

**CALN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

RESOLUTION #2023-15

**A RESOLUTION OF THE BOARD OF COMMISSIONERS TO ADOPT THE FOOD
TRUCK GUIDELINES AND APPLICATION**

WHEREAS, mobile food facilities are becoming increasingly popular in our community; and

WHEREAS, the Township has not previously adopted ordinances to regulate mobile food facilities and desires to clarify the use, and adopt specific requirements/guidelines, and application for the use and operation of mobile food facilities;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Caln Township that the attached Mobile Food Facilities Requirements/Guidelines and Application are hereby adopted.

RESOLVED by the Board of Commissioners of Caln Township on this 28th day of September 2023.

ATTEST:

**CALN TOWNSHIP
BOARD OF COMMISSIONERS**

Abigail Swan,
Township Secretary

BY:

Paul Mullin, President

Jane Kennedy, Vice President

Joshua B. Young, Commissioner

Lorraine Tindaro, Commissioner

Mark Evans, Commissioner

CALN TOWNSHIP
MOBILE FOOD FACILITY (FOOD TRUCK)
GUIDELINES

I. PURPOSE AND COMPLIANCE

Caln Township finds that to protect the public health, safety and welfare of its residents and businesses it is necessary to establish these Guidelines for the use and operation of Mobile Food Facilities within the Township. These Guidelines provide safety requirements and other specifications and reasonable conditions that allow Mobile Food Facilities to operate in a safe and efficient manner.

These Guidelines shall be administered and enforced by the Department of Building and Life Safety.

Mobile Food Facilities providers and permittees are also required to comply with municipal ordinances, codes and other applicable laws and regulations.

II. DEFINITIONS

Terms contained in the Zoning Ordinance, Building Code and Fire Code, as applicable, shall be defined as set forth in the respective Ordinance or Code. The following terms used in these Guidelines shall be defined as set forth below:

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 and pre-packaged beverages.

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.

Mobile Food Vendor Event – A coordinated and advertised gathering of more than three (3) Mobile Food Facilities in one location on a certain date with the intent to serve the public.

III. PERMIT REQUIREMENTS.

A. It is unlawful to operate a Mobile Food Facility at any location within Caln Township without a Mobile Food Facility Permit. Any person who shall desire to use or operate 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 annually in accordance with these Guidelines after the first of the year, upon forms provided by the Township, and shall set forth and include the following information:

- (1) The name and address of the applicant.
- (2) A scaled plan specifying the location of the Mobile Food Facility and structural calculations (if necessary) of the proposed area of operation and vehicle. Fully dimensioned site plans shall indicate the spacing from existing buildings, structures, curbs, driveways, sidewalks, parking, light poles and any other poles or appurtenances.
- (3) An aerial map showing the location of the proposed Mobile Food Facility.
- (4) A description of the proposed Mobile Food Facility including for all equipment proposed to be installed, (a) the manufacturer's name and model number; (b) physical dimensions, including, height, width, and length.
- (5) The written consent of the property owner, if different than the applicant.

- (6) If the applicant is serving as an agent of a Mobile Food Facility owner/operator, the applicant must provide written documentation of the agent designation signed by the owner/operator.
 - (7) Copy of Chester County Health Department license or permit.
 - (8) A statement acknowledging the indemnity required by these Guidelines and a certificate of liability insurance.
 - (9) Such other information as may be required from time to time by the Township.
- 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 has been paid in full.
- C. A Mobile Food Service Permit shall expire on December 31st of each year. The permit may be renewed if the permit has not been revoked for any reason within the preceding 12 months.
- D. A Mobile Food Service Permit shall not be transferred.
- E. If the permittee fails to abide by the terms of these Guidelines, the Township shall send written notice and provide 10 days- notice to cure. If the permittee fails to cure the violation within the 10 days, the Township shall revoke the permit and the permittee shall immediately remove the Mobile Food Facility from the location where it was parked. If the permittee fails to remove the Mobile Food Facility within 10 days after written notice, the Township may proceed to remove and restore the area and charge the permittee for the cost thereof.

IV. GENERAL REQUIREMENTS

A. COMPLIANCE

The permittee shall comply with all Federal, State and Local statutes, regulations and orders – including but not limited to;

- Caln Fire Code
- NFPA 96, Annex B
- Chester County Health Department regulations

B. PARKING

The 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 establishments on the same lot. The location shall allow safe pedestrian access and access by handicapped individuals. The Mobile Food Facility may be required to provide safety barriers between the customers and vehicles, as required by the Zoning Officer, Building Official or Fire Marshal.

C. LOCATION AND HOURS

Right of Ways - Mobile Food Facilities shall not operate within 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.*

Public Property – Mobile Food Facilities may operate on Caln Township municipal property with Board of Commissioners written approval.

Private Property - Mobile Food Facilities may operate on private property, subject to the following provisions;

- Vendor must have written permission from the property owner.
- Maximum of three Mobile Food Facilities permitted on one site.
- Placement;
 - Shall not hinder the ingress or egress to the building or parking lot.
 - Shall not hinder any ADA required areas and/or pedestrian path of travel.
 - Shall not obstruct sight distances.
 - Shall not block “Fire Lanes”, loading zones or other parking limitations.
 - Shall not impede ingress or egress of another business or cause undue interference to another business.
 - Mobile Food Facilities must maintain a minimum of ten (10) feet between other Mobile Food Facilities, buildings and other vehicles.

Hours of Operation - Mobile Food Facilities may operate between 7 am and 9 pm, provided that additional operating hours may be approved by request for certain events.

D. WASTE COLLECTION

The area around a Mobile Food Facility must be kept neat and orderly at all times. The operator is responsible for the cleanliness of the area surrounding the operation (not less than 50 feet in all directions).

The operator shall provide trash and recycling containers (if warranted by type of sales and packaging) that are sufficient and suitable for the trash generated at the site. All trash and recycling containers shall be emptied when full and removed from the location daily or upon the removal of the vehicle.

E. SIGNAGE

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

F. INDEMNIFICATION. The applicant shall 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. The applicant must obtain and maintain an insurance policy which covers general liability in the area of the Mobile Food Facility which is within the public right-of-way, which names the Township as an additional insured.