

CALN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE 2024 - _____

AN ORDINANCE OF THE TOWNSHIP OF CALN, CHESTER COUNTY, PENNSYLVANIA, ADOPTING A NEW CHAPTER 100 OF THE CALN TOWNSHIP CODE TITLED, “MOBILE FOOD FACILITIES” IN ORDER TO REQUIRE PERMITS, AND PROVIDE FOR REGULATIONS AND SAFETY MEASURES FOR SUCH FACILITIES IN THE TOWNSHIP AND RELATED ENFORCEMENT, PENALTIES AND VIOLATION PROVISIONS.

WHEREAS, due to Caln Township’s active, vibrant, and growing community, the Township has seen an increased request for mobile food trucks to service private, public and community-based events; and

WHEREAS, the Township Staff and the Board of Commissioners have seen the benefits of such mobile food trucks to small and large businesses, to public events, and to our sense of community and as such has determined to provide for a permitting process for such use subject to certain public health, welfare, and safety regulations.

NOW THEREFORE BE IT ENACTED AND ORDAINED by the Board of Commissioners of Caln Township as follows:

SECTION 1. A new Chapter 100 of the Caln Township Code, titled, “Mobile Food Facilities” shall be adopted and read as follows:

“CHAPTER 100 - MOBILE FOOD FACILITIES

§100-1. Purpose.

Caln Township finds that to protect the public health, safety and welfare of its residents and businesses it is necessary to establish rules and regulations, as set forth in this Chapter, for the use and operation of Mobile Food Facilities within the Township. This Chapter provides safety requirements and other specifications and reasonable conditions that allow Mobile Food Facilities to operate in a safe and efficient manner.

§100-2. Administration.

The rules, procedures and regulations set forth in this Chapter shall be administered and enforced by the Department of Building and Life Safety. No

action shall be taken on any application for a permit under this Chapter until the application has been completed in its entirety and the application fee has been paid in full.

§100-3. Definitions.

Terms or words used in this Chapter, unless otherwise expressly stated, shall be construed as defined below. When terms, phrases or words are not defined herein, they shall have their ordinarily accepted meanings, or as defined as provided elsewhere in the Township Code, or such as the context may imply.

Applicant

A property owner or owner authorized agent who wishes to allow the use or operation of a Mobile Food Facility for an event.

Canteen Truck

A vehicle that operates to provide food to workers from which the operator sells food and beverages that require no on-site preparation or assembly other than heating of pre-cooked foods.

Edible Food Products

Those products that are ready for immediate consumption, including prepackaged food and food cooked, prepared or assembled on-site.

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. Food trucks may sell food and/or beverages prepared or assembled elsewhere.

Ice Cream Truck

A vehicle from which the operator sells pre-packaged frozen dairy or water-based food products, pre-packaged beverages and other miscellaneous food items.

Mobile Food Facility

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

Single Event Permit

A use on a property that may include consecutive days, not to exceed three (3) days.

Temporary Multi-Event Permit

A use on the same property which may include consecutive or non-consecutive days, for a maximum of 6 months.

§100-4. Permit Requirements.

- A. It is unlawful to permit the operation a Mobile Food Facility at any location within the Township without a Mobile Food Facility permit (with the exception of certain private properties as provided for in §100-5 of this Chapter). Any property owner, or owner authorized agent, who desires to allow the use or operation a Mobile Food Facility in the Township shall file an application in writing to the Township for a Mobile Food Facility permit. Such application shall be accompanied by such application fee as set forth in the schedule of fees adopted and amended from time to time by resolution of the Board of Commissioners. Such application shall be made in accordance with this Chapter upon forms provided by the Township, and shall set forth and include the following information:
- (1) The name and address of the Applicant. Applicant shall be the property owner, or an individual authorized by the property owner to seek the Mobile Food Facility permit for use upon the property.
 - (2) A site plan specifying the location of the Mobile Food Facility and the proposed area of operation and vehicle. Site plans shall indicate the spacing from existing buildings, structures, driveways, sidewalks, parking, and light poles but such plans are not required to be fully-engineered plans.
 - (3) A description of the proposed Mobile Food Facility; including but not limited to operator/owner name and contact information.
 - (4) Copy of Chester County Health Department license or permit.
- B. A Mobile Food Facility Permit shall be one of two types:
1. Single Event Permit: a use on a parcel that may include consecutive days, not to exceed three (3) days. Modification to an approved Single Event Permit may be requested due to poor weather conditions and permit issued for alternative dates upon approval by the Department of Building and Life Safety.
 2. Temporary Multi-event Permit: a use on the same parcel which may include consecutive or non-consecutive days, for a maximum of 6 months.
- C. A Mobile Food Facility permit shall not be transferred to a new permittee without review and approval by the Department of Building and Life Safety and subject to any applicable fees for such transfer.

- D. A permittee operating a Mobile Food Facility within the Township shall comply with all applicable federal, state and local laws and regulations, including but not limited to, the International Fire Code, NFPA 96, Annex B and regulations of the Chester County Health Department as the same may be amended from time to time.

§100-5. General Requirements.

A. Parking.

The permitted Mobile Food Facility shall be parked in a location which provides sufficient parking spaces to meet the needs of their customers and which does not eliminate or interfere with necessary parking of other uses on the same lot. The location shall allow safe pedestrian access. The Mobile Food Facility may be required to provide safety barriers between the customers and vehicles if deemed necessary by the Department of Building and Life Safety or the Fire Marshal.

B. Regulations for Specific Locations.

- (1) Right of Ways - Mobile Food Facilities shall not operate within any public right of ways. Exception: Ice Cream Trucks may operate within a public right of way for no more than 15 minutes before relocating to another location.
- (2) Public Property – Mobile Food Facilities may operate on Caln Township municipal property with Board of Commissioners written approval and proof of indemnification.
- (3) Commercial Property - Mobile Food Facilities may operate on a commercial property with permit approval subject to the following provisions:
 - a) Maximum of three (3) Mobile Food Facilities permitted on one property. Additional Mobile Food Facilities may be permitted for certain special larger attendance events.
 - b) Placement of Mobile Food Facilities:
 - 1) Shall not hinder the ingress or egress to the building or parking lot or to another business.
 - 2) Shall not hinder any ADA required areas and/or pedestrian path of travel.
 - 3) Shall not obstruct sight distances.
 - 4) Shall not block fire lanes, loading zones or other parking limitations.
 - 5) Shall not cause undue interference to another business.

6) Mobile Food Facilities must maintain a minimum of ten (10) feet between other Mobile Food Facilities, buildings and other vehicles.

(4) Private Non-commercial Property - Mobile Food Facilities may operate on private property without a permit for the same limited duration for which single event permits are granted subject to the following provisions:

a) Maximum of three (3) Mobile Food Facilities permitted on one property.

b) Placement of Mobile Food Facilities:

1) Shall not hinder the ingress or egress to the property.

2) Shall not obstruct sight distances.

3) Shall not block fire lanes, loading zones or other parking limitations.

4) Shall not cause undue interference to another property.

5) Mobile Food Facilities must maintain a minimum of ten (10) feet between other Mobile Food Facilities, buildings and other vehicles.

C. Hours of Operation.

Mobile Food Facilities may operate between the hours of 7:00 a.m. to 10:00 p.m. Additional operating hours may be approved by the Township by written request for certain special events. The setup and breakdown of the operation shall comply with the Township's noise standards as set forth in the Township's Zoning Ordinance.

D. Waste Collection.

(1) Areas around a Mobile Food Facility must be kept neat and orderly at all times. The operator of the Mobile Food Facility shall be responsible for the cleanliness of the area surrounding the operation, which shall include an area of at least 25 feet in all directions.

(2) The permittee shall assure the provision of trash and recycling containers that are sufficient and suitable for the trash generated at the property. All trash and recycling containers shall be emptied when full and removed from the location daily or upon the removal of the Mobile Food Facility.

(3) If deemed necessary by the Department of Building and Life Safety, additional waste management action may be required if the property is not properly maintained due to the Mobile Food Facility use.

E. Signage.

Signage shall be limited to the signs on the interior and exterior of the Mobile Food Facility and one sandwich board. The sandwich board shall not exceed eight square feet per side and shall not exceed 48 inches in height. All vehicle signs shall be securely mounted and project no more than six inches from the vehicle.

F. Indemnification.

If warranted due to the location of the Mobile Food Facility, the Applicant may be required to indemnify, defend and hold harmless the Township, its elected and appointed officials, officers, employees, and agents from and against any and all actions, suits, demands, payments, costs, and charges for and by reason of the existence of the Mobile Food Facility 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 Mobile Food Facility or by the acts or omissions of the employees or agents of the applicant in connection with such Mobile Food Facility. If a Mobile Food Facility is granted permission by the Township to be located with the public right-of-way for a special event, the Applicant shall be required to obtain and maintain an insurance policy which covers general liability in the area of the Mobile Food Facility and which names the Township as an additional insured.

§100-6. Enforcement, Violations and Penalties.

- A. If the permittee fails to abide by the terms of this Chapter, the Township shall send written notice to the permittee and provide the permittee with 10 days to cure the violation. If the permittee fails to cure the violation within the 10 days, the Township shall revoke the permit and the permittee shall immediately have the Mobile Food Facility removed from the location where it was parked. If the permittee fails to remove the Mobile Food Facility within 10 days after revocation of the permit, the Township may proceed with further enforcement action as set forth below or as otherwise provided by law.
- B. 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 under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be subject to the payment of a fine of not more than \$1,000, plus the costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment in the county prison for a term of not more than 90 days. Each section of this chapter 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 Magisterial District Judge of not more than \$1,000, plus the costs of prosecution, or, upon default of payment thereof, the defendant may be sentenced to imprisonment in the county prison for a term of not more than 90 days.”

SECTION 2. Severability. The provisions of this Ordinance are severable, and if any article, section, subsection, clause, sentence or part thereof shall be held or declared illegal, invalid or unconstitutional by any court of competent jurisdiction, the decision shall not affect or impair any of the remaining articles, sections, subsections, clauses, sentences or parts thereof of this Ordinance. It is hereby declared to be the intent of the Board of Commissioners that this Ordinance would have been adopted if such illegal, invalid or unconstitutional article, section, subsection, clause, sentence or part thereof had not been included herein.

SECTION 3. Repealer. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of any such inconsistency.

SECTION 4. Effective Date. This Ordinance shall become effective upon enactment.

ENACTED AND ORDAINED THIS _____ DAY OF _____ 2024.

ATTEST:

**CALN TOWNSHIP
BOARD OF COMMISSIONERS**

Don Vymazal,
Township Secretary

Paul Mullin, President

Joshua B. Young, Vice President

Mark Evans, Commissioner

Jane Kennedy, Commissioner

Lorraine Tindaro, Commissioner