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 November 16, 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 104, BICYCLES AND SKATEBOARDS, OF THE CODE OF THE BOROUGH OF CHAMBERSBURG BY AMENDING THE TITLE OF CHAPTER 104 AND ADDING A NEW ARTICLE III REGULATING MOTORIZED DEVICES."

AN ORDINANCE OF THE BOROUGH OF CHAMBERSBURG, FRANKLIN COUNTY, PENNSYLVANIA, AMENDING CHAPTER 104, BICYCLES AND SKATEBOARDS, OF THE CODE OF THE BOROUGH OF CHAMBERSBURG BY AMENDING THE TITLE OF CHAPTER 104 AND ADDING A NEW ARTICLE III REGULATING MOTORIZED DEVICES.

WHEREAS, the Borough of Chambersburg ("Borough") is authorized under Sections 1202 and 2701 of the Pennsylvania Borough Code, 8 Pa.C.S. §§ 1202 and 2701, to regulate streets, sidewalks, parking lots, public grounds, parks, playgrounds, recreation places, and other Borough-owned or Borough-controlled property and to enact regulations necessary for the health, safety, and general welfare of the Borough; and

WHEREAS, Section 1202(13) of the Pennsylvania Borough Code expressly authorizes the Borough to prohibit or regulate the riding, driving, parking, or other passage of vehicles and other transportation devices over, along, and across sidewalks; and

WHEREAS, the Pennsylvania Vehicle Code establishes statewide requirements governing the registration, equipment, licensing, and lawful operation of vehicles upon public streets and highways, but expressly authorizes local authorities to regulate or prohibit processions, special activities, and assemblages on highways and to regulate and temporarily prohibit traffic on streets closed or restricted for special events; and

WHEREAS, except for temporary restrictions applicable to streets or highways lawfully closed or restricted for a special event as provided herein, Town Council does not intend through this Ordinance to enact an additional local traffic restriction applicable to Borough streets or highways; and

WHEREAS, the Pennsylvania Vehicle Code defines and regulates "pedalcycles with electric assist" and establishes requirements governing their lawful operation; and

WHEREAS, the operation of dirt bikes, all-terrain vehicles, utility terrain vehicles, off-highway motorcycles, mini-bikes, motorized go-karts, high-powered electric scooters and skateboards, and other high-powered or off-highway motorized devices upon sidewalks, in Borough parking lots, and in or on Borough parks, trails, and recreation facilities creates an unreasonable risk of collision, injury, property damage, excessive noise, and interference with pedestrians, bicyclists, motorists, and persons lawfully using Borough facilities; and

WHEREAS, Town Council intends to prohibit motorized devices upon sidewalks and Borough-owned or Borough-controlled property, subject to the exceptions set forth herein, including the lawful operation of highway-legal motor vehicles within designated vehicular areas and the limited operation of qualifying pedalcycles with electric assist within Borough parking lots and on the Chambersburg Rail Trail.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Town Council of the Borough of Chambersburg, Franklin County, Pennsylvania, as follows:

SECTION 1. The title of Chapter 104 of the Code of the Borough of Chambersburg is hereby amended from "Bicycles and Skateboards" to "Bicycles, Skateboards and Motorized Devices."

SECTION 2. Chapter 104 of the Code of the Borough of Chambersburg is amended by adding a new Article III, which shall read as follows:

Article III. Motorized Devices

§ 104-12. **Definitions.**

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

BOROUGH PARKING LOT

Any metered or unmetered off-street parking lot, parking area, parking garage, driveway, travel aisle, loading area, or other area intended or used for vehicular parking that is owned, leased, operated, maintained, or controlled by the Borough, including, without limitation, any parking lot or area located within or serving a Borough recreation facility or other Borough facility and the municipal parking lots identified in Chapter 286 of this Code.

BOROUGH RECREATION FACILITY

Any park, parkway, playground, playfield, athletic field, athletic court, swimming pool, aquatic facility, recreation center, community center, gymnasium, skate park, bicycle park, pump track, jump track, open-space area, picnic area, trail, pathway, greenway, linear park, trailhead, accessway, natural area, tract of recreational land, or other recreation area, property, or facility that is owned, leased, operated, maintained, managed, or controlled by the Borough.

The term includes, without limitation, the following existing facilities and any improvements, buildings, playgrounds, fields, courts, trails, pathways, accessways, or other appurtenances located within or serving those facilities: 4th Street Park; Chambersburg Memorial Park; Chambersburg Aquatic Center; Chambers Park; Chambers Fort Park; Henninger Playground; Hillcrest Park; John A. Redding Memorial Park; Mike Waters Memorial Park; Mill Creek Acres Park; Nicholson Square Park; Park of the Valiant; Phoenix Tract; Pine Woods; Chambersburg Rail Trail; Reservoir Hill Park; Eugene C. Clarke, Jr. Community Center; Woodvale Tract; and Cumberland Community Park.

The identification of a particular property or facility in this definition is illustrative and nonexclusive. The term also includes any facility subsequently acquired, established, renamed, expanded, operated, maintained, managed, or controlled by the Borough for recreation, park, trail, open-space, or community purposes. The term does not include a Borough parking lot.

HIGHWAY-LEGAL MOTOR VEHICLE

A motor vehicle that, at the time and location of its operation:

1. Is of a type lawfully authorized to be operated on the applicable public highway under the Pennsylvania Vehicle Code and regulations adopted thereunder;
2. Is properly titled, registered, insured, inspected, and equipped to the extent required by law; and
3. Is operated by a person possessing the license, endorsement, permit, or other operating privilege required by law.

The term does not include an all-terrain vehicle, snowmobile, off-highway motorcycle, dirt bike, utility terrain vehicle, side-by-side, or other off-highway device merely because state law permits the device to cross a highway, operate during an emergency, operate for a limited agricultural or governmental purpose, or operate upon a specially designated route.

MOBILITY DEVICE

A manually operated or power-driven wheelchair or other power-driven mobility device used by an individual with a mobility disability, as those terms are used under Title II of the Americans with Disabilities Act and its implementing regulations.

MOTORIZED DEVICE

Any vehicle, conveyance, apparatus, or device that is propelled in whole or in part by a motor or engine, including, without limitation, a motor vehicle, all-terrain vehicle, utility terrain vehicle, dirt bike, trail bike, pit bike, pocket bike, mini-bike, off-highway motorcycle, snowmobile, motorized go-kart, dune buggy, motorized or electric scooter, motorized or electric skateboard, hoverboard, one-wheel device, electric unicycle, electric motorcycle, pedalcycle with electric assist, or any substantially similar motorized vehicle, conveyance, apparatus, or device.

OPERATE

To ride, drive, propel, activate, use, or exercise physical control over a vehicle or device while its motor or engine is operating or providing propulsion. The term does not include carrying or manually pushing a device while its motor or engine is completely disengaged and not operating.

PEDALCYCLE WITH ELECTRIC ASSIST

A pedalcycle with electric assist as defined in 75 Pa.C.S. § 102, as amended.

SPECIAL EVENT AREA

Any street, highway, sidewalk, Borough parking lot, Borough recreation facility, public place, or other property owned, leased, operated, maintained, or controlled by the Borough, or any portion thereof, that is temporarily closed or restricted to ordinary vehicular traffic or otherwise barricaded or delineated by or under the authority of the Borough for the conduct of a parade, public gathering, civic special event, Borough-sponsored event, or other special event authorized or approved by the Borough.

The term includes any event route, assembly area, disbanding area, vendor area, or other area included within such temporary closure or restriction and shall apply only during the period that the area remains lawfully closed or restricted in connection with the event.

The term does not include a street or highway merely because a special event is occurring on or adjacent to the street or highway if that portion of the street or highway remains open to ordinary vehicular traffic.

§ 104-13. **Prohibited operation.**

A. Sidewalks and pedestrian areas. Except as expressly permitted by § 104-14, no person shall operate a motorized device upon any sidewalk, pedestrian walkway, public pedestrian easement, or other area principally intended for pedestrian travel within the Borough.

B. Borough parking lots. Except as expressly permitted by § 104-14, no person shall operate a motorized device within any Borough parking lot, including within any parking stall, travel aisle, entrance, exit, loading area, or other portion thereof.

C. Parks and recreation facilities. Except as expressly permitted by § 104-14, no person shall operate a motorized device in or upon any Borough recreation facility.

D. Other Borough property. Except as expressly permitted by § 104-14, no person shall operate a motorized device in or upon any other property owned, leased, operated, maintained, or controlled by the Borough.

E. Special event areas. Except as expressly permitted by § 104-14, no person shall operate a motorized device within a Special Event Area during the period that the area is closed or restricted in connection with the special event.

F. Permission by owner or custodian. No owner, parent, guardian, custodian, or other person having possession or control of a motorized device shall knowingly permit or authorize another person to operate a motorized device in violation of this article.

§ 104-14. **Exceptions.**

The prohibitions contained in § 104-13 shall not apply to the following:

A. Highway-legal motor vehicles in Borough parking lots and vehicular areas. A highway-legal motor vehicle may be operated:

1. Within the designated travel aisles, entrances, exits, loading areas, and parking stalls of a Borough parking lot; and
2. Upon a roadway or other vehicular travel area located within a Borough recreation facility that has been designated or customarily opened by the Borough for motor vehicle travel.

This exception permits only ordinary ingress, egress, parking, loading, unloading, delivery, passenger pickup or discharge, and other uses consistent with the intended vehicular

purpose of the area. It does not permit operation upon a sidewalk, pedestrian walkway, trail, pathway, athletic field, athletic court, playground, landscaped area, grass area, Chambersburg Rail Trail, or other nonvehicular portion of a Borough recreation facility. This exception does not permit the operation of a motorized device within a special event area.

B. Pedalcycles with electric assist in Borough parking lots. A pedalcycle with electric assist may be operated by a person 16 years of age or older within the designated travel aisles, entrances, exits, and parking stalls of a Borough parking lot.

This exception permits only ordinary ingress, egress, travel, and parking consistent with the intended vehicular purpose of the area. Where a bicycle rack, bicycle corral, or other area within or serving a Borough parking lot has been designated by the Borough for bicycle parking, a pedalcycle with electric assist shall be parked within such designated bicycle parking area. This exception does not permit operation within a Borough recreation facility, except as expressly permitted by subsection C., or upon a sidewalk, pedestrian walkway, landscaped area, grass area, or other nonvehicular portion of Borough property. This exception does not permit the operation of a motorized device within a special event area.

C. Pedalcycles with electric assist on Chambersburg Rail Trail. A pedalcycle with electric assist may be operated by a person 16 years of age or older upon the Chambersburg Rail Trail. This exception permits operation only upon the designated trail surface and does not permit operation upon any landscaped area, grass area, or other portion of a Borough recreation facility adjacent to or accessed from the Chambersburg Rail Trail. This exception applies only to the Chambersburg Rail Trail and shall not be construed to permit the operation of a pedalcycle with electric assist within any other Borough recreation facility. Such operation remains subject to Chapter 207 of this Code, posted trail rules, and all other applicable laws and regulations. This exception does not permit the operation of a motorized device within a special event area.

D. Mobility devices. A mobility device may be operated by an individual with a mobility disability in any area in which its use is permitted under the Americans with Disabilities Act and other applicable law. The Borough may impose legitimate safety requirements based upon actual risks associated with the operation of a particular type of mobility device in a particular facility.

E. Emergency and governmental operations. This article shall not apply to a device operated in the performance of official duties by:

1. The Borough or any Borough employee;
2. A police, fire, emergency medical, emergency management, or rescue agency;
3. The Commonwealth, the United States, a county, a municipal authority, or another political subdivision;
4. A public utility or utility contractor; or
5. A contractor or agent authorized by the Borough.

F. Maintenance and authorized work. This article shall not apply to lawn, landscaping, construction, maintenance, snow-removal, sanitation, or similar equipment while being used for its intended purpose by the Borough or by a person authorized by the Borough or the owner or lawful occupant of adjacent property.

G. Authorized special event operations. A motorized device may be operated within a special event area when its operation is expressly authorized by the Borough as part of or in support of the parade, public gathering, civic special event, Borough-sponsored event, or other authorized special event. This exception includes motorized devices authorized as parade or event participants and vehicles or devices authorized for event operations, setup, teardown, deliveries, or other event-related purposes.

§ 104-15. **Operation upon public streets and highways.**

A. Except for the temporary prohibition applicable within a special event area as provided in § 104-13.E., this article does not establish any additional local prohibition or traffic restriction governing the operation of vehicles or devices upon public streets or highways.

B. The operation of a vehicle or device upon a public street or highway shall be governed by the Pennsylvania Vehicle Code and other applicable laws of the Commonwealth of Pennsylvania.

C. Nothing in this article shall prevent a police officer or other authorized law-enforcement officer from enforcing any applicable provision of the Pennsylvania Vehicle Code, including provisions governing registration, titling, financial responsibility, inspection, required equipment, operator licensing, all-terrain vehicles, snowmobiles, motorcycles, motor-driven cycles, and other vehicles or devices.

D. Nothing in this section shall authorize the operation of a vehicle or device upon a public street or highway when such operation is prohibited or not affirmatively authorized by state law.

§ 104-16. **Relationship to other laws and regulations.**

A. Nothing in this article shall be construed to authorize the operation of any vehicle or device that fails to satisfy any registration, titling, insurance, inspection, equipment, licensing, or other requirement applicable to that vehicle or device under federal or state law.

B. This article is supplemental to the Pennsylvania Vehicle Code and other applicable federal, state, and local laws. Conduct may be prosecuted under any other applicable law in addition to or instead of this article.

C. Nothing in this article shall prevent Town Council or an authorized Borough official from adopting or posting more restrictive rules governing the use of a particular park, recreation facility, trail, pathway, parking lot, or other Borough property.

D. Nothing in this article shall limit the existing restrictions contained in Articles I and II of this chapter, Chapter 207, Chapter 286, any duly adopted park or recreation rules, or any official traffic-control device.

E. In the event that any provision of this article conflicts with a mandatory provision of federal or state law, the federal or state law shall control, and the remaining provisions of this article shall remain in effect.

§ 104-17. **Enforcement.**

A. This article may be enforced by the Chambersburg Police Department and by any other Borough officer or employee authorized by law.

B. A police officer or other authorized official may direct any person violating this article to immediately cease operation of the motorized device and remove the device from the area in which its operation is prohibited. Failure to comply with such a lawful direction shall constitute a separate violation.

C. Nothing in this article shall be construed to limit the authority of a police officer, under applicable federal or state law, a warrant, court order, or other lawful authority, to seize, tow, secure, impound, or take temporary custody of a vehicle or device. Such authority may include circumstances in which the vehicle or device constitutes evidence, has been abandoned, presents an immediate hazard or obstruction, or cannot be lawfully and promptly removed by its owner or operator.

§ 104-18. **Violations and penalties.**

A. Any person who violates any provision of this article shall, upon conviction, be guilty of a summary offense and shall be sentenced to pay a fine of not less than $100 nor more than $1000, together with the costs of prosecution. A person convicted of a second violation of this article committed within 12 months after a prior conviction under this article shall be sentenced to pay a fine of not less than $300 nor more than $1000, together with the costs of prosecution. A person convicted of a third violation of this article committed within 12 months after a prior conviction under this article shall be sentenced to pay a fine of $1000, together with the costs of prosecution. Each separate act of operation and each day that a violation continues shall constitute a separate offense.

B. Ticket option. Notwithstanding subsection A. above, a police officer or other authorized official is hereby authorized to issue a ticket, in a form established by the Borough, to any person violating the provisions of this article. The ticket shall indicate the nature of the violation and shall instruct the violator that if the violator reports to the Police Department and pays to the Borough the sum of $50 within 10 days of issuance of the ticket, then such payment shall save the violator from prosecution by citation. If a ticket is not paid within 10 days of issuance, the police officer or other authorized official shall file a citation against the violator with the Magisterial District Judge. Notwithstanding the foregoing, the police officer or other authorized official shall have the sole and absolute discretion to issue a citation without first issuing a ticket as permitted herein. The ticket option shall not be available to a person who, within the preceding 12 months, has paid a ticket issued under this article or has been convicted of violating this article. The ticket option shall also not be available for a violation of § 104-17.B. involving failure to comply with a lawful direction to cease operation or remove a motorized device.

C. In addition to any fine imposed, a person violating this article shall be responsible for restitution or reimbursement for any damage caused to Borough property to the extent permitted by law.

D. A violation occurring within a Borough recreation facility may also result in the suspension or loss of the privilege to use the facility in accordance with Chapter 207 and other applicable Borough rules.

SECTION 3. **Repealer**. All ordinances, or parts thereof, of the Borough of Chambersburg inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 4. **Savings Clause**. In all other respects, the ordinances of the Borough of Chambersburg shall remain as previously enacted and ordained.

SECTION 5. **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 6. **Effective Date**. This Ordinance shall take effect immediately.

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

_____
William T. Everly
President of Town Council

ATTEST:

_____
Jamia L. Wright
Secretary of Town Council

_____
Kenneth Hock
Mayor