**ORDINANCE NO. 102 OF 2021**

**BUFFALO TOWNSHIP,**

**WASHINGTON COUNTY, PENNSYLVANIA**

**BUFFALO TOWNSHIP, WASHINGTON COUNTY PENNSYLVANIA ESTABLISHING RULES AND REGULATIONS REGARDING FOOD TRUCKS AND PROVIDING FOR PENALTIES THEREOF.**

**WHEREAS,** the Board of Supervisors of Buffalo Township have received inquiries regarding the use of food trucks in the Township; and

**WHEREAS,** it is in the public best interest and welfare of all the citizens of Buffalo Township to regulate food trucks in the Township.

**NOW, THEREFORE,** the Board of Supervisors of Buffalo Township under and by virtue of, and pursuant to the authority granted by the Second Class Township Code, as amended, does hereby **ENACT** and **ORDAIN** as follows:

**SECTION 1. SHORT TITLE.**

 This Ordinance shall be known as the “Buffalo Township Food Truck Ordinance of 2021.”

**SECTION 2. SCOPE.**

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 spaces. This Ordinance does not apply to mobile ice cream or water ice trucks.

**SECTION 3. DEFINITIONS.**

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

[Food](https://ecode360.com/34341829#34341829) Trucks - A vehicle or cart, which may, upon issuance of a permit by Buffalo Township and conformance with the regulations established by this Ordinance, temporarily park upon a publicly designated street or sidewalk and engage in the cooking service, sale or distribution of food for individual portion service to the general public, directly from the vehicle. The term shall include but is not limited to trucks and trailer hitch units used for food vending.

**SECTION 4. PERMIT REQUIRED.**

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

**SECTION 5. PERMIT APPLICATION.**

1. Any person who shall desire to operate a food truck in Buffalo Township shall make an application (the applicant) in writing to the Township. Such application shall be accompanied by such application fee, as required by a schedule of fees, established by and amended from time to time by resolution of the Board of Supervisors. 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:
2. The name, business name and address of the applicant and/or food truck owner;
3. Contact information, including phone number and e-mail address;
4. Food truck information, including business license number, all state and county permits, truck.travel hitch make and model, and license plate number;
5. Food truck vending information, including types of goods to be sold and proposed hours of food truck vending;
6. Such other information as may be required from time to time by the Township; and
7. An agreement of indemnity prepared by the Township and a certificate of liability insurance naming the Township as an additional insured; and
8. All such information as may be required by the Township.
9. 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 Board of Supervisors, has been paid in full. The schedule of fees shall be kept on file at the Municipal Building of Buffalo Township. There shall be no proration of fees under this subsection.

**SECTION 6. INDEMNIFICATION OF TOWNSHIP; INSURANCE.**

1. The owner of the food truck shall well and truly save, indemnify, defend, and hold harmless Buffalo Township, Board of Supervisors, individual Supervisors, officers, elected officials, employees, agents, etc. 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.
2. The owner of the food truck shall obtain and maintain a general liability insurance policy protecting itself and Buffalo Township from any and all damages. A food truck owner must indemnify Buffalo Township a minimum amount of One Million and 00/100 ($1,000,000.00) Dollars for bodily injury or death and Five Hundred Thousand and 00/100 ($500,000.00) 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 thirty (30) days' prior written notice thereof has been given to the Township.
3. 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 7. SPECIFIC STANDARDS.**

The following regulations shall apply to food trucks:

1. An applicant, upon submitting an application for a food truck permit, must also furnish copies of the food truck operator and/or owner's:
2. Valid driver's license;

1. Valid certificate of general liability coverage in the minimum amount specified by the Township and to the Township’s satisfaction.
2. Valid copy of the food truck's business license and tax identification number; and
3. Any licensing and/or permitting required by Washington County and/or the Commonwealth of Pennsylvania for the operation of a food truck.
4. Vending shall only be permitted from food trucks located at least fifty (50) feet from any residential building.
5. Vending may occur only between 7:00 a.m. and 10:00 p.m. food trucks may not arrive before 6:00 a.m. and must be removed by 11:00 p.m. each day.
6. Food trucks may not stay parked on the street overnight and must be removed from the street every night.
7. All required Washington County issued licenses and permits must be valid and posted in a visible location on or within the food truck at all times.
8. No vending is permitted within twenty five (25) feet of a fire hydrant.
9. No vending is permitted on private property without express permission of the property owner.
10. A person in charge must be present at the food truck vending site at all times.
11. Food trucks may only be open to and may only serve customers from the side of the truck facing the sidewalk, food trucks are prohibited from operating with their trucks open to the roadway.
12. No tanks, generators or other equipment shall be placed within the public right-of-way.
13. 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.
14. Awnings and canopies associated with any food truck shall be at least seven (7) feet above any public sidewalk.
15. A food truck vending operation is subject to any and all applicable Second Class Township Code requirements or other relevant Buffalo Township ordinances, resolutions, or requirements.
16. 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 this Ordinance as well as the denial of a food truck vending application and/or revocation of a food truck operation permit. 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 this Ordinance):
17. First violation: fine and/or suspension or revocation of permit.
18. Second violation: fine and suspension or revocation of permit.

**SECTION 8. 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 Ordinance, and the same shall be approved by the Township Board of Supervisors.

**SECTION 9. VIOLATIONS AND PENALTIES.**

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 District Justice, be guilty of a summary offense and shall be subject to the payment of a fine, not less than Fifty and 00/100 ($50.00) dollars for the first offense, not less than One Hundred and 00/100 ($100.00) dollars for the second and subsequent offense, and not more than One Thousand and 00/100 ($1,000.00) dollars, plus the cost of prosecution. Upon default of payment thereof, the defendant may be sentenced to imprisonment in the county prison for a period of not more than 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 District Justice in the amounts stated hereinabove.

**SECTION 10. SEVERABILITY**.

 The provisions of this Ordinance are hereby declared severable, and if any of its provisions shall be held to be invalid or unconstitutional, or otherwise void for any reason, such decision shall not affect or impair any of the remaining provisions hereof, it is hereby declared to be the intent of the Township that this Ordinance would have been adopted if such invalid, unconstitutional or otherwise void provision had not been included herein.

**SECTION 11. REPEALER.**

 Any Ordinance containing any provision inconsistent herewith to the extent that such provisions are inconsistent, those provisions are also hereby repealed.

**SECTION 12. EFFECTIVE DATE**.

 This Ordinance shall become effective five (5) days after enactment.

**ENACTED AND ORDAINED** by the Board of Supervisors of Buffalo Township, Washington County, Pennsylvania, this 6th day of October, 2021.

**ATTEST: BUFFALO TOWNSHIP**

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Michelle L. Markley, Secretary/Treasurer James W. Arbore, Jr., Chairman

(SEAL) By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Donald Lachman, Vice Chairman

 By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Randall Mounts, Supervisor