City of Chester
Council Meeting Agenda

One 4th Street
Chester, PA 19013

Wednesday, March 12, 2025	7:00 PM	Council Chambers

INVOCATION:

PLEDGE TO THE FLAG

ROLL CALL

MINUTES OF PREVIOUS MEETING: February 26, 2025

PUBLIC COMMENT (AGENDA ITEMS ONLY)

COURTESY AND PRIVILEGE OF THE FLOOR RULES

Please observe the Rules of Council when addressing the body. The City website also includes all the meetings and material for the agenda, videos of previous meetings, and a link to current meetings that are in progress.

Public Comment Rules:

If you would like to speak, we are asking that you fill out the Sign-in Sheet located on the podium.

Please address the Council President (The Mayor). You are given privilege of the floor to provide public comment. This is a time to present comments, it is not a question-and-answer session. If you are speaking on behalf of yourself, you have three minutes and if you are speaking on behalf of a group that has several members present, you will be given five minutes - the idea being the entire group does not come up and make the same type of statement. Please be sure to state your name and address for the record and fill out the sign-in sheet.

Courtesy of the Floor is meant to provide public comment on items that are not on the agenda; Council will take all comments under advisement and have the appropriate officials get back to you if necessary. If you have materials for Council, please distribute it to the City Clerk.

Public comment during consideration of ordinances, resolutions and motions is limited by topic – your comments must be relevant. Public comments are taken before the council votes on items.

Council will not entertain personal insults or attacks, name calling or other behavior that is inconsistent with the purpose of conducting official business. Please address the Council President (The Mayor). Refrain from using offensive language, cursing, and making noises while other people are speaking. Act with decorum. Remove your hat and turn cell phones off.

Please be aware that comments and/or behavior in violation of these rules will result in a forfeiture of all remaining time and you will be asked to return to your seat.

COMMUNICATIONS: *Council meetings are held on the second and fourth Wednesday of each month beginning at 10:00 AM in Council Chambers, with the exception of every other month when the Council meets on the second Wednesday at 7:00 PM. For copies of the agenda or meeting announcements, please visit our website at www.Chestercity.com or contact the City Clerk at CNewsome@chestercity.com to receive an email notice of the meetings.*

OLD BUSINESS: NONE

NEW BUSINESS: NONE

ORDINANCE (To be voted on):

BILL NO. 1 of 2025

Enacting New Article 519, entitled Impounding Parked or Junk Vehicles, to provide for a convenient and regulated towing system for the timely removal of motor vehicles damaged, abandoned, immobilized, illegally parked, or disabled on public rights-of-way or on public or private property within the City of Chester.

Submitted By: Tom Moore, Chief of Staff
Attachments: Ordinance

RESOLUTIONS FOR FINAL PASSAGE (To be Voted On):

R – 32

Authorize the execution of a Maintenance and Operation Agreement with the Chester Economic Development Authority for the Crozer Park section of the Chester Creek Trail.

Submitted By: Tom Moore, Chief of Staff
Attachments: Resolution

R – 33

Authorize an amendment to the original agreement with MidAtlantic Solid Waste Consultants, LLC, d/b/a MSW Consultants to include professional consultation services to assist in modifying the City's procurement package for curbside trash collection services.

Submitted By: Tom Moore, Chief of Staff
Attachments: Resolution

R – 34

Authorize approval to enter into an agreement with Drae Shaw Entertainment Group, to provide an artist to perform at the City of Chester Peace, Love, and Unity Festival, in an amount not to exceed Twenty Thousand Dollars ($20,000.00).

Submitted By: Councilman Fred Green
Attachments: Resolution

REPORTS: NONE

PRESENTATION:

PUBLIC COMMENT:

ADJOURN

BILL NO. 1

1st READING 3/12/2025

PASSED _____

NO.____, 2025

A N O R D I N A N C E

AN ORDINANCE OF THE CITY OF CHESTER, DELAWARE COUNTY, PENNSYLVANIA, ENACTING NEW ARTICLE 519, ENTITLED IMPOUNDING PARKED OR JUNK VEHICLES, OF THE CODIFIED ORDINANCES OF THE CITY OF CHESTER, TO PROVIDE FOR A CONVENIENT AND REGULATED TOWING SYSTEM FOR THE TIMELY REMOVAL OF MOTOR VEHICLES DAMAGED, ABANDONED, IMMOBILIZED, ILLEGALLY PARKED, OR DISABLED ON PUBLIC RIGHTS-OF-WAY OR ON PUBLIC OR PRIVATE 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. PURPOSE

The purpose of this Article is to provide for a convenient and regulated towing system for the timely removal of motor vehicles damaged, abandoned, immobilized, illegally parked, or disabled on public rights-of-way or on public or private property within the City.

SECTION 2. AUTHORITY TO REMOVE AND IMPOUND.

A. Public property. Any vehicle parked on any of the highways, public rights-of-way or other public property in the City, which is parked in violation of any provision of the law or of any ordinance of the City, or which has been immobilized in excess of 48 hours in accordance with the provisions of this article, may be removed under the provisions of this article. The Police Commissioner, Director of Public Works, City Engineer, or any officer of the Chester City Police Department is authorized to make the decision whether or not to remove any vehicle. Removal shall be done only by employees of the municipality or by a City towing company. Any vehicle removed shall be impounded in a storage facility, as herein defined, or on property controlled by the City and designated for vehicle impoundment by the City.

B. Private property. Any motor vehicle left unattended on private property within the City may be removed under the provisions of this regulation. The decision to remove any such motor vehicle shall be made by either the property owner or upon written authorization as specified in Section 12. Removal of such vehicle may be done only by a towing company approved by the City as designated in Section 4. Any motor vehicle removed by authority of this article shall be impounded in a storage facility, as herein defined.

SECTION 3. DEFINITION.
The following terms shall have the following meaning in this Ordinance:

ABANDONED VEHICLE
A vehicle, other than a pedalcycle, shall be presumed to be abandoned under one or more of the following circumstances, but the presumption is rebuttable by a preponderance of the evidence:

1. The vehicle is physically inoperable and is left unattended on a highway or other public property for more than forty-eight (48) hours.
2. The vehicle has remained illegally parked on a highway or other public property for more than forty-eight (48) hours.
3. The vehicle is left unattended on or along a highway or other public property for more than forty-eight (48) hours and does not bear the following:
    a. A valid registration plate.
    b. A certificate of inspection.
    c. An ascertainable vehicle identification number.
4. The vehicle has remained on a private property without the consent of the owner or person in control of the property for more than forty-eight (48) hours.
5. Vehicles and equipment used or to be used in construction or in the operation of maintenance of highways or public utility facilities, which are left in a manner which does not interfere with the normal movement of traffic, will not be considered to be abandoned.

BUSINESS
The physical place/establishment where employees report to work, equipment is stored and dispatched to and from, all company dealings take place, recordkeeping and daily activity, etc., is performed. For purposes of this article, a business shall have employees at the business address at a minimum of normal business hours, which is defined as 8:00 a.m. to 5:00 p.m., Monday through Friday, exclusive of national holidays.

POLICE COMMISSIONER
The Police Commissioner of the Chester City Police Department or his/her designee.

CITY
The City of Chester, Delaware County, Commonwealth of Pennsylvania.

CUSTODIAN
A person having permission from the vehicle owner to exercise care and/or control over a vehicle.

DEPARTMENT
The Pennsylvania Department of Transportation.

DISABLED VEHICLE

Disabled Vehicle – Any motor vehicle which is inoperable due to mechanical failure or malfunction but is not wrecked.

DROP FEE
The fee an individual may pay to have a vehicle returned if it is on or hooked to the tow truck, but the tow truck has not yet left the towing origination location . The drop fee is only applicable before the tow truck begins to move the vehicle from the towing origination location.

EVIDENCE TOW
The towing of a vehicle directed by the Chester City Police Department from a towing origination location to a lot where such vehicle will be held as evidence in an ongoing investigation of a crime or ongoing prosecution of a crime.

GVW RATING
Gross vehicle weight rating.

IMPOUNDING AUTHORITY

The authority of the Police Commissioner, any peace officer or official having such authority by law to impound any motor vehicle for any lawful reason(s).

MOTOR VEHICLE
As defined in the Pennsylvania Vehicle Code.

ORDINANCE, THIS
The Towing Ordinance of the City of Chester.

PERSON
An individual, firm, sole proprietorship, partnership, association, employee, corporation, limited liability company, or organization of any kind.

POLICIES AND PROCEDURES
The policies and procedures promulgated by the Police Commissioner with the approval of the Council in accordance with the terms of this ordinance.

PRIVATE PARKING LOT
A nonmunicipal parking lot open to the public or used for parking without charge, or a nonmunicipal parking lot used for parking with charge.

PRIVATE PROPERTY
Real property owned by an individual, firm, partnership, association, corporation, company or organization, including private parking lots as defined in the Pennsylvania Vehicle Code.

PROPERTY OWNER
An individual, firm, partnership, association, corporation, company, organization, or designee representing the owner of the property from which the vehicle is being towed.

SNOW EMERGENCY
A snow emergency as declared by the appropriate authorities of the City of Chester in accordance with state law and the ordinances of the City of Chester.

STORAGE FACILITY
A garage, parking lot or any type of facility owned by a person other than a government entity for storing or parking ten (10) or more vehicles which is in full compliance with the Pennsylvania Department of Transportation, Bureau of Motor Vehicles/Salvor Unit.

TIMELY RESPONSE
Generally means 30 minutes or less from the time the towing company is requested until the wrecker arrives at the towing origination location or scene. At times there may be circumstances beyond a tower's control that makes it impossible for a towing company to arrive within 30 minutes.

TOWING COMPANY
A legal business entity, contracted by the City of Chester, with a paid Chester business license, engaged in providing towing services, including, but not limited to, the towing, removing, or storing of motor vehicles at the request of the Municipality or private property owners. This includes the towing company owner and its employees and agents.

TOWING COMPANY OWNER
Any person(s) having financial interest in a licensed towing company. This does not include persons who are solely employed by the towing company.

TOWING SERVICES
The towing of vehicles which are abandoned, illegally parked, parked without authorization of a property owner, disabled or being repossessed by or on behalf of the holder of a lien against the vehicle or the lessor of the vehicle.

VEHICLE CODE

Title 75 of the Pennsylvania Consolidated Statutes.

VEHICLE OWNER
The individual or entity to whom a motor vehicle is registered in the motor vehicle records of any state or country or otherwise possesses written evidence of such individual's authority to operate the motor vehicle. For purposes of this article, the term "vehicle owner" shall not include the lessor of the vehicle or the holder of a security interest in the vehicle.

WINCHING
When the cable that is attached to a motorized pulley system is unwound and attached to a vehicle to then place that vehicle in such a position that the vehicle may either be driven away or conventionally hooked to a wrecker.

WRECKED VEHICLE
Any motor vehicle which is disabled due to collision with another vehicle or object.

WRECKER
A vehicle designed and used for removing and transporting motor vehicles. This term shall also include a rollback truck, tow truck, or other vehicles commonly used to perform towing services.

SECTION 4. MINIMUM REQUIREMENTS AND QUALIFICATIONS.
Towing companies to be used under this article to tow vehicles at the request of the City shall meet and maintain the following minimum requirements:

A. Legal business entity

B. Mutually-signed contract by the Mayor and the Towing Company Owner

C. Annually-paid Chester commercial license

D. Salvor's license titled to the business name

E. Wreckers and general equipment.

(1) Business and equipment shall be located within 10 miles of the City of Chester, Pennsylvania.

(a) Notwithstanding the foregoing, towing companies which, at the time of the effective date of this ordinance, provide towing services within the City of Chester but do not have their business and equipment located within such ten-mile radius may, upon submission of all appropriate applications and fees, be nonetheless licensed to tow within the City with the approval of the Police Commissioner.

(b) Only if the Police Commissioner deems there to be a need to allow more towing companies to provide towing services controlled by this article shall a tow company whose business is located outside the City of Chester be allowed to be approved under this article.

(2) All wreckers and vehicles shall be clearly marked with the towing company's name and telephone number, which shall be marked on each side of the vehicle, as required by 75 Pa.C.S.A. § 4573.

(3) All wreckers and vehicles shall be maintained in safe mechanical condition and must display current Pennsylvania state inspection and registration.

(4) All wreckers and vehicles used for towing must be properly

titled and registered with the Commonwealth of Pennsylvania in conformity with the Vehicle Code.

(5) All wreckers and vehicles used for towing must be equipped with one or more flashing or revolving yellow lights, as required by 75 Pa.C.S.A. § 4572.

(6) Minimum towing equipment required. One wrecker with the following equipment or specifications:

(a) Truck 10,000 pounds or greater GVW rating chassis;

(b) Rear wheel lift with either an Integrated or separate boom;

(c) Winching capability of 8,000 pounds;

(d) Recovery chain;

(e) Jumpstart capability;

(f) Dolly wheels;

(g) One or two rotating amber overhead lights visible from 360°;

(h) Clean-up equipment and oil dry or similar approved material; the ability to communicate immediately with the towing company's dispatcher; and

(i) Any other equipment to properly tow vehicles.

(7) One rollback vehicle (required for public property towing license).

(8) Wrecker(s) and required towing equipment shall be owned or leased by the towing company.

(9) A wrecker used by a towing company shall not be used or operated by any other towing company under this article unless authorized to do so by the Police Commissioner.

F. Storage facilities for vehicles not subject to an evidence tow.

(1) All storage facilities used for impoundment of vehicles towed at the request of the City/private property owner shall be located within the City of Chester, Pennsylvania, or other such locations within a ten-mile radius of Chester Police Department, 160 E. 7th Street as approved by the Police Commissioner.

(2) The storage facility shall be owned or leased by the towing company owner.

(3) The storage facility shall comply with zoning regulations applicable

in the jurisdiction where the facility is located.

(4) The storage facility shall be, at a minimum, enclosed by a secured fence or building. When enclosed by a fence, the fence shall be a minimum of six feet in height and made of a sturdy material such as a chain link, wooden slats, or other material approved by the Police Commissioner or his designee. All gates shall be secured with locks or other security mechanisms to reasonably prevent entry by unauthorized persons.

(5) The towing company's lot and storage facility entrance shall be clearly marked, advertised and visible from the street, and reasonably well lit to provide ability for towers/customers to inspect, release, and pick up vehicles and to provide a safe environment during hours of darkness.

(6) The towing company owner is responsible for the security of the stored vehicles.

(7) The towing company owner shall establish a system convenient to the vehicle owner to provide for release of towed vehicles from the storage facility 24 hours a day, 7 days a week. At no time shall a towing company be required to release a vehicle to a visibly intoxicated individual, to a person who is visibly under the influence of drugs, or to any individual who is threatening violence or physical harm, the towing company should call 911 for assistance. At no time shall a towing company release a vehicle without a person having a valid driver's license, proof of insurance and valid vehicle registration

(8) Release of towed vehicles under the private towing license shall be completed within a two- hour time period following receipt of the request to release the towed vehicle and upon payment of all applicable fees due to the towing company as authorized by Section 8 of this ordinance. As set forth above, a towing company need not release a vehicle to any person who is visibly intoxicated, who is visibly under the influence of drugs or who is threatening violence or physical harm.

(9) Release of personal property from a towed vehicle that is not attached to the vehicle shall be made within a two-hour time period following receipt of the request to return the property. At any accident scene, the towing company shall allow release of personal property. At any other time, the towing company shall allow removal of medications from the vehicle within a two-hour time period following a receipt of the request to return the same. No fee shall be

charged for the return of personal property pursuant to this provision. Any other personal property returned, other than medicine or personal property returned at an accident scene, shall only be returned upon payment to the towing company of any and all applicable fees.

G. Storage facilities for vehicles subject to an evidence tow.

(1) All such facilities shall be indoors with at least a six-foot fence securing the vehicles from patrons and other work being done within the indoor facility. The fence should be secure with a lock and key/code, either or both of which should be provided to the Chester City Police Department.

(2) There should be a sign-In log maintained in an accessible location for anyone entering the secure area where the vehicles are stored.

(3) The facility must have sufficient lighting to allow for vehicle processing and inspection.

(4) The indoor area designated for vehicle storage should contain at least 2,000 square feet and should have enough room to allow investigators to move around the vehicles for processing and photographing.

(5) The evidence tow license holder should establish systems that assure that no one from the public be authorized to obtain access to the area designated for storage of vehicles; that when vehicles are removed they are removed in such a way as not to disturb the other vehicles remaining in the facility; and that weekly reports are provided to the Chester City Police Department of vehicles maintained in the facility.

(6) The towing company owner shall establish a system convenient to the Police Commissioner to provide for staffing of the facility 24 hours a day, seven days a week, or should otherwise provide an alarm system satisfactory to the Police Commissioner.

(7) The towing company owner shall establish a system to provide the Chester City Police Department with access to the facility 24 hours a day, seven days a week, within 30 minutes of a request for access by a representative of the Chester City Police Department.

H. Insurance.

(1) Towing companies shall be required to carry insurance with minimum policy limits as follows:

(a) Automobile liability Insurance in an amount not less than $1,000,000, combined single limits.

(b) Workers' compensation insurance, as required by statute.

(c) Garage keeper's liability insurance in an amount not less than $75,000 per location.

(d) Garage liability insurance in an amount not less than $500,000 combined single limit.

(e) Miscellaneous coverage to provide complete protection to the City against any and all risks of loss or liability, including comprehensive general liability.

(f) Collision coverage for vehicles in tow.

(2) The City shall be listed as an additional insured party on all policies, and such policies shall contain a provision requiring notification to the City prior to any policy revision or termination. Copies of the policy and articles of Insurance shall be provided to the Police Commissioner.

I. Criminal record.

(1) No towing company owner shall have any misdemeanor and/or felony criminal convictions for criminal violations that would be Inconsistent with providing professional towing services, Including, but not limited to, conviction(s) for the following violations of the Pennsylvania Crimes Code 18 Pa.C.S.A. § 2501 et seq.:

Chapter 25	Criminal Homicide
Chapter 29	Kidnapping
Chapter 31	Sexual Offenses
Section 3502	Burglary
Section 3921	Theft by unlawful taking or disposition
Section 3925	Receiving Stolen Property
Section 4101	Forgery
Section 4104	Tampering with records or identification
Section 4107	Deceptive business practices
Section 4117	Insurance Fraud

(2) For towing companies applying for and/or holding public or private

towing licenses under this ordinance, upon request of such company, the Police Commissioner may waive the provisions of this section. Any denial of the same by the Commissioner may be appealed to the Mayor of the City of Chester, who will base his or her decision on the time that has lapsed since the criminal conviction and the nature of the charge.

J. Criminal background checks for evidence tows. Any towing companies holding an evidence tow license shall submit upon request from the Police Commissioner lists of all employees providing security at the facility used to store the vehicles and any and all employees actually performing the evidence tows and hereby authorize the Chester City Police Department to run criminal background checks on all such employees. Should the Chester City Police Department determine that any individual or employee does not satisfy the Police Commissioner's requirements regarding the criminal background of those employees, those employees shall not be authorized to handle any matters on behalf of the City or have access to the facilities where towed vehicles are stored.

K. Property, business privilege, mercantile, or municipal taxes and fees. No towing company shall be approved for City tows if the towing company has not paid its property taxes or any other municipal fee or tax as required under City of Chester ordinances.

L. Registration. Towing companies must be registered by the Pennsylvania Department of Transportation as a miscellaneous vehicle business as required by 75 Pa.C.S.A. § 1337.

M. License. Towing companies must maintain a license from the Commonwealth of Pennsylvania Department of State to collect sales tax.

N. Licensed drivers. Towing companies must assure that all its drivers have and maintain valid driver's licenses within the Commonwealth of Pennsylvania.

O. Photographs. Holders of all towing company licenses, whether they be public, private or evidence, shall annually submit to the Chester City Police Department photographs of the lots or storage facilities sufficient to assure that the requirements regarding such lots are being satisfied and shall make such lots accessible to the Chester City Police Department upon their request for inspection.

P. Inspections. The Police Commissioner may from time to time inspect equipment utilized by towing companies, storage facilities utilized by towing companies, and any and all relevant business documentation of

towing companies for compliance with the terms of this ordinance.

SECTION 6. GENERAL REGULATIONS.

A. Storage of towed vehicles.

(1) Private property. All vehicles removed, transported or conveyed from private property by a licensed towing company shall be stored at the towing company storage facility unless otherwise authorized by the Chester City Police Department.

(2) Public property. All vehicles removed, transported or conveyed at the request of the City shall be stored at the towing company's storage facility or at property owned, controlled or designated by the City, or to a location specified by the vehicle owner or operator, provided that he or she pays for the tow at the time of the tow.

B. Any vehicle remaining at the storage facility more than 30 days may be removed, as permitted by applicable salvor regulations in the Vehicle Code, and with written/faxed permission from the Police Commissioner if the vehicle was impounded by the police.

C. In the case of a Chester City Police Department request for a tow, the towing company contracted shall respond to the tow origination location within 30 minutes of the City's request. The City recognizes there are circumstances, such as adverse road conditions, that are beyond the towing company's control that would prohibit it from arriving at the scene of the tow within 30 minutes. In these situations, the City may allow additional time for the towing company to respond. Generally, if the towing company fails to respond within 30 minutes after being requested, the next available towing company may be requested. Nothing in this regulation is intended to permit or encourage the towing company to violate any provisions of the Pennsylvania Motor Vehicle Code or to operate a vehicle in an unsafe manner but is intended to place police-requested tows at the highest priority for public safety reasons.

D. Towing companies shall be available to tow vehicles 24 hours a day, 7 days a week, 365 days a year. In rare instances when a towing company is not available to tow vehicles for the City, the towing company shall notify the Police Commissioner of the circumstances that prohibit it from performing tows and the estimated time it will be unavailable.

E. All Chester contracted towing companies shall be required to notify the Police Commissioner within two business days of any modifications to information provided by the towing company.

F. All towing companies shall be notified by the City of Chester of any additions, deletions, modifications, or changes to this article within seven

days of the change.

G. Towing company owners shall comply with all local, state, and federal laws and regulations and are responsible for insuring that all employees of the towing company adhere to this article.

H. The City shall not be liable for any towing company's fees for non-City vehicles towed for a public tow unless the vehicle is towed to a City facility. All fees for such public towing services and storage shall be levied against the owner of the vehicle unless it is determined by the City that the vehicle was towed in error, in which case no charges will be assessed against the owner. If the error is that of the towing company, no charges will be assessed. If the error is that of the City, appropriate charges may be assessed against the City.

I. All fees for private towing services and storage shall be levied against the owner of the vehicle unless it is determined by the Police Commissioner or the private property owner from which the vehicle was towed or the towing company that the vehicle was towed in error, in which case no charge will be assessed.

J. Towing companies shall post their towing, storage and related service fee schedule and their hours of operation in conspicuous locations of its towing storage facilities and its business offices and shall provide such information to the Police Commissioner.

K. Towing companies shall be responsible for the conduct of all drivers and employees. Misconduct of towing company employees may subject a towing company to the suspension or revocation of towing privileges. The driver's licenses of persons towing for a towing company are subject to inspection by the Police Commissioner.

L. The towing company shall remove accident debris as part of the towing service.

M. In situations involving hazardous materials that require the response by a specially trained hazardous material unit, towing services may be limited to those towing companies certified in the removal of hazardous material. Such companies may or may not be licensed under this article; however, those towing companies contracted by the City and certified in the removal of hazardous material will be requested first.

N. In situations requiring the towing of an abandoned vehicle, as defined by the Pennsylvania Motor Vehicle Code, only approved "salvers" may be used to tow such vehicles. Salvors requested may or may not be licensed under this article; however, those towing companies that are salvers and approved by the City will be requested first.

O. In situations requiring the towing of a truck, truck tractor, or combination having a gross weight or registered gross weight in excess of 17,000 pounds, only those towing companies equipped to tow such vehicles may be requested. Such companies may or may not be contracted under this article; however, those licensed towing companies equipped for such tows will be requested first.

P. Only in situations requiring the towing of a motor vehicle having a gross weight or registered gross weight in excess of the capability of the tower's equipment, the tower may subcontract the towing of the motor vehicle to an unlicensed towing company. The towed motor vehicle may be towed to and stored at either the tower's secured lot or to the subcontractor's storage area. When a tower utilizes the services of a subcontractor as permitted under this section, it will be the tower's responsibility to assure that the subcontractor complies with all other requirements of this article.

Q. Motor vehicles that are locked at the time they are to be towed and are not equipped with a lock steering mechanism shall have the front wheels placed on dollies before being towed to insure the vehicle being towed is kept in line with the towing vehicle. The exception would be those vehicles with front wheel drive, in which case the vehicle may be towed by the front. Motor vehicles being towed must have minimum lighting, as set forth in the Vehicle Code, to provide for safe movement on the highway.

R. Before towing a vehicle from private property, a picture of the vehicle and parking violation must be taken by the tow company.

S. All towing companies shall itemize and reduce to writing all accessed fees and provide a copy of the same to the owner or representative upon that owner or representative making payment either for the towing service itself and/or for the storage of the vehicle.

T. All towing companies must permit the vehicle owner, an agent representing the owner, or an insurance company agent access to inspect the exterior of his or her vehicle during normal business hours, even if payment has not yet been rendered for towing and/or storage.

SECTION 7. PROHIBITED ACTS.
It shall be a prohibited act for any towing company to:

A. Subcontract towing services requested by the City, except as otherwise permitted under this ordinance.

B. Tow or move a vehicle from or within public rights-of-way or public property without the consent of the owner or operator or without authorization from the City.

C. Tow or move a vehicle from or within private property without authorization from the property owner.

D. Tow or move a vehicle from or within private property in violation of the requirements of this article.

E. Charge or provide a written quote or invoice or collect fees in excess of those specifically designated in Section 8.

F. Falsify any information with regard to the application.

G. Remove a motor vehicle from private property without using a wrecker.

H. Remove a motor vehicle from private property before completing every procedure required to secure the motor vehicle to the wrecker, including the attachment of any safety chains, so that the motor vehicle may be safely towed.

I. No towing company or employee shall respond to the scene of an accident by soliciting a tow directly from an involved party to the accident.

SECTION 8. FEES.

Fees for towing and storage services charged by towing companies must be consistent with the Towing Fee Schedule approved by City Council via a Council Resolution.

SECTION 9. NOTIFICATION OF REMOVAL.

Within one hour from the time of removal of any vehicle by an authorized towing company, the Chester City Police Department shall be notified, by providing the Chester City Police Department with a copy (or facsimile) of the written authorization, and shall include the following information:

A. The year, make, model, color, and registration number.

B. State of registration.

C. Address from where vehicle was removed (Towing Origination Location).

D. Date and time of removal.

E. Towing fee.

F. Name and twenty-four-hour telephone number of the towing company.

G. Location where the vehicle may be claimed by the owner.

SECTION 10. NOTIFICATION OF REMOVAL AND IMPOUNDING DUE TO CITY REQUEST.

By the next business day, from the time of removal of any vehicle illegally parked or immobilized, notice of the fact of the removal and impounding shall be sent, in writing, by the Chester City Police Department to the registered owner of the vehicle. The notice shall advise the location from where such vehicle was removed, the reason for its removal, and the location of the storage facility where the vehicle is impounded.

SECTION 11. RECORDS OF VEHICLES TOWED AND/OR STORED.

A. Every towing company providing service at the request of the City shall make a written record of each vehicle towed or stored consisting of the following information:

(1) Registration plate number and state.

(2) Vehicle Identification Number (VIN)

(3) Year, Make and Model

(4) Type of Tow: Abandoned, Wrecked, Disabled, Illegally-Parked, Evidence, Reposses

(5) Spot or ticket time.

(6) Time wrecker arrived at the scene.

(7) Dates of accumulated unpaid parking tickets (if applicable).

(8) Date vehicle was returned to owner/custodian.

(9) Towing and storage charges for each towed vehicle.

B. Every towing company, on or before the 15th day of each month, shall email to the Police Commissioner a copy of its towing records (preferably an Excel file or similar) for the previous month's activity that includes the information listed in Subsection **A(1)** through (9) hereof. These records shall be maintained for at least two years and shall be subject to inspection by the Police Commissioner.

SECTION 12. AUTHORIZATION FOR REMOVAL.

No motor vehicle shall be removed from private property, except as authorized in Subsection B hereof, under the authority of this article unless:

A. Written authorization (which can be provided by facsimile or e-mail) for the vehicle to be removed is provided to the authorized towing company, in duplicate, signed by the owner or agent of the owner or the person having control of the property upon which the vehicle is left unattended. The authorization form shall be similar to the one hereinafter set forth and shall be completed at the time the vehicle is to be towed by the aforementioned person or persons.

You are hereby authorized to tow the following illegally parked vehicle from the parking lot/space indicated below. This lot is either owned and/or leased by (name of lot owner/manager).

The vehicle and location are described as follows:

YEAR

MAKE

MODEL

COLOR

LICENSE NUMBER

AND STATE

LOT/LOCATION

Name/Address of Towing/Immobilizing Service:

Authorized signature

Please print name here

B. No vehicle shall be towed from a private parking lot unless the lot is posted at the time the vehicle is towed to notify the public of any parking restrictions and the operator of the vehicle violates those restrictions. Posting shall be in conformance to the Rules and Regulations set forth in Annex A, Title 67, Transportation, Part I, Department of Transportation, Subpart A, Vehicle Code Provisions, Article VIII, Administration and Enforcement, Chapter 212.115, Posting of private parking lots. The towing company is also required to include its telephone number on all signs.

C. Signs as required in Subsection B hereof and, in addition to the number of signs required by Subsection B hereof, shall be in place and evenly spaced in the parking lot based upon the number of available parking spaces as follows:

Number of Parking Spaces	**Number of Additional Signs Required**
26 to 50	1
51 to 75	2
76 to 100	3, Etc...

D. In addition to the posting of private parking lots as required in Subsection B hereof, the Police Commissioner may require additional signs be posted and/or that the posted signs be altered.

E. Each towing company shall use reasonable efforts to determine if the person requesting the towing of the vehicle is the vehicle owner. All towing service providers shall notify the Chester City Police Department

of each motor vehicle which they tow at the request of a person other than the vehicle owner and shall provide information as set forth herein and any additional information designated by the Police Commissioner or his/her designee.

F. At a minimum, the towing service provider shall provide the following information with respect to each motor vehicle towed at the request of a person other than the property owner:

(1) Year, make and model of vehicle;

(2) Color of vehicle;

(3) License plate number (including state) of the vehicle;

(4) Vehicle identification number;

(5) Type of Tow: Abandoned, Wrecked, Disabled, Illegally-Parked, and Evidence ;

(6) The name of the person requesting the towing service;

(7) Location from which the vehicle was towed;

(8) Location to which the vehicle was towed;

(9) The name of the towing service provider; and

(10) Telephone number or address at which the vehicle owner can arrange for the return of the vehicle.

G. The towing company shall submit the information required by this section within one hour of the completion of the towing service. The towing service provider may provide the information to the Chester City Police Department by telephone or facsimile transmission (upon a form prepared by the Police Commissioner or his designee). For purposes of this section, towing services shall be deemed to be complete upon the removal of the vehicle from the location within the City at which the vehicle was previously located before the provision of towing services.

H. Notwithstanding the foregoing, should the towing company have a written agreement with the private property owner to allow for towing of vehicles whose license number is not on record with the towing company as being authorized to park in the private property owner's lot and is parked there, that towing service may be performed without the written notice required by this section. If the agreement allows, permitted cars may even be towed upon a finding of unusual or special circumstances.

SECTION 13. EFFECT OF PAYMENT OF TOWING AND STORAGE CHARGES WITHOUT PROTEST.

The payments of any towing and storage charges, authorized by this article shall, unless made "under protest," be final and conclusive and shall constitute a waiver of any right to recover the fees paid.

SECTION 14. RECORD OF VEHICLES REMOVED/IMPOUNDED.

The Police Commissioner or designee shall keep a record of all illegally parked and/or immobilized vehicles impounded and shall be able at all reasonable times to furnish the owners/custodians with information as to the location of the storage facility where such vehicles are impounded.

SECTION 15. OWNER/OPERATOR LIABLE FOR FINE/PENALTY.

The payment of towing and storage charges authorized by this article shall not operate to relieve the owner or operator of any vehicle from liability for any fine or penalty for violation of any law or ordinance on account of which such vehicle was removed and impounded.

SECTION 16. REMOVAL TIME LIMITATIONS.

A. Non-metered private lots. A motor vehicle found to be illegally parked or disabled on private property and otherwise authorized to be legally removed may not be removed from the property for 15 minutes if the discovery of the motor vehicle was made by the towing company (and if the towing company is not towing pursuant to an agreement with the property owner as referenced in Section 12 of this ordinance), in which case the towing company shall include the discovered time and the removal time on the "notification of removal" as required in Section 9. If the discovery of the illegally parked or disabled motor vehicle was made by the property owner and the towing company was requested to remove the illegally parked or disabled vehicle, the motor vehicle may be removed immediately. If an illegally parked vehicle is discovered parked blocking the entrance or exit to or from private property, in a marked and signed fire lane, in a marked and signed handicapped space or wholly or partially on a lawn, the vehicle may be towed immediately.

B. Metered private lots. A motor vehicle found to be illegally parked or disabled at a metered parking space on private property may not be removed from the property unless the illegally parked vehicle has three *or* more consecutive unpaid parking tickets over the course of three or more calendar days or three or more accumulated parking tickets in at least a twelve-hour period of time. If a motor vehicle is towed from a metered parking space on private property, the towing company shall include the specific dates of the unpaid parking tickets on the "records of vehicles towed or stored" in Section 11.

SECTION 17. COMPLAINTS AGAINST TOWING COMPANIES.

The Police Commissioner shall notify the towing company owner within 14 days of receipt of any complaint against a towing company that will be investigated by the Chester City Police Department. Complaints by City of Chester employees against a towing company shall be brought to the attention of the Police Commissioner within seven calendar days.

SECTION 18. FINANCIAL INTERESTS OF PRIVATE PROPERTY OWNER AND TOWING COMPANY PROHIBITED.

Towing companies are prohibited, either directly or indirectly, from giving or furnishing a rebate or payment of money or any other valuable consideration to a property owner from whose premises the towing company has, is about to, or will remove motor vehicles. Property owners are prohibited from accepting or giving, either directly or indirectly, any rebate, payment of money, or any other valuable consideration from or to a towing company in connection with the removal of a motor vehicle from private property except for signs and notices as required in Section 12. This section is not intended to prohibit the issuance of parking tickets to illegally parked vehicles.

SECTION 19. TERMINATION OF LICENSE.

Towing companies are not entitled to a warning for violation of any provisions of this chapter and may have their license suspended or terminated by the Police Commissioner for the first and/or subsequent violations of that section. For such a suspension or termination, or any other suspension or termination of its license in accordance with any other provisions of this ordinance, the towing company shall be notified in writing no less than five calendar days prior to the suspension or termination of its license. The notice of suspension or termination shall state the reason(s) for suspension or termination and the effective date of termination. The towing company shall have 14 calendar days to appeal the suspension or termination in writing to the Police Commissioner. The Police Commissioner or his/her designee shall hold the hearing within 10 calendar days of written receipt of the towing company's request for an appeal and shall render written decision within five days of the decision of the hearing. The towing company may appeal the Commissioners decision, in writing, to the Mayor within 10 calendar days of the receipt of the Commissioners decision. The Mayor's decision may be appealed to City Council. City Council will research such appeals at its next regularly scheduled meeting, to allow at least two weeks after the date of the written decision of the Police Commissioner. Any towing company may follow the set procedure to appeal the denial of a license application or renewal application.

SECTION 20. FINES AND PENALTY FOR VIOLATION.

Upon conviction of a first violation of any provision of this article, a towing company may be fined a penalty between $200 and $400; for a second violation, a penalty between $300 and $600; and for a third violation, up to $1,000. In the absence of payment of any such penalty, the violator may be sentenced to imprisonment of up 90 days. Additionally, upon two convictions of any provisions of this article within a twelve-month period, a towing company may have its license revoked for a period of

up to three years by the Police Commissioner. Any revocation under this provision by the Police Commissioner may be appealed to the Mayor.

SECTION 21. POLICIES AND PROCEDURES.

The Police Commissioner, with approval of the Mayor, may promulgate policies and procedures for dealing with the implementation of the provisions of this chapter. All of the definitions and terms of this chapter are incorporated by reference into such policies and procedures, and a violation of any of the terms of the policies and procedures shall be deemed a violation of this chapter subject to the penalties set forth above. The Police Commissioner, in his promulgated policies and procedures, may elect to issue only one evidence towing license per year. Should the Police Commissioner so elect, the award of a contract for providing evidence towing services and storage shall be handled in accordance with state law regarding the bidding and/or solicitation of contracts, and the issuance of an evidence towing license shall be a condition for the award of the bid.

SECTION 22. SEVERABILITY.
If any part of this Ordinance is for any reason found to be illegal or invalid, such illegality or invalidation shall not affect any of the remaining parts of this Ordinance, which shall continue to be fully operative as if the illegal or invalid part had not been enacted.

SECTION 12. REPEALER.
All provisions of any other Ordinance which are inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 24. EFFECTIVE DATE.
This Ordinance shall become effective immediately upon passage.

WE HEREBY CERTIFY that this Ordinance passed Council this _____ day of _____, A.D. 2025.

_____
MAYOR

Attest:_____
CITY CLERK

R E S O L U T I O N

NO. 32 - 2025

WHEREAS, the City of Chester (City) wishes to develop the Crozer Park section of the Chester Creek Trail to provide a safe transportation option for pedestrians and bicycle riders; and

WHEREAS, the Chester Economic Development Authority (CEDA) has been awarded a grant in the amount of $250,000.00 from the Community Conservation Partnerships Program administered by the Pennsylvania Department of Conservation and Natural Resources for the development of the Chester Creek Trail in Crozer Park; and

WHEREAS, the City has been awarded a grant in the amount of $500,000.00 from the Green Ways Municipal Grant Program administered by the County of Delaware for the Crozer Park section of the Chester Creek Trail; and

WHEREAS, Delaware County, the City, and CEDA have entered into a Tri-Party Agreement in connection with the Green Ways grant whereby CEDA is designated as the responsible entity for Green Ways grant management and development of this Trail section, and the City is designated as the responsibility entity for maintenance and periodic inspection of the Crozer Park section of the Chester Creek Trail; and

WHEREAS, the City and CEDA wish to formalize a written Maintenance and Operation Agreement to set forth the responsibilities of each entity related to this Project during and after construction.

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

1. That the Maintenance and Operation Agreement between the City and CEDA is hereby approved.

2. That the Mayor and/or his designee is hereby authorized to execute the Agreement and to take such steps that may be necessary to implement the intent of this Resolution.

WE HEREBY CERITFY that this Resolution passed Council this 12th day of March, 2025.

_____
MAYOR

Attest: _____
CITY CLERK

R E S O LU T I O N

NO. 33 - 2025

WHEREAS, on November 13, 2024, Chester City Council awarded the Route Optimization Study for Trash Collection and Street Cleaning to MidAtlantic Solid Waste Consultants, LLC, d/b/a MSW Consultants; and

WHEREAS, it has been determined that the City is in need of additional services; and

WHEREAS, MSW Consultants has agreed to provide said services.

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

That it does hereby amend the original agreement with MidAtlantic Solid Waste Consultants, LLC, d/b/a MSW Consultants to include professional consultation services to assist in modifying the City's procurement package for curbside trash collection services.

FURTHER, said amendment is contingent upon final review and approval of the City Solicitor.

WE HEREBY CERTIFY that this Resolution passed Council this 12th day of March, A.D. 2025.

_____
MAYOR

Attest:_____
CITY CLERK

February 02, 2025

Chester City Hall
1 E. Fourth Street
Chester, PA 19013

Subject: Amendment-1
Curbside Waste & Recyclables Procurement Assistance

Dear City representatives,

First, thank you for taking the time to discuss a number of important challenges relating to waste, recycling, and street sweeping during our video conference held on February 27th, 2025. Based on our discussions, it was confirmed that the City of Chester (City) is in the process of developing its procurement package to secure a private hauling company to assume collection services in January 2026: the City's 5-year collection contract is about to expire. MSW Consultants is currently engaged with the City to evaluate ways to optimize the City's collection routes and to consider compatibility with street sweeping activities and schedules. Collection optimization and the development of the curbside collection procurement package overlap in many ways. The development of curbside specifications and the procurement of a new five-year contract should be approached as an integrated process. This ensures that key observations, recommendations, and service data are effectively incorporated into the specifications. By integrating unit counts and operational data, prospective bidders can understand the City's route and operational requirements as a basis for developing an informed proposal.

Additionally, the City's (and any) procurement package should include provisions that support efficient collection practices. To enhance flexibility, the contract should allow the newly selected hauler to adjust routes and collection schedules, provided that any modifications receive prior approval from the City. This structured approach promotes fair competition, operational efficiency, and long-term service optimization. This strategy is material in that such allowances (and other specifications) are designed to help level the playing field so that the procurement is transparent and does not unnecessarily forfeit advantages to the incumbent hauler who already knows the City collection requirements, routes, and other operational details.

Ammendment-1 expands our recently executed rate optimization contract to include professional consultation services to assist the City in modifying its procurement package for curbside services. The overarching objective is:

- To work collaboratively with the City to improve its curbside collection procurement documents, strategy, and specifications. Incorporate procurement best practices and provisions so the competitive bidding process fosters competition among local/regional haulers. The specifications will be adapted not only to encourage competition but also to include other measures to proactively manage costs, to mitigate City liabilities and to streamline processes for the City to oversee the contract and contracted hauler during the life of the new contract.

EXPERIENCE AND KEY STAFF

MSW Consultants has been engaged almost continuously in some form of waste and recycling procurement work for over 25 years. We have assisted many municipal governments in developing bids and RFP packages for collection, transportation, disposal, and recyclables processing services. A number of these have been in proximity to the City of Chester; with the same haulers and same disposal and recyclables processors ("market") in play. **Steve Deasy** will serve as Project Manager. **Karen Deeter** will provide technical input and quality control reviews and advice on procurement schedules. Karen has developed and managed many waste and recycling procurements at all scales.

SCOPE - PROCUREMENT ASSISTANCE

Our scope of work includes the following tasks and deliverables.

Task 1 – Bi-weekly Meetings & Procurement Meetings/Working Sessions

MSW Consultants will facilitate bi-weekly meetings where elements of procurement will be integrated into the agenda (complimenting the collection optimization work), and part of meeting discussion and working sessions. As appropriate, procurement-specific meetings and working sessions will be scheduled to include City staff and City consultants if necessary to advance procurement development.

Task 2 – Data Request

MSW Consultants will issue a data request to obtain procurement and related document. Data needed will include and not be limited to: the prior procurement package and contract, the prior bid results tabulation, any proposed draft procurement documents and proposed bid schedule, relevant ordinances for trash, recycling and related policy items such as those that define the residential thresholds for units subject to the residential contract services or any inclusion of municipal buildings inside of contracted collection services. We will also require the procurement-specific contacts to support this effort.

Task 3 – Procurement Evaluation, Review & Technical Memorandum

Task 3a - Technical Memorandum of Proposed Revisions. Before proposing revisions to strategy and documents, MSW Consultants will develop a concise Technical Memorandum that conveys our findings and professional opinion resulting from our review of the draft (or previous) procurement documents. This approach allows us to share initial recommendations and to obtain City input before incorporating the information into the procurement package.

We would target distributing the Technical Memo by early to mid-August for discussion and CRCOG input during a weekly meeting.

Task 3b - Incorporate Revisions in Procurement Documents. MSW Consultants will not assume full responsibility of writing the complete procurement package under the proposed scope and budget. Alternately, we propose to collaborate and provide information and guidance and some draft narrative and language to integrate into the procurement documents. Without seeing how good or how poorly the procurement is structured, we cannot accurately assume the level of effort to refine the City specifications to align with proven best practices.

Under this task we will review the documents, strategy, service levels, schedules and related information in the procurement documents and issue a technical memo that:

- **Identifies key deficiencies** of the past or proposed procurement documents. Deficiencies are generally defined as anything inside of the procurement package, processes, strategies, and services deemed to put the City, and in some cases the haulers, at risk that ultimately diminishes the City's ability to leverage this competitive procurement process to secure a qualified hauler at a market competitive price for the delivery of a baseline set of services that reasonably meets the residential (and other) customer needs pertaining to waste collection and recycling. coordinate closely with CRCOG to revise the RFB documents. We prefer to make the revisions directly to MS Word documents that will ultimately become the final RFB Package. However, we are open to other approaches, such as providing the suggested language/revisions to CRCOG and specifying the sections of the documents where modifications should occur. To some extent, an explanation will be provided of why these deficiencies create assumptions and risks likely to elevate costs and/or potentially reduce the number of haulers that respond to the solicitation.
- **Recommends strategies, language, service levels and includes other guidance and provisions –** For consideration by the City to include in the revised procurement package.
- **Price Form Assistance –** Price forms are critical. MSW Consultants creates bid forms in MS Excel. Since it is imperative to be able to perform apples-to-apples cost (and service) comparisons, it is critical to develop simple Price Forms with clearly defined levels of service established as the basis for pricing with clear instructions. MSW Consultants will draft the Price Forms for the City's use, or at least for the City as a basis for creating its own price forms. This includes guidance on price elements like specified contract price escalations.

Task 4 – Presentation

Based on our extensive experience with similar projects, we anticipate City representatives will have questions about why we propose certain strategies, service levels, specifications, and schedules. MSW Consultants anticipates conducting a remote or in-person presentation with Q&A at the earliest point in the project where we have defined a proposed level of service to be included in the Unit Fee and have a clear vision and recommendations on the procurement strategy and key revisions we propose the City include in its procurement and contract. This presentation will be an open platform to understand our recommendations and the City will evaluate how it wants to proceed with finalizing the procurement package.

Task 5 – Results Evaluation

MSW Consultants will assist the city in its review and tabulation of the pricing results provided by the haulers, which is expected to be two haulers, but may be three or more. We will provide a concise summary of the results and a professional opinion on the preferred vendor based on the results. We leave the final decision on selection to the City, and it is assumed the City will have a proposal evaluation committee and criteria established to rank and select the hauler for contract award.

SCHEDULE & BUDGET

Schedule: MSW Consultants proposes to complete the primary scope of work within 120 days, acknowledging that the evaluation of bid results will occur a little later in the year.

Ammendment-1 Budget – MSW Consultants will assist the City to improve the quality of its curbside collection procurement documents and resulting contract for **$18,000**. This does not include rewriting the City's procurement from scratch but does include working closely with the City to make meaningful improvements in the interest of the City and its residents and other customers that receive collection services under the contract.

Please do not hesitate to contact Stevem Deasy, Project Manager, at (717) 329-4133 or John Culbertson, Principal, at (407) 380-8951 or jculbertson@mswconsultants.com with questions. Thank you again for the opportunity to work with the City to improve its waste collection and recycling services. We are in agreement with the City that it is a priority to improve the quality of its procurement package, particularly in light of the challenging solid waste market conditions.

Sincerely,
MSW CONSULTANTS

John Culbertson
Principal

R E S O L U T I O N

NO. 34 - 2025

THE COUNCIL OF THE CITY OF CHESTER DOES RESOLVE:

That it does hereby authorize the proper City official to enter into an agreement with Drae Shaw Entertainment Group, to provide an artist to perform at the City of Chester Peace, Love, and Unity Festival, in an amount not to exceed Twenty Thousand Dollars ($20,000.00).

FURTHER, the contract is subject to the Solicitor's approval.

WE HEREBY CERTIFY that this Resolution passed Council this 12th day of March, A.D. 2025.

_____
MAYOR

Attest: _____
CITY CLERK