

**SOUTH LEBANON TOWNSHIP
ORDINANCE NUMBER 375**

AN ORDINANCE OF SOUTH LEBANON TOWNSHIP, LEBANON COUNTY, PENNSYLVANIA, ESTABLISHING REGULATIONS AND LICENSE FEES RELATED TO THE OPERATION OF FOOD TRUCKS WITHIN SOUTH LEBANON TOWNSHIP AND PROVIDING FOR PENALTIES FOR VIOLATIONS THEREOF.

BE IT ENACTED AND ORDAINED by the South Lebanon Township Board of Supervisors, and it is hereby ordained and enacted by the authority of the same as follows:

SECTION ONE: Intent.

It is the intent of this Ordinance to establish regulations and license fees related to the operation of food trucks in order to ensure the health, welfare and safety of residents and guests within the Township.

SECTION TWO: Definitions.

For the purpose of this Ordinance, the following words shall have the meanings ascribed to them in this section, except where the context in which the word is used clearly indicates otherwise.

BOARD OF SUPERVISORS- Board of Supervisors of South Lebanon Township, Lebanon County, Pennsylvania.

FOOD TRUCK- A vehicle or cart, which may, upon issuance of a permit by the Township and in conformance with the regulations established by this chapter, temporarily park upon a publicly designated street or sidewalk and engage in the service, sale or distribution of food for individual portion service to the general public, directly from the vehicle or cart. The term shall include, but is not limited to trucks and trailer hitch units used for food vending. The term does not apply to the following:

- (1) Farmers selling their own produce.
- (2) Mobile ice cream or water ice trucks.
- (3) The sale of food, donated by the owners thereof, the proceeds whereof to be applied to any charitable or philanthropic purpose.
- (4) Any manufacturer or producer in the sale of bread and bakery products, meat and meat products or milk and milk products.

- (5) Individuals belonging to non-profit and charitable groups who take orders for and deliver products being sold to raise funds for the organizations of which they belong to, represent or participate in activities with, such as those associated with school sanctioned events, houses of worship, Boy or Girl Scout Troops, non-profit youth sports organizations or other similar organizations.

PERSON: Any natural person, association, partnership, firm, organization, corporation or other legal entity.

TOWNSHIP- South Lebanon Township, Lebanon County, Pennsylvania.

SECTION THREE: Permit Required.

It shall be unlawful for any person to maintain or operate a food truck in the Township without first applying for and securing a permit therefor, as provided herein. The permit shall be valid from the date of issuance until the end of the calendar year in which the permit was issued.

SECTION FOUR: Permit Application.

Any person who wants to operate a food truck in the Township shall make an application in writing to the Township. Such application shall be accompanied by an application fee, as required by a schedule of fees, established and amended from time to time by resolution of the Board of Supervisors. The application fee shall be \$25.00 until so amended. Such application shall be made annually after the first of the year upon forms provided by the Township, 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 Township

- (6) All such information and actions that are required by Section SEVEN of this ordinance, or any other section of this Ordinance.
- (7) An agreement of indemnity as outlined in Section SIX below and a certificate of liability insurance naming the Township as an additional insured.

SECTION FIVE: Action on Permit.

- A. 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 Township, has been paid in full. The schedule of fees shall be kept on file at the Township Office. There shall be no proration of fees under this subsection.
- B. The Township shall issue to the applicant, within 20 business days from the date of the filing of the completed application, a permit supplied by the Township; provided that the proper fee as set forth by the Board of Supervisors has been paid to the Township.

SECTION SIX: Indemnification of Township; insurance.

- A. The owner of the food truck shall well and truly save, indemnify, defend and hold harmless the Township, 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 a 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 with such food truck.
- B. The owner of the food truck must obtain and maintain a general liability insurance policy protecting itself and the Township from any and all damages. A food truck owner must indemnify the Township a minimum of \$1,000,000 for bodily injury or death and \$500,000 for property damage resulting from any one accident. All insurance policies shall be issued by companies qualified to do business in the Commonwealth of Pennsylvania. All policies shall name the Township 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 Township.

- C. Neither the provisions of this section nor any damages recovered by the Township shall be construed to limit the liability of the owner of the food truck for damages.

SECTION SEVEN: Specific Standards.

The following regulations shall apply to food trucks:

- A. An applicant, upon submitting an application for a food truck permit, shall in addition 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 SIX above;
 - (3) Valid copy of the food truck's business license and tax identification number; and
 - (4) Any licensing and/or permitting required by Lebanon County and the Commonwealth of Pennsylvania for the operation of a food truck.
- B. Vending shall only be permitted from food trucks located at least 100 feet from any residential building. Further, food trucks shall not be parked directly in front of any portion of a residential building without the owner's permission.
- C. Vending may occur only between the hours of 8:00 A.M. and 7:00 P.M. Food trucks may not arrive at their designated street location before 7:00 A.M. and must be removed by 8:00 P.M. each day.
- D. All required issued licenses and permits, whether through the Township, Commonwealth or County, must be valid and posted in a visible location on or within the food truck at all times.
- E. No vending is permitted within 50 feet of a fire hydrant.

- F. No vending is permitted on private property without the express written permission of the property owner. Private property includes any and all front, rear and side yards along with the driveway or other means of ingress or egress onto the property.
- G. A person in charge must be present at the food truck vending site at all times.
- H. The open portion of a food truck shall not face the roadway. Customers shall not be served on the roadway side of a food truck.
- I. No tanks, generators or other equipment shall be placed within the public right-of-way.
- J. 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.
- K. Awnings and canopies associated with any food truck shall be at least eight feet above any public sidewalk.
- L. A food truck vending operation is subject to any and all applicable Township Code requirements or other relevant Township ordinances, resolutions or requirements.
- M. Failure to comply with any directions or provisions of the food truck permit application process and food truck operating guidelines may result in penalties set forth in Section NINE, as well as the denial of a food truck vending application and/or revocation of a food truck operation permit.
 - (1) The failure to comply with any food truck standards, as set forth herein, may result in the following (in addition to the penalties set forth in Section NINE);
 - (a) First violation: fine and/or suspension or revocation of permit.
 - (b) Second violation: Revocation of permit.

SECTION EIGHT: Additional rules and regulations.

The Township may, from time to time, promulgate whatever rules or regulations it deems necessary or desirable to effectuate the purposes of this chapter, and the same shall be approved by the Township.

SECTION NINE: Violations and Penalties.

Any person, firm or corporation who violates any provision of this Ordinance, upon conviction thereof in an action brought before a Magisterial District Judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be guilty of a summary offense and sentenced to pay a fine of not less than Four Hundred Dollars (\$400.00) and not more than Six Hundred Dollars (\$600.00), plus costs of prosecution and, in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days. 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 Judge in the amounts stated hereinabove.

SECTION TEN: Severability Clause.

Should any section or provision of this Ordinance be declared by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

SECTION ELEVEN: Relationship to Prior Ordinances.

This Ordinance supersedes any provisions set forth in Township Ordinance No. 9 and Ordinance No. 106 as it relates to the regulation of food trucks as set forth herein.

SECTION TWELVE: Effective date.

This Ordinance shall be effective five (5) days after enactment by the Board of Supervisors.

ADOPTED this 22nd day of February, 2022.

ATTEST:

BOARD OF SUPERVISORS

Janice Gierke
Secretary

BY: Stephen Krause
Chairman

BY: [Signature]
Vice-Chairman

BY: [Signature]
Member