse receptacles shall be placed for collection along the curb, or the side of the street or alley, from which collection is to be made. The owner or occupants of said entity may place out for collection city-approved receptacles in front of its said entity. It shall be a violation of this article to place, or cause to be placed, municipal waste generated at a different location at an entity included for City collection; this may constitute illegal dumping and a violation of the Anti-Litter Ordinance.

**SECTION 13.** To add new Subsection 925.10(c) of Article 925, entitled “Refuse Collection” of the Codified Ordinances of the City of Chester, reads as follows:

**925.10(c) RECEPTACLE PLACEMENT FOR  
COLLECTION.**

- (c) All material shall be placed at the point of collection in a manner as not to result in spilled or scattered trash or litter on public or private property. All material placed out for collection shall be the responsibility of the property owner, responsible agent or occupant until it is collected by the Contractor.

**SECTION 14.** To add new Subsection 925.10(d) of Article 925, entitled “Refuse Collection” of the Codified Ordinances of the City of Chester, reads as follows:

**925.10(d) RECEPTACLE PLACEMENT FOR  
COLLECTION.**

- (d) No municipal waste may be set out at the point of collection or in the public right-of-way for collection by a privately contracted collector without written approval by the Department of Streets and Public Improvements.

**SECTION 15.** That Subsections 925.12(a) of Article 925, entitled “Refuse Collection” of the Codified Ordinances of the City of Chester, reads as follows:

**925.12(a) MAXIMUM RECEPTACLES PER  
RESIDENTIAL UNIT.**

Not more than four refuse receptacles, excluding permitted plastic bags, shall be placed at the point of collection by the occupants of any single-family residential unit.

**Be and the same is hereby amended to read as follows:**

**925.12(a) MAXIMUM RECEPTACLES PER  
RESIDENTIAL UNIT.**

Not more than two (2) 65-gallon refuse receptacles, shall be placed at the point of collection by the occupants of any single-family residential unit. No plastic trash bags are permitted outside the 65-gallon receptacles.

**SECTION 16.** That Subsections 925.12(b) of Article 925, entitled “Refuse Collection” of the Codified Ordinances of the City of Chester, reads as follows:

**925.12(b) MAXIMUM RECEPTACLES PER  
RESIDENTIAL UNIT.**

No more than four refuse receptacles, excluding permitted plastic bags, shall be placed at the point of collection by the occupants of any boarding house, apartment house or complex single-family units which are entitled to Municipal refuse collection under the provisions of this article.

**Be and the same is hereby amended to read as follows:**

**925.12(b) MAXIMUM RECEPTACLES PER  
RESIDENTIAL UNIT.**

No more than two (2) 65-gallon refuse receptacles, shall be placed at the point of collection by the occupants of any boarding house, apartment house or complex single-family units which are entitled to Municipal refuse collection under the provisions of this article.

**SECTION 17.** That Subsections 925.13 of Article 925, entitled “Refuse Collection” of the Codified Ordinances of the City of Chester, reads as follows:

**925.13 NO HOLIDAY COLLECTION.**

There shall be no municipal refuse collections on any day listed as a legal holiday by Council resolution in any calendar year.

**Be and the same is hereby amended to read as follows:**

**925.13 NO HOLIDAY COLLECTION.**

Most holidays there is no municipal refuse collections on any day listed as a legal holiday by Council resolution in any calendar year. Please refer to the city’s mailed schedule and the city’s website for your zone to determine holiday collection days.

**SECTION 18.** That Subsections 925.15(d) of Article 925, entitled “Refuse Collection” of the Codified Ordinances of the City of Chester, reads as follows:

**925.15(d) SEPARATE COLLECTION OF  
RECYCLABLE ITEMS FOR RECYCLING  
PURPOSES.**

Recyclable items shall then be placed at the regular curbside collection point for such real property for collection by the duly authorized employees, agents, or contractors of the City.

**Be and the same is hereby amended to read as follows:**

**925.15(d) SEPARATE COLLECTION OF  
RECYCLABLE ITEMS FOR RECYCLING  
PURPOSES.**

Recyclable items shall then be placed at the regular collection point for such real property for collection by the duly authorized employees, agents, or contractors of the City.

**SECTION 19.** That Subsections 925.99(b) of Article 925, entitled “Refuse Collection” of the Codified Ordinances of the City of Chester, reads as follows:

**925.99(b) NONCOMPLIANCE; REMEDY BY CITY;  
PENALTY.**

The Director of Streets or the Director of the Department of Public Safety or their duly authorized representatives may cause the conditions in violation of this Article to be removed or abated by employees of the City or by any independent contractor authorized by the City. Thereafter, the owners, tenant, occupant or agent of the property shall be liable for the cost of such removal or abatement, plus an administrative charge equal to fifteen percent (15%) of such costs, in the manner of a municipal lien.

**Be and the same is hereby amended to read as follows:**

**925.99(b) NONCOMPLIANCE; REMEDY BY CITY;  
PENALTY.**

The Director of Streets and Public Improvements or the Director of the Department of Public Safety or their duly authorized representatives may cause the conditions in violation of this Article to be removed or abated by employees of the City or by any independent contractor authorized by the City. Thereafter, the owners, tenant, occupant or agent of the property shall be liable for the cost of such removal or abatement, plus an administrative charge equal to fifteen percent (15%) of such costs, in the manner of a municipal lien.

**SECTION 20.** To add new Section 925.100 of Article 925, entitled “Refuse Collection” of the Codified Ordinances of the City of Chester, reads as follows:

**925.100 REQUIREMENTS FOR NONMUNICIPAL COLLECTION.**

A. Private collection and disposal responsibility.

1. General. It shall be the responsibility of the owners/operators of all commercial, industrial and institutional establishments, and multifamily dwellings not included in City Contractor service to provide, at their own expense, for the storage, collection and disposal of their own waste. Such storage, collection and disposal shall be carried out in such a manner as to avoid the creation of a public nuisance, including but not limited to noise disturbances, sanitation, littering, and vector control issues.
2. Containers. Storage of municipal waste on all multifamily dwelling properties which are using private collection shall be in a bulk container, subject to approval by the Director of the Department of Streets or the Director of the Department of Public Safety or their duly authorized representatives, and as specified in Subsections **B**, **C** and **D** below. Storage of municipal waste on commercial, industrial and institutional properties shall be done in the same manner and kept in the same type of containers except where the accumulation for each commercial, industrial or institutional property precludes their use, in which case, such owner or occupant shall make special arrangements with the authorized collector for the storing of such additional quantities.

B. Collection.

1. The owners/operators contracting for private collection shall provide an area on the property not within the public right-of-way which is sufficient for the placement of bulk containers of adequate size to store all municipal waste and recyclables generated on the property in one week.
2. Such locations shall not interfere with public or private sidewalks, walkways, driveways, roads, streets, highways or entrances and exits of

public or private buildings and be in compliance with all applicable laws.

3. Municipal waste intended for collection by a private collector may not be set out at the curblineline for collection without written approval by the Director of Streets and Public Improvements

C. The special bulk containers shall have lids which must remain closed except when municipal waste is being removed from the container. The containers shall be kept clean and in good repair.

D. The owners/operators contracting for private collection shall:

1. Provide bulk containers on the property for use for waste generated by employees of the commercial, industrial or institutional establishment and/or by the occupants of the dwelling units in the building.
2. Provide collection for the bulk container(s) on a regular schedule by a licensed collector and in no event less than one time per week.
3. Not allow the curbside storage or collection of municipal waste from the property.
4. Meet the requirements of this article and the Commercial Recycling Ordinance 926 or the Residential Recycling Ordinance 926, respectively.<sup>[1]</sup>  
*[1] Editor's Note: See Arts. III and II of this chapter, respectively.*
5. Provide all tenants with recycling bin, source-separated recycling collection, and recycling education.

E. Reporting responsibility. It shall be the responsibility of the owners/operators of all commercial, industrial or institutional establishments, and multifamily dwellings not included in City Contractor service, to annually submit, upon request to the Department of Streets and Public Improvements, evidence of a current agreement/contract with a licensed collector, including the collector's name, address, and telephone number. This information shall also include the days and times of collection. The Department of Streets and Public Improvements must be notified in writing within 10 days of such changes, said licensed collectors shall notify the Department of Streets and Public

Improvements, on a form to be provided, when an agreement/contract for the collection and disposal of municipal waste has been terminated.

**SECTION 21.** To add new Section 925.101 of Article 925, entitled “Refuse Collection” of the Codified Ordinances of the City of Chester, reads as follows:

**925.101 HANDLING OF MUNICIPAL WASTE.**

A. Transportation.

1. All collectors transporting municipal waste within the City of Chester shall prevent and remedy any spillage from their vehicles or containers used in the transport of such municipal waste.
2. Such vehicles or containers shall not be overfilled, and shall be cleansed at sufficiently frequent intervals to prevent obnoxious odors or unhealthful conditions. They shall be so constructed, loaded and driven as to prevent any portion of the load from falling out upon the streets or highways. Open-truck bodies of such vehicles shall be covered and fastened with devices that will secure and contain the contents.

B. Removal by collectors. All collectors shall return the refuse receptacle or receptacles to the premises from which they have been removed. They shall also collect and remove all municipal waste which, by accident or otherwise, may have been put or fallen on the sidewalks, streets or highways immediately or within four hours notification by the Department of Streets and Public Improvements.

C. Mixing recyclable materials and municipal waste. It shall be a violation of this article for any Collector to mix or place any designated recyclable material or yard waste in with the collection of municipal waste.

**SECTION 22.** To add new Section 925.102 of Article 925, entitled “Refuse Collection” of the Codified Ordinances of the City of Chester, reads as follows:

**925.102 DISPOSAL OF MUNICIPAL WASTE AT APPROVED FACILITY.**

All municipal waste produced, collected, and transported from within the jurisdictional limits of the City of Chester shall be disposed of at licensed and approved disposal facilities in accordance with the Delaware County Waste

Plan, and in compliance with all Department of Environmental Protection regulations and with any other applicable local, state or federal statute.

**SECTION 23.** To add new Section 925.103 of Article 925, entitled “Refuse Collection” of the Codified Ordinances of the City of Chester, reads as follows:

**925.102 EXCLUSIONS.**

A. Disposal of personal wastes. Nothing contained herein shall be deemed to prohibit any person not regularly engaged in the business of collecting municipal waste from hauling his own municipal waste on an irregular and unscheduled basis, to a state-permitted disposal facility.

B. Hazardous or residual wastes.

1. The provisions of this article do not apply to anything but the storage, collection, transportation and disposal of municipal waste and do not apply, therefore, to hazardous or residual wastes as defined by the Pennsylvania Solid Waste Management Act.<sup>[1]</sup>

[1] *Editor’s Note: See 35 P.S. § 6018.101 et seq.*

2. It shall be a violation of this article for any entity included in City Curbside Collection to place any hazardous or household hazardous waste for collection by the authorized City Contractors.

**SECTION 24.** To add new Section 925.104 of Article 925, entitled “Refuse Collection” of the Codified Ordinances of the City of Chester, reads as follows:

**925.104 ENFORCEMENT.**

A. The provisions of this article shall be enforced by police officers or any other public officer authorized to enforce ordinances.

B. Any violation of the provisions of this article may be cause for a citation, a violation ticket and/or a notice of violation to be issued to the violator.

C. A notice of violation or violation ticket shall be served upon a violator by handing it to the violator, by handing it at the residence of the person to be served to an adult member of the household or other person in charge of the residence, by leaving or affixing the notice or violation ticket to the property where the violation exists, by handing it at any office or usual place of business of the violator, to

his/her agent or to the person for the time being in charge thereof, or by mailing the notice to the violator's address of record.

D. Each day a violation continues or is permitted to continue may constitute a separate offense for which a separate fine may be imposed.

E. A public officer is authorized and empowered to cause a violation to be corrected.

F. If the City has affected the correction of the violation, the cost thereof may be charged to the owner of the property, tenant or offending party. The cost shall be determined by the Director of the Department of Streets and Public Improvements or designee in order that the City shall be compensated for both direct and indirect costs and expenses incurred.

**SECTION 25.** To add new Section 925.105 of Article 925, entitled “Refuse Collection” of the Codified Ordinances of the City of Chester, reads as follows:

**925.105 VIOLATION TICKET APPEALS PROCESS.**

A. A person in receipt of a violation ticket may appeal to the Department of Streets and Public Improvements by filing a request within 10 days of receipt of the violation ticket.

B. A Hearing Officer, designated by the Director of the Department of Streets and Public Improvements, may uphold the appeal, deny the appeal or may modify the violation ticket and/or any associated costs, fines or penalty amounts.

**SECTION 26.** To add new Section 925.106 of Article 925, entitled “Refuse Collection” of the Codified Ordinances of the City of Chester, reads as follows:

**925.106 SEVERABILITY.**

If any provision, paragraph, word, section or subsection of this article is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, or subsection shall not be affected and shall remain in full force and effect.



**SECTION 27.** That all Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed. If any section, part or clause of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder of this Ordinance shall remain valid and in full force and effect.

**SECTION 28.** That all Ordinances or parts of Ordinance inconsistent with the provisions of this Ordinance, be and they are hereby repealed.

**WE HEREBY CERTIFY** that this Ordinance passed Council this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2023.

\_\_\_\_\_  
MAYOR

Attest: \_\_\_\_\_  
CITY CLERK

BILL NO. 4

1<sup>st</sup> READING 3/23/2023

PASSED \_\_\_\_\_

NO.     , 2023

**AN ORDINANCE**

**AN ORDINANCE OF THE CODIFIED ORDINANCES OF THE CITY OF CHESTER, DELAWARE COUNTY, PENNSYLVANIA, 1978, AS SUPPLEMENTED AND AMENDED, TO ENACT ARTICLE 1714, ENTITLED “LICENSING RESIDENTIAL RENTAL UNITS”, TO PROVIDE FOR THE ESTABLISHMENT OF RIGHTS AND OBLIGATIONS OF OWNERS AND OCCUPANTS RELATING TO RESIDENTIAL RENTAL UNITS, TO PROVIDE FOR REGISTRATION, LICENSES, AN APPEALS PROCESS, ENFORCEMENT AND PROVIDING FOR THE SEVERABILITY, REPEALER, CODIFICATION AND EFFECTIVE DATE; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT THEREWITH.**

**THE COUNCIL OF THE CITY OF CHESTER DOES ORDAIN:**

**SECTION 1.** That it does hereby enact Article 1714, entitled “Licensing Residential Rental Units”, of the Codified Ordinances of the City of the of Chester, shall read as follows:

**1714.03 Purpose.**

- A. The purpose of this article and the policy of the City of Chester shall be to protect and promote the public health, safety and welfare of its citizens, to establish rights and obligations of owners and occupants relating to residential rental units in the City and to encourage owners and occupants to maintain and improve the quality of rental housing within the community. As a means to these ends, this article provides for a systematic inspection program, registration and licensing of residential rental units, and penalties.
- B. In considering the adoption of this article, the City makes the following findings:
  - (1) There is a growing concern in the community with the general decline in the physical condition of residential rental units;

- (2) City records indicate there is a greater incidence of problems with the maintenance and upkeep of residential properties which are not owner-occupied as compared to those that are owner-occupied;
- (3) City records indicate there are a greater number of disturbances at residential rental units than all other properties combined; and
- (4) City records indicate that violations of the various codes are generally less severe at owner-occupied units as compared to residential rental units.

**1714.04 Definitions.**

**CODES** — Any state or local code or ordinance adopted, enacted, or in effect in and for the City of Chester, including, but not limited to, the Pennsylvania Uniform Construction Code, International Building Code, International Plumbing Code, International Mechanical Code, National Electrical Code, Fire Prevention Code, International Property Maintenance Code, and the International Residential Code Chapter 660

**DISRUPTIVE CONDUCT** — Any form of conduct, action, incident, or behavior perpetrated, caused, or permitted by any occupant or visitor of a residential rental unit that is so loud, untimely (as to hour of the day), offensive, riotous, or that otherwise disturbs other persons of reasonable sensibility in their peaceful enjoyment of their premises, or causes damage to said premises or causes damages to said premises, or risks a catastrophe by destroying, damaging, disabling or failing to maintain smoke detectors or other life safety features, such that a report is made to or by a police officer and/or a public officer complaining of such conduct, action, incident, or behavior. It is not necessary that such conduct, action, incident or behavior constitute a criminal offense, nor that criminal charges be filed against any person in order for said person to have perpetrated, caused or permitted the commission of disruptive conduct, as defined herein. Provided, however, that no disruptive conduct shall be deemed to have occurred unless a public officer or a police officer shall investigate and make a determination that such did occur, and keep written records, including a disruptive conduct report, of such occurrences. The tenant and the owner, operator, responsible agent or manager shall be notified of any such occurrences in writing.

**DISRUPTIVE CONDUCT REPORT** — A written report of disruptive conduct on a form to be prescribed, therefore, to be completed by a police officer or a public officer, as the case may be, who actually investigates an alleged incident of disruptive conduct

and which shall be maintained by the Bureau of Code Enforcement (License and Inspections)

**HOTEL UNIT** — Any room or group of rooms located within a hotel or motel forming a single habitable unit used or intended to be used for living and sleeping only on a transient basis for a period of less than 30 days.

**NOTICE OF VIOLATION** — A written document issued to a person in violation of a City ordinance which specifies the violation and contains a directive to take corrective action within a specified time frame or face further legal action.

**OCCUPIED UNIT**— A residential property with a structure on which any person, including an owner, operator, or tenant, but not a trespasser, lives, sleeps, cooks, or otherwise maintains actual possession.

**RESIDENTIAL RENTAL LICENSE** — A document issued by the Bureau of Permits, Licensing & Registration to the owner, operator, responsible agent, or manager of a residential rental unit upon correction of all applicable code violations granting permission to operate a residential rental unit in the City of Chester. Such license is required for lawful rental and occupancy of residential rental units under this article unless a public officer has not inspected the unit or violations of the applicable codes are being corrected and the unit operates under a residential rental registration, or the residential rental unit is exempt from the license provisions of this article. Licenses are good for three years unless otherwise revoked.

**RESIDENTIAL RENTAL REGISTRATION** — The document issued annually for a fee by the City of Chester to the owner, operator, responsible agent, or manager of a residential rental unit evidencing the existence of the said residential rental unit. This registration shall be required until the public officer inspects the unit and issues a residential rental license. A residential rental registration shall be required for lawful rental and occupancy of residential rental units under this article unless a public officer has inspected the residential rental unit and has issued a residential rental license or the residential rental unit is exempt from the registration provisions of this article. This registration does not warrant the proper zoning, habitability, safety, or condition of the residential rental unit in any way.

**RESIDENTIAL RENTAL UNIT** — A rooming unit or a dwelling unit or an other-than-owner-occupied residential unit to include unoccupied units. A residential rental unit shall

not include a hotel unit. A residential rental unit includes dwelling units under lease-purchase agreements, or long-term (greater than 29 Days) agreements of sale.

**UNOCCUPIED UNIT**— A residential property with a structure on which any person, including an owner, operator, or tenant, but not a trespasser, does not lives, sleeps, cooks, or otherwise maintains actual possession

**VACANT PROPERTY**— A property unfit for human habitation, i.e., a vacant building.

**VIOLATION TICKET** — A form issued by a police officer or public officer to a person who violates the provisions of this code. The violation ticket is an offer by the City of Chester extended to a person to settle a violation by paying the fine in lieu of a citation being issued against the violator.

**1714.05 Owner and occupant duties.**

- A. Owner's duties. It shall be the duty of every owner, operator, responsible agent or manager to keep and maintain all residential rental units in compliance with all applicable codes and provisions of all applicable state laws and regulations and local ordinances, and to keep such property in a good and safe condition and to be aware of, and to act to eliminate disruptive conduct in such residential rental units.
  - (1) It shall be unlawful for any person to conduct or operate or cause to be rented either as owner, operator, responsible agent, or manager any residential rental unit within the City of Chester without having registered their residential rental property and obtaining a residential rental license, as required by this article.
  - (2) The owner, operator, responsible agent, or manager shall include the amendment attached hereto as the Addendum to Residential Rental Agreement in each lease of a residential rental unit taking effect on or after January 1, 2023. Said amendment is hereby considered to be a part of every lease of a residential rental unit in the City of Chester executed on or after January 1, 2023.
  - (3) It shall be the responsibility of every owner, operator, responsible agent, or manager to display the residential rental registration or residential rental license in each residential rental unit. The residential rental registration or residential rental license shall include the following information:
    - (a) The name, mailing address, telephone number and email address of the owner, operator, responsible agent or manager;

- (b) The evenings on which garbage and recycling are to be placed curbside for collection;
  - (c) The telephone number to call to register complaints regarding the physical condition of the residential rental unit;
  - (d) The telephone number for emergency police, fire and medical services;
  - (e) The date of expiration of the residential rental registration or residential rental license; and
  - (f) A summary of the owner's and occupant's duties under this article.
- (4) It shall be the responsibility of every owner, operator, responsible agent, or manager to employ policies and to manage the residential rental units under his/her control in compliance with the provisions of this ordinance, City codes, and applicable state laws.
- (5) No residential rental registration or residential rental license shall be issued to any residential rental unit owned or operated by a person residing outside Delaware County unless there is provided to the Bureau of Permits, Licensing & Registration the Bureau of Code Enforcement with the name, mailing address and telephone number of a designated responsible agent residing or working within Delaware County within five-miles of Chester's city hall, authorized to accept service of process on behalf of the legal owner of the said residential rental unit. For the purpose of this section, a post office box is not acceptable for the owner and/or responsible agent's address.
- (6) The absentee owner/operator shall be required to notify the Bureau of Permits, Licensing & within 30 days of any change in the responsible agent.
- (7) Owners or operators residing within a five-mile radius of Chester City Hall, but within Delaware County and meeting the following criteria shall be exempt from naming a designated responsible agent:
- (a) No cases of three disruptive conduct complaints within a twelve-month period regarding the occupants of a particular residential rental unit, as documented by upheld disruptive conduct reports;
  - (b) All taxes and fees paid by December 31 of the preceding year.
- (8) The residential rental units must pass inspection at the first reinspection, both interior and exterior of the property must be in compliance with all codes (there will be an allowance for exterior repairs for the time of the year);
- (9) The previous year's annual license fee must be paid by March 31 of each year prior to 2025 and by April 15 for 2024, and for 2024 each year after 2023; and

- (10) The owner, operator, or manager must correct any code violations cited between the three-year full inspections within 30 days.
- B. Occupant duties. The occupant(s) shall comply with all obligations imposed by this article and all applicable codes and ordinances of the City of Chester, as well as all state laws and regulations.
- (1) The occupant(s) shall conduct themselves and require other persons, including but not limited to guests on the premises and within their residential rental unit with their consent, to conduct themselves in a manner that will not disturb the peaceful enjoyment of the premises by others and that will not disturb the peaceful enjoyment of adjacent or nearby dwellings by people occupying the same.
- (2) The occupant(s) shall not engage in, nor tolerate, nor permit others on the premises to cause damage to the residential rental unit or engage in disruptive conduct, or other violations of this article, City codes or applicable state laws. The occupant(s) shall not tamper with or interfere with the operation or effectiveness of any smoke detector. Every occupant shall maintain in a clean and sanitary condition that part of the dwelling, dwelling or rooming unit, sleeping unit and yard which he occupies and controls. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents or other pests in it or in the yard, unless otherwise specified in a current and signed executed lease agreement. In a two-unit or multiunit dwelling, the occupant(s) shall be responsible for such extermination whenever his dwelling is the only one infested.
- (3) Police officers or public officers shall investigate alleged incidents of disruptive conduct. They shall complete a disruptive conduct report upon a finding that the reported incident constitutes disruptive conduct as defined herein. The information filed in said report shall include, if possible, the identity of the alleged perpetrator(s) of the disruptive conduct and all other obtainable information, including the factual basis for the disruptive conduct described on the prescribed form. A copy of the disruptive conduct report shall be given or mailed to the occupant and mailed to the owner, operator, responsible agent or manager within 10 working days of the occurrence of the alleged disruptive conduct.
- (4) The occupant or the owner, operator, responsible agent, or manager shall have 10 working days from the date of receipt of a disruptive conduct report to appeal the contents of said disruptive conduct report. The appeal shall be made in

writing and submitted to the Bureau of Code Enforcement. An appeal of the third disruptive conduct report within a twelve-month period shall stop the eviction proceedings against the occupants until the appeal is resolved, only if the eviction proceedings were a direct result of the third disruptive conduct report.

- (5) After three disruptive conduct incidents in any twelve-month period by an occupant documented by disruptive conduct reports or any violation of the Landlord and Tenant Act relating to drug offenses set forth in 68 P.S. § 250.505-A, the owner, operator, responsible agent, or manager shall have 10 working days from the date of his/her receiving the notice to begin eviction proceedings against the occupants. Failure to take such action will result in the immediate revocation of the residential rental registration or residential rental license. The residential rental unit involved shall not have its residential rental registration or residential rental license reinstated until the reinstatement fee is paid and the disruptive occupants have been evicted; the Magisterial District Judge has ruled in the occupant's favor, the Magisterial District Judge has ruled in the owner's favor but has not ordered the eviction of the occupant(s), or the occupants have filed an appeal to a higher court or declared bankruptcy, thereby preventing their eviction. The disruptive occupants, upon eviction, shall not reoccupy any residential rental unit on the same premises involved for a period of at least one year from the date of eviction. This subsection is not intended to limit or inhibit the owner, operator, responsible agent or manager's right to initiate eviction actions prior to the third disruptive conduct incident.
- (6) The content of the disruptive conduct report shall count against all occupants of the residential rental unit. More than one disruptive conduct report filed against the occupants of a residential rental unit in a twenty-four-hour period shall count as a single disruptive conduct report for the purpose of the preceding subsection the Bureau of Code Enforcement shall maintain a list of the names of all occupants evicted as a result of the preceding subsection. The names shall remain on the list for a period of five years.

**1714.09 Exempt units.**

- A. All property owned by the Housing Authority of the City of Chester or the Housing Authority of the County of Delaware which is inspected annually by those agencies to assess conformance with federal standards, or properties that are inspected annually for compliance with the requirements of the United States Department of



Housing and Urban Development or the Pennsylvania Housing Finance Agency, regardless of the occupants, shall not be exempt.

- B. The registration and licensing provisions of this article shall not apply to hospitals, nursing homes, group homes, or other rental units used for human habitation which offer or provide medical or nursing services, and wherein all operations of such facilities are subject to county, state or federal licensing or regulations concerning the health and safety of the users, patients or tenants. The registration and licensing provisions of this article also shall not apply to hotel units, as defined previously, or dormitories, fraternity houses, and sorority houses, as defined in Article 1365 of the Zoning Ordinance.
- C. If, in response to a complaint, an exempt unit is found to be in violation of a City code, the owner, operator, responsible agent or manager shall correct the violation(s) within the time frame cited by the public officer. If the violation(s) is/ are not corrected, the unit shall lose its exemption until the violation(s) is/are corrected. If three verified complaints are received in any twelve-month period, the unit shall lose its exemption for a period of five years.

**1714.10 Residential rental registration.**

- A. **Registration is required for rental units.** By December 31, 2023, the owner, operator, responsible agent, or manager of each residential rental unit shall apply for a residential rental registration with the Bureau of Permits, Licensing & Registration. By December 31 of each calendar year from 2024 through 2025, inclusive, and by January 15, 2024, and all subsequent years, the owner, operator, responsible agent or manager of each residential rental unit shall continue to apply for a residential rental registration until the unit is licensed, at which time he/she shall be issued a residential rental license. For each calendar year thereafter, the owner, operator, responsible agent or manager of the residential rental unit shall continue to apply for a residential rental license.

Issuance of residential rental registration. A residential rental registration shall be issued if the owner or operator of the residential rental unit provides the name of a responsible agent (if applicable), pays the registration fee, and is current on all taxes, water, and sewer fees for the residential rental unit as defined in the appropriate code of each Authority within the City of Chester, respectively. This registration does not warrant the proper zoning, habitability, safety, or condition of the residential rental unit in any way.

- B. **Revocation of residential rental registration.** A residential rental registration shall be revoked if the owner or operator of a residential rental unit does not provide and

maintain for City records the name and current mailing address for the owner, operator, and responsible agent (if applicable), has not brought the unit into compliance with the minimum standards for safety and (Per the City's Property Maintenance Code 1713) does not pay the registration fee, is not current on taxes, water and sewer fees and other municipal charges for the residential rental unit, does not correct a code violation found in response to a complaint within the time frame cited by the public officer, and/or has not complied with the disorderly conduct provision of this article, as described above

- C. **Reinstatement of residential rental registration.** A residential rental registration shall be reinstated if the owner or operator of a residential rental unit corrects the reason for the revocation of the residential rental registration and has paid the residential rental registration reinstatement fee.

**1714.11 Residential rental license.**

- A. Residential rental license required for residential rental units. A residential rental license shall be required for each residential rental unit unless the residential rental unit has not been inspected or has outstanding violations of the applicable codes and operates under a residential rental registration, or is exempt as defined above.
  - (1) Prior to initial occupancy of newly constructed residential rental units, newly created residential rental units, or substantially rehabilitated residential rental units (as documented by a certificate of occupancy), the owner, operator, responsible agent, or manager of each residential rental unit shall register with and make written application to the Bureau of Permits, Licensing & Registration Bureau of Code Enforcement for a residential rental license as herein provided. Such units will be exempt from further inspection unless a complaint of violation has occurred or a public officer has probable cause to believe that a violation has occurred, as provided in § 1713 Code for IPMC, for a period of at least three-years and will be inspected again when the area in which they are located is next scheduled for inspection.
  - (2) For licensing purposes, the Bureau of Code Enforcement shall fully inspect each residential rental unit no more frequently than once-every three years unless a complaint of violation has occurred or a public officer has probable cause to believe that a violation is occurring as provided in § 1713.12. Unless sooner revoked for cause, the residential rental license shall remain in effect until such time as the next regularly scheduled inspection occurs, assuming the annual license fee is paid.

- (3) Initial inspections will occur in accordance with a phased-in systematic inspection program to be prepared and made available upon request by the Bureau of Code Enforcement. A minimum of 60 days written notice shall be given for all initial inspections. The penalty for not allowing an inspection shall be revocation of the residential rental registration or the residential rental license.
- B. Compliance. If the public officer, upon completion of the inspection, finds that the applicable codes have not been met, a notice of violation shall be issued, as prescribed in § 1713.13 and § 1713.14.
- (1) Ten-day notice of violation. If the public officer finds one or more of the following violations:
    - Minimum Standards, § 702.5
    - Flammable liquids, § 702.6
    - Means of egress, § 702.7
    - Multiple dwelling units fire protection and door operation, § 702.8
    - Multiple dwelling unit means of egress and exit signs, § 702.9
    - Separation of common walls and floors, § 702.10
    - Fire systems, § 702.11
    - Heating, § 702.12
    - Space, Use and Location Overcrowding, § 702.18, § 702.19, § 702.20, § 702.21
  - (a) A ten-day notice of violation shall be issued; and
  - (b) The residential rental unit shall be determined unfit for human habitation and ordered vacated as prescribed in § 1713.17 and shall remain vacant until the violation is abated. If after 10 days from the receipt of the ten-day notice of violation, a reinspection reveals that the violations are not corrected, and arrangements satisfactory to the public officer have not been made, the residential rental registration or residential rental license for the residential rental unit shall be revoked, and if the residential rental unit is vacant, it shall remain vacant.
  - (2) Thirty-day notice of violation. If the public officer finds violations other than those listed in § 1713, a thirty-day notice of violation shall be issued.

- (a) If after 30 days from the date of receipt of the thirty-day notice of violation, the first reinspection reveals that all violations have not been corrected, a thirty-day legal action warning shall be issued.
  - (b) If after 30 days from the date of receipt of the thirty-day legal action warning, the second reinspection reveals that all violations have not been corrected, the residential rental registration or the residential rental license for the residential rental unit shall be revoked, and if the residential rental unit is vacant, it shall remain vacant.
  - (c) A fee will not be charged for the initial inspection and the follow-up inspection. A fee will be assessed for each reinspection after the initial follow-up inspection. The Bureau of Permits, Licensing & Registration Bureau of Code Enforcement shall maintain a list of all residential rental units and their owners that have been the subject of prosecution in Magisterial District Court during the preceding five years.
- C. Issuance of a residential rental license. A residential rental license shall be issued if the residential rental unit meets the following conditions:
- (1) The public officer finds that the residential rental unit is in compliance with the applicable codes;
  - (2) The owner, operator, or manager provides the name of a responsible agent (if applicable);
  - (3) The owner, operator, responsible agent, or manager pays the license inspection and reinspection (if applicable) fee(s);
  - (4) The owner, operator, responsible agent, or manager is current on water and sewer fees for the residential rental unit, as defined in the appropriate code of each Authority within the City of Chester, and the Codified Ordinances of the City of Chester, respectively.
  - (5) The uses of the property are in compliance with all ordinances of the City of Chester;
- D. Revocation of a residential rental license. A residential rental license shall be revoked if the owner or operator of a residential rental unit does not provide and maintain for City records the name and current mailing address for the owner, operator, and responsible agent (if applicable), does not correct a code violation found in response to a complaint within the time frame cited by the public officer, does not pay the annual license fee, is not current on water and sewer fees and other municipal charges for the residential rental unit, changes the uses of the property so as to no longer be in compliance with Chapter 660 Zoning, of the City of Chester, and/or has

not complied with the disorderly conduct provision of this article, as described above. If the residential rental license is revoked and the residential rental unit is vacant, it shall remain vacant.

- E. Reinstatement of a residential rental license. A residential rental license shall be reinstated if the owner or operator of a residential rental unit corrects the reasons for the revocation of the residential rental license and has paid the license reinstatement fee.

**1714.12 Sale or transfer of residential rental units.**

- A. A residential rental registration issued hereunder is not automatically transferable to any person or entity who has acquired ownership of a residential rental unit. A residential rental registration shall be revoked upon failure to apply for its transfer within 60 days of the date of sale or transfer of ownership of the residential rental unit.
- B. A residential rental license shall not be transferred. In the case of licensed residential rental units that are sold or transferred, the new owner shall seek a residential rental license for each residential rental unit and have each residential rental unit inspected. Failure to seek a residential rental license for each residential rental unit within 60 days of the date of sale or transfer of ownership shall result in the revocation of the residential rental license.

**1714.13 Appeals of revocation of residential rental registration or residential rental license.**

- A. **Property condition appeals.** Any person directly responsible for the occupancy of the said property aggrieved by any decision of a public officer may appeal to the City's PMC Board of Appeals in accordance with the provisions of § 1713.18 et seq., of the Property Maintenance Code.
- B. **Disruptive conduct appeals.** Any person directly responsible for the occupancy of the said property aggrieved by any decision of a police officer or public officer in regard to a disruptive conduct report or the revocation of a residential rental registration or residential rental license may appeal to the Disruptive Conduct Board of Appeals. Such appeal must be filed, in writing, within 10 working days from the date of receipt of the disruptive conduct report or notice of revocation.

**1714.14 Disruptive Conduct Board of Appeals organization and powers.**

- A. Any person aggrieved by any decision of a police officer or public officer in regard to a disruptive conduct report or the revocation of a residential rental registration or residential rental license based upon the issuance of disruptive conduct reports or a revocation a residential rental registration or residential rental license based on the

failure to abide by any other provision of this article, may appeal to the Disruptive Conduct Board of Appeals. Such appeal must be filed, in writing with appropriate fee, within 10 working days from the date of receipt of the disruptive conduct report or notice of revocation.

B. The Disruptive Conduct Board of Appeals shall be a body of seven members consisting of: the Director of Community and Economic Development Authority or his/her designee who shall serve as Chairperson; a Councilperson, the Director of Public Works or his/her designee; the Chief of Police or his/her designee; an owner, operator, responsible agent or manager of a residential rental unit(s) in Chester; an occupant of a residential rental unit residing in the City of Chester; and a member of a community group recognized by the Bureau of Planning.

- (1) There shall be three alternate members: an owner, operator, responsible agent or manager, an occupant of a residential rental unit residing in the City of Chester and a member of a community group recognized by the Bureau of Planning.
- (2) All members of the Board shall be appointed by the Mayor with the advice and consent of the Council of the City of Chester, with the exception of the Council member, who shall be appointed by the Mayor. A member or alternate member shall serve a term of not more than three years from the time of appointment or reappointment or until his/her successor shall take office. Members and alternates of the initial board shall be appointed to staggered terms of one, two and three years.
- (3) Designees and alternate members may be requested to attend meetings in absence of a regular member and shall have all the powers of a regular member at such meetings.
- (4) Four members shall constitute a quorum of the Board. A majority vote of the members of the quorum of the Board shall prevail. A tie vote shall be deemed as a denial of the appeal.

C. The Board shall have the following powers:

- (1) To adopt and administer the rules of procedure regarding its organization, officers (except the Chairperson), times and places of meetings, conduct of meetings and other legal procedures relating to the hearing and determination of appeals and other matters within the Board's jurisdiction;
- (2) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Police Officer or Public Officer in the enforcement of the provisions of this article;

- (3) To modify any notice of violation or order and to authorize a variance from the terms of this code when because of special circumstances, undue hardship would result from literal enforcement, and where such variance substantially complies with the spirit and intent of the code;
  - (4) To grant a reasonable extension of time for the compliance of any order where there is a demonstrated case of hardship and evidence of bona fide intent to comply within a reasonable time period;
  - (5) In exercising the above-mentioned powers, the Board shall act with reasonable promptness and seek to prevent unwarranted delays prejudicial to the party involved and to the public interest; provided, however, that the Board shall file its decision within 10 working days after the appeal hearing;
  - (6) The Board may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as justice would require, and, to that end, shall have all the powers of the Police Officer or Public Officer; provided, however, that the Disruptive Conduct Board of Appeals, in its determination, shall be bound by this article and shall not ignore the clear provisions and intent of this article.
- D. Any person, including the Police Officer or Public Officer for the City, aggrieved by any decision of the respective Board, may appeal to the Court of Common Pleas of Delaware County. Such appeal shall be made by a duly verified petition which shall set forth the factual and legal basis upon which the decision of the Board is alleged to be illegal, in whole or in part. Such petition shall be presented to the Court of Common Pleas and a notice thereof must be given to the appellee within 30 days after the filing of the decision in the office of the Board.
- E. If this appeal is of a third disruptive conduct report and the decision of the police officer or public officer has been affirmed, and no appeal is pending, within 10 working days after the expiration of the time for compliance as required by the decision of the Disruptive Conduct Board of Appeals or Court of Common Pleas, the public officer shall reinspect to determine compliance as to whether the occupant has voluntarily moved from the premises or the owner has initiated eviction proceedings.
- F. If, when so required by a third disruptive conduct report or any violation of Landlord and Tenant Act relating to drug offenses set forth in 68 P.S. § 250.505-A, the occupant has not voluntarily moved or the owner has not initiated eviction

proceedings, the public officer shall institute revocation of the residential rental registration or the residential rental license.

- G. The disruptive conduct report and all records of all proceedings and the final disposition of the matter outlined in the appeal shall be public and available for inspection; provided, however, that the police officer or public officer may prescribe reasonable regulation regarding the time and manner of inspection.

**1714.15 Protection for victims of domestic abuse or crime.**

The disruptive conduct report portions of this article shall at all times comply in all respects with Pennsylvania House Bill No. 1796 Session of 2013, Printer's No. 2870, and as amended.

**1714.16 Severability.**

The provisions of this article are declared to be severable and if any section, sentence, clause or phrase of this article shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this article, but they shall remain in effect, it being the legislative intent that this article shall stand notwithstanding the invalidity of any part.

**1714.17 Fees; penalties.**

A. Fees.

(1) Registration.

- (a) The fee for a residential rental registration shall be \$200 per residential rental unit per year up to three units and payable by or before December 31 of each year until a residential rental license is obtained. This registration fee includes one inspection with one re-inspection every three years.
- (b) The fee for a residential rental registration shall be \$200 per residential rental unit per year up to three units. Four unit and above shall be an additional \$50.00 per unit and payable by or before December 31 of each year until a residential rental license is obtained. This registration fee includes one inspection with one re-inspection every three years.
- (c) For all payments received after December 31 of any year, a late fee of 25% to the billed registration amount shall be assessed, such that the total fee shall be per residential rental unit.

(2) Licensure.

- (a) The fee for a residential rental license or license shall be \$15 per residential rental unit every three years, due and payable on or before December 31 every three years.



- (b) For all payments received after December 31 of any year, a late fee shall be assessed, such that the total fee shall be 25% per residential rental unit.
  - (3) Reinspections: The fee for the second reinspection shall be \$75 per residential unit. The fee for the third and all subsequent reinspection's shall be \$150 per residential rental unit per reinspection.
  - (4) Inspection cancellation fee. Cancellation of an inspection requires forty-eight-hour notice. When forty-eight-hour notice is not given, a fee of \$100 for the first three units and then an additional \$25 per unit for each unit thereafter.
  - (5) Reinstatement. The fee to reinstate a revoked residential rental registration or a residential rental license shall be \$100 per residential rental unit.
- B. Penalties.
- (1) Revocation of residential rental registration or residential rental license. A fine of not less than \$500 per residential rental unit for each month the violation exists. Each month the violation exists constitutes a separate violation. A fine shall not be sought for any period during which the residential rental unit is vacant and the owner, operator, responsible agent or manager is taking appropriate action to correct the violations.
  - (2) Failure to register, or failure to seek a residential rental license (for newly constructed, newly created or substantially rehabilitated residential rental units). The owner, responsible agent or manager shall be sent a thirty-day notice of violation warning them of their failure to comply with the terms of this article. If they do not comply at the end of 30 days, there shall be a fine of not less than \$500 per residential rental unit for each month the violation exists. Each month the violation exists constitutes a separate violation.
  - (3) There shall be a penalty fee of \$500 for the unauthorized removal of any official notice or placard placed on a property by an official from the City of Chester, including but not limited to a notice posting a property as uninhabitable or being an illegal unit. Any unpaid charges relative to this penalty may be subject to a lien being placed upon the property.
  - (4) There shall be a penalty fee of \$1,000 for occupying or allowing to be occupied any unit that has been identified by the City as "unfit for human habitation" or "occupancy unlawful." Any unpaid charges relative to this penalty shall be subject to a lien being placed upon the property.
  - (5) There shall be a penalty fee of \$1,000 for each unit identified by the City as an illegal unit. Any unpaid charges relative to this penalty shall be subject to a lien being placed upon the property.

C. Fines; legal actions. [Amended 3-24-2021 by Resolution No. 42-2021

- (1) Whoever violates any provision of this article, or any section of this article shall, upon a first offense, be fined not more than \$1,000 or imprisoned not more than 90 days, or both.
- (2) If, after any conviction for violation of this article or any lawful order issued pursuant thereto, the such person continues violation, then such person shall be liable for further prosecution, conviction, and punishment without any necessity of the public officer to issue a new notice of violation or order, and until such violation has been corrected.
- (3) In addition to the prosecution of persons violating this article, the public officer or the Bureau of Law or any duly authorized agent of the City, may take such civil or equitable remedies in any court of record of the Commonwealth of Pennsylvania, against any in addition to prosecution of persons violating this article, the public officer

**SECTION 2. EFFECTIVE DATE.** This Article shall be effective immediately upon its adoption.

**SECTION 3. SEVERABILITY.** Should any section, subsection, sentence, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the ordinance in its entirety or any part thereof, other than that so declared invalid.

**SECTION 4. REPEALER.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**WE HEREBY CERTIFY** that this Ordinance passed Council this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2023.

\_\_\_\_\_  
MAYOR

Attest: \_\_\_\_\_  
CITY CLERK

BILL NO. 5

1<sup>st</sup> READING 3/23/2023

PASSED \_\_\_\_\_

NO. \_\_\_\_\_, 2023

**A N O R D I N A N C E**

**AN ORDINANCE OF THE CITY OF CHESTER, DELAWARE COUNTY, PENNSYLVANIA, TO ENACT NEW ARTICLE 1715, ENTITLED “PRE-SALE INSPECTION OF RESIDENTIAL PROPERTIES AND UNITS” OF THE CODIFIED ORDINANCES OF THE CITY OF CHESTER, 1978, AS SUPPLEMENTED AND AMENDED, TO PROVIDE FOR THE PURPOSE AND INTENT OF REQUIRING AN INSPECTION OF ALL RESIDENTIAL PROPERTIES AND UNITS PRIOR TO THE TRANSFER OF TITLE AND PROVIDING FOR THE COMPLIANCE AND ABATEMENT OF VIOLATIONS; GUARANTEE, SEVERABILITY, FEES AND PENALTIES FOR REAL PROPERTY WITHIN THE CITY OF CHESTER; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT THEREWITH.**

**THE COUNCIL OF THE CITY OF CHESTER DOES ORDAIN:**

**SECTION 1.** A new Article 1715 entitled “PRE-SALES INSPECTION OF RESIDENTIAL PROPERTIES AND UNITS” is hereby enacted to read as follows:

**“1715.03 Purpose**

To protect and improve public health and safety by causing all residential properties and units to be inspected for compliance prior to the transfer of title with the standards for basic safety and maintenance as found in the City of Chester Property Rehabilitation and Maintenance Code and the allowable use designation according to the City of Chesters Zoning Ordinance. To make sellers aware and to notify buyers of property defects as related to the applicable codes.

**1715.05 Definitions**

(A) CERTIFICATE OF OCCUPANCY — A certificate issued by the public officer at compliance with the standards in the City of Chester Property

Rehabilitation and Maintenance Code and the allowable use designation according to Title Three of the Zoning, following inspection of such property as required by this article.

(B) INSPECTION REPORT — A notice of violation that is issued to a seller of residential property or units upon inspection by the public officer as required under Article 1715. The inspection report shall list any discovered or uncorrected violations of the Chester Property Rehabilitation and Maintenance Code and the allowable use designation according to Title Three of the Zoning. The inspection report shall expire one year from the date of the original inspection

(C) TEMPORARY CERTIFICATE OF OCCUPANCY — A certificate issued at compliance with § 1715.12B of this article.

(D) TRANSFER OF TITLE — The conveyance of ownership, either in whole or in part, of real estate, whether by will, voluntary or involuntary transfer, or any other means.

(E) UNFIT FOR HUMAN HABITATION — A dwelling, dwelling unit, or rooming unit which is dangerous or detrimental to life or health because it is dilapidated, unsanitary, unsafe, vermin-infested, or lacking in the facilities and equipment standards according to the City of Chester Property Rehabilitation and Maintenance Code, as designated by the City of Chester Bureau of Building Standards and Safety.

**1715.10 Inspections required**

- A. The seller of any residential property in the City of Chester is hereby required to secure the inspection report from the City of Chester prior to the transfer of title. The seller of the property or their agent shall have five business days from the date of listing or offer to sell, to request an inspection from the Bureau of Building Standards and Safety and pay the appropriate fee for the said inspection. Upon inspection, an inspection report shall be prepared and issued by the public officer, within three business days. Failure of the seller to comply with this subsection and/or refusal to provide access to the public officer for inspection upon reasonable notice shall be deemed a violation of this article.

- B. In the event that any transfer of title occurs without an inspection having been conducted under the requirement in § 1715.10, the buyer is responsible for obtaining the inspection report, to include paying the appropriate fee for said inspection.
- C. For buildings or a portion of a building constructed before January 1, 1978, applicants may provide a report prepared by a professional certified by the Pennsylvania Department of Labor and Industry (PA L&I) as a lead risk assessor that the building, or relevant portion thereof contains no lead-based paint hazards for CLI's review. A valid and accepted report will result in exemption from the lead safety inspection and fee. For Inspections requirements see § 1713.09 CPMC.

**1715.11 Compliance**

- (A) Notices shall be issued as required in the City of Chester Property Rehabilitation and Maintenance Code. A certificate of occupancy shall be issued by the public officer upon compliance with the City of Chester Property Rehabilitation and Maintenance Code and the allowable use designation according to Title Three of the Zoning. A temporary certificate of occupancy may be issued by the public officer upon compliance with § 1715.12B of this article. The public officer shall not issue a temporary certificate of occupancy for a residential property if the property is unfit for human habitation.
- (B) The buyer and/or their agent shall, within three business days of transfer of title, provide to the City of Chester Bureau of Building Standards and Safety, the buyer's name, address and date of transfer.
- (C) All properties subject to Article 1713 of the City of Chester Property Rehabilitation and Maintenance Code must comply with both the provisions of Article 1713 as well as the provisions of Article 1715.

**1715.12 Abatement of violations**

In the event that the violation of the City of Chester Property Rehabilitation and Maintenance Code exist in or upon the premises, such violations shall be addressed by either:

- A. The seller abating the violations prior to the transfer of title; or
- B. The buyer executing a notarized statement acknowledging:

- (1) Receipt of the inspection report; and
- (2) That such buyer who shall use the premises as their single-family, owner-occupied, primary residence shall begin to abate the violations set forth in the buyer notification report within 30 days of taking possession and shall fully comply the premise within six months of taking possession; or
- (3) All buyers not covered under § 1715.12B(2) shall abate the violations set forth in the inspection report under the provisions of the City of Chester Property Rehabilitation and Maintenance Code.

**1715.13 Guarantee**

Compliance with the City of Chester Property Rehabilitation and Maintenance Code does not indicate compliance with any other standard or code. Permits are required for work done to comply with the code. Appropriate fees apply. There is no guarantee made or liability of any kind assumed by the City of Chester under this article as a result of the inspection of any property or the issuance of an inspection report.

**1715.14 Severability**

The provisions of this article are severable, and if any provision of this article is held unconstitutional or illegal, the remaining provision of this article shall in no way be affected or impaired.

**1715.15 Fees; penalties**

- A. All fees must be paid prior to scheduling inspections or reinspection, except upon application to the Bureau of Building Standards and Safety providing sufficient proof of economic hardship, in which case, such fees shall be paid at time of transfer or sale. Fees for inspections made pursuant to these requirements shall be:
- (1) \$100 per property up to and including three units. An additional \$25 will be charged for each unit over three. This fee includes one reinspection.
  - (2) \$75 for each second presale reinspection fee per unit.
  - (3) \$150 for each third and subsequent presale reinspection fee per unit.

- B. Fees for inspection shall be amended from time to time, no more frequently than annually, after a public hearing and with the approval of City Council.
- C. Penalties. Property owners who violate any provisions of this article shall be subject to a minimum fine as follows:
  - (1) First violation: written notice of violation.
  - (2) Second violation: a fine of \$500.
  - (3) Third violation: a fine of \$750.
  - (4) Fourth and each subsequent violation thereafter shall be a fine of \$1,000.
- D. Inspection cancellation fee. Cancellation of an inspection requires forty-eight-hour notice. When forty-eight-hour notice is not given, a fee of \$100 for the first three units and then an additional \$25 per unit for each unit thereafter

**SECTION 2. REPEALER.**

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

**SECTION 3. EFFECTIVE DATE.**

This Ordinance shall be effective immediately upon passage.

**WE HEREBY CERTIFY** that this Ordinance passed Council  
this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2023.

\_\_\_\_\_  
MAYOR

Attest: \_\_\_\_\_  
CITY CLERK

BILL NO. 6

1<sup>st</sup> READING 3/23/2023

PASSED \_\_\_\_\_

NO. \_\_\_\_\_, 2023

**A N O R D I N A N C E**

**AN ORDINANCE OF THE CITY OF CHESTER, DELAWARE COUNTY, PENNSYLVANIA, REPEALING ARTICLE 1131, ENTITLED “LEAD POISONING CONTROL”, IN ITS ENTIRETY, AND ENACTING NEW ARTICLE 1716 OF THE CODIFIED ORDINANCES OF THE CITY OF CHESTER PENNSYLVANIA, 1978, AS SUPPLEMENTED AND AMENDED, ENTITLED “LEAD POISONING PREVENTION AND LEAD HAZARD CONTROL” TO IDENTIFY AND ELIMINATE LEAD SOURCE HAZARDS; TO PROVIDE FOR INSPECTIONS, REMEDIES AND ENACT AN APPEALS PROCESS FOR REAL PROPERTY WITHIN THE CITY OF CHESTER; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT THEREWITH.**

**THE COUNCIL OF THE CITY OF CHESTER DOES ORDAIN:**

**SECTION 1.** Article 1131 entitled “LEAD POISONING CONTROL”, is hereby repealed in its entirety.

**SECTION 2.** A new Article 1716, entitled “LEAD POISONING PREVENTION AND LEAD HAZARD CONTROL” is hereby enacted to read as follows:

**1716.01 Purpose.**

The purpose of this Article is to protect and promote public health, safety and welfare through the identification and elimination of lead source hazards in the built environment.

**1715-2 Definitions.**

The following words, terms and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

(A) CERTIFIED LEAD-BASED-PAINT RISK ASSESSOR



An individual who maintains a current certification from the Environmental Protection Agency (EPA) and licensed by the Commonwealth of Pennsylvania to perform on-site investigations to identify the existence, nature, severity and location of lead-based-paint hazards and document the findings in order to recommend corrective measures.

**(B) CERTIFIED LEAD-ABATEMENT CONTRACTOR**

An individual who maintains a current certification by the Environmental Protection Agency (EPA) and licensed by the Commonwealth of Pennsylvania to perform lead-based paint abatement activities for the purpose of permanently eliminating lead paint hazards that includes both abatement supervisors and abatement workers. Additionally, such individual must own (i.e., sole proprietorship) or work for a Licensed Lead Abatement Company.

**(C) CERTIFIED LEAD DUST SAMPLING TECHNICIAN**

An individual who is certified by the Environmental Protection Agency (EPA) or by the Commonwealth to perform non-abatement lead dust clearance testing under EPAs Renovation, Repair, and Painting (RRP) Rule and clearance examinations under HUD's Lead Safe Housing Rule.

Additionally, such individual must own (i.e., sole proprietorship) or work for a Licensed Lead RRP Company.

**(D) CERTIFIED LEAD-SAFE CONTRACTOR**

An individual who successfully completes an Environmental Protection Agency (EPA) approved course for renovation, repair and painting projects that disturb lead-based paint in homes, child care facilities and private pre-schools built before 1978 in compliance with the "Renovator Under the Renovate, Repair and Painting Rule," also known as the "RRP Rule" and which course results in the issuance of a certification that is current and active. Additionally, such individual must own (i.e. sole proprietorship) or work for a Licensed Lead RRP Company.

**(E) CHILD DAY-CARE FACILITY (also known as a CHILD-CARE FACILITY)**

Any dwelling, building or portion thereof that meets the definition of "Child Day-Care Facility" as defined under Article 1365 titled "Zoning" of the Chester Municipal Code. This definition shall also include any dwelling unit where child day-care services are provided for less than 24 hours for four to 12 children, for a fee and is licensed or is subject to a license requirement by the State Department of Public Welfare.

**(F) CONDEMNED PROPERTY**

Any structure that is found to be unsafe or dangerous to the life, health or safety of the public or the occupants thereof and deemed to be unfit for habitation and condemned by an authorized employee of the Municipality under applicable federal, Commonwealth, or local law and regulations. Condemned property shall not include a property, which has been closed for human occupancy due to utility shutoffs for a period of less than six months or where appliances need to be replaced with no renovations required to any interior surface.

**(G) DAY-CARE CENTER (also known as CHILD-CARE CENTER)**

Any dwelling, building or portion thereof that meets the definition of “Child Day-Care Facility” as defined under Article 1365 titled “Zoning” of the Chester Municipal Code. This definition shall also include any building or area within a building where child care is provided, for a fee, for seven or more children in a space where child care is provided and is not part of a dwelling and is licensed or is subject to a license by the Commonwealth of Pennsylvania

**(H) DWELLING**

A two-family, multifamily, single-family attached, single-family detached or single-family semi-detached dwelling as such terms are defined under Article 1365 titled “Zoning” of the Chester Municipal Code or any building or portion of a building designed for use as a residence.

**(I) LEAD (PAINT) FREE**

A building or dwelling unit identified through testing by a Certified Lead-Based-Paint Risk Assessor that, following the completion of approved lead-based paint abatement activities, said building or dwelling unit is lead paint free and that all lead paint has been abated in accordance with applicable EPA regulations.

**(J) LEAD (PAINT) FREE REPORT**

A report issued by a Certified Lead-Based-Paint Risk Assessor indicating that the referenced building or dwelling unit identified through testing by a licensed Lead-Based-Paint Risk Assessor, is free from all lead paint and that all lead paint has been abated in accordance with applicable EPA regulations.

**(K) LEAD-FREE CERTIFICATION**

A form submitted to Municipality from a licensed Lead-Based-Paint Risk Assessor certifying that appropriate testing has been performed in accordance with applicable standards for a dwelling or dwelling unit and that, as a result of compliant abatement activities, said dwelling or dwelling unit is free, from all lead paint. The lead-free certification form will be provided by the Municipality for the licensed Lead-Based-Paint Risk Assessor to complete for certification.

**(L) LEAD (PAINT) SAFE**

A building or dwelling unit identified through testing by a Certified Lead-Based-Paint Risk Assessor or by a Certified Lead Dust Sampling Technician as having lead paint surfaces that are intact and free from deterioration. As noted in the lead-safe certification by the Lead-Based-Paint Risk Assessor, ongoing lead-safe maintenance may be necessary to maintain the property in a lead-paint safe condition.

**(M) LEAD (PAINT) SAFE REPORT**

A report issued by a Certified Lead-Based-Paint Risk Assessor or by a Certified Lead Dust Sampling Technician indicating that the referenced building or dwelling unit identified through testing by a licensed Lead-Based-Paint Risk Assessor, has lead paint

surfaces that are intact and free from deterioration in accordance with applicable EPA regulations.

**(N) LEAD-SAFE CERTIFICATION**

A form submitted to Municipality from a licensed Lead-Based-Paint Risk Assessor or by a Certified Lead Dust Sampling Technician certifying that a visual inspection and dust-wipe samples have been taken from a dwelling or dwelling unit and stating that it does not have visible deteriorated paint and that interior dust-wipe samples were collected in compliance with EPA regulations, were tested, and were found to not contain lead-contaminated dust in excess of EPA dust level standards. The lead-safe certification form will be provided by the Municipality for the licensed Lead-Based-Paint Risk Assessor or Certified Lead Dust Sampling Technician to complete for certification.

**(O) LICENSED LEAD ABATEMENT COMPANY**

A person, firm, company or institution that has been certified by the Environmental Protection Agency and licensed by the Commonwealth of Pennsylvania to perform lead-based paint abatement activities to eliminate permanently lead-based paint hazards.

**(P) LICENSED LEAD RRP COMPANY**

A person, firm, company or institution that has been certified by the Environmental Protection Agency and licensed by the Commonwealth of Pennsylvania to perform renovations, repairs or painting activities to reduce lead-based paint hazards.

**(Q) STRUCTURES**

As used herein, the structures subject to this Article are all Dwellings constructed prior to 1978, Day-Care Centers, Child Day-Care Facilities, and Condemned Properties.

**1715-3. Lead (paint) inspections required.**

With respect to Structures that are the subject of this Article as defined above, owners of such structures shall be required to obtain a lead paint inspection, from a Certified Lead-Based-Paint Risk Assessor or a Certified Lead Dust Sampling Technician and provide to the Municipal Codes Department either a Lead (paint) Safe Report or a Lead (paint) Free Report in the following situations:

- A. for Structures that are subject to residential rental licensing and/or registration with the Municipality, said lead paint inspection shall be performed within six months of and the corresponding report shall be submitted with the initial application for licensing (or first renewal if already licensed at the time of adoption of this Article). Thereafter, a new lead paint inspection with corresponding report shall be required with the submission of a rental license and/or registration every three years (ex. Initial Submission in 2021, subsequent submission due 2024. The Municipality shall not issue a rental registration license or renewal thereof unless the Municipality has received a Lead (paint) Safe Report or Lead (paint) Free Report when required under this Article. If a Lead (paint) Free Report is submitted to the Municipality by a Certified Lead-Based-Paint Risk Assessor containing a Lead (paint) Free Certification for a Structure, then no further lead paint-based inspections or reports shall be

required for said Structure unless the Lead (paint) Free Report is rescinded, invalidated, or otherwise determined to be void.

- B. for Structures that are a Condemned Property, said lead paint inspection shall be performed within six months of and the corresponding report shall be submitted prior to authorizing and/or removing any condemnation placard.
- C. or Structures that are Child Day-Care Facilities and Day-Care Centers, said lead paint inspection shall be performed within six months of and the corresponding report shall be submitted prior to the issuance of the next required certificate of occupancy by the Municipality for such Structure. For Child Day-Care Facilities and Day-Care Centers, the Lead (paint) Safe Report or Lead (paint) Free Report shall state that the Structure and property is in compliance with applicable federal and state laws related to lead paint. This provision shall not place any duty on the owner or operator of such Child Day-Care Facility or Day-Care Center to meet lead paint levels greater than those imposed by state or federal law.
- D. for all Structures that are subject to the transfer inspection process, said lead paint inspection shall be performed within six months of and the corresponding report shall be submitted as part of the real estate transfer inspection process. If a Lead (paint) Free Report is submitted to the Municipality by a Certified Lead-Based-Paint Risk Assessor containing a Lead (paint) Free Certification for a Structure, then no further lead paint based inspections or reports shall be required for said Structure unless the Lead (paint) Free Report is rescinded, invalidated, or otherwise determined to be void. If a report is issued by a Certified Lead-Based-Paint Risk Assessor or a Certified Lead Dust Sampling Technician finding that a Lead (paint) Safe Certification cannot be issued due to the need for Conduct renovations, repairs or painting to reduce lead-based paint hazards or abatement activities to eliminate lead-based paint hazards, such finding shall not constitute a substantial violation as defined in Article 1741.11 (D) of the Municipal Code (relating to change of use and occupancy) but shall be considered a violation for purposes of issuing a temporary certificate of occupancy and therefore providing the property owner the same time in which to take appropriate measures to obtain a Lead (paint) Safe Certification or Lead (paint) Free Certification and provide to the Municipality a Lead (paint) Safe Report or Lead (paint) Free Report.
- E. In the event that a Structure falls within two or more of the above categories or descriptions, the lead paint inspection and report requirements for both shall apply. For example, a real estate sale/transfer of a rental property shall require a lead paint inspection and report as part of the real estate transfer process. If a Lead (paint) Safe Certification or Lead (paint) Free Certification cannot be provided by the individual performing the inspection during the transfer inspection process, then a temporary certificate of occupancy may be issued. This would allow the new owner to use the property for owner-occupied purposes as a Lead (paint) Safe Report or Lead (paint) Free Report would continue to be required to obtain a rental license and/or registration in order to lease, let, or rent the property to a third party.

**1715-4. Issuance of reports; remediation; responsibility of owner.**

A. If remediation is required to receive a Lead (paint) Safe Report or Lead (paint) Free Report, it is the property owner's responsibility to engage a Licensed Lead Abatement Company and Certified Lead-Abatement Contractor or a Licensed Lead RRP Company and Certified Lead-Safe Contractor to remediate any substandard findings or perform all work required to obtain an appropriate report.

B. All lead paint safe inspections are the responsibility of the property owner, and all Lead (paint) Safe Reports, Lead (Paint) Free Reports, and their corresponding findings become the liability of the issuing Certified Lead-Based-Paint Risk Assessor or Certified Lead Dust Sampling Technician.

C. The Municipality assumes no responsibility or liability, for any inaccurate or incomplete findings and has no obligation to independently inspect or verify the findings.

**1715-5 Appeals**

A. Any party aggrieved by a decision of the Municipality regarding lead-based paint shall have the right to file an appeal with the Municipality of Chester Board of Code Appeals which shall be referred to in this Section as the "Board."

B. Filing of appeal. Any appeal filed shall be filed within 10 days of the date of the notice of violation or letter regarding a lead-based paint violation or notice. Any such appeal shall be in writing on the Appeal Form prepared by the Municipality and submitted to the Code Enforcement Manager for the Municipality of Chester, with the appeal filing fee as set forth by the Municipality by resolution. Said filing fee shall be non-refundable regardless of whether or not the Board partially or fully upholds the Municipality's issuance of the appealed decision.

C. The procedures before the Board shall be the same as set forth under Article 1714.13 of the Chester Municipal Code. In addition to such procedures and to the extent that it is not already required, the property owner or the party filing the appeal shall have the burden of proof to demonstrate by clear and convincing evidence that the notice of violation or determination relating to a lead- based paint violation was invalid or incorrect.

**SECTION 3. REPEALER.**

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

**SECTION 4. EFFECTIVE DATE.**

This Ordinance shall be effective immediately upon passage.

**WE HEREBY CERTIFY** that this Ordinance passed Council  
this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2023.

\_\_\_\_\_  
MAYOR

Attest: \_\_\_\_\_  
CITY CLERK

BILL NO. 7

1<sup>st</sup> READING 3/23/2023

PASSED \_\_\_\_\_

NO. \_\_\_\_\_, 2023

**A N O R D I N A N C E**

**AN ORDINANCE OF THE CITY OF CHESTER, DELAWARE COUNTY, PENNSYLVANIA, REPEALING ARTICLE 1746, ENTITLED “DEFAULTED VACANT AND MORTGAGE PROPERTY”, IN ITS ENTIRETY, AND ENACTING NEW ARTICLE 1746 OF THE CODIFIED ORDINANCES OF THE CITY OF CHESTER PENNSYLVANIA, 1978, AS SUPPLEMENTED AND AMENDED, ENTITLED “DEFAULTED VACANT AND ABANDONED REAL PROPERTY” TO PROVIDE FOR PURPOSE, INTENT AND APPLICABILITY REQUIRING THE REGISTRATION, INSPECTION, MAINTENANCE AND SECURITY OF CERTAIN REAL PROPERTY BY OWNERS OR MORTGAGEES, PROVIDING FOR FEES, PENALTIES AND ENFORCEMENT, AS WELL AS THE REGULATION AND RE-OCCUPANCY OF REHABILITATED STRUCTURES WITHIN THE CITY OF CHESTER; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT THEREWITH.**

**THE COUNCIL OF THE CITY OF CHESTER DOES RESOLVE:**

**SECTION 1.** The current Article 1746 entitled “DEFAULTED VACANT AND MORTGAGE PROPERTY”, is hereby repealed in its entirety.

**SECTION 2.** A new Article 1746, entitled “DEFAULTED VACANT AND ABANDONED REAL PROPERTY” is hereby enacted to read as follows:

**“1746.01 PURPOSE AND INTENT**

- (a) It is the purpose and intent of the City Council to establish a process to address the deterioration, crime and decline in value of City of Chester neighborhoods caused by an increasing amount of abandoned, foreclosed or distressed real property located within the City of Chester, and to identify, regulate, limit and reduce the number of these properties located within the City of Chester. It is the City Council's further intent to establish a registration requirement as a mechanism to protect neighborhoods from the negative impact and conditions that occur as a result of vacancy, absentee ownership,

lack of adequate maintenance and security and will provide a method to expeditiously identify contact persons for each property responsible for this protection.

- (b) It is not the intent of this article to determine the rights and liabilities of persons under agreements to which the City of Chester is not a party. This article shall not be construed to alter the terms of any lease or other agreement between a landlord and a tenant or others relating to property that is the subject of this Article; provided that no provision of any lease or other agreement shall be construed to excuse compliance with this article.

Additionally, a violation of this article shall not in and of itself create negligence per se standard or otherwise expand existing liability in tort for either a landlord or a tenant.

### **1746.02 DEFINITIONS**

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

- (a) **Accessible Property/Structure**  
Means a property that is accessible through a comprised/breached gate, fence, wall, etc., or a structure that is unsecured and/or breached in such a way as to allow access to the interior space by unauthorized persons.
- (b) **Abandoned Real Property**  
Any real property located in the City, whether vacant or occupied, that is in default on a mortgage, has had a lis pendens filed against it by the lender holding a mortgage on the property, is subject to an ongoing foreclosure action by the lender, is subject to an application for a tax deed or pending tax assessor's lien sale, or has been transferred to the lender under a deed in lieu of foreclosure. The designation of a property as "abandoned" shall remain in place until such time as the property is sold or transferred to a new owner, the foreclosure action has been dismissed, and any default on the mortgage has been cured.
- (c) **Applicable Codes**  
To include, but not be limited to, Part Thirteen of the Planning & Zoning Ordinance, Article 1713, International Property Maintenance Code, Part Seven general Offenses Code, and the Pennsylvania Building and Fire Codes
- (d) **Blighted Property**



1. Properties that have broken or severely damaged windows, doors, walls, or roofs which create hazardous conditions and encourage trespassing; (See Article 1713 CPMC), or
2. Properties whose maintenance is not in conformance with the maintenance of other neighboring properties causing a decrease in value of the neighboring properties; or
3. Properties cited for a public nuisance pursuant to the City codes; or
4. Properties that endanger the public's health, safety, or welfare because the properties or improvements thereon are dilapidated, deteriorated, or violate minimum health and safety standards or lacks maintenance as required by the applicable codes.

(e) **Code**

Means to include, but not be limited to, the City of Chester's Zoning Code, the City of Chester's Property Maintenance Code, Housing Code, Fire Code, Health Codes, or other public safety Ordinance enacted by the municipality.

(f) **Enforcement Officer**

Means any Law Enforcement Officer, Building Official, Zoning Inspector, Code Enforcement Officer, Fire Inspector of Building Inspector, or other person authorized by the City of Chester to enforce the applicable code(s).

(g) **Default**

Shall mean that the mortgagor has not complied with the terms of the mortgage on the property, or the promissory note, or other evidence of the debt, referred to in the mortgage.

(h) **Foreclosure**

Shall mean the legal process by which a mortgagee, or another lien holder, terminates a property owner's equitable right of redemption to obtain legal and equitable title to the real property pledged as security for a debt or the real property subject to the lien. This definition shall include, but is not limited to, public notice of default, a deed-in-lieu of foreclosure, sale to the mortgagee or lien holder, a certificate of title and all other processes, activities and actions, by whatever name, associated with the described process. The process is not concluded until the property obtained by the mortgagee, lien holder, or their designee, by a certificate of title, or any other means, is sold to a non-related bona fide purchaser in an arm's length transaction to satisfy the debt or lien.

(i) **Mortgagee**

Means the creditor, including but not limited to, trustees; mortgage servicing companies; lenders in a mortgage agreement; any agent, servant, or employee of the creditor; any successor in interest; or any assignee of the creditor's rights, interests or obligations under the mortgage agreement.

(j) **Owner** - Owner means any person, firm, corporation or other legal entity who, individually or jointly or severally with others, holds the legal or beneficial title to any building, facilities, equipment or premises subject to the provisions of this Article.

(k) **Property Management Company**  
A local property manager, property maintenance company or similar entity responsible for the maintenance of abandoned real property.

(l) **Real Property** - means any improved residential or commercial land, buildings, leasehold improvements and anything affixed to the land, or portion thereof identified by a property parcel identification number, located in the City of Chester limits. Developed lots are considered improved land.

(m) **Registerable Property**

1. Any real property located in the City of Chester, whether vacant, occupied, or unoccupied that is encumbered by a mortgage in default, is subject to an ongoing foreclosure action by the Mortgagee or Trustee, has been the subject of a foreclosure action by a Mortgagee or Trustee and a Judgement has been entered, or has been the subject of a foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale.

The designation of a “default/foreclosure” property as “registerable” shall remain in place until such time as the property is sold to a non-related bona fide purchaser in an arm’s length transaction or the foreclosure action has been dismissed and any default on the mortgage has been cured.

2. Any property that is vacant for more than thirty (30) days or any cancellation of Utility or Service, whichever occurs first.

(n) **Semi-Annual Registration**

Shall mean six (6) months from the date of the first action that requires registration, as determined by the City of Chester, or its designee, and every subsequent six (6) months. The date of the initial registration may be different than the date of the first action that required registration.

(o) **Vacant**

1. Any parcel of land in the City of Chester that is not legally occupied; or
2. either:
  - A. unsafe or unfit for human habitation or other authorized use, or
  - B. a nuisance property.

Vacant property does not mean property that is temporarily unoccupied for a period not to exceed thirty (30) days.

**1746.03 APPLICABILITY.**

These sections shall be considered cumulative and not superseding or subject to any other law or provision for same, but rather be an additional remedy available to the City of Chester above and beyond any other State or City of Chester provisions for same.

#### **1746.04 ESTABLISHMENT OF A REGISTRY.**

Pursuant to the provisions of Article 1746.05 and 1746.06 the City of Chester, or its designee, shall establish a registry cataloging each Registerable Property within the City of Chester, containing the information required by this Article.

#### **1746.05 REGISTRATION OF ABANDONED REAL PROPERTY.**

(a) Any Mortgagee who holds a mortgage on real property located within the City of Chester shall perform an inspection of the property to determine vacancy or occupancy upon default by the mortgagor. The Mortgagee shall, within ten (10) days of the inspection, register the property with the Bureau of Permits, Licensing & Registration on forms or other manner as directed, and indicate whether the property is vacant or occupied. A separate registration is required for each property, whether it is found to be vacant or occupied.

(b) Registration pursuant to this section shall contain the name, direct mailing address, a direct contact name, telephone number and e-mail address for the Mortgagee/Trustee, and the Mortgage Servicer, and the name and twenty-four (24) hour contact phone number of the local property management company responsible for the security and maintenance of the property who has the authority to make decisions concerning the abatement of nuisance conditions at the property, as well as any expenditure in connection therewith.

(c) Mortgagees who have existing registerable property on the effective date of this ordinance have thirty (30) calendar days from the effective date to register the property with the Bureau of Permits, Licensing & Registration on forms or other manner as directed, and indicate whether the property is vacant or occupied. A separate registration is required for each property, whether it is vacant or occupied.

(d) Any previous unpaid registration fees are the responsibility of the new Mortgagee or Trustee and are due and payable with their initial registration. Except if it is determined that the transferee is exempt from paying fees then the previous mortgagee will not be released from the responsibility of paying all previous unpaid fees and fines, regardless of who the mortgagee was at the time when registration was required, including but not limited to unregistered periods during the foreclosure process. The provisions of this section are cumulative with and in addition to other available remedies.

(e) If the servicing rights for a mortgage on a registerable property are sold or transferred, the registration must be updated to include all the new Servicer information within ten (10) days of the servicing transfer.

(f) Any previous unpaid registration fees are the responsibility of the new Registerable property owner and are due and payable with their initial registration. Except if it is determined that the transferee is exempt from paying fees then the previous mortgagee will not be released from the responsibility of paying all previous unpaid fees and fines, regardless of who the mortgagee was at the time when registration was required in including but not limited to

unregistered periods during the foreclosure process. The provision or this section are cumulative with and in addition to other available remedies.

(g) As long as the property is Registerable it shall be inspected by the Mortgagee, or designee, monthly. If an inspection shows a change in the property's occupancy status the mortgagee shall, within ten (10) days of that inspection update the occupancy status of the property registration.

(h) A non-refundable semi-annual registration fee of five hundred dollars (\$500.00) shall accompany each registration pursuant to this section.

(i) If the Foreclosing or Foreclosed Property is not registered, or the registration fee is not paid within thirty (30) days of when the registration or renewal is required pursuant to this section, a late fee equivalent to ten percent (10%) of the Semi-Annual Registration fee shall be charged for every thirty-day period (30), or portion thereof, the property is not registered and shall be due and payable with the registration.

(j) All registration fees must be paid directly from the Mortgagee, Trustee, Servicer, or Owner, Third Party Registration fees are not allowed without the consent of the City of Chester and/or its authorized designee.

(k) Properties subject to this section shall remain under the semi-annual registration requirement, and the inspection, security, and maintenance standards of this section as long as they are registerable.

(l) Until the mortgage or lien on the property in question is satisfied, or legally discharged the desire to no longer pursue foreclosure, the filing of dismissal of lis pendens and/or summary of final judgment and/or certificate of till voluntary or otherwise, does not exempt any Mortgagee holding the defaulted mortgage, from all the requirements of this article a long as the borrower is in default.

(m) Any person or legal entity that has registered a property under this section must report any change of information contained in the registration within ten (10) days of the change.

(n) Failure of the Mortgagee to properly register or to modify the registration information within ten (10) days of the action requiring the update to reflect a change of circumstances as required by this article is a violation of the article and shall be subject to enforcement and any resulting monetary penalties and/or property liens.

(o) Pursuant to any administrative or judicial finding and determination that any property is in violation of this article, the City of Chester may take the necessary action to ensure compliance with and place a lien on the property for the cost of the work performed to benefit the property and bring it into compliance.

(p) Properties subject to this Article shall be maintained in accordance with the applicable code(s) of the City of Chester.

**1746.06 INSPECTION AND REGISTRATION OF REAL PROPERTY THAT IS  
NOT SUBJECT TO A MORTGAGE IN FORECLOSURE**

(a) Any owner of vacant property located within the City shall within ten (10) days after the property becomes vacant, register the Real Property with the City Registry.

(b) Initial registration pursuant to this section shall contain at a minimum the name of the Owner, the mailing address of the Owner, e-mail address, and telephone number of the Owner, and if applicable, the name and telephone number of the Property Manager and said person's address, e-mail address, and telephone number.

(c) At the time of initial registration each registrant shall pay a non-refundable Semi-Annual Registration fee of five hundred dollars (\$500.00) for each vacant property. Subsequent non-refundable Semi-Annual renewal registrations of vacant properties and fees in the amount of five hundred dollars (\$500.00) are due within ten (10) days of the expiration of the previous registration. Said fees shall be used to offset the costs of: (1) registration and registration enforcement, (2) code enforcement and mitigation related to vacant properties, and (3) for any related purposes as may be adopted in the policy set forth in this Article. Said fees shall be deposited to a special account in the Accounts and Finance Department of the City dedicated to the cost of implementation and enforcement of this Ordinance, and fulfilling the purpose and intent of this Article.

(d) If the property is sold or transferred, the new Owner is subject to all the terms of this Article. Within ten (10) days of the transfer, the new Owner shall register the vacant property or update the existing registration. The previous Owner(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Owner's involvement with the vacant property.

(e) If the vacant property is not registered, or either the registration fee or the Semi-Annual Registration fee is not paid within thirty (30) days of when the registration or Semi-Annual Registration is required pursuant to this section, a late fee shall be equivalent to ten percent (10%) of the Semi-Annual Registration fee shall be charged for every thirty (30) day-period, or portion thereof, the property is not registered and shall be due and payable with the registration. This section shall apply to the initial registration and registrations required by subsequent Owners of the Vacant property.

(f) Properties subject to this section shall remain subject to the Semi-Annual Registration requirement, and the inspection, security, and maintenance standards of this section as long as the property is vacant.

(g) Failure of the owner to properly register or to modify the registration to reflect a change of circumstances as required by this ordinance is a violation of this Article and shall be subject to enforcement by any of the enforcement means available to the City.

(h) If any property is in violation of this Article the City may take the necessary action to ensure compliance with and place a lien on the property for the cost of the outstanding obligation and any additional cost incurred to the property into compliance.

(i) Properties registered as a result of this section are not required to be registered again pursuant to the Foreclosure mortgage property section.

**1746.07 MAINTENANCE REQUIREMENTS.**

(A) Properties subject to this Article shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspaper circulars, flyers, notices, except those required by federal, state or local law, discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material or any other items that give the appearance that the property is abandoned.

(B) The property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.

(C) Front, side, and rear yards, including landscaping, shall be maintained in accordance with the applicable code(s) at the time registration was required.

(D) Yard maintenance shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod designed specifically for residential installation. Acceptable maintenance of yards and/or landscape shall not include weeds, gravel, broken concrete, asphalt or similar material.

(E) Maintenance shall include, but not be limited to, watering, irrigation, cutting and mowing of required ground cover or landscape and removal of all trimmings.

(F) Pools and spas shall be maintained so the water remains free and clear of pollutants and debris and shall comply with the regulations set forth in the applicable code(s).

(G) Failure of the mortgagee and/or owner to properly maintain the property may result in a violation of the applicable code(s) and issuance of a citation or notice of violation in accordance with the applicable code of the City. Pursuant to a finding and determination by the City's Code Enforcement Officer, Magisterial District Judge or a court of competent jurisdiction, the City may take the necessary action to ensure compliance with this section.

(H) In addition to the above, the property is required to be maintained in accordance with the applicable code(s) of the City.

**1746.08 SECURITY REQUIREMENTS.**

(A) Properties subject to this Article shall be maintained in a secure manner so as not to be accessible to unauthorized persons.

(B) Before the structure is closed and secured, all litter, trash, and other debris must be removed from the premises.

(C) All windows, doors, and other openings must be closed, securely locked, and, if readily accessible, boarded up with substantial material, including masonry, approved by the Building Official. The Building Official may require windows facing streets to be boarded with lexan, vinyl, or similar material, protected by security grills, or both.

(D) A “secure manner” shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow a child to access the interior of the property or structure. Broken windows, doors, gates and other openings of such size that may allow a child to access the interior of the property or structure must be repaired. Broken windows shall be secured by reglazing of the window.

(E) If a mortgage on a property is in default, and the property has become vacant or abandoned, a property manager shall be designated by the mortgagee to perform the work necessary to bring the property into compliance with the applicable code(s), and the property manager must perform regular inspections to verify compliance with the requirements of this Article and any other applicable laws.

(F) As long as the structure remains unrehabilitated:

1. it must be kept boarded,
2. the premises must be conspicuously posted against trespass, and
3. the premises must be kept free of occupants, litter, trash, debris, high grass, and weeds at all times.

(G) Boarding, posting, and cleaning, however, do not relieve the owner of the responsibility to demolish or to repair and maintain the property in conformity with this Code.

(H) The Building Official may post a sign to inform the public that the structure is a vacant structure and to provide additional information about the structure’s status.

(I) The structure may not be reoccupied until the Building Official has issued an occupancy permit.

**1746.09 PUBLIC NUISANCE.**

All abandoned real property is hereby declared to be a public nuisance, the abatement of which pursuant to the police power is hereby declared to be necessary for the health, welfare and safety of the residents of the City.

#### **1746.10 INSPECTIONS FOR VIOLATIONS.**

Adherence to this Article does not relieve any person, legal entity or agent from any other obligations set forth in any applicable code(s), which may apply to the property. Upon offer for sale or transfer of title to the property, the owner shall be responsible to apply to the City's Bureau of Building Standards and Safety office for a pre-sales inspection.

#### **1746.11 ADDITIONAL AUTHORITY.**

(A) If the Enforcement Officer has reason to believe that a property subject to the provisions of this Article is posing a serious threat to the public health, safety and welfare, the Code Enforcement Officer may temporarily secure the property at the expense of the mortgagee and/or owner, and may bring the violations before the Magisterial District Judge as soon as possible to address the conditions of the property.

(B) The Code Enforcement Officer or Magisterial District Judge shall have the authority to require the mortgagee and/or owner of record of any property affected by this section to implement additional maintenance and/or security measures including, but not limited to, securing any and all doors, windows or other openings, employment of an on-site security guard or other measures as may be reasonably required to help prevent further decline of the property.

(C) If there is a finding that the condition of the property is posing a serious threat to the public health, safety and welfare, then the Code Enforcement Board or Magisterial District Judge may direct the City to abate the violations and charge the mortgagee with the cost of the abatement.

(D) If the mortgagee does not reimburse the City for the cost of temporarily securing the property, or of any abatement directed by the Code Enforcement Officer or Magisterial District Judge, within 30 days of the City sending the mortgagee the invoice then the City may lien the property with such cost, along with an administrative fee as determined in the City's fee ordinance to recover the administrative personnel services.

#### **1746.12 OPPOSING OR OBSTRUCTING ENFORCEMENT OFFICER.**

Whoever opposes obstructs or resists any enforcement officer or any person authorized by the enforcement office in the discharge of duties as provided in this Article shall be punishable as provided in the applicable code(s) or a court of competent jurisdiction.

#### **1746.13 IMMUNITY OF ENFORCEMENT OFFICER.**



Any enforcement officer or any person authorized by the City to enforce the sections here within shall be immune from prosecution, civil or criminal, for reasonable, good-faith entry upon real property while in the discharge of duties imposed by this Article.

**1746.14 FEES; VIOLATIONS AND PENALTIES.**

(A) A nonrefundable registration fee in the amount of five hundred dollars (\$500.00) per property shall accompany the registration form.

(B) Any person who shall violate the provisions of this Article may be cited and fined. The following table shows violations of these sections, as may be amended from time to time, which may be enforced pursuant to the provisions of this Article; and the dollar amount of civil penalty for the violation of these sections as it may be amended. The descriptions of violations below are for informational purposes only and are not meant to limit or define the nature of the violations or the subject matter of the City code sections, except to the extent that different types of violations of the Code section may carry different civil penalties. For each Code section listed in the schedule of civil penalties, the entirety of the section may be enforced by the mechanism provided in this section, regardless of whether all activities prescribed or required are described in the “Description of Violation” column. To determine whether a particular activity is prescribed or required by this Code, the relevant City Code section(s) shall be examined.

**1746.15 RE-OCCUPANCY OF REHABILITATED STRUCTURE.**

A structure declared unsafe or unfit for occupancy may not be reoccupied until the Building Official has:

1. abated the violation notice or order
2. issued an occupancy permit, and
3. all fees and penalties, delinquency owed to the city are paid in full

**SECTION 3.** That the City Clerk is hereby ordered and directed to cause the Ordinance to be published as required by law.

**SECTION 4.** That all Ordinance or parts of Ordinances inconsistent with the provision of this Ordinance are hereby repealed. If any section, part, or clause of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

**WE HEREBY CERTIFY** that this Ordinance passed Council this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2023.

\_\_\_\_\_

**BILL NO.** 7

**PAGE 12**

MAYOR

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CITY CLERK

BILL NO. 8

1<sup>st</sup> READING 3/23/2023

PASSED \_\_\_\_\_

NO. \_\_\_\_\_, 2023

## AN ORDINANCE

**AN ORDINANCE OF THE CITY OF CHESTER, DELAWARE COUNTY, PENNSYLVANIA, CREATING NEW ARTICLE 110, ENTITLED “RESPONSIBLE CONTRACTOR” TO ENSURE ALL WORK ON PUBLIC CONSTRUCTION AND MAINTENANCE CONTRACTS ARE PERFORMED BY RESPONSIBLE, QUALIFIED FIRMS THAT MAINTAIN THE CAPACITY, EXPERTISE, PERSONNEL AND OTHER QUALIFICATIONS AND RESOURCES NECESSARY TO SUCCESSFULLY PERFORM PUBLIC CONTRACTS IN A TIMELY, RELIABLE AND COST EFFECTIVE MANNER AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT THEREWITH.**

**THE COUNCIL OF THE CITY OF CHESTER DOES ORDAIN:**

### **SECTION 1. TITLE.**

This Ordinance shall be known as the “Responsible Contractor Ordinance”.

### **SECTION 2. PURPOSE AND INTENT.**

The City of Chester recognizes that there is a need to ensure that all work on public construction and maintenance contracts is performed by responsible, qualified firms that maintain the capacity, expertise, personnel and other qualifications and resources necessary to successfully perform public contracts in a timely, reliable and cost-effective manner.

To effectuate the purpose of selecting responsible contractors for public contracts and to protect the City’s investments in such contracts, prospective contractors and sub-contractors, should be required to meet pre-established, clearly defined, minimum standards relating to contractor responsibility, including requirements and criteria concerning technical qualifications, competency, experience, adequacy of resources, including equipment, financial and personnel, and satisfactory records regarding past project performance, safety, law compliance and business integrity.

Further, due to the critical impact that skilled construction craft labor has on public works projects, and due to the limited availability of skilled construction craft labor and imminent craft labor skill shortages, it is necessary to require contractors and subcontractors to participate in established, formal apprenticeship training programs as a condition of bidding, for the purpose of both promoting successful project delivery and ensuring future workforce development. The City of Chester also recognizes that it is beneficial to the local community to ensure that firms receiving public contracts provide

adequate wages and benefits to their employees and utilize fair business, employment and training practices that have a positive impact on local communities affected by such contracts.

Therefore, the City of Chester shall require compliance with the provisions of this ordinance by business entities seeking to provide services to the City of Chester as specified herein. The requirements of this ordinance are intended to supplement, not replace, existing contractor qualification and performance standards or criteria currently required by law, public policy or contracting documents. However, in the event that any of the provisions of this ordinance conflict with any law, public policy or contracting documents of the City of Chester, this act shall prevail.

### **SECTION 3. RESPONSIBLE CONTRACTOR REQUIREMENTS.**

(A) All contractors and subcontractors of any tier that perform work valued at over **\$100,000** on any public facility or public works project, including construction, alteration, renovation, repair, service, or maintenance work, shall meet the requirements of this ordinance.

(B) All firms engaged in contracts covered by this ordinance shall be qualified, responsible contractors or subcontractors that have sufficient capabilities in all respects to successfully perform contracts on which they are engaged, including the necessary experience, equipment, technical skills, and qualifications and organizational, financial and personnel resources. Firms bidding on public contracts shall also be required to have a satisfactory past performance record and a satisfactory record of law compliance, integrity, and business ethics.

### **SECTION 4. CONTRACTOR RESPONSIBILITY CERTIFICATIONS.**

(A) As a condition of performing work on a public works contract subject to this ordinance, a general contractor, construction manager or other lead or prime contractor seeking award of a contract shall submit a Contractor Responsibility Certification at the time it submits its bid for a contract.

(B) The Contractor Responsibility Certification shall be completed by a City Official and memo shall be issued to reference the project for which a bid is being submitted by name and contract or project number.

(C) In the Contractor Responsibility Certification, the construction manager, general contractor or other lead or prime contractor shall confirm the following facts regarding its past performance and work history and its current qualifications and performance capabilities:

(1). The firm has all valid, effective licenses, registrations or certificates required by federal, state, county, or local law, including, but not limited to, licenses, registrations or certificates required to: (a) do business in the

designated locale; and

(2). perform the contract work it seeks to perform. These shall include, but not limited to, licenses, registrations, or certificates for any type of trade work or specialty work which the firm proposes to self-perform.

(3). The firm meets the bonding requirements for the contract, as required by applicable law or contract specifications and any insurance requirements, as required by applicable law or contract specifications, including general liability insurance, workers compensation insurance and unemployment insurance requirements.

(4). The firm has not been debarred by any federal, state, or local government agency or authority in the past three years.

(5). The firm has not defaulted on any project in the past three years.

(6). The firm has not had any type of business, contracting or trade license, registration, or other certification suspended or revoked in the past three years.

(7). The firm has not been cited for a willful violation of federal or state safety laws in the past three years.

(8). The firm and its owners have not been convicted of any crime relating to the contracting business by a final decision of a court or government agency in the past ten years. The firm has not within the past three years been found in violation of any law applicable to its contracting business, including, but not limited to, licensing laws, tax laws, prompt payment laws, wage and hour laws, prevailing wage laws, environmental laws or others, where the result of such violation was the payment of a fine, back pay damages or any other type of penalty in the amount of \$1,000 or more.

(9). The firm provides binding, legally enforceable grievance-arbitration procedures for all craft employees for potential disputes that could undermine labor peace and stability or otherwise disrupt the performance of the project work.

(10). The firm will pay all craft employees that it employs on the project the current wage rates and benefits as required under applicable federal, state or local wage laws.

(11). The firm participates in a Class A Apprenticeship Program for each separate trade or classification in which it employs craft employees and shall continue to participate in program for the duration of the project.

- (a). For the purposes of this section a Class A Apprenticeship Program is an apprenticeship program that is currently registered with and approved by the U.S. Department of Labor or a state apprenticeship agency and has graduated apprentices to journeyperson status for at least three of the past five years.
- (b). If a firm is identified as the lowest responsible bidder or otherwise selected as the prospective awardee or a subcontractor of an awardee, it shall provide appropriate documentation, as determined by the City of Chester to verify it meets the requirements of this section for each trade or classification of craft workers it will employ on the project. This verification shall be provided prior to performance of work by the firm.
- (12). The firm has all other technical qualifications and resources, including equipment, personnel, and financial resources, to perform the referenced contract, or will obtain same through the use of qualified, responsible subcontractors.
- (13). The firm will maintain all qualifications, resources and capabilities referenced in this certification throughout the duration of the project.
- (14). The firm shall notify the City of Chester within seven days of any material changes to all matters attested to in this certification.
- (15). The firm understands that the Contractor Responsibility Certification required by this section shall be executed by a person who has sufficient knowledge to address all matters in the certification and shall include an attestation stating, under the penalty of perjury, that the information submitted is true, complete, and accurate.
- (D). Execution of the Contractor Responsibility Certification required by this ordinance shall not establish a presumption of contractor responsibility and the City of Chester may require any additional information it deems necessary to evaluate a firm's status as a responsible contractor, including technical qualifications, financial capacity or other resources and performance capabilities. The City of Chester may require that such information be included in a separate Statement of Qualifications and Experience or as an attachment to the Contractor Responsibility Certification.
- (E). The submitting firm shall stipulate in the Contractor Responsibility Certification that, if it receives a Notice of Intent to Award Contract, it will provide a Subcontractor List and required subcontractor information as specified in SECTION 5 of this ordinance.
- (F). If the submitting firm has ever operated under another name or controls, is controlled by another company or business entity or in the past five years

controlled or was controlled by another company or business entity, whether as a parent company, subsidiary or in any other business relation, it shall attach a separate statement to its Contractor Responsibility Certification that explains in detail the nature of any such relationship. Additional information may be required from such an entity if the relationship in question could potentially impact contract performance.

(G). If a firm fails to provide a Contractor Responsibility Certification required by this section, it shall be disqualified from bidding. No action of any nature shall lie against the City of Chester because of its refusal to accept a bid for failing to provide information required by this section.

#### **SECTION 4. NOTICE OF INTENT TO AWARD CONTRACT.**

- (a) After it has received bids for a project, the City of Chester shall issue a *Notice of Intent to Award Contract* to the firm offering the lowest responsive bid.
- (b) Such Notice shall be issued immediately or as soon as practicable after bids are submitted and shall stipulate that the contract award will be conditioned on the issuance of a written Contractor Responsibility Determination, as required by SECTION 6 of this ordinance and any other conditions determined appropriate by the City of Chester.

#### **SECTION 5. SUBCONTRACTOR LISTS, SUBCONTRACTOR RESPONSIBILITY CERTIFICATIONS.**

- (a) Within seven days from the date of Notice of Intent to Award Contract, a prospective awardee shall submit to the City of Chester a Subcontractor List containing the names of subcontractors that will be used for the referenced project, their addresses, and a description of the work each listed subcontractor will perform on the project.
- (b) At the time a prospective awardee submits the Subcontractor List it shall also submit Subcontractor Responsibility Certifications for all listed subcontractors to the City of Chester. Subcontractor Responsibility Certifications shall be executed by the respective subcontractors on forms prepared by the City of Chester and shall contain the same information and representations required in Contractor Responsibility Certifications, including verification of apprenticeship qualifications as required by Section 3(c)(10), for each trade or classification of craft workers it will employ on the project.
- (c) Subcontractor Responsibility Certifications shall be executed by persons having sufficient knowledge to address all matters in the certification and

shall include an attestation stating, under the penalty of perjury, that all information submitted is true, complete, and accurate.

**SECTION 6. CONTRACTOR RESPONSIBILITY REVIEW AND DETERMINATION.**

- (a) After a Notice of Intent to Award Contract has been issued, the City of Chester shall undertake a review process for a period of at least 14 days to determine whether the prospective awardee is a qualified, responsible contractor in accordance with the requirements of this ordinance and other applicable laws and regulations and has the resources and capabilities to successfully perform the contract.
- (b) As part of this review process, the City of Chester shall ensure that the Contractor Responsibility Certification, the Subcontractor List, and the Subcontractor Responsibility Certifications, as required by this act, have been submitted and properly executed.
- (c) The City of Chester may conduct any additional inquiries to verify that the prospective awardee and its subcontractors have the technical qualifications and performance capabilities necessary to successfully perform the contract and that the firms have a sufficient record of law compliance and business integrity to justify the award of a public contract. In conducting such inquiries, the City of Chester may seek relevant information from the firm, its prior clients or customers, its subcontractors or any other relevant source.
- (d) If at the conclusion of its internal review, the City of Chester determines that all responsibility certifications have been properly completed and executed and if it concludes that the qualifications, background and responsibility of the prospective awardee and the firms on its Subcontractor List are satisfactory, it shall issue a written Contractor Responsibility Determination verifying that the prospective awardee is a qualified, responsible contractor. In the event a firm is determined to be non-responsible, the City of Chester shall advise the firm of its finding in writing and proceed to conduct a responsibility review of the next lowest, responsive bidder or, if necessary, re-bid the project.
- (e) The Contractor Responsibility Determination shall be issued at least 7 days after the date of the Notice of Intent to Award Contract. This Responsibility Determination may be revoked or revised in any manner at any time if the City of Chester obtains relevant information warranting any such revocation or revisions.



**SECTION 7. SUBCONTRACTOR RESPONSIBILITY REVIEW REQUIREMENTS.**

- (a) A construction manager, general contractor or other lead or prime contractor shall not be permitted to use a subcontractor on any work performed for the City of Chester unless it has identified the subcontractor on its Subcontractor List and provided a Subcontractor Responsibility Certification in accordance with the requirements of SECTION 5 of this ordinance.
- (b) A subcontractor listed on a firm's Subcontractor List shall not be substituted unless written authorization is obtained from City of Chester and a Subcontractor Responsibility Certification is provided for the substitute subcontractor.
- (c) In the event that the City of Chester determines that a prospective subcontractor listed by the apparent low bidder does not meet the responsibility standards of this Section, it may, after informing the prospective awardee, exercise one of the following options:
  - (1) permit the awardee to substitute a qualified, responsible, subcontractor in accordance with the requirements of this section;
  - (2) require the awardee to self-perform the work in question if the firm has the required experience, licenses, and other qualifications to perform the work in question; or
  - (3) disqualify the prospective awardee.
- (d) In the event that a subcontractor is disqualified under this ordinance, the general contractor, construction manager or other lead or prime contractor shall not be permitted to make any type of contractual claim against the City of Chester on the basis of a subcontractor disqualification.

**SECTION 8. PUBLIC REVIEW PROCESS.**

- (a) The Contractor Responsibility Certification for a firm identified in a Notice of Intent to Award Contract, Subcontractor Lists and Subcontractor Responsibility Certifications shall be made immediately available to the public for inspection through a publicly accessible website or other comparable means.
- (b) During the Public Review Period, any person or organization may protest a

contractor or subcontractor for failing to meet applicable requirements of this ordinance or on any other relevant grounds by submitting a letter with supporting evidence to the City of Chester.

- (c) If the City of Chester determines that a Contractor or Subcontractor Responsibility Certification contains false or misleading material information that was provided knowingly or with reckless disregard for the truth or omits material information knowingly or with reckless disregard of the truth, the firm for which the certification was submitted shall be prohibited from performing work for the City of Chester for a period of three years and shall be subject to any other penalties and sanctions, including contract termination, available to the City of Chester under law. A contract terminated under these circumstances shall further entitle the City of Chester to withhold payment of any monies due to the firm as damages.
- (d) A procurement contract subject to this ordinance shall not be executed until all requirements of this ordinance have been fulfilled and until Contractor and Subcontractor Responsibility Certifications and Subcontractor Lists have been made available for public inspection for at least twenty-one days.

**SECTION 9. SEVERABILITY, EFFECTIVE DATE.**

- (a) If any provision of this ordinance shall be held to be invalid or unenforceable by a court of competent jurisdiction, any such holding shall not invalidate any other provisions of this ordinance and all remaining provisions shall remain in full force and effect.
- (b) This ordinance shall become effective \_\_\_\_\_, but the City of Chester shall take such anticipatory administrative action in advance as shall be necessary for the implementation of this ordinance.
- (c) The requirements of this ordinance shall not apply to contracts executed prior to the effective date of this act, except that the exercise of an option on a contract covered by this ordinance shall be deemed to create a new contract for purposes of this Ordinance.

**WE HEREBY CERTIFY** that this Ordinance passed Council this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2023.

\_\_\_\_\_  
MAYOR

Attest: \_\_\_\_\_  
CITY CLERK