



Smart Growth Committee Meeting
September 9, 2026 @ 6:00 PM
This meeting is recorded for public record.

Committee Members:

Jerome Szczepaniak, Chair
Bryan Travis
Stephen Marvin

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

Smart Growth Committee Meeting:

1. Call to Order
2. Announcements
 - A. Motion to approve the Conditional Use and Decision Order for the West Chester University Master Plan will be on the September 16 Voting Session agenda. (attachment)
3. Comments

Comments, suggestions, petitions by residents, taxpayers and visitors in attendance regarding items that are not on the agenda. Please be advised there is a 5-minute time limit which is at the discretion of the Council President and/or Chair.
4. Reports
 - A. Director's report – 2027 Budget (attachment)
 - B. Smart Growth Committee - Chair Report, workplan and issues raised at prior meetings (attachment)
5. Old Business
 - A. Motion to approve August Smart Growth Committee minutes – (attachment)
 - B. Motion to direct solicitor to prepare Mobile Food Truck Ordinance (attachment)
Issue: Creation of a stand-alone mobile food truck ordinance.
 - C. Discussion on gas-powered leaf blowers (attachment)
Issue: Discussion on possible ordinance to prohibit the use of gas-powered leaf blowers in the Borough.
6. New Business
 - A. Motion to approve HARB applications
Issue: Consider a Motion to approve the August HARB Certificate of Appropriateness

(attachment)

1. 2026-19: 16 E. Gay St-Revised sign
2. 2026-20: 208 E Market Street: Sign and façade for Homeward Bound Tattoo
3. 2026-21: 50 W Market Street: Façade

7. Other Business

8. Adjournment

Visit www.west-chester.com for access to all attachments.

Agendas are posted to www.west-chester.com by noon 3 business days prior to the meeting.



Department of Building, Housing & Codes Enforcement
Regulations for the Protection of Public Health, Safety and Welfare

401 East Gay Street ■ West Chester, Pennsylvania 19380
610-696-1773 ■ Fax: 610-692-7958 ■ web: www.west-chester.com

Building Housing and Code Enforcement Department 2027 Budget

Mission Statement

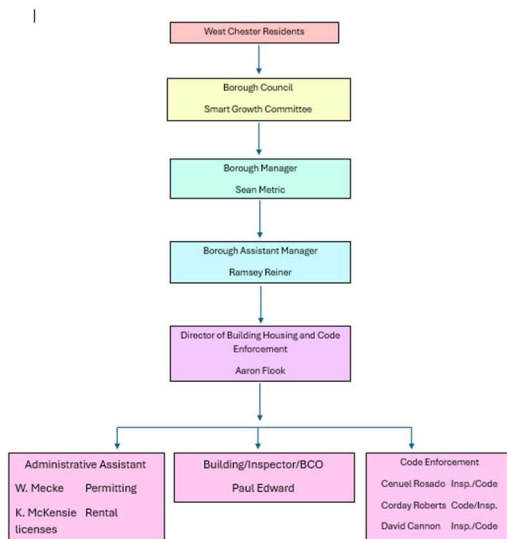
Consistently and equitably applying the Pennsylvania Uniform Construction Code (PA UCC) and the Code of the Borough of West Chester, encouraging community engagement and utilizing the latest training and education to protect the health, safety and welfare of our community.

Department Operation

- The current staff is comprised of 1 Director, 2 Administrative Assistants, 3 Code Enforcement Officers and 1 Building Codes Official. The department is close to full staff.

Staff Changes since 2023

Title	2023	2024	2025	2026	2027
Director/Zoning Officer	1	1	1	1	1
Administrative Assistant	1	1	2	2	2
Code Enforcement Officer	2	2	2	3	3
Building Inspector/Code Official (BCO)	0	1	1	1	1
Total	4	5	6	7	7



Operations Include:

- Daily enforcement of the Borough of West Chester Code (ordinances)
- Daily Enforcement of the PA Universal Construction Code (PA UCC)
- Review/Issue of Construction permits
- Administer WC Rental Program
- Inspect over 5800 Rental dwelling units yearly
- Planning and Land development activity
- Facilitating the Zoning Hearing Board and Zoning Appeals
- Zoning Site Plan review and approval
- Zoning Determinations
- Assisting other Departments with Code Enforcement

Goals for 2027

- Continue to focus on improving processes to help reduce the days it takes from receiving a permit to the issuance.
- Build our staff's knowledge base by providing ongoing training, coaching and education opportunities.
- Automate our processes to reduce staffing costs and create seamless permitting and licensing
- Build relationships with other Borough Departments and increase community interaction to more effectively deal with issues facing West Chester.
- It is the goal for Building Housing and Code Enforcement to provide customer service AND enforcement.

Revenues

Revenue Summary cash basis actuals							
Account Name	2021 Actual	2022 Actual	2023 Actual	2024 Actual	2025 Actual	2026 Actual through 6/30/2026	2027 Budget
Violations of Ordinances	28,557	13,565	23,662	43,216	96,323	35,948	75,000
Licenses/Permits-Electrical	37,813	53,663	38,663	23,301	55,103	31,008	39,000
Licenses/Permits-Building	197,956	308,517	562,022	336,134	445,730	203,739	382,600
Licenses/Permits-Mechanical	23,285	33,482	53,288	54,397	-	-	30,000
Plumbing Permits	31,262	40,916	102,821	50,052	31,012	10,641	35,000
Zoning Hearing Board	17,382	7,608	12,778	39,549	18,644	9,950	25,000
Zoning Site Inspections					-	-	5,000
Rental Permits	242,039	248,060	226,625	209,552	300,131	120,694	388,000
	578,294	705,811	1,019,859	756,201	946,943	411,980	979,600

- The Department will be making changes to the Fee Schedule for most building permits and zoning approvals. This will result in a slight increase
- Although for zoning hearing board has been raised but lowering the budget from \$40k to \$25k.

Salary Expenses

SALARY EXPENSES				
Account Name	2027 Budget	2026 Budget	Variance	Inc/(Dec) over P/Y
Salary Expense- Housing	568,106	517,024	51,082	10%
Salary Expense- O/T	3,500	1,500	2,000	133%
FICA Expense	43,728	39,667	4,061	10%
NU Defined Contribution Expense	28,131	25,851	2,280	9%
WC Insurance Expense	29,947	5,484	24,463	446%
Insurance Expense- Medical	183,531	205,447	(21,916)	-11%
	856,943	794,973	(61,970)	-8%

- For two months the Department tested a schedule that allowed 4 hours of overtime for one Code Enforcement Officer on Saturdays. This was highly successful. We have increased salary expense- O/T to allow us to run this schedule from May till October.



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Operating Expenses

Operating Expenses			
	2027	2026	
Account Name	Budget	Budget	Variance
Printing Expense	1,500	3,000	(1,500)
Lease Expense	6,553	9,558	(3,005)
Training Expense	24,000	24,000	-
Utilities Expense	8,700	4,000	4,700
Plumbing Inspection Expense	15,600	-	15,600
Zoning Hearing Expense	\$43,000	50,000	(7,000)
Electrical Inspections Expense	13,600	15,000	(1,400)
Mechanical Inspections Expense	12,000	20,000	(8,000)
Building Inspections Expense	35,000	75,000	(40,000)
Conditional Use Expense	5,000	-	5,000
Professional Fees	12,500	-	12,500
Uniform Expense	2,500	-	2,500
Fuel Expense	1,500	1,500	-
DCED Filing Fees	6,000	3,000	3,000
Off Site Storage Expense	3,600	3,500	100
	191,053	208,558	17,505
	1,047,996	1,003,531	(44,465)

- The 2026 GL line was broken into two separate new lines. (Building Inspection Expenses and Professional fees.)
- We used the average of the last six (6) years on average to set the budget for the Zoning Hearing Expenses. This was reduced slightly.
- Professional Services is for engineering reviews of stormwater plans that are part of a building permit and outside of land development.

Executive Summary

- For years there has been a negative balance between the expenses and revenue generated by the Zoning Hearing Board. Raising the fee for a Zoning Hearing Board application will help to bring that balance closer to cost neutral.
- The Department will be adjusting the Fee schedule for all construction permits and will help to make the cost associated with building permits pass through.
- We have implemented Zoning inspections for after a project has been completed. This is to verify that the fence, deck, shed or other project was installed to the site plans submitted.



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

Borough Council

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

Mayor

Lillian DeBaptiste

Borough Manager

Sean Metrick

DEPARTMENT OF BUILDING, HOUSING AND CODE ENFORCEMENT

September 9th, 2026

Executive Summary

- In August Building and Housing issued 108 permits, our third busiest month of the year. For the 5th straight months, we have kept our days to issue for permits between 12-16 days.
- Weekend code enforcement was very successful. Officers issued 5 stop work orders in the month do to people doing work without permits.
- Rental renewals are in full force.

Zoning Hearing Board

- September 28th ZHB Hearing: Application #1040, 244 E. Evans Street – the Applicants gave their testimony, the hearing is continued to allow discussion between the Applicant and the Borough.
- August 24th Application #1041 615-617 S. Walnut Street – The Applicant is seeking a variance to allow parking in the front yard setback, in the NC-2 zoning district, as part of a land development. Application was approved with conditions
- August 24th Application #1042 500 W. Lafayette Street – The Applicant is seeking relief of four (4) feet from the Primary structure, side yard setback of fifteen (15) feet to allow for the construction of a single-family house on an undeveloped lot. Application was approved

Planning Commission

- 615-617 S Walnut Street – Preliminary plans approval is progressing. The developer has written their responses to the consultants that reviewed the plans and are preparing their revised plans. This land development will appear before Smart Growth and the Borough Council for approval next month for approval of the preliminary plans.
- 410 S Walnut Street- Planning Commission has completed review and will be voting on recommending these preliminary plans for approval by the Borough Council on August 10.
- 328 & 330 W Washington Street – Planning Commission is reviewing a sketch plan presented for these properties to consolidate two lots, each improved with a duplex (one side by side, one up

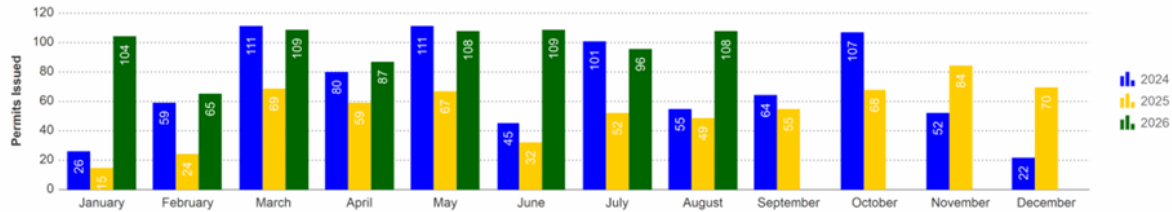
and down) and adding townhomes in the rear of the property. The exact number of townhouse units is the main topic of discussion. (between 3-6 depending on size)

- 339 W Gay Street – Presentation, discussed types of development for this lot, improved with multiple buildings. The Planning Commission discussed multiple ideas with the Developer to get a better idea of what development maximizes the use of this property.

Building and Housing

Permit Applications Received:	June	July	August	YTD
Comm. Addition, Alteration-Repair	15	23	23	107
Commercial Demolition	1	1	1	5
Land Development Application	1	0	0	2
Residential Addition-Alteration-Repair	26	31	54	265
Sign Permit	1	3	3	12
Zoning Site Plan Review	14	11	6	66
Cafe Permit	0	0	0	40
Certificate of Occupancy	1	1	1	11
Variance/Special Exception/Zoning appeal	1	2	0	4

Borough of West Chester, PA
Permits Issued
with Annual Month-to-Month Comparison



Permit Issued:	May	June	July	Issued YTD
Comm. Addition, Alteration-Repair	12	15	11	73
Commercial Demolition	0	1	0	4
Land Development Application	1	1	0	2
Residential Addition-Alteration-Repair	35	26	32	194
Sign Permit	0	0	2	6
Zoning Site Plan Review	0	14	5	49
Cafe Permit	0	0	0	36
Certificate of Occupancy	2	1	1	3
Variance/Special Exception/Zoning appeal	1	1	0	11

Code Enforcement

Cases (as of the 26 th of the Month)				
	June 26	July 26	August 26	YTD 26
Enforcement Requests	66	129	236	1031
Cases Opened	55	104	186	720
Cases Closed	66	130	153	972

Code Enforcement Officer Inspections: (Notice of Violations)

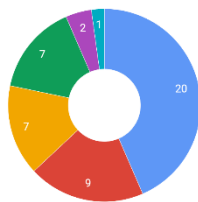
	June 26	July 26	August 26	Issued YTD
Garbage, Rubbish, Refuse	0	0	0	8
Grass/Weeds	4	15	15	55
Illegal Rentals	1	2	2	13
Junk Vehicles	1	1	1	3
Property Maintenance	25	51	51	314
Stop Work Orders	2	3	3	13
Zoning Violations	0	0	0	6
Building Code Violations	0	3	0	6

Rental Inspections:

Inspection Performed (as of the 26 th of the Month)				
	May 26	June 26	July 26	YTD 26
Annual Rental Inspection	248	275	208	1736
Initial Rental Inspection	16	19	21	102

Tickets Issued

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



- Totes/cans must be closed with tight-fitting lids. No rope, chain or perm. affixed by factory.
- All receptacles must contain street address & unit # on outside.
- Occupant shall keep a clean & sanitary condition that part of the property which they occupy.
- Dumpster watertight and lid closed.
- Obnoxious Growth Warning
- WARNING NOTICE

93% of tickets issued in August relate to (Chapter 62).



Highest Ticket Totals

June 2026	July 2026	August 2026
S. Walnut – 18	S. Walnut – 20	N. Darlington - 8
West Biddle – 11	W. Market – 8, S. Matlack – 8	E. Gay - 8
E. Miner – 10	E. Barnard – 7	W. Gay - 5
S. Matlack	E. Miner – 6, W. Chestnut – 6	N. Church - 5

Disruptive Conduct Report

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

Disruptive Conduct Reports Received (25-26 Rental Season, with the first month of the 26-27 Season.)

Nov 2025	Dec 2025	Jan 2025	Feb 2026	Mar 2026	April 2026	May 2026	June 2026	July 2026	August 2026
8	8	1	0	13	10	6	3	1	2

Yellow color represents last Rental season (25-26)

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

Date	Address	Student	Reason
8/23	500 block of S. Walnut	Yes	Chpt 73 Noise disturbance
8/25	500 block of S. Walnut	Yes	Chpt 73 Noise disturbance

DRAFT MEETING MINUTES

SMART GROWTH COMMITTEE OF BOROUGH COUNCIL

Date: Wednesday, August 12, 2026 @ 6:00 PM

Committee Members: Jerry Szczepaniak, Chair
Stephen Marvin
Bryan Travis

Staff: Aaron Flook, Director of Building, Housing & Code Enforcement
Sean Metrick, Borough Manager

I. Call to order-6:02PM

II. Announcements

- A. The West Chester Borough is participating in a friendly “Food Fight” with East & West Bradford Townships from July 1st to August 31, to collect non-perishable food items. Collection site is in the lobby at West Chester Borough Hall.

III. Comments, suggestions, petitions by residents in attendance regarding items not on the agenda. *(Please be advised that all public comments have a 5-minute time limit.)*
-None

IV. Reports

- A. Director’s report – Director Flook provides monthly statistical information for July 2026. Permit issuance is the highest it’s been since 2024 with average 94 permits per month and lowest turn around at 20 days from application to issuance. Code Enforcement cases have fallen in days from open to close to 92 days in July. The last 55 rental licenses that have not been renewed for the 2025-2026 rental cycle are in citation with the courts. Planning Commission is active with two new land development and sketch plans.
- B. Smart Growth Committee - Chair Report, workplan and issues raised at prior meetings – Chair Szczepaniak asks for status of the Land Development project on the website. Mr. Flook notes the plan is being reviewed and will be engined by information entered into SmartGov software, being updated daily, rather than the labor intensive, manual back end updates on the website.

V. Old business

- A. Motion to approve Smart Growth Committee minutes – June 10, 2026 & July 8, 2026- 3:0 Motion to recommend approval
- B. Discuss large party permits on private property
Issue: Control the size and frequency of large gatherings- Assistant Manager Ramsey Reiner reviews updates to the nuisance ordinance that will include unruly social gatherings. This will be enforced throughout the Borough with associated citations and fines. She continues by asking for advice from Committee on how to proceed with permitting for large gatherings on Borough owned public property, as permitting private parties on private property would open the Borough additional liability. Also, being mindful of non-profit and churches that successfully have special event permits without the additional costs associated normally associated with regular permitting. Mr. Travis notes that some private parties

reach a size that becomes public, the threshold should be size of property/occupancy. Assistant Manager Reiner offered this recommendation, the upcoming changes to nuisance ordinance will govern most of the concerns raised with unruly large parties. This is an opportunity to govern the problematic parties and not interfere with the parties with no issues. Changes to Block Party and Special Event regulations will manage parties that end up outside. This issue will be returned to Committee in September 2026.

C. Discussion on Mobile Food Truck Ordinance items to be resolved

Issue: Smart Growth feedback needed on 3 items for the pending food truck ordinance. - These proposed changes will allow food trucks at special events and food trucks on private property as part of private parties. Food trucks will not be allowed in Town Center (TC) zoning district and restrict locations in relationship to surrounding businesses, no canteen trucks on worksites and food trucks would not be permitted on vacant lots or secondary uses on private property. New to this ordinance allows for mobile ice cream trucks. Another consideration for Committee, if alcohol beverages for sale from food trucks would be permitted for sale in the Borough. Clarification on this topic would be required so the police would know exactly how to enforce. She asks Committee which committee or full council this should be decided. The recommendation was for Public Safety. This ordinance will also firm up physical health and safety of the food trucks.

Lisa Kerns, W. Biddle St, asks about legality of hand carts. Mr. Flook and Ms. Reiner both confirm they are not permitted with current regulation and will continue to be so.

VI. New business

- A. Motion to approve preliminary land development plan for 410 S High St – townhouses-Discussion reviewed the current preliminary land development plan for the former Burger King site with 42 stacked multifamily townhome units and 28 single family townhouses. Parking for these units is two-car stacked for the stacked units and 2-car parking garage for the single family townhomes. All parking is private on-lot. Developer is proposing fee-in lieu of in exchange for usable public space. Space has been provided for large truck deliveries and emergency vehicles to easily pass through. Daryl Cooke, S. Walnut St, is concerned with the number of bedrooms and the lack of guest parking. He continues to ask if these properties will be prohibited from using Borough issued parking permits? Ms. Reiner confirms this property is not eligible for any parking permits or guest parking passes. Shannon Mandeem, S. Matlack St, she approves of this plan and asks if there are any plans to use native planting for landscaping. Mr. Flook confirms native planting is part of this plan. Lisa Kearns, W. Biddle St, asks about remediation of the embankment that is currently on the property. It was confirmed the embankment would be remediated during construction. Jim Cherry, Chair, Planning Commission, noted the Planning Commission has approved this by-right preliminary/final land development plan to move forward to Committee. Committee recommends 3:0 to motion to approve and move on to Council.

- B. Motion to direct the Solicitor to attend Zoning Board Hearing for 615/617 S Walnut St – variance for parking in the front yard setback

Issue: Staff recommendation to NOT direct the Solicitor- Mr. Flook provides details of proposed land development; two lots will be joined for building this development, creating two front yards. Two parking spots are being proposed in the front yard set-back. Site angles in the back yard do not allow for parking in the

rear. Relief from the variance to allow for parking in the front yard set-backs will eliminate the need for on-street parking. Shannon Maneen, S. Matlack St, asked if this will be rentals or homeowner occupied condos with a Homeowners Association. Representative of the applicant confirmed this will be homeowner owned with a Homeowner Association. Mr. Metrick clarified that the Borough cannot regulate how a property is owned, someone may purchase and rent the property.

0:3 motion to recommend not sending the solicitor to attend the Zoning Hearing Board meeting.

- C. Motion to direct the Solicitor to attend the Zoning Hearing for 500 W Lafayette St – dimensional variance for side yard setback

Issue: Staff recommendation to NOT direct the Solicitor- Mr. Flook provides details for this application. The applicant wishes to seek dimensional relief to build a single family dwelling on a smaller lot. The proposed setback is 11' for one side, with requirement being 15'. One side meets the requirement; one side does not. Mr. Flook does not feel the solicitor is required to attend the Zoning Hearing Board meeting. The applicant speaks from podium describing the plan as a very traditional home, either craftsman or colonial style with porch, as in keeping with the surrounding neighborhood. Relief is required to allow for off-street parking also in keeping with surrounding neighbors. The house will be a maximum of the allowable 35' in height with three stories of living space. There will be a new garage in the back. For now, there are sidewalks in the plan, guidance from the Borough will be required for sidewalks. 0:3 motion to recommend not sending the solicitor to attend the Zoning Hearing Board meeting.

- D. Motion to approve minor edits to Chapter 66 Ordinance

Issue: Current ordinance has minor issues with deadlines that need to be rectified for more efficient enforcement. -Mr. Flook notes that major changes to this ordinance will be coming in the future, in the meantime, the following immediate changes would make regulating rental licenses more efficient; 1001-1.b(1) change the number of rental/rooming units from 4200 to 5820. 1002.2 definition of occupant "someone who is there by owner's permission" to "owner and tenant's permission." 1000.3, owner's duties, no longer allowing PO Boxes as addresses for owners or Responsible Agents, for clarity in communications. 1000.4, occupants' rules and regulations, incident that resulted in a Disorderly Conduct Report the property owner be contacted within three (3) days, when most of the incidences, the department is not contacted within three days. Changing to seven days, the department receives notice from the police department to notify the property owner, giving police enough time to properly investigate and Building & Housing proper time to notify the property owner of possible points against the property. 1000.6, disciplinary action, same time frame as noted earlier. Committee recommends 3:0 to approve.

- E. Motion to approve HARB applications – Motion to approve items 1-4; 3:0

Issue: Consider a Motion to approve the July HARB Certificate of Appropriateness

1. 2026-15: 122 S. High St-Railing
2. 2026-16: 143 W. Gay St-Sign
3. 2026-17: 200 N. High St-Awning
4. 2026-18: 20 W. Market St-HVAC Equipment

5. 2026-19: 16 E. Gay St-Sign & Façade painting-**Tabled to next month. Applicant changing sign**

VII. Other business-**None**

VII. Adjournment -**8:09pm**

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DRAFT

ARTICLE IV
Mobile Food Vendors
[Adopted 4-X-2026 by Ord.]

§ 233-23. Purpose.

The Municipality finds that allowing mobile food vendors to operate, subject to practical regulations and limitations, is beneficial to people living and working within the Municipality. This article recognizes the unique physical and operational characteristics of mobile food vending, establishes standards for mobile food vending operations and promotes practices that serve the health, safety and welfare of the public.

§ 233-24. Definitions.

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

CANTEEN TRUCK — A motorized vehicle that operates to provide food services to workers at locations where access to such services is otherwise unavailable or impractical (e.g., a construction site); from which the operator sells food and beverages that require no on-site preparation or assembly other than the heating of precooked foods; and is not advertised in any form to the general public except by virtue of signage on the vehicle. Products sold from canteen trucks may include fruits, vegetables, precooked foods such as hot dogs, prepackaged foods and prepackaged drinks.

COMMISSARY — An establishment or facility in a fixed location that is used for the storage of supplies for a mobile food service vehicle, the preparation of food to be sold or served at a mobile food service vehicle, or the cleaning or servicing of a mobile food service vehicle or the equipment used in conjunction with a mobile food service vehicle.

EDIBLE FOOD PRODUCTS — Those products that are ready for immediate consumption, including prepackaged food and food cooked, prepared or assembled on-site. The term "edible food products" does not include fresh produce unless the produce has been packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed or otherwise prepared for consumption.

FOOD TRUCK — A vehicle from which edible food products are cooked, prepared or assembled with the intent to sell such items to the general public, provided further that food trucks may also sell other edible food products and beverages that have been prepared or assembled elsewhere. Food truck operators may market their products to the public via advertising, including social media.

ICE CREAM TRUCK — A vehicle from which the operator sells only prepackaged frozen dairy or water-based food products and prepackaged beverages. For purposes of this article, a nonmotorized cart from which such products are sold shall be considered an ice cream truck.

LICENSE ADMINISTRATOR — The person designated by the Municipality to oversee the issuance, suspension and revocation of mobile food vendor license.

LOCATION — Any single property parcel or any combination of contiguous parcels that are owned or controlled by a single entity or affiliated entities.

MOBILE FOOD SERVICE VEHICLE — A food truck, canteen truck or ice cream truck and

includes any portable unit that is attached to a motorized vehicle and intended for use in the operation of a food truck, canteen truck or ice cream truck.

MOBILE FOOD VENDOR — Self-contained food service operation, located in a readily movable motorized, wheeled, or towed vehicle, used to store, prepare, display or serve food intended for individual portion service.

MOBILE FOOD VENDOR EVENT — A coordinated and advertised gathering of more than three mobile food service vehicles in one location on a certain date with the intent to serve the public.

MOBILE FOOD VENDOR LICENSE — A license issued by the Municipality for the operation of a mobile food service vehicle.

OPERATE — To sell food, beverages, and other permitted items from a mobile food service vehicle and includes all tenses of the word.

OPERATOR — Any person operating or permitted to operate a mobile food service vehicle.

VEHICLE — Every device in, upon or by which any person or property may be transported or drawn upon a street, including devices moved by human power.

§ 233-25. Licenses and permits required; fees.

- A. It shall be unlawful to operate a mobile food service vehicle to sell or offer for sale any food, service, or merchandise at any location within the Municipality unless a mobile food vendor license has been issued by the Borough of West Chester and in compliance with the other requirements of this article.
- B. Mobile food vendors must comply with all federal, state and local licensing, which includes registering for and obtaining a local business license, up-to-date records on health inspections, as well as any and all other permitting regulations and all business tax, sales tax and other tax requirements.
- C. The Department of Building, Housing and Codes Enforcement is hereby authorized to promulgate rules and regulations supplemental to the provisions herein for the purpose of carrying out the administration and enforcement of such provisions.

§ 233-26. Locations and hours of operation.

- A. Food trucks.
 - (1) Approved locations of food trucks
 - (a) Locations as approved in Chapter 104-29
 - (b) At Borough approved special events
 - (c) For no more than 12 hours on private property for private events in all zoning districts except Town Center.
 - (2) Hours of operation. Food trucks may operate beginning at 7:00 a.m. and ending at 9:00 p.m. unless otherwise restricted by the operator's mobile food vendor permit or by the property owner. The Municipality may permit extended hours of operation.
- B. Ice cream trucks.

- (1) Approved locations of ice cream trucks
 - (a) An ice cream truck with a current mobile food vendor permit may operate from the right-of-way at any one location for no more than 15 minutes before relocating to another location not less than 1/4 mile from the previous location
 - (b) Locations as approved in Chapter 104-29
 - (c) At Borough approved special events
 - (d) For no more than 12 hours on private property for private events in all zoning districts except Town Center.
- (2) Hours of operation. Ice cream trucks may operate beginning at 11:00 a.m. and ending at 8:00pm unless otherwise restricted by the operator's mobile food vendor license.

§ 233-27. Operating requirements.

A. Vehicle requirements.

- (1) Design and construction. Mobile food service vehicles must be specifically designed and constructed for the purpose of preparation and sale of the specific type of food being sold and may not operate in any manner that is not compatible with the purpose for which the vehicle has been designed and constructed.
- (2) Licensing. Mobile food service vehicles must be licensed and equipped in accordance with the rules and regulations of all local, state and federal agencies having jurisdiction over such vehicles. The preparation and sale of food from mobile food service vehicles must comply with all applicable local, state and federal laws and regulations.

B. Operating in the right-of-way.

- (1) Mobile food service vehicles shall park facing the same direction as traffic, at a distance of no more than 12 inches between the curb face or edge of pavement and with the service window of the vehicle facing the curb or edge or pavement.
- (2) When a mobile food service vehicle is allowed to operate in the public right-of-way, no seating area shall be provided, except as permitted in conjunction with a street closure for a special event.

C. Business access. No mobile food service vehicle may operate in a location that:

- (1) Impedes the ingress to or egress from another business or otherwise causes undue interference with access to another business.
- (2) Blocks the lawfully placed signage of another business.
- (3) Prevents access to another business by emergency vehicles.

D. Pedestrians. If adjacent to a sidewalk, the components of a mobile food service vehicle's operations, including signage, seating areas and patron queue may not reduce the clear pedestrian path of travel on the sidewalk to less than six feet. All awnings or canopies of the vehicle shall be at least six feet, eight inches above the sidewalk.

E. Distance. A mobile food service vehicle must maintain a minimum distance of 10 feet

between other mobile food service vehicles and may not operate within 100 feet of a brick and mortar eating establishment.

F. Safety and fire prevention.

- (1) All cooking, heating and electrical equipment and all cooking practices must comply with applicable safety regulations, including applicable fire and electrical codes and any other safety requirements imposed by the Municipality's fire and rescue department.
- (2) No power cord, cable or equipment shall be extended across any public street, sidewalk or other public property. All power and extension cords shall be properly sized, secured and protected from physical damage.
- (3) No cooking equipment other than a heating apparatus compliant with applicable safety regulations may be used in a canteen truck. No cooking or heating equipment may be used in an ice cream truck.
- (4) All mobile food service vehicles must be equipped with a 2A-10BC fire extinguisher that is inspected annually and certified as meeting National Fire Protection Association standards.
- (5) All mobile food service vehicles with a generator must provide a 3A-40BC fire extinguisher. Generators may not be placed on the ground or sidewalk. Must be affixed to the food truck.
- (6) All food service vehicles utilizing a deep fat fryer must provide a type K fire extinguisher in addition to the required extinguisher requirements set forth in this article.
- (7) The maximum amount of LPG gas that can be stored/used is two 100-pound tanks with LPG storage tanks only permitted to be stored/used on the exterior of the mobile food service vehicle; furthermore, all piping and fittings for the distribution and use of LPG gas must be UL or FM approved.
- (8) Any type of cooking inside the mobile food service vehicle that produces grease laden vapors is required to be protected with an NFPA 96 compliant fire suppression system.
- (9) All vendors must maintain a clearance of at least 10 feet away from buildings, structures, vehicles, and any combustible materials and must also maintain a clearance of at least 15 feet from a fire hydrant.
- (10) Any engine-driven source of power must be separated from the public by barriers, such as physical guards, fencing, or enclosures.
- (11) Any engine-driven power must comply with the following: at least 10 feet in all directions from openings and air intakes; at least 10 feet from every means of egress; directed away from all buildings; directed away from all other cooking vehicles and operations.

G. Solid fuel safety (wood, charcoal).

- (1) Fuel must not stored above any heat producing appliance or vent.
- (2) Fuel must not stored closer than three feet to any cooking appliance.

- (3) Fuel must not stored near any combustible liquids, ignition sources, chemicals, and food supplies and packaged goods.
 - (4) Fuel must not stored in the path of the ash removal or near removed ashes.
 - (5) All ash cinders, and other fire debris should be removed from the firebox at regular intervals and at least once a day.
 - (6) Removed ashes, cinders, and other removed fire debris should be placed in a closed, metal container located at least three feet from any cooking appliance.
- H. Noise. No sounds that are prohibited by Chapter 73 (Noise) of this Code may be produced by a mobile food service vehicle's operations.
 - I. Support methods. No mobile food service vehicle may use stakes, rods or any other method of support that must be drilled, driven or otherwise fixed into or onto asphalt, pavement, curbs, sidewalks or buildings.
 - J. Spills. To prevent discharges into waterways, drainage systems or public sewer systems, each food truck shall comply with all stormwater regulations of the Municipality and all regulations regarding prohibited discharges to public sewers. In addition, each vehicle shall have a spill response plan to contain and remediate any discharge from the vehicle. Plan must be located on truck at all times. Food trucks must ensure that all waste, including wastewater from cleaning and sanitation, is properly managed and disposed of to avoid discharging harmful pollutants into storm drains.
 - K. Waste collection. The area of a mobile food service vehicle operation must be kept neat and orderly at all times. Operation of a mobile food service vehicle in an area is deemed acceptance by the operator of the responsibility for cleanliness of the area surrounding the operations (not less than 50 feet from all parts of the vehicle) regardless of the occurrence or source of any waste in the area. During each period of operation at a location, the operator must provide proper trash receptacles for public use that are sufficient and suitable to contain all trash generated by the mobile food service vehicle. All trash receptacles must be emptied when full, and all waste must be removed prior to departure of a mobile food service vehicle from a location.
 - L. Pedestrian service only. Mobile food service vehicles shall serve pedestrians only. Drive-through or drive-in service is prohibited.
 - M. Signage. Signage for each mobile food service vehicle shall be limited to signs on the exterior or interior of the vehicle and one sandwich board sign. All signs on the exterior of the vehicle shall be secured and shall not project more than six inches from the vehicle. One sandwich board sign may be placed outside the mobile food service vehicle, provided that the base of a sandwich board sign must be placed no further than two feet beyond the mobile food service vehicle. Sandwich board signs shall not exceed eight square feet per side or 48 inches in height and shall not obstruct or impede pedestrian or vehicular traffic.
 - N. Alcohol sales. Food trucks may not sell alcoholic beverages, except as may be specifically allowed by applicable state law. Ice cream trucks are prohibited from selling alcoholic beverages at all times.
 - O. Insurance.
 - (1) Mobile food service vehicles must maintain all motor vehicle insurance coverage

required by applicable state and federal laws and regulations.

- (2) Mobile food service vehicles operating on Municipal property other than the right-of-way shall at all times maintain such further insurance coverage as may be required by the Municipal Administrator. In the event the required coverage is not properly maintained, permission to operate on Municipal property will be immediately revoked.

P. Exterior cooking equipment.

- (1) Shall only be permitted in designated areas during specific special events and not within the right-of-way or in any public streets.
- (2) Any food preparation equipment outside of the mobile food service vehicle shall not obstruct vehicular or pedestrian traffic, and the use and operation of such equipment shall not create safety hazards for the public. Food shall not be served to customers directly from any outside food preparation equipment. Any smoker or other exterior equipment that generates heat shall be surrounded with at least three traffic safety cones.

§ 233-28. Operational restrictions.

- 2 A. All mobile food vendors are prohibited from:
 - (1) Any area where they will impede pedestrian traffic. Mobile food trucks vending for events on private property may not sell or feed the general public.
 - (1) Consuming alcoholic beverages while vending. No mobile food vendor will be permitted to leave their vehicle unattended overnight or when not in use. No unattended food truck shall be left at any time in the right-of-way or parked on any other public property overnight.

B. Canteen and commissary trucks are not permitted within the Borough.

233-29. Mobile food vendor permits.

- A. Required. The Department of Building, Housing & Codes Enforcement shall oversee the issuance, suspension and revocation of mobile food vendor permits. No mobile food service vehicle may operate within the Municipality without a mobile food vendor permit issued by the Borough. A mobile food vendor permit authorizes the holder only to engage in the vending of products from a mobile food service vehicle in compliance with this Code and as specified on the permit. The mobile food vendor permit must be prominently displayed when the mobile food service vehicle is in operation. This section shall not apply to contractual arrangements between a mobile food service vehicle operator and any individual, group or entity for prearranged catering at a specific location for a period of not more than four hours, provided that the mobile food service vehicle is not open to or serving the general public.

B. Application.

- (1) In order to obtain a mobile food vendor permit, a mobile food service vehicle operator must complete an application form provided by the Borough. The application shall include the following information:
 - (a) Name and address of the owner of the vehicle.
 - (b) Name and address of all operators of the vehicle.

- (c) Color photographs of the exterior (front, side, and back) of the vehicle in its final condition and with all markings under which it will operate.
 - (d) A copy of the vehicle license and registration form reflecting the vehicle identification number (VIN) of the vehicle.
 - (e) A copy of the state or county health department license or permit applicable to mobile food providers.
 - (f) A copy of the operator's business license.
 - (g) A certificate of insurance coverage, including required motor vehicle insurance coverage.
 - (h) A signed acknowledgement that the operator has read this article and will comply with all applicable requirements herein.
 - (i) Any additional information required by the Municipality.
- (2) Submittal of an application for a mobile food vendor permit must be accompanied by payment of an application fee as designated by the Borough fee schedule. Any mobile food service vehicle previously found to be operating within the Municipality without a current permit shall also pay the application fee stated in the Borough fee schedule for new vendors.
- (3) Each mobile food vendor permit holder shall have an ongoing duty to provide the Municipality with notice of any change to any of the information submitted with its permit application, within 10 days of the change, including current photographs of the mobile food service vehicle in the event of any change in the appearance of or signage on the vehicle.
- C. Issuance. A mobile food vendor permit shall be issued upon verification that an application has been completed in accordance with the requirements of this section, except that no such permit will be issued to an operator whose permit is currently suspended or has been revoked within the preceding 12 months, or to any person who intends to operate the same mobile food service vehicle for which the operator's permit is currently suspended or has been revoked within the preceding 12 months. If the permit administrator denies the application, such denial shall be in writing and provided to the applicant within 15 days of receipt of the application.
- D. Expiration. All mobile food vendor permits shall expire on December 31 of each year, or on such alternate date as may be set by the permit administrator. A mobile food vendor permit may be renewed for the next twelve-month period, provided that all applicable requirements are met and the permit is not currently suspended or has not been revoked within the preceding 12 months. The fee for renewal shall be the same as the application fee for a new mobile food vendor permit.
- E. Transferability. A mobile food vendor permit may not be transferred except as part of the sale of a controlling interest in a business holding the permit or a sale of substantially all of the assets of a business holding the permit. The operator of the mobile food service vehicle shall notify the Municipality within 10 days of any such sale and shall update any information that has been changed since the submittal of the application for the mobile food vendor permit.

- F. Temporary permit. If an operator of a mobile food service vehicle has not previously obtained a mobile food vendor permit and is found to be operating within the Municipality, Municipal staff may authorize the operator to continue operating for not more than two hours, provided that the operations must comply with the location and hours of operation requirements set forth herein. Thereafter, the operator shall not operate a mobile food service vehicle within the Municipality without first paying the required application fee and obtaining a mobile food vendor permit as required by this section.

§ 233-30. Enforcement.

- A. Citation. Each of the following circumstances constitute a violation of this article, for which a citation of no less than \$100 and no more than \$1000 fine may be issued to the violator of this article by a codes enforcement officer, fire official, and/or police officer of the Municipality:
- (1) Operation of a mobile food service vehicle without a current, valid permit, provided further that each day and each separate location at which a mobile food service vehicle is operated without a current, valid permit shall be considered a separate violation.
 - (2) Continuation of temporary mobile food service vehicle operations beyond the time period authorized by staff.
 - (3) Holding a special event without a permit or failing to comply with the conditions of approval for a special event permit.
 - (4) Failure to comply with any other provision of this article.
- B. Responsibility for violations. The Municipality codes enforcement officers, fire officials, and/or police officers may, at their discretion in consideration of the situation, cite any of the individuals or entities listed below for any violation of the provisions of this article:
- (1) The operator of a mobile food service vehicle.
 - (2) An employee working at a mobile food service vehicle.
 - (3) The owner of the property on which a mobile food service vehicle is operated.
 - (4) The entity or organization hosting a special event, or the person in charge of the special event.
- C. Suspension of permit. A mobile food vendor permit shall be suspended by the permit administrator if:
- (1) The applicant for the permit knowingly provided false information on the application.
 - (2) Two violations of this article have occurred within a six-month period in conjunction with the mobile food service vehicle for which the permit has been issued.
 - (3) The operator of a mobile food service vehicle fails to maintain a current, valid vehicle registration, health department permit, business license or proof of required motor vehicle insurance coverage.
 - (4) The vehicle has any outstanding warrants or five (5) or more outstanding parking tickets.
- D. Revocation of permit. A mobile food vendor permit shall be revoked by the permit administrator if:

- (1) Four violations of this article have occurred within a twelve-month period.
- (2) A mobile food service vehicle is operated in an unlawful manner so as to constitute a breach of the peace or otherwise threaten the health, safety or general welfare of the public.

E. Reinstatement.

- (1) Suspended permit. An operator may reinstate a suspended mobile food vendor permit by taking such actions as may be necessary to correct a mobile food service vehicle's noncompliance and paying a reinstatement fee listed in the Borough fee schedule to offset the Municipality's cost of enforcement measures, inspections and compliance verifications.
- (2) Revoked permit. An operator whose mobile food vendor permit has been revoked may apply for a new permit after 12 months from the date of revocation, provided the operator has taken such actions as may be necessary to correct a mobile food service vehicle's noncompliance. The operator shall pay a permit reinstatement fee listed in the Borough fee schedule to offset the Municipality's cost of enforcement measures, inspections and compliance verifications.
- (3) No permit will be issued to any person who intends to operate the same mobile food service vehicle for which the operator's permit is currently suspended or has been revoked within the preceding 12 months.

F. Notice. Notice of the suspension or revocation of a mobile food vendor permit shall be issued to the operator in writing by the permit administrator.

§ 233-31. Appeals.

- A. Filing. The denial, suspension or revocation of a mobile food vendor permit by the permit administrator may be appealed by filing a written notice of appeal, establishing the grounds for the appeal, with the Public Safety and Quality of Life Committee no later than 10 business days following receipt of the notice of denial, suspension or revocation.
- B. Municipal Administrator's review. When an appeal is filed with the Municipal Administrator as set forth herein, the Municipal Administrator may request such additional information from the operator and the permit administrator as may be deemed necessary. At the Municipal Administrator's discretion, the appeal may be decided based on the written information and documentation submitted, or a hearing may be scheduled with the operator and the permit administrator. The Municipal Administrator's decision shall be issued in writing, based on a written summation of the pertinent facts, and shall be final. The Municipal Administrator may reverse the denial, suspension or revocation of a permit, or may reduce the waiting period required for reinstatement of a revoked permit if it is determined that the operator has taken reasonable steps to mitigate the violations leading to the revocation and to prevent future violations.
- C. Refunds. There shall be no refund of an application fee for a mobile food vendor permit that has been denied. There shall be no refund of a reinstatement fee for a suspended or revoked permit unless the Municipal Administrator determines on appeal that the permit administrator acted in error in suspending or revoking the permit.

COUNCIL TOPIC CONSIDERATION MEMO

THIS MEMO IS TO SERVE AS A PROPOSAL FOR COUNCIL APPROVAL ON A TOPIC THAT MAY HAVE SUBSTANTIAL TIME & PLANNING REQUIRED. BEFORE WORK COMMENCES, THIS MEMO WILL BE PLACED ON A WORK SESSION AGENDA FOR COUNCIL APPROVAL SUPPORTING THIS ENDEAVOR.



GENERAL INFORMATION

Council Sponsor: Jerome Szczepaniak

Date: Aug 18, 2026

Topic Title/Ordinance Number: Gas-Powered Leaf Blower restrictions

Committee Responsible: Smart Growth

Goal Alignment: Quality of Life in The Borough

Identified Departments Involved: Code Enforcement, WCPD

ISSUE

Provide a short description of the concern or topic:

Gas-powered leaf blowers are banned in over 200 municipalities across the US, including several towns in the greater Philadelphia area.

These blowers contribute 50% of all **Air pollution** attributed to small gas-powered yard equipment, despite making up less than 25% of the unit sales. One study found that running a two-stroke engine for 30 minutes generates air pollution equivalent to driving a pickup truck over two thousand miles.

As importantly, **Noise Pollution** is the second most important reason for bans or incentives. These blowers can produce 90-100 dbs at the level of the operators' ears; this exceeds what is considered safe hearing levels as 85 db is the threshold at which continued exposure to the sound leads to hearing damage – not to mention irritated neighbors.

Electric-powered leaf blowers are non-polluting and generate significantly lower levels of noise. Current models widely available in the marketplace today match or exceed the performance of two-stroke gas-powered versions. With each new generation, electric blowers offer incremental performance improvements over the previous. Distributors of the gas-powered versions increasingly limit their offerings to shift the sales focus to the electrically-powered variants.

Other regulations include noise-levels capped at 65 db, roughly the level of sound of the interior of a car at 60 mph.

PROPOSED PLAN OF ACTION

Provide a plan of action for the issue:

To allow owners of gas-powered blowers time to recoup their investments in their assets, the approach is to phase-in limitations on the use of the gas-powered leaf blowers, initially limiting their use to seasons of high need (i.e., Autumn, as leaves fall and Spring for the post-winter cleanup), with the eventual goal of a complete ban of their use.

Desired Implementation Timing: Initial limits to be imposed in 2027, with the transition to a full ban by 2030.

ASSOCIATED COSTS

Please provide a general list of any costs that may be associated with this project. Consider costs for consultant time, hearing costs, any ancillary studies that may be required:

Outside legal advice to compose the ordinance and public hearings to review the proposed ordinance.

NEXT STEPS (TO BE COMPLETED AFTER COUNCIL WORK-SESSION DISCUSSION)

- 1) Draft a preliminary ordinance.
- 2) Present draft to appropriate committee (S-G) for review.
- 3) Edit and adjust as necessary.
- 4) Present to full council for approval.
- 5) Present ordinance in public hearing
- 6) Complete and sign