

**TOWNSHIP OF NEW GARDEN**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE PURSUANT TO THE SECOND CLASS TOWNSHIP CODE, AS AMENDED, AMENDING THE CODE OF ORDINANCES OF NEW GARDEN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, BY PROVIDING REGULATIONS FOR FOOD TRUCKS AND NON-PERMANENT RESTAURANT OPERATIONS. EFFECTIVE FIVE DAYS FROM ENACTMENT.**

AND NOW THEREFORE, this \_\_\_\_ day of \_\_\_\_\_, 2021, the Board of Supervisors of the Township of New Garden, Chester County, Pennsylvania, hereby **ENACTS** and **ORDAINS** as follows:

**Section 1.** The Code of the Township of New Garden (“Code”), Chapter 130, Peddling and Soliciting, Section 130-1, is amended to include references to Mobile Food Facilities as follows:

This chapter is adopted to regulate the distribution or sale of certain materials, food, or merchandise, peddling, soliciting and related activities within the Township of New Garden. The registration of persons engaged in the above-mentioned activities is required so that the identity of persons going door to door, selling food or merchandise, or distributing materials within the Township may be established, so that general regulations may be more effectively enforced for the protection and maintenance of the health, safety and welfare of the inhabitants of the Township and to prevent dishonest business practices and dishonest solicitations of funds in the Township.

**Section 2.** The Code, Chapter 130, Peddling and Soliciting, Section 130-2, is amended to include the following definitions:

**“FOOD TRUCK”** – a motorized vehicle, which may, upon issuance of a permit by the Township and conformance with the regulations established by this Chapter, temporarily park within a parking lot, park or upon a publicly dedicated street or area, to engage in the service, sale or distribution of ready-to-eat food for individual portion service to the general public, directly from the vehicle. This term shall include trucks and trailers used for food vending.

**“NON-PERMANENT RESTAURANT OPERATION”** – a ready-to-eat food service, which is operated from a temporary, non-permanent structure (such as a trailer, shed or other nonpermanent structure on a property, except for a tent which is not permitted) as an accessory to an existing principal use on a property. Restaurant operations not deemed to be non-permanent must comply with all provisions of the New Garden Township Zoning Ordinance. All other structures must be pre-approved by the Township.

**Section 3.** The Code, Chapter 130, Peddling and Soliciting, Section 130-3, is amended to include food truck and non-permanent restaurant operations as follows:

It shall be unlawful for any peddler, solicitor, distributor, food truck, non-permanent restaurant operation, or transient merchant to sell, offer for sale or distribute merchandise, printed material or services within the Township without first filing an application for registration and obtaining a permit from the Board of Supervisors or its designee.

**Section 4.** The Code, Chapter 130, Peddling and Soliciting, is amended to include a new § 130-12, titled “Food Trucks and Non-Permanent Restaurant Operations, as follows:

**Section 130-12. Food Trucks and Non-Permanent Restaurant Operations**

The following regulations shall apply to Food Trucks and Non-Permanent Restaurant Operations:

**A. Application; Permit Required**

It shall be unlawful for any person to maintain or operate a Food Truck or Non-Permanent Restaurant Operation within the Township without first applying for and obtaining a permit from the Zoning Officer, subject to compliance with the Regulations in this Chapter (“Food Truck Permit”). The Food Truck Permit shall be valid from the date of issuance for a period of one (1) year (except to the extent that the same is revoked pursuant to this Chapter). The cost of the Food Truck Permit shall be established by Resolution of the Board of Supervisors.

**B. Food Truck and Non-Permanent Restaurant Operation Standards**

The following regulations shall apply to Food Trucks and Non-Permanent Restaurant Operations:

1. An applicant, upon submitting an application for a Food Truck Permit to the Zoning Officer for his/her review and approval, must also furnish a copy of the operator and/or owner’s:
  - (i) valid driver’s license;
  - (ii) name and emergency contact information for the applicant;
  - (iii) valid insurance certificate of general liability coverage;
  - (iv) valid copy of the operation’s business license and tax identification number, including the business name;
  - (v) license plate number, make, model and year of the food truck;
  - (vi) any licensing and/or permitting required by the Chester County Health Department;
  - (vii) a plan depicting the type and location of all structures associated with a Food Truck or Non-Permanent Restaurant Operation;

(viii) to the extent that the applicant is not the legal owner of the property, applicant shall submit written verification signed by the property owner as to their consent to the application (with the property owner being listed as the co-applicant on the application); and

(ix) all information and documentation set-forth below and as necessary to establish compliance with the provisions below.

2. Food Trucks shall be located at least fifty (50) feet from any residential building and, if parked on public streets, may only be parked in designated on-street parking areas. In no event shall Food Trucks be permitted to encroach into the traveling lanes of the adjacent roadway or to otherwise impede the safe flow of vehicular or pedestrian traffic.
3. Vending may occur only between 8:00 a.m. and 10:00 p.m. Food Trucks may not arrive before 7:00 a.m. and must be removed by 11:00 p.m. each day. Trailers or sheds associated with Non-Permanent Restaurant Operations are permitted to remain on a property, subject to those facilities being completely closed and secured, with all food and materials stored indoors. Such trailers or sheds shall comply with the provisions of the Township's Zoning and Subdivision and Land Development Ordinances, if appropriate.
4. No more than one (1) Non-Permanent Restaurant Operation shall be permitted per property. Such operations are permitted only as an accessory use within non-residential Zoning Districts within the Township. The owner of the underlying property must co-sign the Application, recognizing that it is jointly and severally liable for any violations of this Chapter together with the operator.
5. Food Trucks may not stay parked on the street overnight and must be removed from the street by 11:00 p.m.
6. Trailers and other structures for Non-Permanent Restaurant Operations shall be setback a minimum of 10 feet from the front, side and rear boundaries of a property. Such structures may not exceed 25% of the underlying property. Tents are not permitted to remain overnight.
7. In submitting an application for a Food Truck and/or Non-Permanent Restaurant Operation, an applicant shall submit a written plan for the containment and collection of trash, litter and refuse. This plan is subject to review and approval by the Township. The Applicant shall also supply information acceptable to the Township to establish that regular trash pickup is being provided for the use (independent of the trash pickup for the underlying land use), and trash receptacles containing food shall not be permitted to remain overnight. Trash shall be removed on a daily basis.

8. With respect to Non-Permanent Restaurant Operations, an applicant must demonstrate that there is adequate provision for accessible, public restrooms on the subject property.
9. All storage and trash containers must be adequately screened from view from any street or contiguous residential use in compliance.
10. With respect to Non-Permanent Restaurant Operations, a minimum of five (5) parking spaces shall be provided (attributed to the Non-Permanent Restaurant Operation), together with the required number of handicap parking spaces provided in the Township Code.
11. No outdoor storage or display of food shall be permitted.
12. All required Chester County Health Department-issued licenses and permits must be valid and posted in a visible location on or within the Food Truck and within Non-Permanent Restaurant Operations at all times.
13. No vending is permitted within fifteen (15) feet of a fire hydrant.
14. No vending shall be permitted within two hundred (200) feet of the following:
  - (i) a building containing a restaurant
  - (ii) a building with a hauler's license or permit issued by the Chester County Health Department
  - (iii) any other Mobile Food Facility, unless permission is granted by the Township in conjunction with a permitted Special Event. No more than one Mobile Food Facility is permitted per property, unless granted permission by the Township in conjunction with a permitted Special Event.
15. No vending is permitted on private property or on public streets within any residential zoning districts in the Township.
16. A person-in-charge must be present at the Food Truck and Non-Permanent Restaurant Operation vending site at all times. The person-in-charge must be responsible for all aspects of the operation's compliance with this Ordinance and other applicable Township regulations.
17. 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/service windows open to the roadway.
18. No tanks, generators or other equipment shall be placed within the public road right-of-way.
19. Temporary signs used as part of the Food Truck or Non-Permanent Restaurant Operation shall not exceed eight (8) square feet and shall not

block any sidewalks or impede any vehicular, biking or pedestrian traffic or paths. A limit of one sign per road frontage is permitted. All signage for Food Trucks and Non-Permanent Restaurant Operations shall comply with the New Garden Township Zoning Ordinance.

- 20. Awnings and canopies associated with any Food Truck shall be at least seven (7) feet above any public sidewalk.
- 21. Food Trucks and Non-Permanent Restaurant Operation vending operations are subject to any and all applicable Township Code requirements.
- 22. No component of a Food Truck or Non-Permanent Restaurant Operation shall impede the proper operation of stormwater management facilities.
- 23. Failure to comply with any directions or provisions of the Permit Application Process and the instant standards may result in penalties as set forth in § 130-11, as well as the denial or revocation of a Food Truck Permit.

**Section 5.** This Ordinance shall be effective five (5) days from the date of enactment.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

Attest:

**Township of New Garden  
Board of Supervisors**

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**Lewis Gay, Secretary**

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**J. Patrick Little, Chairman**

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**Mike Loftus, Vice Chairman**

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**Kristie Brodowski, Member**

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**Stephen E. Allaband, Member**

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**David Unger, Member**