

**BEFORE THE BOARD OF COMMISSIONERS
OF SALISBURY TOWNSHIP**

ORDINANCE NO. 02-2024-668

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF SALISBURY TOWNSHIP,
LEHIGH COUNTY, PENNSYLVANIA ADOPTING A NEW CHAPTER 5, PART 8, TO BE
ENTITLED “MOBILE FOOD VENDING”, OF THE SALISBURY TOWNSHIP CODE OF
ORDINANCES TO ESTABLISH REGULATIONS WITH RESPECT TO MOBILE FOOD
VENDING WITHIN THE TOWNSHIP**

WHEREAS, the Township of Salisbury is a First-Class Township organized and operating under the laws of the Commonwealth of Pennsylvania and the Township of Salisbury Code of Ordinances (the “Township”); and

WHEREAS, pursuant to the PA First Class Township Code, 53 P.S. § 56401 et seq., the Township is authorized to establish regulations with regards to mobile food vending; and

WHEREAS, mobile food vending is a popular and diverse part of local communities and economies across the United States; and

WHEREAS, the Township desires to support community events, support economic development, and foster opportunities for small businesses; and

WHEREAS, the Township of Salisbury aspires to simplify regulations regarding mobile food vending; and

WHEREAS, the Township of Salisbury seeks to protect public health and safety by ensuring mobile food vending follows clear, narrowly tailored regulations that address demonstrable health and safety risks.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Board of Commissioners of the Township of Salisbury, Lehigh County, Pennsylvania to adopt a new Chapter 5, Part 8 entitled “Mobile Food Vending” of the Township of Salisbury Code of Ordinances which shall read as follows:

ARTICLE I. Chapter 5, Part 8 shall read as follows:

Part 8

MOBILE FOOD VENDING

SECTION 1. DEFINITIONS

A. The following words and phrases in this section shall have the meanings given:

- 1) Applicant: A person applying to Salisbury Township to conduct a temporary event or operate as a mobile food vendor. May also be referred to as a coordinator and/or licensee.*
- 2) Commissary: A facility to which a food truck returns on a regular basis for such things as vehicle storage, vehicle and equipment cleaning, discharging liquid and/or solid wastes, and refilling water tanks and/or ice bins. This is also typically where food is stored, handled, prepared, and/or packaged. Commissaries are regulated by the Township Zoning Ordinance and not this Part.*
- 3) Customer: Any person who attends a temporary event or with whom a mobile food vendor conducts business. This term shall also include any person who stops to contemplate conducting business with a*

mobile food vendor. Money, or other form of payment, is not required for a person to be considered a customer.

- 4) *Food Stand: Any temporary structure and/or associated equipment, used to prepare and/or distribute food or beverages by a mobile food vendor. This term shall not include a food truck as described below nor does it include food preparation or food distribution within a permanent structure. Food preparation and food distribution within a permanent structure are both regulated by the Township Zoning Ordinance and not this Part. May also be referred to as a food stand.*
- 5) *Food Truck: Any trailer, cart, or motorized vehicle, and associated equipment, used to prepare and/or distribute food or beverages by a mobile food vendor. This term shall not include the delivery of preordered, prepared food or beverages from an approved restaurant or catering location, our it's representatives, to a specific person. May also be referred to as a food truck.*
- 6) *License: License issued by the Township that authorizes a food stand or food truck to conduct business within the Township.*
- 7) *Mobile Food Vendor: Any person who operates a food stand and/or food truck.*
- 8) *Person: Any individual, group of individuals, firm, partnership, company, corporation, trustee, association, or any public or private entity and includes the individual or entity's employees or agents.*
- 9) *Prepackaged 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.*
- 10) *Private Property: All property that is not public property.*
- 11) *Public Property: Any property owned and operated by the Township or another government entity. Public property includes all rights-of-way.*
- 12) *Temporary Event: A event held on private or public property, which is not considered a permanent use of the property, for a specific timeframe only. Temporary events may last up to thirty (30) consecutive days. Private property may not have more than six (6) temporary events within a calendar year and there shall be a minimum of thirty (30) days between each temporary event. Temporary events to last over thirty (30) consecutive days are regulated by the Township Zoning Ordinance and not this Part. A private property that wishes to conduct more than six (6) temporary events within a calendar year or more than one event within thirty (30) days is subject to the regulations of the Township Zoning Ordinance and not this Part.*
- 13) *Township: Salisbury Township*

SECTION 2. FOOD STAND LICENSING

- A. *A license shall be required for a food stand if any of the following conditions are met:*
 - 1) *The temporary event in which the food stand is located is advertised to the general public and is not a private, by invitation only or member only event.*
 - 2) *The food stand will be located on public property.*
- B. *The following food stands are exempt from the licensing requirement (even if conditions in subsection A above are met):*
 - 1) *Food stands that only distributes prepackaged food.*
 - 2) *Bake sales, or similar, operated by a non-profit organization provided that all goods are prepared off-site and brought to event for distribution only.*
 - 3) *Food distribution stations set-up by an outside catering service that are designed to merely keep food warm and sanitary and there are no open flames.*
 - 4) *The food stand is operated by the Township, including but not limited to its fire department or its police department.*

- C. *A food stand shall be licensed by the Township and subject to all requirements within this Part. The license for a food stand shall be event and location specific. The license will not be valid beyond the specific dates of the specific event it is operating within and shall only apply to the specific location of the food stand.*
- D. *A food stand license shall not be valid for more than thirty (30) consecutive days.*
- E. *A food stand license application shall be submitted at least thirty (30) days prior to an event to ensure proper safety precautions are in place and/or to arrange the required inspections.*
- F. *An applicant shall submit an application to the Township Fire Inspector's Office on the form provided by the Township for a food stand license and all additional information requested by the Township. The food stand license fee, as set by the Township Board of Commissioners, shall be paid with the submission of the application.*
- G. *A single food stand license application may be submitted for all food stands at the same event, provided all structures will be operated by the same applicant and the applicant maintains responsibility for all structures included within the application.*
- H. *The Township Fire Inspector shall issue a food stand license to the applicant upon receipt of a complete application and the applicant's food stand passing an initial inspection.*

SECTION 3. FOOD STAND REGULATIONS

- A. *All food stands shall be located outside of all designated fire lanes.*
- B. *All food stands shall not impede access of emergency vehicles. If impediment is determined by an official of the Township, the food stand must be moved immediately. Failure to move the food stand to an approved location will result in immediate revocation of the food stand license and all penalties as outlined within Section 7 of this Part.*
- C. *All food stands shall be located at least 10 feet from all permanent structures. This distance may be reduced upon approval of the Township Fire Inspector.*
- D. *Waste receptacles for customers, which are clearly marked, shall be placed around the event. The disposal of these waste receptacles is the responsibility of the applicant and must be removed from the site and disposed of at an approved location. All waste shall be disposed of within twenty-four (24) hours.*
- E. *The mobile food vendor is responsible for the pickup, removal, and disposal of all refuse within twenty-five (25) feet of the vendor's operating area at the conclusion of service.*
- F. *At all times, at least one person working at the food stand must hold a current food safety certification. If multiple structures have been applied for within one permit, only one certified person is required for all structures included within the license.*
- G. *A copy of the food stand license and health certificate shall be prominently displayed at all times while operating within the Township.*
- H. *All food stands located within a residential zoning district shall not operate before 7AM each day and shall end by 10PM each day.*
- I. *All structures shall be removed within seven (7) calendar days of the end of the event. If the structures are not removed within the allotted time, the Township may remove the structures at the cost of the property owner and/or applicant.*

SECTION 4. FOOD TRUCK LICENSES

- A. *All food trucks operating within the Township are required to have a valid food truck license issued by the Township.*
- B. *A separate food truck license shall be required for each food truck operated by a mobile food vendor. Licenses are not transferable to another vehicle or another owner/operator of the same vehicle.*

- C. *An applicant shall submit an application to the Township Fire Inspector's Office on the form provided by the Township for a food truck license and all additional information requested by the Township. The food truck license fee, as set by the Township Board of Commissioners, shall be paid with the submission of the application. A separate application shall be submitted for each mobile food vending license, regardless of the vehicle's ownership.*
- D. *If required by law, 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 Fire Inspector.*
- E. *Applicants shall provide proof of a valid Pennsylvania State Department of Health license prior to being issued a food truck license.*
- F. *The Township Fire Inspector shall issue a food truck license to the applicant upon receipt of a complete application and the applicant's food truck passing an initial inspection. Licenses shall be valid for one year, from April 1st thru March 31st. A license fee shall not be prorated for applications submitted after April 1st nor shall a license be extended beyond March 31st of any given year.*
- G. *Food truck licenses shall be renewed annually by the applicant. The applicant shall submit the renewal annually, prior to the current license's expiration date but no sooner than March 1st. A licensee may continue operations between April 1st and April 30th, only if an application for renewal is pending with the Township. An inspection is required for each annual renewal. See Section 6 for further information regarding inspections.*

SECTION 5. FOOD TRUCK REGULATIONS

- A. *All food trucks shall be located outside of all designated fire lanes.*
- B. *All food trucks shall not impede access of emergency vehicles. If impediment is determined by an official of the Township, 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 license and all penalties as outlined within Section 7 of this Part.*
- C. *All food trucks shall be located at least ten (10) feet from the following:*
 - 1) *all permanent structures*
 - 2) *all other food trucks; and*
 - 3) *all other food stands.*

This distance may be reduced upon approval of the Township Fire Inspector.

- D. *A food truck shall be maintained in good operating order and visual appearance, including removing any graffiti that is not a part of the overall design or art featured on the vehicle. The term "good" shall be at the discretion of the Township 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.*
 - 2) *A food truck is not permitted to park on a public street within a residentially zoned neighborhood with the exception of a food truck parking directly in front of a permitted, non-residential use within a residential district including, but not limited to, a school, place of worship, or community center. A food truck may also park directly in front of a Township owned park.*
 - 3) *When operating on public property, a food truck is subject to the same parking rules, restrictions, and obligations that a vehicle would be subject to.*
 - 4) *A food truck may occupy only one parking space within a public parking lot. If one parking*

space is not large enough to accommodate the food truck, the food truck shall not park in the public parking lot and must find another location to operate.

- 5) Parking at a Township-owned place of business, fire station, and/or police station requires consent from the locations' supervisor prior to conducting business. If consent is not given, the food truck shall be removed immediately.*
- F. A food truck shall be parked so that its service window faces a sidewalk or other pedestrian safe area.*
- G. A food truck shall serve customers through its service window only.*
- H. Food trucks shall provide a waste receptacle for customers which is clearly marked. The disposal of this waste receptacle is the responsibility of the food truck operator and must be removed from the site and disposed of at its commissary or other approved location.*
- I. The mobile food vendor is responsible for the pickup, removal, and disposal of all refuse within twenty-five (25) feet of the vendor's operating area at the conclusion of service.*
- J. A food truck shall not be located on the same property (public or private), or within 100 feet of the same location, for more than twelve (12) hours in a single day (12AM to 12PM). The only exception to this is if 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 must remove its vehicle within twelve (12) hours of the conclusion of the event.*
- K. A food truck shall not operate on the same property (public or private), or within 100 feet of the same location, for more than five (5) days within a single calendar month. The only exception to this is if 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 must remove its vehicle within twelve (12) hours of the conclusion of the event.*
- L. All food truck operations within a residentially zoned district shall not start before 7AM each day and shall end by 10PM each day.*
- M. At all times, at least one person working at the food truck must hold a current food safety certification.*
- N. Food trucks are limited to signs attached to the vehicle and one sandwich board sign no larger than six (6) square feet per side. The sandwich sign shall not be placed in a location in which it blocks pedestrian or vehicular traffic nor may it be placed within the designated fire lane. The sign must be located within ten (10) feet of the food truck.*
- O. A copy of the food truck license and health certificate shall be prominently displayed at all times while operating within the Township.*

SECTION 6. INSPECTIONS

- A. Inspections of food stands and food trucks shall be conducted by the Township Fire Inspector and shall follow the approved checklist for health and safety standards as approved by the Township Board of Commissioners.*
- B. A food stand shall be inspected prior to the start of a temporary event and all food service operations. The Township Fire Inspection shall come to the location of the temporary event to inspect the food stand. The applicant is responsible for contacting the Township Fire Inspector in advance to arrange for an inspection time.*
- C. A food truck shall be inspected upon receipt of license 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 compliance inspections on any food stand or food truck operating within the Township.*

- E. *The Township Fire Inspector shall establish and maintain a database to record the names of licensees, inspections, inspection reports, and public complaints.*
- F. *If an applicant fails an initial inspection and/or a spot inspection, a re-inspection fee, as established by the Township Board of Commissioners, may be charged.*

SECTION 7. LICENSE AND INSPECTION FEES

- A. *The owner of the food truck and the operator of the food stand is responsible for obtaining all licenses and for the payment of all license and inspection fees. Failure to obtain the license and/or failure to pass inspection prior to operation is the responsibility of the food truck owner and/or food stand operator.*
- B. *The initial license and inspection fee for a food truck shall be \$100. This fee may be amended by Resolution of the Township Board of Commissioners as set forth in the Salisbury Township Schedule of Fees.*
- C. *The initial license and inspection fee for a food truck shall be paid during the application process and prior to any inspections.*
- D. *The initial license and inspection fee for a food stand shall be \$100 for the first stand and \$25 for each additional stand on the same license application and inspected on the same day. Food stands under the same license but inspected on a different day shall pay an additional \$50 for each visit/inspection. These fees may be amended by Resolution of the Township Board of Commissioners as set forth in the Salisbury Township Schedule of Fees.*
- E. *The initial license and inspection fee for a food shall be paid during the application process and prior to an inspection.*
- F. *A reinspection fee of \$25 per reinspection is required and must be paid prior to the inspection being conducted. This fee shall be applicable to food trucks and food stands. Each food stand shall have its own reinspection fee as needed.*

SECTION 8. ENFORCEMENT AND PENALTIES

- A. *The Township Fire Inspector and Police Department shall be responsible for the enforcement of the provisions within this Part.*
- B. *A violation of this Part may result in the suspension or revocation of a temporary event permit, food stand license, food truck license and/or civil penalties.*
- C. *Food stands and food trucks operating in non-compliance of any of the provisions of this Part will be required to immediately cease all operations and leave the Township.*
- D. *Any person violating any of the provisions of this Part may be subject to a fine of not less than \$300.00 and not more than \$12,000.00 plus court costs and reasonable attorney's fees incurred by the Township. Each day such violation occurs shall constitute a separate and distinct violation of this Part.*
- E. *It is unlawful for any person to intentionally provide false information or to intentionally omit information on an application for a license or permit under this Part.*


ARTICLE III. If any provision, sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions of this Ordinance. It is hereby declared as the intent of the Township that this Ordinance would have been adopted had such stricken provisions not been included herein.

ARTICLE IV. All other Ordinances or parts thereof which are contradictory with the provisions hereof, are repealed to the extent of such inconsistencies.

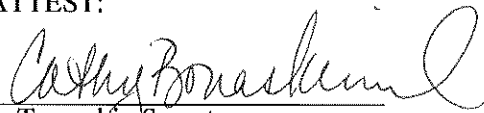
ARTICLE V. This Ordinance shall become effective immediately after its enactment.

DULY ADOPTED this 22nd day of February, 2024, by the Board of Commissioners of the Township of Salisbury, Lehigh County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF SALISBURY
Lehigh County, Pennsylvania

BY: 
Debra J. Brinton, President
Board of Commissioners

ATTEST:


Township Secretary