

CITY OF LOCK HAVEN, PENNSYLVANIA

FILE OF CITY COUNCIL

SESSION OF 2018

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 670, WHICH ADOPTED THE CODE OF ORDINANCES OF THE CITY OF LOCK HAVEN, CLINTON COUNTY, PENNSYLVANIA, BY ADDING CHAPTER 13, PART 5, MOBILE FOOD VENDOR FACILITIES.

BE IT ENACTED AND ORDAINED by the City Council of the City of Lock Haven, Clinton County, Pennsylvania, that Chapter 13, Licenses, Permits, and General Business Regulation, be and hereby is amended as follows:

PART 5 - MOBILE FOOD VENDOR FACILITIES

13-501 PURPOSE.

The general purpose of these regulations is to promote the health, safety, comfort, convenience, prosperity, and general welfare of the citizens of the City of Lock Haven by requiring that new and existing Mobile Food Vendors provide residents and customers with a level of cleanliness, quality and safety. It is also the intent of this regulation to establish reasonable guidelines and restrictions for mobile food vendors and encourage the safe and convenient use of the City's public right-of-way.

13-502 DEFINITIONS.

As used in this article, the following terms shall have the meaning indicated, unless a different meaning clearly appears from the context:

"Applicant" - Any person or business who applies for a license under the provisions of this article.

"Commissary" - a facility to which a mobile food facility returns daily for such things as vehicle and equipment cleaning, discharging liquid or solid wastes, refilling water tanks and ice bins, and where food is kept, handled, prepared, packaged, or stored.

"Enforcement Officer" – The Code Enforcement Officer of the City of Lock Haven or any sworn Officer of the City of Lock Haven Police Department.

"Mobile Food Vendor"- A person who sells, intends to sell or offers to sell food products in or about the streets of the City from a Mobile Food Vendor Facility.

"Mobile Food Vendor Facility" - Either a Street Vending Facility or a Sidewalk Vending Facility.

"Restaurant" An establishment where meals are generally served and eaten on premises; prepares and serves food and drink to customers in return for money, either paid before the meal or after the meal is provided.

13-503 LICENSE REQUIRED.

- A. No person shall commence operation of a Mobile Food Vendor Facility in the City of Lock Haven unless the required license has been obtained for the Facility and, if required by the State, its Commissary from the Commonwealth of Pennsylvania Department of Agriculture. Mobile Food Vendor Facilities not requiring license by the State must show proof of application and inspection by the Commonwealth of Pennsylvania Department of Agriculture as required by State law.
- B. All licenses from the Commonwealth of Pennsylvania Department of Agriculture shall be prominently displayed at all times during operation of a Mobile Food Vendor Facility. If not prominently displayed, a copy of a current license from the Commonwealth of Pennsylvania Department of Agriculture must be produced to the Enforcement Officer upon request.
- C. Upon request from the Enforcement Officer, a Mobile Food Vendor Facility must show proof of General Liability insurance in the amount of \$100,000 per individual and \$300,000 per occurrence
- D. Any Mobile Food Vendor operating without the required License(s) shall be deemed in violation of this chapter, and the Mobile Food Vendor shall be subject to penalties and fines as provided within this chapter and otherwise provided by law.
- E. The Code Enforcement Officer shall be authorized to deny, revoke or suspend operations for any Mobile Food Vendor found in noncompliance with the established requirements.

13-505 GENERAL RULES APPLICABLE TO ALL MOBILE FOOD VENDOR FACILITIES

- 1. No Mobile Food Vendor Facility shall hereafter sell or offer for sale any products or services within five hundred (500) feet of the designated boundaries of any City-organized, City-sponsored or City-sanctioned event or activity to which vendor access is restricted or regulated, provided that this restriction shall not apply to a Mobile Food Vendor Facility who receives a written permission from the director of the department sponsoring the event to operate within the boundaries of any City-organized, City-sponsored or City-sanctioned event or activity.
- 2. No Mobile Food Vendor Facility on public property or within the public right-of-way shall provide or allow any dining area, including but not limited to tables, chairs, booths, bar stools, benches, and standup counters.
- 3. Consumers shall be provided with single-service, break-resistant dinnerware, drinkware, and serving containers

4. For Mobile Food Vendor Facilities on public property including the City's right-of-way, the City reserves the right to temporarily move a Mobile Food Vendor Facility if the approved location needs to be used for emergency purposes, snow removal, construction, or other public benefit or if the location is required for a City-sponsored event.
5. On school days from 7 AM to 4 PM, no Mobile Food Vendor Facility may operate within five hundred (500) feet of the grounds of any building used as a public kindergarten, elementary school or secondary school.
6. City trash receptacles may not be used by Mobile Food Vendor Facilities. All Mobile Food Vendors must provide a waste bin and a recycle bin which shall be removed by the Mobile Food Vendor at the close of the Mobile Food Vendor's business day and shall pick up and remove all papers, wrappers, bottles or other refuse dropped by the customers thereof within thirty (30) feet of the vicinity of the Mobile Food Vendor Facility. Under no circumstances shall a Mobile Food Vendor use containers or receptacle for the use of the general public.
7. No Mobile Food Vendor Facility shall make or cause to be made any unreasonable or excessive noise and shall Comply with City Ordinances including, but not limited to, Nuisance Elements as defined in Part 19 General Regulations of the City of Lock Haven Zoning Ordinance (Ordinance No. 827) with respect to music, from whatever source, and all noise. No Mobile Food Vendor Facility shall use or maintain any outside amplified equipment, flashing/animated lights or noisemakers; nor shall they broadcast music or loud advertisements while stationary.
8. A Mobile Food Vendor Facility may not operate within any City park in the City limits, or on property owned by the City of Lock Haven.
9. No Mobile Food Vendor Facility is permitted to park or stop to serve customers within 150 feet radius of any principal customer entrance to any restaurant or food establishment serving food products within the City during that establishment's hours of operation or within 150 feet from any permitted Mobile Food Vendor Facility location, and shall locate the Mobile Food Vendor Facility at the curb in such a way as to cause any line which forms to do so along the curb.
10. No Mobile Food Vendor Facility may park in any parking areas in districts zoned Residential longer than two (2) hours or the maximum permitted period for parking in any one block, whichever is less.
11. No operator of a Mobile Food Vendor Facility shall park, stand, or move a vehicle and conduct business within areas of the City where the Mobile Food Vendor has not been authorized to operate.
12. Mobile Food Vendor Facilities are permitted to park and serve customers on private property within all Zoning Districts except those denoted as Residential only if given express written consent of the property owner and such written consent is kept in the Mobile Food Vendor Facility at all times when the Mobile Food Vendor Facility is

operating on the property. In all Residential Zoning Districts, Mobile Food Vendor Facilities are permitted to park and serve customers on private property only if given express written consent of the property owner and such written consent is kept in the Mobile Food Vendor Facility at all times when the Mobile Food Vendor Facility is operating on the property.

13. No Mobile Food Vendor shall hereafter sell or offer for sale any food or nonfood products and services in a manner that would substantially obstruct a public right-of-way, impair the movement of pedestrians or vehicles, or pose a hazard to public safety.
14. No Mobile Food Vendor Facility may park within Fifteen (15) feet of a fire hydrant, or in any no parking or unloading zone.
15. Mobile Food Vendor Facilities may not operate between the hours of 2:30 AM and 6:30 AM and Mobile Food Vendor Facilities must be removed from public property by 2:45 AM each day.
16. Mobile Food Vendor Facilities parking in metered parking spaces will be required to deposit coins to keep the meter in paid status and are required to abide by the maximum time limit as required in the metered parking area.
17. All Mobile Food Vendor Facilities shall be attended by at least one (1) operator who is at least age 18 at all times.
18. Upon request by the City of Lock Haven, Mobile Food Vendors must submit proof of payment of the City of Lock Haven's mercantile tax, Pennsylvania sales tax, and all other taxes under the Local Tax Enabling Act.
19. All Mobile Food Vendor Facilities occupying a public space must be in operation within thirty (30) minutes of occupying the space.
20. No Mobile Food Vendor Facility shall use electric, water or wastewater facilities of the City without the written consent of the City Manager
21. All signage not affixed to the Mobile Food Vendor Facility shall meet the requirements of the City's Zoning Ordinance.
22. No liquid waste or grease is to be disposed in tree pits, storm drains or onto the sidewalks, streets, or other public space. Under no circumstances shall grease be released or disposed of in the City's sanitary sewer system; however, Mobile Food Vendor Facilities shall be eligible to dispose of waste at the City's Wastewater Treatment Plant for the applicable fee.
23. Unattended vehicles prohibited. No Mobile Food Vendor Facility shall be left unattended and unsecured at any time food is kept in the mobile food truck. Any Mobile Food Vendor Facility which is found to be unattended shall be considered a public safety hazard, shall be ticketed in accordance with existing City ordinance and may be impounded.

24. A Mobile Food Vendor Facility operating outside of an approved route, at an unauthorized location, or beyond the hours for which the operation has been permitted shall be deemed operating in violation of this article and may be subject to enforcement under Section 13-506.

13-506. ENFORCEMENT.

1. Authority is hereby conferred upon the Enforcement Officer to promulgate rules and regulations with respect to the specific matters for which such authority is herein granted and to change and modify any and all such rules and regulations from time to time in the manner provided by law, subject to the approval of the City Manager, provided that such rules and regulations shall not be inconsistent with the provisions herein, local, state and federal law. A copy of such rules and regulations shall be available in the office of the City Clerk.
2. When it appears to the Enforcement Officer that the operation of the Mobile Food Vending Facility poses an immediate and imminent threat to the public health and safety that will occur if the Mobile Food Vending Facility is not immediately closed, the Enforcement Officer shall have the power to order the immediate closure of Mobile Food Vendor Facility until such time that the violations complained of have been corrected or the City Council or other appropriate hearing board overrules the determination of the Enforcement Officer.
3. Nothing set forth in this section may limit the pursuit of other appropriate actions or proceedings at law or in equity available to the City.

13-507. DENIAL, SUSPENSION

1. Operation may be denied or suspended, by the Code Enforcement Office for any of the following reasons:
 - (a) The Mobile Food Vendor or any of its principals fail to satisfy any qualification of requirements imposed by this article, or other local, state or federal laws or regulations; or
 - (b) The Mobile Food Vendor or any of its principals has engaged in operating without a valid license; or
 - (c) The Mobile Food Vendor Facility is operated in such a manner as to constitute a public nuisance or safety hazard; or
 - (d) The Mobile Food Vendor, its principals or agents, repeatedly violates any of the provisions of this article.

2. Notice of denial, revocation or suspension will be sent via First Class Mail to the name and address of the applicant for license with the Commonwealth of Pennsylvania Department of Agriculture. If no applicant for license with the Commonwealth of Pennsylvania Department of Agriculture is on records, the notice shall be sent via First Class Mail to the registrant of the vehicle license plate or hand-delivered to the Vendor Facility. Upon notice of denial, revocation, or suspension, an aggrieved party may appeal to the City Manager by submitting a written notice of appeal to the Code Enforcement Office within ten (10) days following the date of the adverse action.
3. The provisions of this Section are not exclusive. This Section shall not preclude the enforcement of any other provisions of this Ordinance or state or federal laws and regulations. The City of Lock Haven may impose additional requirements to protect against health hazards related to the operation of Mobile Food Vendor Facility.

13-508. EXEMPTIONS.

1. This Section and its requirements, rights and privileges shall not apply in any respect to Mobile Food Vendors at events regulated and permitted under Chapter 16 of the City Ordinance.
2. The City Council may temporarily suspend the rules, regulations or requirements of any section of this Ordinance with the exception of any state or federal law for not more than 10 days by Resolution.

13-509. PENALTIES FOR VIOLATIONS.

Any person who violates any provision of this chapter shall be guilty of an offense; and for every such violation, upon conviction, shall be sentenced to pay a fine of not less than \$250.00, nor more than \$1,000.00, and the costs or prosecution, and, in default of payment of fine and costs, to undergo imprisonment for not more than 90 days.

This Ordinance shall become effective immediately with the passage of Resolution ____ .