

CHAPTER 10 - PART C - Food Trucks
(March 2024)

100.00 Purpose.

The provisions of this ordinance apply to food trucks engaged in the business of cooking, preparing and/or distributing food or beverages with or without charge in public and private spaces within the Borough of Saegertown. This ordinance does not apply to mobile ice cream or water ice trucks, (as these are subject to solicitation regulation and fees) as the same are not included in the definitions provided for in this ordinance.

200.00 Definitions.

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

200.10 FOOD TRUCK:

A vehicle or cart, which may, upon issuance of a permit by the Borough of Saegertown and conforming with the regulations established by this ordinance engage in the service, sale or distribution of food for individual portion service to the general public from a vehicle or cart. The term shall include but is not limited to trucks and trailer hitch units used for food vending. This term shall not include a food truck that is operating on private property with the permission of the property owner for a private event in which there is no sale or distribution of food and the like to the general public but merely the provision of food and the like for a private event.

300.00 Permit Required.

It shall be unlawful for any person to maintain or operate a food truck in the Borough of Saegertown without first applying for and securing a permit therefore, through the Borough Secretary or the Code Enforcement Officer. The permit shall be valid from the date of issuance until the end of the calendar year in which the permit was issued.

400.00 Permit Application Fees.

The provisions of the Borough of Saegertown Code of Ordinances, Chapter 10- Part C notwithstanding, all Food Truck vendors as covered by this ordinance shall further provide the following information for application for a permit to operate a Food Truck within the Borough of Saegertown:

400.10 Any person who shall desire to operate a food truck in the Borough of Saegertown shall make an application (the applicant) in writing to the Borough, through the Borough Secretary or the Code Enforcement Office.

400.11 Such application shall be accompanied by such application fee, as required by a schedule of fees, established by this ordinance 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;
- (6) An agreement of indemnity as outlined in §5 of this ordinance and a certificate of liability insurance naming the Borough as an additional insured; and
- (7) All such information and actions that are required by §6 of this ordinance, or any other section of part of this ordinance.

400.20 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 Saegertown Borough building. There shall be no proration of fees under this subsection.

400.30 Permittees shall pay a fee of \$25 for up to a three (3) day event, or a monthly fee of \$100, or an annual fee of \$250 payable at the time of application being made with the Borough; provided:

- (1) Any applicant/permittee who shall be within the Borough for the purposes provided in for this Ordinance for participation at an event sponsored by a charitable organization that is either based within the Borough or has registered address with the Pennsylvania Department of State within the Borough, as the same is defined by Section 501(c)(3) of the Internal Revenue Code and the Pennsylvania Nonprofit Corporation Code, shall have the applicable fee waived upon the provision of appropriate and sufficient documentation of the charitable event or purpose.

500.0 Indemnification of Borough; Insurance.

500.10 The owner of the food truck shall well and truly save, indemnify, defend and hold harmless the Borough of Saegertown, 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.

500.20 The owner of the food truck must obtain and maintain a general liability insurance policy protecting itself and the Borough of Saegertown from any and all damages.

500.21 A food truck owner must indemnify the Borough of Saegertown a minimum amount of \$1,000,000 for bodily injury or death and \$500,000 for property damage resulting from any one accident.

500.22 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.

500.30 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, nor shall they constitute a waiver of any defenses available to the Borough under the Pennsylvania Political Subdivision Tort Claims Act, 42 Pa.C.S. §§ 8541, et seq., or any other provisions of Pennsylvania law that provides for governmental, political subdivision, or official immunity.

600.00 Specific Standards.

The following regulations shall apply to Food Trucks:

600.10 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 Section 500;
- (3) Valid copy of the food truck's business license and tax identification number; and
- (4) Any licensing and/or permitting required by Crawford County or the Commonwealth of Pennsylvania for the operation of a food truck.

600.20 Vending shall only be permitted from food trucks located at least 50 feet from any residential building.

600.25 Vending may only occur between 7:00 a.m. and 10:00 p.m. Food trucks may not arrive before 7:00 a.m. and must be removed by 10:59 p.m. each day.

- 600.30 Food trucks shall not be parked along Main Street, Erie Street, or South Street at any time.
- 600.35 Food trucks may not stay parked on the street overnight and must be removed from the street every night.
- 600.40 All required Crawford County and Commonwealth of Pennsylvania issued licenses and permits must be in a visible location on or within the food truck at all times.
- 600.45 No vending is permitted within 25 feet of a fire hydrant.
- 600.50 No vending is permitted on private property without express permission of the property owner.
- 600.55 A person in charge must be present at the food truck vending site at all times.
- 600.60 Food trucks parked on roadways may only be open to and may only serve customers from the side of the truck facing the sidewalk or away from the street; food trucks are prohibited from operating with their trucks open to the roadway.
- 600.65 No tanks, generators or other equipment shall be placed within the public right-of-way.
- 600.70 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.
- 600.75 Awnings and canopies associated with any food truck shall be at least seven feet above any public sidewalk.
- 600.80 A food truck vending operation is subject to any and all applicable Borough Code requirements or other relevant Borough ordinances, resolutions, or requirements, including requirements, permits, and fees of the Borough.
- 600.85 A food truck may only operate on a surface that is made of asphalt, concrete, gravel, or one that is otherwise specifically designated for vehicular parking and/or traffic.

At no time shall a food truck operate from a grass or dirt surface, unless the same has been specifically designated for vehicular parking and/or traffic.

600.90 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 Section 800 of this ordinance and/or penalties as set forth in the fee and penalty schedule as set by resolution of Borough Council, as well as the denial of a food truck vending application and/or revocation of a food truck operation permit.

700.00 Additional Rules and Regulations.

700.10 The Borough may, from time to time, promulgate whatever rules or regulations it deems necessary or desirable to effectuate the purposes of this ordinance, and the same shall be approved by the Borough Council by resolution; provided that amendments to this ordinance shall be by further ordinance.

800.0 Violations and Penalties.

810.00 *Administrative Remedies.*

810.10 Any person who violates or permits violation of any provision of this ordinance or any other governing ordinances shall have their permit suspended or revoked at the sole discretion of the Borough Code Enforcement Officer.

810.20 A permittee whose permit is suspended or revoked by the Borough Code Enforcement Officer shall have a right to appeal said suspension or revocation to the Borough Council, by submitting a written appeal to the Borough Council within fourteen (14) days of said suspension or revocation.

810.30 Any decision of the Borough Council shall be final, subject to the provision of the Local Agency Law, Title 2, Pennsylvania Consolidated Statutes.

820.00 *Judicial Remedies.*

820.10 Any person who violates or permits the violation of any provision of this ordinance shall, upon conviction thereof in a summary proceeding brought before a Magisterial District Justice, be guilty of a summary offense and shall be subject to the payment of a Class B fine as set by resolution of Borough Council, plus the cost of prosecution and attorney's fees.

820.20 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.

820.30 Each section or provision of this ordinance that is violated shall constitute a separate offense, and each day or portion thereof in which a violation of this

ordinance 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 Justice in the amounts stated hereinabove.

900.00 Severance.

900.10 In the event any portion of the remaining language of this Ordinance is held to be invalid, such invalidity shall not affect the remaining language of the Ordinance, it being the intent of the Borough Council that such language remaining shall remain in full force and effect and for this purpose the remaining language herein is hereby declared severable.

1000.00 Repealer.

1000.10 Any other ordinance or part of an ordinance inconsistent with the language of the Ordinance set forth herein is hereby repealed insofar as the same is inconsistent herewith.

1100.00 Effective Date.

1100.10 This Ordinance shall take effect immediately upon execution by the Mayor.

1100.20 ORDAINED AND ENACTED by the Borough Council of Saegertown on this 11th day of March, 2024.