

NOTICE

NOTICE IS HEREBY GIVEN that the Town Council of the Borough of Chambersburg, Franklin County, Pennsylvania, intends to consider for adoption and to vote upon an enactment of the Ordinance summarized below at the regularly scheduled Chambersburg Town Council Meeting on June 8, 2026, at 7:00 p.m. at the Borough Office, 100 South 2nd Street Chambersburg, Pennsylvania 17201.

The title of the proposed Ordinance is “AN ORDINANCE OF THE BOROUGH OF CHAMBERSBURG, FRANKLIN COUNTY, PENNSYLVANIA, AMENDING CHAPTER 254 (STREETS AND SIDEWALKS) OF THE CODE OF THE BOROUGH OF CHAMBERSBURG TO ESTABLISH A LIMITED EXCEPTION TO THE BOROUGH’S VENDING PROHIBITION FOR FROZEN DESSERT TRUCKS AND AMENDING CHAPTER 286 (VEHICLES AND TRAFFIC) OF THE CODE OF THE BOROUGH OF CHAMBERSBURG TO PROHIBIT PARKING ON THE WEST SIDE OF SHELLER AVENUE AT ALL TIMES.”

If enacted, the Ordinance will amend Chapter 254 (Streets and Sidewalks) of the Code of the Borough of Chambersburg (the “Code”) to establish a limited exception to the Borough’s vending prohibition for frozen dessert trucks. Additionally, the Ordinance will amend Chapter 286 (Vehicles and Traffic) of the Code to prohibit parking on the west side of Sheller Avenue at all times.

The contents of the Ordinance are summarized as follows:

SECTION 2: Amends Section 254-18 of the Code to create a limited exception to the Borough’s vending prohibition for frozen dessert trucks, subject to Borough licensing and permit requirements, food safety compliance, traffic and parking regulations, limits on stopping and operating hours, noise restrictions, sanitation requirements, and permit suspension or revocation for violations.

SECTION 3: Amends Section 286-25 of the Code to prohibit parking at all times on the west side of Sheller Avenue for its entire length.

The full text of the proposed Ordinance may be examined without charge at the Office of the Chambersburg Borough Manager, 100 South 2nd Street, Chambersburg, Pennsylvania 17201, during regular business hours, which are Monday through Friday, 8:00 a.m. to 5:00 p.m. A copy will be provided upon request without charge. A copy of the proposed Ordinance has been filed at the Franklin County Law Library, 100 Lincoln Way East, Suite E, Chambersburg, Pennsylvania 17201, and is available for inspection during normal business hours. The proposed Ordinance may also be examined on the Local Government Transparency page of the Borough website at www.chambersburgpa.gov. Click on Proposed Ordinances.

Salzmann Hughes, P.C., Solicitor

BOROUGH OF CHAMBERSBURG
FRANKLIN COUNTY, PENNSYLVANIA

ORDINANCE NO. 2026-_____

AN ORDINANCE OF THE BOROUGH OF CHAMBERSBURG, FRANKLIN COUNTY, PENNSYLVANIA, AMENDING CHAPTER 254 (STREETS AND SIDEWALKS) OF THE CODE OF THE BOROUGH OF CHAMBERSBURG TO ESTABLISH A LIMITED EXCEPTION TO THE BOROUGH'S VENDING PROHIBITION FOR FROZEN DESSERT TRUCKS AND AMENDING CHAPTER 286 (VEHICLES AND TRAFFIC) OF THE CODE OF THE BOROUGH OF CHAMBERSBURG TO PROHIBIT PARKING ON THE WEST SIDE OF SHELLER AVENUE AT ALL TIMES.

WHEREAS, the Borough of Chambersburg is a borough organized and existing under the laws of the Commonwealth of Pennsylvania and is authorized to enact ordinances for the protection of the public health, safety, morals, general welfare, cleanliness, convenience, comfort, and safety of the Borough and its citizens pursuant to Section 1202(5) of the Borough Code, 8 Pa.C.S. § 1202(5); and

WHEREAS, Section 1202(12) of the Borough Code, 8 Pa.C.S. § 1202(12), authorizes the Borough to regulate streets, public squares, common grounds, sidewalks, curbs, gutters, culverts and drains, and to prohibit obstructions to the convenient use of the same; and

WHEREAS, Chapter 254 of the Code of the Borough of Chambersburg regulates streets and sidewalks within the Borough, including certain restrictions on vending and obstructions within the public rights-of-way; and

WHEREAS, Town Council recognizes that frozen dessert trucks, including mobile ice cream trucks and similar vehicles, have historically operated as roving vendors that temporarily stop along public streets to serve customers, and that such operations differ from fixed-location vending, food trucks, or mobile food facilities primarily engaged in on-board cooking or meal preparation; and

WHEREAS, Town Council desires to permit frozen dessert trucks to operate within the Borough on a limited and regulated basis, provided that such operations remain temporary, mobile, and roving in nature and do not create unsafe traffic conditions, obstruct streets or sidewalks, interfere with pedestrian or vehicular travel, or disturb the peace and quiet of residential neighborhoods; and

WHEREAS, Town Council desires to amend Section 254-18 of the Code of the Borough of Chambersburg to create a limited exception for frozen dessert trucks, subject to the permitting, licensing, operational, safety, noise, sanitation, and enforcement requirements set forth herein; and

WHEREAS, Section 1202(31)(iii) of the Borough Code, 8 Pa.C.S. § 1202(31)(iii), authorizes the Borough to regulate parking, and the Borough has adopted parking and traffic regulations in Chapter 286 of the Code of the Borough of Chambersburg; and

WHEREAS, Town Council desires to amend Section 286-25 of the Code of the Borough of Chambersburg to prohibit parking at all times on the west side of Sheller Avenue.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Mayor and Town Council of the Borough of Chambersburg, Franklin County, Pennsylvania, and it is hereby enacted and ordained as follows:

SECTION 1. The above recitals are incorporated herein by reference thereto.

SECTION 2. Chapter 254, Article III, Section 254-18 of the Code of the Borough of Chambersburg, entitled “Exceptions,” is hereby amended by adding a new subsection H., which shall read as follows:

H. Frozen dessert trucks.

- (1) Definition. For purposes of this Subsection, a “frozen dessert truck” means a motor vehicle that is completely mobile, has no fixed location, and from which the operator sells or distributes prepackaged or prepared frozen desserts, ice cream, frozen novelties, or similar products in a form suitable for immediate consumption. The term shall not include a food truck or mobile food facility primarily engaged in on-board cooking or preparation of meals to order.
- (2) Exception. Notwithstanding the vending prohibition in § **254-16**, a frozen dessert truck may travel upon public streets within the Borough and may make temporary stops alongside the roadway for the purpose of vending, provided that all requirements of this subsection and all other applicable federal, state, and local laws, ordinances, regulations, permits and license requirements are fully satisfied.
- (3) Retail Food Facility License required; health and food safety compliance. The operator of a frozen dessert truck must hold a valid Borough of Chambersburg Retail Food Facility License for a mobile food vendor issued pursuant to Chapter 168 of the Borough of Chambersburg Code. A frozen dessert truck operating within the Borough shall comply with Chapter 168 of the Code of the Borough of Chambersburg and all applicable state food safety laws and regulations.
- (4) Permit required. No person shall operate a frozen dessert truck within the Borough unless the owner and operator have first obtained an annual frozen dessert truck permit from the Borough. The permit shall be:
 - (a) issued for a period not to exceed one (1) calendar year;
 - (b) nontransferable;

- (c) specific to the owner, operator(s), and vehicle identified in the application; and
 - (d) subject to payment of a fee established from time to time by resolution of Town Council.
- (5) Application contents. The application for a frozen dessert truck permit shall be on a form supplied by the Borough and shall include, at a minimum, the following:
- (a) the name, address, telephone number, and email address of the owner and operator;
 - (b) the make, model, color, year, registration number, and vehicle identification number of the vehicle;
 - (c) proof of current vehicle registration, current state inspection, and current financial responsibility for the vehicle;
 - (d) proof of commercial general liability insurance in an amount acceptable to the Borough and naming the Borough as an additional insured if required by the Borough's application form or insurance specifications;
 - (e) proof of the required Retail Food Facility License for a mobile food vendor; and
 - (f) such additional information as the Borough may reasonably require for administration and enforcement of this subsection.
- (6) Display of permit and licenses. The frozen dessert truck permit, together with the required Retail Food Facility License, shall be conspicuously displayed in or on the vehicle and shall be produced upon request of any Borough official, police officer, code officer, health officer, or other authorized representative.
- (7) Compliance with traffic and parking laws. The vehicle must be operated and stopped in full compliance with the Pennsylvania Vehicle Code (75 Pa.C.S. § 101 *et seq.*), Chapter 286 (Vehicles and Traffic) of the Code of the Borough of Chambersburg, and all Borough parking regulations. Stopping is prohibited in any location that obstructs traffic, blocks driveways, fire lanes, or crosswalks, or creates a safety hazard. The vehicle may not double-park or stop in any no-parking or no-stopping zone.
- (8) Duration of stop. A frozen dessert truck may stop only for the period reasonably necessary to complete service to waiting customers, but in no event longer than ten (10) minutes at any one location. After completing service to waiting customers or

after ten (10) minutes, whichever is sooner, the frozen dessert truck must relocate at least two hundred (200) feet away before stopping again to vend.

- (9) No fixed-location operation. The frozen dessert truck permit authorized by this subsection is intended only for roving curbside vending. It does not authorize the vehicle to establish or maintain a fixed or semi-fixed place of business on any street, sidewalk, alley, Borough parking lot, or other Borough property. Any extended or recurring operation from one place shall require separate lawful authorization, if any is available, under other provisions of the Code of the Borough of Chambersburg.
- (10) Vending practices.
 - (a) Sales shall be made only to customers standing on the sidewalk, curb, or adjacent shoulder area in a lawful and safe location. No operator shall vend to or knowingly permit service to any person standing in the cartway or travel lane of the roadway. The operator shall ensure that customers do not obstruct vehicular and pedestrian traffic on the roadways and sidewalks while making purchases.
 - (b) Vending is permitted only when the vehicle is fully and lawfully stopped. Sales to or from persons in moving vehicles are prohibited.
 - (c) Service shall be made only from the side of the vehicle nearest the curb or edge of the roadway, and not from the side facing moving traffic, unless the Borough expressly authorizes a different arrangement for a specific event or street closure.
- (11) Sound and music. Music, chimes, bells, and other sounds customarily associated with ice cream trucks and frozen dessert trucks (“amplified sounds”) are permitted but must comply with the Borough’s noise regulations in Chapter 200 of the Code of the Borough of Chambersburg at all times. Such sounds may be played only while the vehicle is lawfully stopped for vending or moving slowly through the area (not exceeding 15 miles per hour). No amplified sounds shall be used between the hours of 9:00 p.m. and 9:00 a.m. or in a manner that disturbs the peace or quiet of any neighborhood.
- (12) Hours of operation. Vending operations are permitted only between the hours of 9:00 a.m. and 9:00 p.m., prevailing time, unless a special event permit is separately obtained.
- (13) Backing and unsafe maneuvers prohibited. No frozen dessert truck shall back up for the purpose of making or attempting to make a sale, nor shall it execute any U-turn, stopping maneuver, or other movement in violation of traffic law or in a manner that endangers pedestrians or motorists.

- (14) Litter and sanitation. The operator shall maintain the area surrounding each stop in a clean and sanitary condition, shall provide a refuse container in or on the vehicle for customer use, and shall remove all litter, wrappers, napkins, and similar waste resulting from the operation.
- (15) Suspension or revocation. In addition to the penalties set forth in § 254-20, the Borough may suspend or revoke a frozen dessert truck permit issued under this subsection for any of the following reasons:
 - (a) any false statement in the application;
 - (b) violation of this subsection;
 - (c) violation of Chapter 168, Chapter 200, Chapter 286, or any other applicable provision of the Code of the Borough of Chambersburg;
 - (d) operation in a manner that endangers public health or safety; or
 - (e) repeated complaints substantiated by the Borough.

SECTION 3. Chapter 286, Article III, Section 286-25 of the Code of the Borough of Chambersburg, entitled “Parking prohibited at all times in certain locations,” is hereby amended by adding the following location as a location where parking shall be prohibited at all times:

Highway	Side	Between
Sheller Avenue	West	Entire length

SECTION 4. Repealer. All ordinances, or parts thereof, of the Borough of Chambersburg inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 5. Savings Clause. In all other respects, the ordinances of the Borough of Chambersburg shall remain as previously enacted and ordained.

SECTION 6. Severability. The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is declared by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance.

SECTION 7. Effective Date. This Ordinance shall be effective upon adoption.

[INTENTIONALLY BLANK; SIGNATURE PAGE FOLLOWS.]

ENACTED, ORDAINED and APPROVED this _____ day of _____, 2026.

William Everly
President of Town Council

ATTEST:

Jamia L. Wright
Secretary of Town Council

Kenneth Hock
Mayor