

ORDINANCE NO. 879

AN ORDINANCE OF THE TOWNSHIP OF PENN, YORK COUNTY, COMMONWEALTH OF PENNSYLVANIA, TO BE ENTITLED “MOBILE FOOD VENDING”, OF THE PENN TOWNSHIP CODE OF ORDINANCES TO ESTABLISH REGULATIONS WITH RESPECT TO MOBILE FOOD VENDING OPERATIONS WITHIN THE TOWNSHIP LIMITS.

Article 1. Purpose and Definitions

1.1 Purpose

The purpose of this Ordinance is to regulate the location and hours of operation that a mobile food facility is permitted to operate within the Township of Penn (hereafter, the Township) and to provide penalties for violations of this Ordinance.

1.2 Definitions and Word Usage

For the purpose of this Ordinance, the following words and/or phrases shall have the meanings given:

Applicant: A person applying to Penn Township to conduct a temporary event or operate as a mobile food vendor. May also be referred to as a coordinator and/or permittee.

Commissary/Service Area: Is a facility to which a mobile food facility returns daily for such things as vehicle and equipment cleaning, discharging liquid or solid waste, refilling water tanks and ice bins, and where food is kept, handled, prepared, packaged, or stored. This may not be a private residence, and if located on a residential property must be completely separated from personal use areas.

Consumer: An individual or entity that buys or uses goods and services for personal, family, or household purposes, rather than for business or resale. For the purposes of this Ordinance, such individual and/or person may take possession of food but cannot function in the capacity of an operator of a food establishment or food processing plant, nor offer any such food for resale.

Mobile Food Preparation Vehicle / Food Truck: Any trailer, cart, or motorized vehicle, and associated equipment, used to prepare and/or distribute food or beverages. This term shall not include the delivery of pre-ordered, prepared food or beverages from an approved restaurant or catering location, or its representatives, to a specific person(s).

Mobile Food Vendor: Any person who operates a food truck.

Permit: Permit issued by a regulatory authority that authorizes a person to operate a

food truck within the Township.

Person: Any individual, group of individuals, firm, partnership, company, corporation, trustee, association, or any public or private entity, including the individual or entity's employees or agents.

Pre-packaged Food: Any commercially labeled and processed food that is prepackaged to prevent direct human contact with the food product upon distribution from the manufacturer, a food facility, or other approved source.

Private Property: All property that is not public property.

Public Property: The public right-of-way, Township-owned property and the Township's established right-of-way, including sidewalks.

Sanitation: Reducing the number of bacteria to a safe level (using guidelines as referenced in the Pennsylvania Department of Agriculture, Bureau of Food Safety and Laboratory Services, Mobile Food Facility Operation Guide).

Temporary Event: An event held on private or public property, for a specific time frame only. Such events will not constitute a permanent use of the property. Temporary events may last up to six (6) consecutive days. Events held on what is deemed to be private property may not exceed a total of six (6) temporary events within a calendar year.

Article 2. Food Truck Permits

- A. No person or business entity, including a religious or charitable organization, shall operate a mobile food truck in any public, private or restricted space without a permit issued by the Township.
- B. A separate mobile food truck permit is required for any mobile food truck operated within the Township by an individual, partnership, corporation or limited-liability company.
- C. An applicant shall submit an application to the Township Zoning Officer on a form provided by the Township, making sure to provide all additional information requested. The food truck permit fee, as set by the Township Board of Commissioners, shall be paid with the submission of the application.
- D. The applicant shall provide proof to the Township that the food truck has a valid Pennsylvania State motor vehicle registration and a valid Pennsylvania State Motor Vehicle Inspection. Registrations and inspections from other states may be acceptable

at the discretion of the Township Zoning Officer if they meet all State and Local operating requirements.

- E. Applicants shall provide proof of a valid Pennsylvania State Department of Agriculture mobile food facility license with their application to Penn Township.
- F. The Township Zoning Officer shall issue a food truck permit to the applicant upon receipt of a complete application and the applicant's food truck passing an initial inspection. Permits shall be valid for one year and will expire one year after the permit issue date.
- G. Food truck permits shall be renewed annually by the applicant, prior to the expiration date. An inspection is required for each annual renewal. See Article 4 for further information regarding inspections.

Article 3. Food Truck Regulations

- A. Food trucks are not permitted in designated fire lanes.
- B. Food trucks shall not impede access of emergency vehicles. If impediment is deemed to exist, the food truck must be moved immediately. Failure to move the food truck to an approved location will result in immediate revocation of the food truck permit and all penalties as outlined in Article 7 of this Ordinance.
- C. Food trucks shall be located at least 10 feet from the following:
 - 1. All permanent structures
 - 2. Any other food trucks
 - 3. Any other food stands

The distance may be reduced upon approval of the Township's Fire Inspector and/or Zoning Officer.

- D. A food truck shall be maintained in good operating order and visual appearance. The term "good" shall be at the discretion of the Township Zoning Officer and/or Fire Inspector.
- E. A food truck may operate on public property with the following additional regulations:

1. The food truck shall not be parked within twenty-five (25) feet of any intersection and/or driveway entrance, or in such a manner as to block or restrict any sight line(s).
 2. A food truck is not permitted to park on a public street within a residentially zoned community/neighborhood with the exception of a food truck parked directly in front of a permitted, non-residential use within a residential zone including, but not limited to, schools, places of worship, or community centers.
 3. When operating on public property, a food truck is subject to the same parking rules, restrictions, and obligations as any other vehicle.
- F. A food truck shall be parked so that its service window faces a sidewalk or other pedestrian safe area. Said service windows may not face/_or open onto any active road, street, alley or similar conveyance unless a traffic/vehicle use restriction has been put into effect by the Township's Police Department.
- G. Food trucks shall provide a clearly marked waste receptable for customers. Said waste receptable, and any accumulated trash, will be the sole responsibility of the food truck operator and must be removed from the site and disposed of at its commissary or other approved location by day's end.
- H. The mobile food vendor is responsible for the pickup, removal, and disposal of all refuse within a twenty-five (25) foot radius of the vendor's truck/operating area at the conclusion of service.
- I. A food truck shall not be located on the same property (public or private), or within one hundred (100) feet of the same location, for more than twelve (12) hours in a single day, unless the food truck is located within the boundaries of an approved and permitted temporary event. The food truck may remain in place for the duration of the approved and permitted temporary event but may not operate beyond the hours of the temporary event and its vehicle must be removed within twelve (12) hours of the conclusion of the event.
- J. All food truck operations within a residentially zoned district shall not start before 7 AM each day and shall end by 8 PM each day unless operating within a preapproved event.
- K. At all times, at least one person working at the food truck must hold a current food safety certification.

- L. Food trucks are limited to signs attached to the vehicle and one sandwich board no larger than six (6) square feet per side. The sandwich board shall not be placed in a location in which it blocks pedestrians or vehicular traffic, nor may it be placed within the designated fire lane. The board must be located within ten (10) feet of the food truck, unless the ten (10) foot distance between trucks has been reduced. In such cases the board must be located within the approved smaller distance.
- M. A copy of all food truck licenses, permits, and health certificates shall be prominently displayed at all times while operating within the Township.
- N. No mobile food truck will provide or allow any dining area, including but not limited to tables, chairs, booths, bar stools, benches, and stand-up counters.
- O. Mobile food trucks are permitted to park and serve customers on private property within the R-10, R-15, R-22, R-40, Rural Conservation, and Mixed Use zones, with the express written consent of the property owner. Such written consent will be kept in the mobile food truck at all times when the vehicle is operating on the private property.
- P. No mobile food truck shall make or cause to be made any unreasonable or excessive noise so as to disturb or annoy the public or create a nuisance upon any street, lane, alley, park, square, or common, or in any public building, public space or business place, or private building or private place within the Township.
 - 1. A mobile food truck may not operate on property owned by the Township unless the Township Zoning Officer has granted prior approval of the permit application for its operations at a particular location during specific times.

Article 4. Inspections

- A. Inspections of food trucks shall be conducted by the Township Fire Inspector and shall follow a checklist for health and safety standards as approved by the Township Board of Commissioners.
- B. Mobile food trucks will be inspected for compliance to the 2018 edition of the *International Fire Code, Chapter 3 General Requirements, Section 319 Mobile Food Preparation Vehicles*.
 - 1. Effective January 1, 2026, all Mobile Food Preparation Vehicles (Food truck/trailers) that produce grease-laden vapors are required to have a Type I kitchen hood with suppression system and one portable Class K Fire Extinguisher, 6 liter minimum.

2. All Mobile Food Preparation Vehicles shall have one ABC extinguisher, 2½ lb. minimum.
- C. A food truck shall be inspected upon receipt of the permit application. The food truck shall be brought to the Township Municipal Office or other location approved by the Township Fire Inspector for its inspection. The applicant is responsible for contacting the Township Fire Inspector to arrange for an inspection, location and time.
- D. The Township Fire Inspector may conduct spot/random compliance inspections on any food truck operating within the Township.
- E. The Township Zoning Officer shall establish and maintain a database to record the names of permittees, inspections, inspection reports, and public complaints.
- F. If an application fails an initial inspection and/or a subsequent spot inspection, a re-inspection fee, as established by the Township Board of Commissioners, may be charged.

Article 5. Permit and Inspection Fees.

All fees associated with the permit and inspection of any food truck will be established yearly by Resolution of the Township Board of Commissioners as set forth in the Penn Township Schedule of Fees.

Article 5. Transfer of permit prohibited.

- A. Transfers “for value” are prohibited. No person or entity holding a permit for a mobile food truck shall sell, lend, lease, or in any manner transfer said mobile food truck permit for value.
- B. Transfers “not for value,” included as part of the sale of a business, are permitted as part of the sale of a majority of the stock in a corporation holding such permits, or as part of the sale of the majority of the membership interest of the limited-liability company holding such permit, or as part of the sale of a business or substantially all of its assets, provided that there shall be no allocated or actual value for the transfer of the permit.
 1. Prior to any such transfer, the transferor shall notify the Township Zoning Officer in writing, and the transferee shall submit a food truck permit application for approval to the Township Zoning Officer pursuant to the process established under Article 3.
 2. Any such transfer shall be subject to the terms and conditions of the original permit.

Article 6. Suspension and revocation of permit; appeal.

The Zoning Officer is hereby authorized to suspend or revoke any permit issued under this Ordinance when it deems such suspension or revocation to be beneficial to the public's health, safety or welfare, for violation of any provision of this Ordinance, or for giving false information upon any application for a permit hereunder. Appeals of any suspension or revocation may be made to the Board of Commissioners at any time within ten (10) days after such suspension or revocation has been recorded. No portion of a permit fee shall be refunded to any person whose permit shall have been suspended or revoked.

Article 7. Violations and penalties.

- A. Any person, firm or corporation, or property owner who shall violate 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, as may be amended from time to time, shall be sentenced to pay a fine of not less than \$100 nor more than \$1,000, together with reasonable court costs and attorney fees incurred by the Township of Penn in prosecution of the violation. Any person who fails to pay the fines, court costs, and attorney fees within thirty (30) days of the imposition thereof may be subject to imprisonment for a period of time not to exceed fifteen (15) days.
- B. For any subsequent offence within 12 months of the first offense, the person shall be fined not less than \$500 nor more than \$1,000 plus costs of prosecution and reasonable attorney's fees.
- C. Each day in which a violation occurs or continues shall be deemed a separate violation thereof.

Article 8. Inconsistent ordinances.

All Ordinances or parts of Ordinances inconsistent with this ordinance are hereby repealed.

Article 9. Severability.

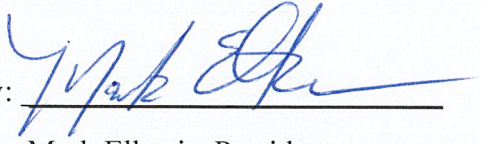
If any provision of this Ordinance is held invalid, said invalidity shall not affect any other provision or application of this Ordinance.

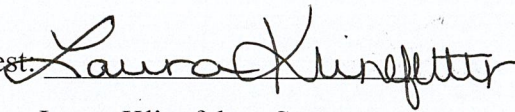
Article 10. Amendment to the Township code.

The Articles adopted herein are deemed to be incorporated into the Penn Township Code so that reference shall be understood and intended to include such changes.

Enacted and Ordained this 20th day of October 2025.

Board of Commissioners of Penn Township

By: 
Mark Elksnis, President

Attest: 
Laura Klinefelter, Secretary