**POLK TOWNSHIP, MONROE COUNTY, PENNSYLVANIA**

**ORDINANCE NO. \_\_\_\_ OF 2022**

**AN ORDINANCE REGULATING FOOD TRUCKS PROVIDING FOR A PERMITING, TERMS OF USE AND PENALTIES FOR VIOLATIONS.**

WHEREAS, the Second Class Township Code § 1506 provides for the ability of a Board of Supervisors to adopt ordinances to protect the health, safety and welfare of citizens of the Township; and

WHEREAS, the Township has become aware that food trucks have become popular and has received numerous inquiries from food truck vendors wishing to operate within Polk Township.; and

WHEREAS, the Board believes that appropriate regulation of food trucks are necessary given that food and beverages would be served to members of the public raising health issues, as well as public safety issues relating to the place and times of operation of such food trucks.

NOW, THEREFORE, be it ENACTED and ORDAINED as follows:

Section 1. This Ordinance shall be known as the “Polk Township Food Truck Ordinance”.

Section 2. Definitions:

1. Food Truck – A licensed, self-contained motorized vehicle, or unmotorized trailer, where food or beverage is cooked and/or prepared and served for individual portion service such as a mobile food kitchen

Section 3. Permit Required:

1. A township permit shall be required prior to the operation of any food truck within the confines of the Township
2. A township permit should be applied for on a form supplied by the Township
3. The application shall provide:
4. The name of the business and its owners and the mailing address of the business as well as phone number and e-mail address.
5. Certification that the food truck has passed all necessary inspections required by the Commonwealth of Pennsylvania and a copy of all permits issued.
6. A certificate of insurance providing general liability insurance of not less than $1,000,000.00 per occurrence listing the Township of Polk as an additional insured.
7. A copy of the Permit issued by the Commonwealth of Pennsylvania, Department of Agriculture.
8. The issuing officer may require inspection of the food truck prior to the issuance of the permit.
9. Permit fees for issuance and renewal will be set by resolution of the Board of Supervisors.
10. The permit issued hereunder shall require annual renewal. A current valid copy of the permits issued by the Commonwealth of Pennsylvania must be on file at the Township at all times.

Section 4. Operation:

1. No food truck shall dispense food or beverage unless fully compliant with this Ordinance and all applicable statutes and regulations.
2. A food truck may not park along any Township or State roadway and may not park with any Township or State right of way.
3. A food truck may park and operate on private property only with consent and approval of the owner of such property.
4. A food truck may not remain on the same property for more than a consecutive seventy-two (72) hour period, with the exception of real property owned or leased by the food truck operation for purposes of storage of such food truck when not in operation. There shall be a ninety-six (96) hour period before a food truck can return to the same property.
5. A food truck shall not park and operate on any property where there is not already parking spaces for the customers of such business existing on the property. A food truck shall not park on any vacant property.
6. There will be safe ingress and egress for vehicles utilizing any property upon which a food truck is located and operational.
7. A food trucks will not block or obstruct any driveway, right of way, fire lane, or access to any property.
8. The food truck operator shall provide trash receptacles near the stationary food truck and all trash and refuge shall be removed by the operator at the conclusion of operation on a daily basis.
9. Tables may be temporarily set up near the food truck with the property owners’ permission.
10. No audio amplification including but not limited to megaphones or speaker systems shall be permitted as part of the food truck vending operation.
11. The food truck operator and/or his designee must be present at all times that the food truck is a stationary and operational unless in the case of an emergency.
12. A food truck may not be located within one hundred (100) feet from the closest property line of any brick and mortar eating establishment.
13. No alcoholic beverages shall be dispensed from the food truck.
14. A food truck may operate from 6:00 am to 10:00 pm.

Section 5. Event Permit:

1. Where there is to be a gathering of three (3) or more food trucks at an event, an event permit must be applied for from the Township.

2. The event permit application shall include the name and address of the property owner at which the event is taking place; the dates and times of such event; the number of food trucks to be present at such event; the name and address of the person who will be a contact person for such event.

3. Any such event will be for no longer duration than seventy-two (72) hours.

4. All regulations set forth in this Ordinance shall be applicable to such event.

Section 6. Enforcement:

1. The Board of Supervisors shall appoint an enforcement officer for the purpose of enforcing this ordinance.
2. When it appears to the enforcement officer that the operation of the food truck poses an imminent threat to public health and safety if the food truck is not immediately closed, the enforcement officer shall have the power to order the immediate closure until all violations have been complied with.
3. A food truck permit shall be revoked in the event that any violation of this ordinance or the terms of the permit occurs and is not remedied within a period of five (5) days from the date of written notice of such violation.
4. Three (3) or more violations within a one (1) year period shall be grounds for revocation of the permit.
5. Permit revocations or non-renewals may be appealed to the Township Board of Supervisors in accordance with the Pennsylvania Local Agency Law.
6. Revocation or non-renewal of any permit issued by the Commonwealth of Pennsylvania shall have the effect of automatic revocation of any permit issued hereunder.

Section 7. Penalties for violations:

1. Any person who violates any provision of this ordinance shall be subject to a citation for a summary offense with a fine of not less than $250 or more than $1000 and the cost of a prosecution.
2. In the event of the imposition of a fine which is not appealed and remains unpaid, any permit issued hereunder will be suspended and the food truck not permitted to operate unless and until said fine and all related costs are paid in full.

Section 8.This Ordinance shall be effective immediately

**ADOPTED this \_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2022 by the Polk Township**

**Board of Supervisors.**

**POLK TOWNSHIP BOARD OF SUPERVISORS**

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Brian K. Ahner, Chairman

ATTEST:

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Michael D. Hurley, Vice-Chairman

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Rebecca Tippett, Secretary

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Carl S. Heckman