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LEMOYNE BOROUGH

Cumberland County, Pennsylvania

ORDINANCE NO. XXX

AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF LEMOYNE, CUMBERLAND COUNTY, PENNSYLVANIA, AMENDING CHAPTER 358 OF THE CODE OF THE BOROUGH OF LEMOYNE REGARDING PEDDLING AND SOLICITING BY ADDING A NEW SECTION PROVIDING FOR THE REGULATION OF MOBILE FOOD VENDORS

BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Lemoyne, Cumberland County, Pennsylvania, as follows:

The Borough finds that allowing mobile food vendors to operate, subject to practical regulations and limitations, is beneficial to persons living and working within the Borough. This article recognizes the unique physical and operational characteristics of mobile food vending, establishes standards for mobile food vending operations and promotes practices that serve the health, safety and welfare of the public.

SECTION 1—DEFINITIONS

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

CANTEEN TRUCK: a vehicle that operates to provide food services to workers at locations where access to such services is otherwise unavailable or impractical (e.g., a construction site); from which the operator sells food and beverages that require no on-site preparation or assembly other than the heating of precooked foods; and is not advertised in any form to the general public except by virtue of signage on the vehicle. Products sold from canteen trucks may include fruits, vegetables, pre-cooked foods such as hot dogs, prepackaged foods and pre-packaged drinks.

COMMISSARY: an establishment or facility in a fixed location that is used for the storage of supplies for a mobile food service vehicle, the preparation of food to be sold or served at a mobile food service vehicle, or the cleaning or servicing of a mobile food service vehicle or the equipment used in conjunction with a mobile food service vehicle.

EDIBLE FOOD PRODUCTS: Those products that are ready for immediate consumption, including prepackaged food and food cooked, prepared or assembled on-site. The term "edible food products" does not include fresh produce unless the produce has been packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed or otherwise prepared for consumption.

FOOD TRUCK: A vehicle from which edible food products are cooked, prepared or assembled with the intent to sell such items to the general public, provided further that food trucks may also sell other edible food products and beverages that have been prepared or assembled elsewhere. Food truck operators may market their products to the public via advertising, including social media.

1 **LOCATION:** Any single property parcel or any combination of contiguous parcels that are owned
2 or controlled by a single entity or affiliated entities.

3 **MOBILE FOOD VENDOR:** self-contained food service operation, located in a readily movable
4 motorized, wheeled, or towed vehicle, used to store, prepare, display or serve food intended for
5 individual portion service.

6 **MOBILE FOOD VENDOR EVENT:** a coordinated and advertised gathering of more than three
7 (3) mobile food service vehicles in one location on a certain date with the intent to serve the public.

8 **MOBILE FOOD SERVICE VEHICLE:** a food truck or canteen truck and includes any portable unit
9 that is attached to a motorized vehicle and intended for use in the operation of a food truck,
10 canteen truck or ice cream truck. **The term includes portable units, such as trailers, whether or**
11 **not attached at the time of operation, provided they remain road-ready and not permanently**
12 **affixed to the site.**

13 **MOBILE FOOD VENDOR LICENSE:** a license issued by the **Borough** for the operation of a
14 mobile food service vehicle.

15 **OPERATE:** to sell food, beverages, and other permitted items from a mobile food service vehicle.

16 **OPERATOR:** any person operating or permitted to operate a mobile food service vehicle.

17 **VEHICLE:** every device in, upon or by which any person or property may be transported or drawn
18 upon a street, including devices moved by human power.

19 **SECTION 2—LICENSES AND PERMITS REQUIRED**

20 (A) It shall be unlawful to operate a mobile food service vehicle/ to sell or offer for sale any
21 food, service, or merchandise at any location within the Borough of Lemoyne unless a mobile food
22 vendor license has been issued by the Borough of Lemoyne and in compliance with the other
23 requirements of this article and state law.

24 (B) Mobile food vendors must comply with all federal, state and local licensing, which
25 includes registering for and obtaining a local business license, up-to-date records on health
26 inspections, as well as any and all other permitting regulations and all business tax, sales tax and
27 other tax requirements

28 **(C) This section shall not apply to the occasional, non-commercial sale of food or beverage by**
29 **minors, such as lemonade stands, on residential property or on Borough property when**
30 **permitted at the discretion of the Borough.**

31 **SECTION 3—LOCATIONS AND HOURS OF OPERATION**

32 (A) Food trucks.

33 (1) Right-of-way/public property. Food trucks may not operate within the public right-of-way or on
34 any Borough property except as may be specifically allowed by the Borough. When allowed in the
35 public right-of-way, a food truck must be positioned so as to comply with the requirements of

Commented [JM1]: Added this to the end, to cover possible loophole, where a detached trailer was excluded from the permit requirement.

Commented [JM2]: Addresses concerns raised by council that this could be used to penalize children with lemonade stands or similar pop up shops. Given the added practice of kids selling drinks outside the pool, I added the last half - to give the Borough discretion (leaving room to shut down those who abuse this).

1 Section 4 herein. Operation of food trucks within Borough parks shall be subject to rules
2 and regulations established by council. No unattended food truck shall be left at any time in
3 the right-of-way or parked on any other public property overnight.

4 (2) Private property. A food truck with a current mobile food vendor permit may operate on private
5 property if allowed as a permitted use under Chapter 550 (Zoning) of this Code, subject to the
6 following conditions:

7 a. Permission. Food trucks selling to the public from private property shall have the
8 written permission of the property owner, which shall be made available to the Borough
9 immediately upon request.

10 b. Unimproved properties. Regardless of any agreement with the owner of the property, a food truck
11 may not operate on an unimproved parcel. For purposes of this section, a parcel is considered
12 "improved" if it contains a building that may be occupied pursuant to applicable building codes.

13 c. Maximum number of food trucks. No more than three (3) food trucks may operate at any location
14 at one time unless authorized by the Borough.

Commented [JM3]: Note to discuss. We limit to
3...UNLESS the Borough authorizes otherwise.

15 d. Placement on lot. Food truck operations, including any canopies, signage, equipment, and
16 seating areas, may not occupy more than four parking spaces per food truck. Food trucks not
17 parked within designated parking spaces shall not block fire lanes, designated traffic lanes or
18 ingress or egress to or from a building or street.

19 (3) Hours of operation. Food trucks may operate beginning at 7:00 a.m. and ending at 9:00 p.m.
20 unless otherwise restricted by the operator's mobile food vendor permit or by the property owner.
21 The Borough may permit extended hours of operation.

22 (B) Canteen trucks.

23 (1) Right-of-way/public property. A canteen truck with a current mobile food vendor permit
24 may operate from the right-of-way adjacent to a clearly delineated location to cater to on-
25 site workers. A clearly delineated location is one in which the boundaries are defined by the use
26 of fencing enclosing the location or where the surrounding area is undergoing construction activity.
27 Canteen trucks may not operate within any other public right-of-way or on any Borough property
28 except as may be specifically allowed by the Borough. When allowed in the public right-of-way, a
29 canteen truck must be positioned so as to comply with the requirements of section 4 herein.
30 Operation of canteen trucks within Borough parks shall be subject to rules and regulations
31 established by the council. No unattended canteen truck shall be left at any time in the right-of-way
32 or parked on any other public property overnight.

33 (2) Private property. A canteen truck with a current mobile food vendor permit may operate on
34 private property if allowed as a permitted use under Chapter 550 (Zoning) of this Code, subject to
35 the following conditions:

1 a. Permission. Canteen trucks operating on private property shall have the written permission of the
2 property owner, which shall be made available to the **Borough** immediately upon request.

3 b. Unimproved properties. A canteen truck may operate on an unimproved parcel only if the parcel
4 or an adjoining parcel is undergoing construction activity.

5 c. Placement on lot. Canteen trucks shall not block fire lanes, designated traffic lanes or ingress or
6 egress to or from a building or street.

7 (3) Hours of operation. Canteen trucks may operate beginning at 7:00 a.m. and ending at 6:00 p.m.
8 unless otherwise restricted by the operator's mobile food vendor permit. Extended hours may be
9 authorized by the **Borough** upon request. A canteen truck shall not remain in the public right-of-
10 way for more than one hour during a day.

11 **SECTION 4—OPERATING REQUIREMENTS**

12 (A) Vehicle requirements.

13 (1) Design and construction. Mobile food service vehicles must be specifically designed and
14 constructed for the purpose of preparation and sale of the specific type of food being sold and may
15 not operate in any manner that is not compatible with the purpose for which the vehicle has been
16 designed and constructed.

17 (2) Licensing. Mobile food service vehicles must be licensed and equipped in accordance with the
18 rules and regulations of all local, state and federal agencies having jurisdiction over such vehicles.
19 The preparation and sale of food from mobile food service vehicles must comply with all applicable
20 local, state and federal laws and regulations.

21 (B) Operating in the Right-of-way.

22 (1) Mobile food service vehicles shall park facing the same direction as traffic, at a distance of no
23 more than 12 inches between the curb face or edge of pavement and with the service window of the
24 vehicle facing the curb or edge of pavement.

25 (2) When a mobile food service vehicle is allowed to operate in the public right-of-way, no seating
26 area shall be provided, except as permitted in conjunction with a street closure for a special event.

27 (C) Business access. No mobile food service vehicle may operate in a location that:

28 (1) Impedes the ingress to or egress from another business or otherwise causes undue interference
29 with access to another business;

30 (2) Blocks the lawfully placed signage of another business; or

31 (3) Prevents access to another business by emergency vehicles.

32 (D) Pedestrians. If on or adjacent to a sidewalk, the components of a mobile food service vehicle
33 operations, including signage, seating areas and patron queue may not reduce the clear pedestrian

1 path of travel on the sidewalk to less than six feet. All awnings or canopies of the vehicle shall be at
2 least six feet, eight inches above the sidewalk.

3 (E) Distance. A mobile food service vehicle must maintain a minimum distance of ten (10) feet
4 between other mobile food service vehicles and may not operate within 100 feet of the primary
5 entrance of a brick and mortar eating establishment during the hours the establishment is
6 open for business, unless the vendor is operating with the written consent of the
7 establishment.

8 (F) Safety and fire prevention.

9 (1) All cooking, heating and electrical equipment and all cooking practices must comply with
10 applicable safety regulations, including applicable fire and electrical codes.

11 (2) No power cord, cable or equipment shall be extended across any public street, sidewalk or
12 other public property.

13 (3) No cooking equipment other than a heating apparatus compliant with applicable safety
14 regulations may be used in a canteen truck.

15 (4) All mobile food service vehicles must be equipped with a 2A-10BC fire extinguisher that is
16 inspected annually and certified as meeting National Fire Protection Association standards.

17 (5) All mobile food service vehicles with a generator must provide a 3A-40BC fire extinguisher (6) All
18 food service vehicles utilizing a deep fat fryer must provide a type K fire extinguisher in addition to
19 the required extinguisher requirements set forth in this ordinance.

20 (7) The maximum amount of LPG gas that can be stored/used is two (2) 100 pound tanks with LPG
21 storage tanks only permitted to be stored/used on the exterior of the mobile food service vehicle;
22 furthermore, all piping and fittings for the distribution and use of LPG gas must be UL or FM
23 approved.

24 (8) Any type of cooking inside the mobile food service vehicle that produces grease laden vapors is
25 required to be protected with an NFPA 96 compliant fire suppression system.

26 (9) All vendors must maintain a clearance of at least 10 feet away from buildings, structures,
27 vehicles, and any combustible materials and must also maintain a clearance of at least 15 feet
28 from a fire hydrant

29 (10) Any engine-driven source of power must be separated from the public by barriers, such as
30 physical guards, fencing, or enclosures

31 (11) Any engine-driven power must comply with the following:

32 a. At least 10 feet in all directions from openings and air intakes

33 b. At least 10 feet from every means of egress

34 c. Directed away from all buildings

Commented [JM4]: Clarified distance from an eating establishment must be 100ft from the "entrance", and provided carve out for those who receive "permission" from the owner to be distanced closer than 100ft. This subsection previously read: "Distance. A mobile food service vehicle must maintain a minimum distance of ten (10) feet between other mobile food service vehicles and may not operate within 100 feet of a brick and mortar eating establishments."

- 1 d. Directed away from all other cooking vehicles
- 2 (G) Solid fuel safety (wood, charcoal)
- 3 (1) Fuel must not be stored above any heat producing appliance or vent
- 4 (2) Fuel must not be stored closer than 3ft to any cooking appliance
- 5 (3) Fuel must not be stored near any combustible liquids, ignition sources, chemicals, and food
- 6 supplies and packaged goods
- 7 (4) Fuel must not be stored in the path of the ash removal or near removed ashes
- 8 (5) All Ash cinders, and other fire debris should be removed from the firebox at regular intervals and
- 9 at least once a day
- 10 (6) Removed ashes, cinders, and other removed fire debris should be placed in a closed, metal
- 11 container located at least 3ft from any cooking appliance
- 12 (H) Noise. No sounds that are prohibited by Chapter 550 of the Lemoyne Borough Code may be
- 13 produced by a mobile food service vehicle's operations.
- 14 (I) Support methods. No mobile food service vehicle may use stakes, rods or any other method of
- 15 support that must be drilled, driven or otherwise fixed into or onto asphalt, pavement, curbs,
- 16 sidewalks or buildings.
- 17 (J) Spills. To prevent discharges into waterways, drainage systems or public sewer systems, each
- 18 food truck shall comply with all storm water regulations of the Borough and all regulations
- 19 regarding prohibited discharges to public sewers. In addition, each vehicle shall have a spill
- 20 response plan to contain and remediate any discharge from the vehicle.
- 21 (K) Waste collection. The area of a mobile food service vehicle operation must be kept neat and
- 22 orderly at all times. Operation of a mobile food service vehicle in an area is deemed acceptance by
- 23 the operator of the responsibility for cleanliness of the area surrounding the operations (not less
- 24 than 50 feet from all parts of the vehicle) regardless of the occurrence or source of any waste in the
- 25 area. During each period of operation at a location, the operator must provide proper trash
- 26 receptacles for public use that are sufficient and suitable to contain all trash generated by the
- 27 mobile food service vehicle. All trash receptacles must be emptied when full, and all waste must be
- 28 removed prior to departure of a mobile food service vehicle from a location.
- 29 (L) Pedestrian service only. Mobile food service vehicles shall serve pedestrians only. Drive through
- 30 or drive-in service is prohibited.
- 31 (M) Signage. Signage for each mobile food service vehicle shall be limited to signs on the exterior or
- 32 interior of the vehicle and one sandwich board sign. All signs on the exterior of the vehicle shall be
- 33 secured and shall not project more than six inches from the vehicle. One sandwich board sign may
- 34 be placed outside the mobile food service vehicle, provided that the base of a sandwich board sign
- 35 must be placed no further than two feet beyond the mobile food service vehicle. Sandwich board

1 signs shall not exceed eight square feet per side or 48 inches in height and shall not obstruct or
2 impede pedestrian or vehicular traffic.

3 (N) Alcohol sales. Food trucks may not sell alcoholic beverages, except as may be specifically
4 allowed by applicable state law and Borough ordinance. Canteen trucks are prohibited from selling
5 alcoholic beverages at all times.

6 (O) Insurance.

7 (1) Mobile food service vehicles must maintain all motor vehicle insurance coverage required by
8 applicable state and federal laws and regulations

9 (2) Mobile food service vehicles operating on Borough property other than the right-of-way shall at
10 all times maintain such further insurance coverage as may be required by the Borough Manager. In
11 the event the required coverage is not properly maintained, permission to operate on Borough
12 property will be immediately revoked.

13 (P) Exterior cooking equipment. Any food preparation equipment outside of the mobile food service
14 vehicle shall not obstruct vehicular or pedestrian traffic, and the use and operation of such
15 equipment shall not create safety hazards for the public. Food shall not be served to customers
16 directly from any outside food preparation equipment. Any smoker or other exterior equipment that
17 generates heat shall be surrounded with at least three traffic safety cones.

18 (Q) Commissary. A commissary, as defined in this article, shall not be located in any residential
19 zoning district unless permitted as a home occupation in compliance with Chapter 550 of the
20 Lemoyne Borough Code.

21 SECTION 5—OPERATION RESTRICTIONS

22 (A) All Mobile Food Vendors are prohibited from:

23 (1) Any area where they will impede pedestrian traffic.

24 (2) Consuming alcoholic beverages while vending.

25 (3) Vending within 100 feet of a licensed concession stand in a Borough park when that stand is
26 open for business, unless the Mobile Food Vendor is under contract with the Borough to be in that
27 specific location.

28 (4) Vending in any Suburban Residential Zoning District, **unless specifically authorized by the**
29 **Borough.**

30 (5) Within 100 feet of the primary entrance of a **brick and mortar eating establishment** during the
31 hours **the establishment** is open for business, unless the vendor is operating with the **written**
32 consent of the **establishment**.

33 (6) Parking where traffic or parking laws or ordinances would be violated

34 (7) Parking in fire lanes, loading zones or other spaces with parking limitations.

Commented [JM5]: Need to discuss. Do we want to provide an exemption in Section (4)(A)(4) to allow vending in Suburban Residential Zones during permitted special events or at the Boroughs discretion? Examples I'm thinking of include block parties, music in the park, concert at negley, etc.

Commented [JM6]: Made edits: removed "licensed restaurant" and added "brick and mortar eating establishment" to match phrasing used in Section 4(E). And made additional edits to replace reference to "restaurant" to "establishment".

This section before edits, previously read: "(5) Within 100 feet of the primary entrance of a licensed restaurant during the hours the restaurant is open for business, unless the vendor is operating with the consent of the restaurant."

1 (8) Placing chairs, tables, tents or other similar items in the right-of-way or on private property
2 without authorization from the property owner.

3 (9) Offering public seating within a mobile food truck or any other mobile vehicle.

4 (10) No mobile food vendor will be permitted to vend their goods and/or services within the right-of
5 way of the following streets in Lemoyne:

6 a. Third Street

7 b. Twelfth Street

8 c. Market Street from Third to Ninth Street

9 **SECTION 6—MOBILE FOOD VENDER PERMITS**

10 (A) Required. The Codes Officer shall oversee the issuance, suspension and revocation of mobile
11 food vendor permits. No mobile food service vehicle may operate within the Borough without a
12 mobile food vendor permit issued by the Borough. A mobile food vendor permit authorizes the
13 holder only to engage in the vending of products from a mobile food service vehicle in compliance
14 with this Code and as specified on the permit. The mobile food vendor permit must be prominently
15 displayed when the mobile food service vehicle is in operation. This section shall not apply to
16 contractual arrangements between a mobile food service vehicle operator and any individual,
17 group or entity for pre-arranged catering at a specific location for a period of not more than four
18 hours, provided that the mobile food service vehicle is not open to or serving the general public.

19 (B) Application

20 (1) In order to obtain a mobile food vendor permit, a mobile food service vehicle operator must
21 complete an application form provided by the Borough. The application shall include the following
22 information:

23 a. Name and address of the owner of the vehicle.

24 b. Name and address of the operator of the vehicle.

25 c. Color photographs of the exterior (front, side, and back) of the vehicle in its final condition and
26 with all markings under which it will operate.

27 d. A copy of the vehicle license and registration form reflecting the vehicle identification number
28 (VIN) of the vehicle.

29 e. A copy of the state health department license or permit applicable to mobile food providers. f. A
30 copy of any alcoholic beverage licenses, if applicable.

31 g. A certificate of insurance coverage, including required motor vehicle insurance coverage. h. A
32 signed acknowledgement that the operator has read this article and will comply with all applicable
33 requirements herein.

- 1 i. Any additional information required by the Borough.
- 2 (2) Submittal of an application for a mobile food vendor permit must be accompanied by payment
3 of an application fee in the amount of \$100.00. Any mobile food service vehicle previously found to
4 be operating within the Borough without a current permit shall also pay the application fee shall of
5 \$100.00 for new vendors.
- 6 (3) Each mobile food vendor permit holder shall have an ongoing duty to provide the Borough with
7 notice of any change to any of the information submitted with its permit application, within 10 days
8 of the change, including current photographs of the mobile food service vehicle in the event of any
9 change in the appearance of or signage on the vehicle.
- 10 (C) Issuance. A mobile food vendor permit shall be issued upon verification that an application has
11 been completed in accordance with the requirements of this section, except that no such permit
12 will be issued to an operator whose permit is currently suspended or has been revoked within the
13 preceding 12 months, or to any person who intends to operate the same mobile food service
14 vehicle for which the operator's permit is currently suspended or has been revoked within the
15 preceding 12 months. If the permit administrator denies the application, such denial shall be in
16 writing and provided to the applicant within 15 days of receipt of the application.
- 17 (D) Expiration. All mobile food vendor permits shall expire on December 31 of each year, or on such
18 alternate date as may be set by the permit administrator. A mobile food vendor permit may be
19 renewed 30 days in advance for the next 12-month period, provided that all applicable
20 requirements are met and the permit is not currently suspended or has not been revoked within the
21 preceding 12 months. The fee for renewal shall be the same as the application fee for a new mobile
22 food vendor permit.
- 23 (E) Transferability. A mobile food vendor permit may not be transferred except as part of the sale of
24 a controlling interest in a business holding the permit or a sale of substantially all of the assets of a
25 business holding the permit. The operator of the mobile food service vehicle shall notify the
26 Borough within ten days of any such sale and shall update any information that has been changed
27 since the submission of the application for the mobile food vendor permit.
- 28 (F) Temporary permit. If an operator of a mobile food service vehicle has not previously obtained a
29 mobile food vendor permit and is found to be operating within the Borough, Borough staff may
30 authorize the operator to continue operating for not more than twenty four (24) hours, provided that
31 the operations must comply with the location and hours of operation requirements set forth in
32 sections 3(A)(3) and 3(B)(3) herein. Thereafter, the operator shall not operate a mobile food service
33 vehicle within the Borough without first paying the required application fee and obtaining a mobile
34 food vendor permit as required by this section.
- 35 (G) Enforcement.

Commented [JM7]: Original draft provided 2-hour grace period for temporary permit. 24 hours seems more fair for someone acting in good faith. If they want to remain, they'll use that 24 hours to complete their application and pay their permit fee.

1 (1) Citation. Each of the following circumstances constitute a violation of this article, for which a
2 citation of \$300 may be issued to the violator of this Ordinance by a Codes Enforcement Officer
3 and/or police officer of the Borough:

4 a. Operation of a mobile food service vehicle without a current, valid permit, **except as expressly**
5 **authorized under Section 6(F)**, provided further that each day and each separate location at which
6 a mobile food service vehicle is operated without a current, valid permit shall be considered a
7 separate violation.

8 b. Continuation of temporary mobile food service vehicle operations beyond the time period
9 authorized by staff.

10 c. Holding a special event without a permit or failing to comply with the conditions of approval for a
11 special event permit.

12 d. Failure to comply with any other provision of this article.

13 (2) Responsibility for violations. The Borough's Codes Enforcement Officers and/or police officers
14 may, at their discretion in consideration of the situation, cite any of the individuals or entities listed
15 below for any violation of the provisions of this article:

16 a. The operator of a mobile food service vehicle.

17 b. An employee working at a mobile food service vehicle.

18 c. The owner of the property on which a mobile food service vehicle is operated.

19 d. The entity or organization hosting a special event, or the person in charge of the special event.

20 (3) Suspension of permit. A mobile food vendor permit shall be suspended by the Codes Officer if:

21 a. The applicant for the permit knowingly provided false information on the application.

22 b. Two violations of this article have occurred within a six-month period in conjunction with the
23 mobile food service vehicle for which the permit has been issued.

24 c. The operator of a mobile food service vehicle fails to maintain a current, valid vehicle registration,
25 health department permit, business license or proof of required motor vehicle insurance coverage.

26 (4) Revocation of permit. A mobile food vendor permit shall be revoked by the permit administrator
27 if:

28 a. Four violations of this article have occurred within a 12-month period.

29 b. A mobile food service vehicle is operated in an unlawful manner so as to constitute a breach of
30 the peace or otherwise threaten the health, safety or general welfare of the public.

31 (5) Reinstatement.

32 a. Suspended permit. An operator may reinstate a suspended mobile food vendor permit by taking
33 such actions as may be necessary to correct a mobile food service vehicle's noncompliance and

Commented [JM8]: Needed to add this cross-reference to Section 6(F), or else these two subsections were in conflict.

1 paying a reinstatement fee of \$100.00 offset the Borough's cost of enforcement measures,
2 inspections and compliance verifications.

3 b. Revoked permit. An operator whose mobile food vendor permit has been revoked may apply for a
4 new permit after 12 months from the date of revocation, provided the operator has taken such
5 actions as may be necessary to correct a mobile food service vehicle's noncompliance. The
6 operator shall pay a permit reinstatement fee of \$100.00 to offset the Borough's cost of
7 enforcement measures, inspections and compliance verifications.

8 (H) Notice. Notice of the suspension or revocation of a mobile food vendor permit shall be issued to
9 the operator in writing by the permit administrator.

10 (I) Appeals.

11 (1) Filing. The denial, suspension or revocation of a mobile food vendor permit by the permit
12 administrator may be appealed by filing a written notice of appeal, establishing the grounds for the
13 appeal, with the Borough Manager no later than ten business days following receipt of the notice of
14 denial, suspension or revocation.

15 (2) Borough Council's review. When an appeal is filed with the Borough Council as set forth herein,
16 Borough Council may request such additional information from the operator and the permit
17 administrator as may be deemed necessary. At Borough Council's discretion, the appeal may be
18 decided based on the written information and documentation submitted, or a hearing may be
19 scheduled with the operator and the permit administrator. Borough Council's decision shall be
20 issued in writing, based on a written summation of the pertinent facts, and shall be final. Borough
21 Council may reverse the denial, suspension or revocation of a permit, or may reduce the waiting
22 period required for reinstatement of a revoked permit if it is determined that the operator has taken
23 reasonable steps to mitigate the violations leading to the revocation and to prevent future
24 violations.

25 (3) Refunds. There shall be no refund of an application fee for a mobile food vendor permit that has
26 been denied. There shall be no refund of a reinstatement fee for a suspended or revoked permit
27 unless the Borough Manager determines on appeal that the permit administrator acted in error in
28 suspending or revoking the permit.

29 **SECTION 7.**

30 In case of conflict between this ordinance or any part hereof, and the whole or part of any existing
31 ordinance of the Borough, the provision that establishes the higher standard shall prevail.

32 **SECTION 8**

33 If any section, subsection, clause, provision or portion of this ordinance is held to be invalid or
34 unconstitutional by any court of competent jurisdiction, such holding shall not affect any other
35 section, subsection, clause, provision or portion of this ordinance.

1 **SECTION 9**

2 This ordinance shall be effective upon its legal enactment.

3 **DULY ENACTED AND ORDAINED** this ____ day of _____ 2020, by Borough Council of the
4 Borough of Lemoyne, Cumberland County, Pennsylvania, in lawful session assembled.

5 BOROUGH OF LEMOYNE

6 ATTEST: BY:

7 Secretary Council President

8 [BOROUGH SEAL]

9 **APPROVED** this ____ day of _____ 2025.

10 BY:

11 Mayor