

BOROUGH OF CONSHOHOCKEN
MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. _____

AN ORDINANCE OF THE BOROUGH OF CONSHOHOCKEN, MONTGOMERY COUNTY, COMMONWEALTH OF PENNSYLVANIA, AMENDING CHAPTER 13 *LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS* OF THE CODE OF THE BOROUGH OF CONSHOHOCKEN BY AMENDING PART 7 *FOOD VENDORS*, ARTICLE A *FOOD VENDOR REGULATIONS* TO CLARIFY THE AREAS OF THE BOROUGH WITHIN WHICH FOOD VENDORS ARE PERMITTED AND TO OTHERWISE CLARIFY THE PROCEDURES AND REQUIREMENTS ASSOCIATED WITH FOOD VENDOR LICENSES IN THE BOROUGH; REPEALING PRIOR INCONSISTENT ORDINANCES AND PARTS OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND CONTAINING AN EFFECTIVE DATE.

WHEREAS, the Borough Council of the Borough of Conshohocken is duly empowered by the Borough Code to enact certain regulations relating to the public health, safety and welfare of the community of the Borough of Conshohocken;

WHEREAS, the Borough Council of the Borough of Conshohocken has enacted regulations regarding food vendors in the Borough, *e.g.* food trucks, at Part 7 *FOOD VENDORS* of Chapter 13 *Licenses, Permits and General Business Regulations*; under those regulations, food vendors are only permitted in the Specially Planned Districts under the Borough's zoning ordinance;

WHEREAS, at the time the aforementioned food vendor regulations were adopted, the Specially Planned Districts were limited to the SP-1, SP-2, and SP-3 Specially Planned Districts, all located along the riverfront and away from the Borough's busy Fayette Street corridor;

WHEREAS, the Borough has also created an SP-4 Specially Planned District, which is located directly in the middle of one of, if not the, busiest area of the Borough in terms of traffic and pedestrian congestion;

WHEREAS, the presence of food vendors, *e.g.* food trucks, in this area of the Borough poses specific risk to the health, safety, and welfare of the general public in the Borough;

WHEREAS, Borough Administration has recommended an amendment to the food vendor regulations to clarify that food vendors shall only be permitted in the SP-1, SP-2, and SP-3 Specially Planned Districts;

WHEREAS, Borough Administration has also recommended certain amendments to the food vendor regulations to make those regulations match current Borough practice in terms of the review and approval of applications for food vendor licenses; and

WHEREAS, Borough Council believes it to be in the best interest of the Borough to adopt the amendment to its food vendor regulations set forth herein.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Conshohocken as follows:

SECTION 1.

Chapter 13 *Licenses, Permits and General Business Regulations, Part 7 FOOD VENDORS* is hereby amended by repealing Article A *Food Vendor Regulations* in its entirety and replacing it with the following provisions:

ARTICLE A.
Food Vendor Regulations.

§ 13-701. Definitions.

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

FOOD — Any raw, cooked or processed edible substance, beverage or ingredient used or intended to be used in whole or part for human consumption; provided, however, that products in hermetically sealed containers processed by heat to prevent spoilage and dehydrated dry or powdered products so low in moisture content as to preclude development of microorganisms are excluded from the terms of this definition. Further, raw and uncut food from the plant kingdom which has been grown in the Borough of Conshohocken is excluded from the terms of this definition.

FOOD VENDOR — Any person who transports, distributes or sells to the public foods, prepared foods or readily perishable food of a kind deemed by applicable federal, state, or local regulatory agencies or officials to be capable of causing human foodborne illness from a truck, trailer, cart, bicycle or other vehicle. "Readily perishable foods" shall mean any food or beverage or ingredients consisting in whole or in part of milk, milk products, eggs, meat, fish, poultry or organisms which can cause food infections or food intoxication.

§ 13-702. Food Vendor License Required.

- A. License.** In addition to any other applicable license requirement, no person shall sell or distribute to the public prepared or perishable food from any food-vending vehicle without obtaining a license from the Borough.
- B. Application.** Applications for licenses required by this Part shall be on forms provided by the Borough, which shall request such information as deemed reasonably necessary by the Borough to confirm compliance with this Part.
- C. Food Vendor License Application Requirements.** All applications for licenses shall demonstrate compliance with the following requirements:
- i. The food vendor shall have a current and valid Temporary Food License issued by the Montgomery County Health Department. A copy of the Temporary Food License shall be submitted with the application. The Temporary Food License shall be valid for the entire term of the food vendor license.
 - ii. The food vendor shall provide proof of, and maintain for the entirety of the license term, such insurance as shall be required by the Borough, as established, from time-to-time, by resolution of Borough Council.
 - iii. The application shall specify the proposed location for the food truck and the days and hours the food truck intends to operate. The proposed location, days, and hours shall be subject to the review and approval of the Borough's administrative staff.
 - iv. The application shall be accompanied by the required fee, to be set from time-to-time by resolution of the Borough Council of the Borough of Conshohocken.
 - v. Prior to issuance of a food vendor license, the food vendor's vehicle must pass inspection by

the Conshohocken Fire Department. Such inspection shall occur at least one week prior to the date the food truck is proposed to commence service in the Borough. The food vendor shall pay such fees as shall be required by the Borough for such inspection, which fee shall be set by resolution of Borough Council.

- vi. All fire suppression systems and fire extinguishers inside food-vending vehicles must be compliance with all required codes, ordinances, rules, and regulations, which compliance shall be confirmed during the inspection required by section 13-702.C.v.
- vii. Two photographs of the food vendor vehicle (2" x 3" minimum) taken within 6 months of the date of application.
- viii. All persons expected to work the food vending machine in the Borough shall submit to, and pass, a background check, subject to the review and approval of the Borough's Chief of Police.

D. Requirements After Issuance.

- i. The license required by this Part shall at all times be kept posted prominently in the food-vending vehicle.
- ii. Licenses issued pursuant to this Part may not be transferred from one food vendor/business to another. Only one license will be permitted per food vendor/business at any given time.
- iii. The food vendor shall make the vehicle subject to inspection by the Borough to ensure compliance with this Part and any other applicable local, state, or federal rules, regulations, laws, ordinances, etc. Furthermore, the food vendor shall, upon demand, furnish to the Borough such additional information as may be required to enable the Borough to confirm compliance with the requirements of this Part and any other applicable local, state, or federal rules,

regulations, laws, ordinances, etc. Failure to make the food vending machine available for inspection upon request or failure to furnish additional information requested upon demand shall result in the refusal to issue, or the revocation of, the food vendor's license.

- E. Term; Renewal.** Unless previously revoked or suspended, all licenses issued under this Part shall expire 30 days following their issuance, unless a lesser term is stated on the license.

- F. Standards; Employees.** No person infected with any contagious disease or having any open running sores of any kind shall dispense, handle, serve, prepare or in any way engage in or perform work related to the service of food.

- G. Hours and Location Limitations.**
 - i. The hours of operation of food vendors shall be 6:00 a.m. until 5:00 p.m. or such shorter time period as may be specified in the food vendor license.

 - ii. Food vendors issued licenses pursuant to this Part shall only be permitted in the SP-1 Specially Planned District 1, SP-2 Specially Planned District 2, and SP-3 Specially Planned District 3 zoning districts as delineated on the Borough's Zoning Map.

 - iii. The limitations of subsections G.i and G.ii shall not apply to the issuance of food vendor licenses or the operation of food vendors at Borough-sponsored events, or at other special events subject to majority vote of the Borough Council.

 - iv. In considering applications for land development pursuant to the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101, *et seq.*, Borough Council shall have the ability to waive the hour limitations of subsection G.i in the resolution approving the land development.

§ 13-703. Penalty for Violation of Food Vendor Regulations. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation continues shall constitute a separate offense.

SECTION 2.

Any and all other ordinances or parts of ordinances in violation or in conflict with the terms, conditions and provisions of this ordinance are hereby repealed to the extent of such irreconcilable conflict.

SECTION 3.

The terms, conditions and provisions of this ordinance are hereby declared to be severable, and, should any portion, part or provision of this ordinance be found by a court of competent jurisdiction to be invalid, non-enforceable or unconstitutional, the Council hereby declares its intent that the ordinance shall have been enacted without regard to the invalid, non-enforceable, or unconstitutional portion, part or provision of this ordinance.

SECTION 4.

This ordinance shall become effective at the earliest time permitted by Pennsylvania law.

ORDAINED and **ENACTED** an ordinance of the Borough of Conshohocken this _____ day of _____, 2024.

BOROUGH OF CONSHOHOCKEN:

TINA SOKOLOWSKI
COUNCIL PRESIDENT

ATTEST:

STEPHANIE CECCO,
BOROUGH SECRETARY

Approved this _____ day of _____,
2024

YANIV ARONSON, MAYOR