

**CITY OF COATESVILLE
COUNTY OF CHESTER**

AN ORDINANCE AMENDING THE GENERAL LAWS OF THE CITY OF COATESVILLE, AS AMENDED, PART II, "GENERAL LEGISLATION," BY ADDING CHAPTER 158, "MOBILE FOOD VEHICLES," FOR THE PURPOSE OF REGULATING MOBILE FOOD VEHICLES IN THE CITY OF COATESVILLE; AND INCLUDING §158-1, "PURPOSE," ADDRESSING THE PURPOSE OF THE NEW CHAPTER; §158-2, "SCOPE," ESTABLISHING THE SCOPE OF THE NEW CHAPTER; §158-3, "DEFINITIONS," DEFINING TERMS USED IN THE NEW CHAPTER; §158-4, "MOBILE FOOD VEHICLE LICENSE REQUIRED," REQUIRING MOBILE FOOD VEHICLES TO POSSESS A LICENSE IN ORDER TO OPERATE IN THE CITY; §158-5, "APPLICATION FOR LICENSE AND FEES," ADDRESSING THE APPLICATION FOR LICENSE REQUIREMENTS AND ASSOCIATED FEES; §158-6, "STANDARDS OF OPERATION," SETTING FORTH THE STANDARDS OF OPERATION OF MOBILE FOOD VEHICLES IN THE CITY; §158-7, "SPECIAL EVENT PERMIT," ADDRESSING SPECIAL EVENT PERMIT RULES; §158-8, "INDEMNIFICATION OF THE CITY; INSURANCE," REQUIRING THE INDEMNIFICATION OF THE CITY AND NAMING THE CITY AS AN INSURED; §158-9, "VIOLATIONS, ENFORCEMENT, AND PENALTIES," ESTABLISHING LIABILITY FOR VIOLATIONS, THE ENFORCEMENT THEREOF, AND PENALTIES TO BE IMPOSED FOR VIOLATIONS OF THE CHAPTER.

WHEREAS, the City of Coatesville ("City") is a Third Class City operating by means of a home rule charter; and

WHEREAS, the City Council of the City of Coatesville ("Council") has determined that it is in the best interest its residents' health, safety, and welfare to enact an ordinance to authorize and regulate mobile food vehicles within City limits; and

WHEREAS, Council has determined that procedures for immediate notice and citation for violation of this Ordinance by such vehicles, owners, and operators in violation hereof are necessary to provide for the health, safety, and welfare of the City's residents; and

WHEREAS, §2-301.A of the City Charter requires that the City pass an ordinance that provides a fine or other penalty or establishes a rule or regulation for violation of which a fine or other penalty is imposed; and

WHEREAS, Council desires to adopt this Ordinance creating Chapter 158, "MOBILE FOOD VEHICLES," as set forth below.

NOWHEREFORE, in accordance with the foregoing authority, which incorporates all rights and powers granted to the City of Coatesville under the Third Class City Code and those powers set forth under its Charter, the City hereby enacts and ordains as follows:

SECTION 1. The General Laws of the City of Coatesville, as amended, Part II, “General Legislation,” is amended by adding Chapter 158, “Mobile Food Vehicles,” as follows:

§158-1 Purpose.

The purpose of this Chapter is to promote the health, safety, and general welfare of the stakeholders of the City of Coatesville by requiring that new and existing mobile food vehicles provide residents and customers with a standardized level of quality, safety, and cleanliness.

§158-2 Scope.

- A. The provisions of this Chapter shall apply to all mobile food vehicles engaged in the business of cooking, preparing, and/or distributing food or beverage with or without charge from a mobile food vehicle on or in public property or private property within the boundaries of the City of Coatesville.
- B. This Chapter shall not apply to mobile food vehicles selling ice cream or water ice, where such vehicle stops only on a temporary basis for purposes of making a sale or sales before it moves to a new location.
- C. The provisions of this Chapter shall be subject to the provisions of Chapter 192, Special Events. To the extent a conflict may arise between the provisions of this Chapter and Chapter 192, the provisions Chapter 192 shall take precedence.

§158-3 Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

APPLICANT

The person, persons, or business entity who applies for a mobile food vehicle license.

CITY

City of Coatesville, Chester County, Pennsylvania.

MOBILE FOOD PREPARER

Any person who, by traveling from place to place upon the public streets of the City, prepares and serves food from a mobile food vehicle.

MOBILE FOOD VEHICLE

A vehicle with three or more wheels in or on which food or beverage is cooked or prepared, and served to patrons or the public. The term shall include trucks and trailer hitch units used for food vending.

MOBILE FOOD VEHICLE LICENSE

A license issued by the City that authorizes a person or entity to maintain and operate a mobile food vehicle in the City.

MOBILE FOOD VEHICLE OWNER

The person, persons, or business entity who holds the mobile food vehicle's title.

PRIVATE PROPERTY

Any land, rights-of-way, roads or other real property owned, maintained, or otherwise under the control of any person or entity other than the City and not available for general use by the public.

PUBLIC PROPERTY

The public rights-of-way, City-owned property, and City established rights-of-way, including sidewalks.

SPECIAL EVENT PERMIT

A permit issued by the City pursuant to Chapter 192, for a special event, holiday, or other occasion for a finite duration.

VENDOR

A person, persons, or business that sells food or drink.

VENDING

The act of selling food or drink.

§158-4 Mobile food vehicle license required.

- A. License required. No person or business entity, including a religious or charitable organization, shall operate a mobile food vehicle in any public space or private space without a license issued by the City.
- B. Individual licenses required. A separate mobile food vehicle license is required for each mobile food vehicle operating within the City, but in no event shall any Mobile Food Vehicle Owner be issued more than 2 licenses in any given year.
- C. Compliance with other laws and regulations. In addition to the City's license requirements, all mobile food vehicles shall comply with all County of Chester and Commonwealth of Pennsylvania regulations and laws.

§158-5 Application for license and fees.

- A. Application. There shall be made available by the City an application form to apply for each mobile food vehicle license. The application shall provide the following:
 - 1) A description of necessary inspections, required documents, and fees; and
 - 2) A description of the areas of the City where the operation of a mobile food vehicle is permitted.
- B. Submission of materials. Each application shall set forth and include the following information:
 - 1) Applicant's information. The name, business name, business phone number, cell phone number, and address of the applicant;
 - 2) Identifying information. The name, business name, business phone number, cell phone number, and address of the mobile food vehicle owner;

- 3) Vehicle information. Mobile food vehicle information including the following: business license number, vehicle make and model, vehicle identification number (VIN), license plate, proof of valid registration and insurance;
 - 4) Vehicle vending information. Mobile food vehicle vending information, including types of goods to be sold and proposed hours of mobile food vehicle vending;
 - 5) Restrooms. Proof of access to restroom facilities for the use of the mobile food vehicle preparers;
 - 6) Inspections. Certification that the mobile food vehicle has passed all necessary inspections required by the City, the County of Chester, and the Commonwealth of Pennsylvania;
 - 7) Interior design. Mobile food vehicle interior design showing all features, including the location of the hand-washing sink for mobile food vehicle preparers; and
 - 8) An agreement of indemnity and insurance as outlined in §158-8.
- C. Fees.
- 1) The City shall establish the application fees and publish the fees in the City's schedule of fees. The application fees shall be established and amended from time to time by resolution.
- D. Complete applications required. No action shall be taken on any application for a license under this Chapter until the application has been completed in its entirety and all application fees have been paid in full. There shall be no proration of fees under this section.
- E. Duration. A mobile food vehicle license shall be valid for the 12 months immediately following the issue date and the expiration date shall be clearly set forth on the license when issued.
- F. License renewal.
- 1) Renewal process. All mobile food vehicle license holders shall apply for renewal not less than 30 nor more than 90 days prior to the expiration of the mobile food vehicle license.
 - 2) Renewal fee. A mobile food vehicle license renewal fee shall be established by the City and published in the City's schedule of fees. The renewal fee shall be established and amended from time to time by resolution.
- F. Submission. All initial license applications and all renewal license applications shall be submitted to the City Manager or his/her designee.
- G. License display. mobile food vehicle licenses shall be prominently displayed at a location on the side of the mobile food vehicle facing those to whom food or beverages are to be sold or dispensed, and where it can be easily seen and read.

§158-6 Standards of operation.

- A. Owner; authorized mobile food preparer. Only mobile food owners and their authorized mobile food preparers shall be permitted to operate a mobile food vehicle within the City's borders.
- B. Location. Vending shall only be permitted in the following locations:
 - 1) On any street abutting a public park, other than First Avenue, or any public sports field or court within the City; and

- 2) Lancaster Avenue from First Avenue to 10th Avenue.
- C. Timing.
- 1) Vending shall only occur between the hours of 7:00 a.m. and 9:00 p.m.
 - 2) Mobile food vehicles shall not arrive prior to 6:00 a.m.
 - 3) Mobile food vehicles shall be removed from the streets every night by 11:00 p.m.
 - 4) Mobile food vehicles shall not be parked or stored on the streets or public parking lots of the City between the hours of 11:00 p.m. and 6:00 a.m.
- D. Parking.
- 1) All mobile food vehicles shall comply with City parking regulations and ordinances.
 - 2) If a mobile food vehicle is parked at a metered parking space, the mobile food vehicle shall pay the parking meter as required by the City.
 - 3) Mobile food vehicles shall not park within 25 feet of a fire hydrant measured linearly from the two closest surfaces of each to the other.
 - 4) Mobile food vehicles shall not park within 50 feet of any principal customer entrance to any restaurant or food establishment within the City measured linearly from the surface of the Mobile Food Vehicle to the closest edge of the entrance of the restaurant or food establishment.
- E. Service. mobile food vehicles shall only serve customers from the side of the vehicle facing the sidewalk, if vending from a roadway, street, or other thoroughfare.
- F. Trash. All mobile food trucks shall offer a waste container for public use that the operator shall empty at his own expense. Waste containers shall be placed not more than 5 feet from the side of the vehicle from which food or beverage is served and shall not obstruct or impede any sidewalk, roadway, street or parking space.
- G. Public rights-of-way.
- 1) No tanks, generators, or other equipment that is not affixed to and part of the mobile food vehicle shall be placed within the public rights-of-way.
 - 2) No temporary signs used as part of the mobile food vehicle vending operation shall impede or block any sidewalks, roadways, or other public rights-of-way within the City.
 - 3) No awnings or canopies associated with a mobile food vehicle shall impede or block any sidewalks, roadways, trafficways, paths, or other public rights-of-way of the City. All awnings or canopies associated with a mobile food vehicle shall be not less than 84 inches above the ground when opened or deployed, as measured vertically from the highest point on the ground located under the area covered by such awning or canopy.
- H. A mobile food vehicle operation is subject to all applicable City Ordinances, including the Zoning Ordinance.

§158-7 Special event permit.

All special permits shall be issued pursuant to Chapter 192, which shall govern the location and times of operation for all licensed mobile food vehicles.

§158-8 Indemnification of the City; insurance.

- A. The owner of the mobile food vehicle shall, during the application process and as a condition of being issued a mobile food vehicle license, sign an agreement to indemnify, defend, and keep harmless the City of Coatesville, its officers, elected officials,

employees, and agents from and against any and all actions, suits, demands, payments, judgments, costs, and charges caused by the existence of the mobile food vehicle 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 mobile food vehicle or by the acts or omissions of the employees or agents of the applicant or mobile food vehicle owner in connection with such mobile food vehicle operation.

- B. The owner of the mobile food vehicle shall obtain and maintain a general liability insurance policy in an amount not less than \$500,000.00 and provide proof of same to the City at the time of application. All insurance policies shall be issued by companies qualified to do business in Commonwealth of Pennsylvania. All policies shall name the City 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 City.
- C. Neither the provisions of this section nor any damages recovered by the City shall be construed to limit the liability of the owner of the mobile food vehicle for damages.

§158-10 Violations, enforcement, and penalties.

- A. Violations; persons liable. It shall be unlawful and a violation of this Chapter for any person to violate any provision of this Chapter and any such violation shall subject such person in violation of this Chapter to the issuance of a criminal citation and the penalty provisions set forth in this section.
- B. Fine for violation. Any person violating any provision of this Chapter shall be subject to the payment of a fine of, not less than \$50 for the first offense, not less than \$100 for the second offense and not more than \$1,000 for the third and subsequent offenses, plus the cost of prosecution, which includes attorney fees. Each day a violation continues to exist shall constitute a separate and distinct violation of this Chapter.
- C. Enforcement. The City of Coatesville Police Department shall enforce the provisions of this Chapter in addition to any County of Chester and Commonwealth of Pennsylvania Departments or other governmental agency having jurisdiction over the operation of mobile food vehicles.
- D. Revocation, suspension, or modification of license. A license may be revoked, suspended, modified, or not renewed upon being found guilty of a third or subsequent violation of this Chapter.
- E. Costs of prosecution. All offenders convicted of violating any section of this Chapter shall pay the costs of prosecution, including attorney fees, in addition to any fine and court costs.
- F. Proceedings may be commenced against a person violating this Chapter, the Motor Vehicle Code, and the Crimes Code, and commencement of any such proceedings shall not constitute an election of remedies preventing the commencement of the other proceedings against such violator.

SECTION 2. All ordinances or parts of ordinances conflicting with any provisions of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 3. If any 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, sentences, clauses, sections or parts hereof.

SECTION 4. This Ordinance shall be effective 30 days after publication following final adoption in accordance with the City Charter and the Third-Class City Code.

ENACTED AND ORDAINED this 24th day of June, 2019.


Linda Lavender-Norris, President City Council

ATTEST:


Michael T. Trio, City Manager

CERTIFICATION

I HEREBY CERTIFY that the foregoing Ordinance was introduced on the 3rd day of June, 2019, was duly enacted by the Council of the City of Coatesville, Chester County, Pennsylvania, on the 24th day of June, 2019, and that the vote upon the said Ordinance has been recorded in the Minutes of the City Council and that the Ordinance has been fully recorded.