

# Borough of Donora

## Food Trucks Ordinance

[HISTORY: Adopted by the Borough Council of the Borough of Donora on \_\_\_\_\_ by Ord. No. \_\_\_\_\_.

### **Section 1 Scope.**

The provisions of this chapter apply to food trucks engaged in the business of cooking, preparing and/or distributing food or beverages with or without charge in public spaces. This chapter does not apply to mobile ice cream or water ice trucks.

### **Section 2 Definitions.**

For purposes of this chapter, the following word, term and/or phrase has the meaning indicated herein:

#### **FOOD TRUCK**

A vehicle or cart, which may, upon issuance of a permit by the Borough of Donora and conformance with the regulations established by this chapter, temporarily park upon a publicly designated street or sidewalk and engage in the service, sale or distribution of food for individual portion service to the general public, directly from the vehicle. The term shall include but is not limited to trucks and trailer hitch units used for food vending.

### **Section 3 Permit required.**

It shall be unlawful for any person to maintain or operate a food truck in the Borough of Donora without first applying for and securing a permit therefor, as provided in this chapter. The permit shall be valid from the date of issuance until the end of the calendar year in which the permit was issued.

### **Section 4 Permit application.**

A. Any person who shall desire to operate a food truck in the Borough of Donora shall make an application (the applicant) in writing to the Borough. Such application shall be accompanied by such application fee, as required by a schedule of fees, established by and amended from time to time by resolution of Borough Council. Such application shall be made annually after the first of the year upon forms provided by the Borough, and shall set forth and include the following information:

- (1) The name, business name and address of the applicant and/or food truck owner;
- (2) Contact information, including phone number and e-mail address;

- (3) Food truck information, including business license number, all state and county permits, truck make and model, and license plate number;
  - (4) Food truck vending information, including types of goods to be sold and proposed hours of food truck vending;
  - (5) Such other information as may be required from time to time by the Borough; and
  - (6) An agreement of indemnity and a certificate of liability insurance naming the Borough as an additional insured; and
  - (7) All such information and actions that are required by this chapter, or any other section of part of this chapter.
- B. No action shall be taken on any application for a permit under this section until the application has been completed in its entirety and the application fee, as required by a schedule of fees, established and amended from time to time by resolution of the Borough Council, has been paid in full. The schedule of fees shall be kept on file at the Municipal Building of the Borough of Donora. There shall be no proration of fees under this subsection.

**Section 5 Indemnification of Borough; insurance.**

- A. The owner of the food truck shall well and truly save, indemnify, defend, and hold harmless the Borough of Donora, its officers, elected officials, employees and agents from and against any and all actions, suits, demands, payments, judgments, costs and charges caused by any reason due to the existence of the food truck and all damages to persons or property resulting from or in any manner caused by the presence, location, use, operation, installation, maintenance, replacement, or removal of such food truck, or by the acts or omissions of the employees or agents of the applicant and/or food truck owner in connection with such food truck.
- B. The owner of the food truck must obtain and maintain a general liability insurance policy protecting itself and the Borough of Donora from any and all damages. A food truck owner must indemnify the Borough of Donora a minimum amount of \$1,000,000 for bodily injury or death and \$500,000 for property damage resulting from any one accident. All insurance policies shall be issued by companies qualified to do business in the Commonwealth of Pennsylvania. All policies shall name the Borough as an additional insured and shall provide that any cancellation or reduction in coverage shall not be effective unless 30 days' prior written notice thereof has been given to the Borough.
- C. Neither the provisions of this section nor any damages recovered by the Borough shall be construed to limit the liability of the owner of the food truck for damages.

### **Section 6 Specific standards.**

The following regulations shall apply to food trucks:

- A. An applicant, upon submitting an application for a food truck permit, must also furnish copies of the food truck operator and/or owner's:
  - (1) Valid driver's license;
  - (2) Valid certificate of general liability coverage in the minimum amount specified in this chapter;
  - (3) Valid copy of the food truck's business license and tax identification number; and
  - (4) Any licensing and/or permitting required by Washington County or the Commonwealth of Pennsylvania for the operation of a food truck.
- B. Vending shall only be permitted from food trucks located at least 50 feet from any residential building.
- C. Vending may occur only between 7:00 a.m. and 10:00 p.m. food trucks may not arrive before 6:00 a.m. and must be removed by 11:00 p.m. each day.
- D. If parked in a metered parking space, food trucks must feed the parking meter as required by the Borough.
- E. Food trucks may not stay parked on the street overnight and must be removed from the street every night.
- F. All required Washington County issued licenses and permits must be valid and posted in a visible location on or within the food truck at all times.
- G. No vending is permitted within 25 feet of a fire hydrant.
- H. No vending is permitted on private property without express permission of the property owner.
- I. A person in charge must be present at the food truck vending site at all times.
- J. Food trucks may only be open to and may only serve customers from the side of the truck facing the sidewalk, food trucks are prohibited from operating with their trucks open to the roadway.
- K. No tanks, generators or other equipment shall be placed within the public right-of-way.

- L. Temporary signs used as part of the food truck vending operation shall not exceed eight square feet and shall not block any sidewalks or impede any vehicular, biking or pedestrian traffic or paths.
- M. Awnings and canopies associated with any food truck shall be at least seven feet above any public sidewalk.
- N. A food truck vending operation is subject to any and all applicable Borough Code requirements or other relevant Donora Borough ordinances, resolutions, or requirements.
- O. Failure to comply with any directions or provisions of the food truck permit application process and food truck operating guidelines may result in penalties as set forth in this chapter, as well as the denial of a food truck vending application and/or revocation of a food truck operation permit.
  - (1) The failure to comply with any food truck standards, as set forth herein, may result in the following (in addition to the penalties set forth in this chapter):
    - (a) First violation: fine and/or suspension or revocation of permit.
    - (b) Second violation: fine and suspension or revocation of permit.

**Section 7 Additional rules and regulations.**

The Borough may, from time to time, promulgate whatever rules or regulations it deems necessary or desirable to effectuate the purposes of this chapter, and the same shall be approved by the Borough Council.

**Section 8 Violations and penalties.**

Any person who violates or permits the violation of any provision of this chapter shall, upon conviction thereof in a summary proceeding brought before a Magisterial District Judge, be guilty of a summary offense and shall be subject to the payment of a fine, not less than \$50 for the first offense, not less than \$100 for the second and subsequent offense, and not more than \$1,000, plus the cost of prosecution. Upon default of payment thereof, the defendant may be sentenced to imprisonment in the county prison for a period of not more than 30 days. Each section or provision of this chapter that is violated shall constitute a separate offense, and each day or portion thereof in which a violation of this chapter is found to exist shall constitute a separate offense, each of which violations shall be punishable by a separate fine imposed by the District Justice in the amounts stated hereinabove.