

NORTHUMBERLAND BOROUGH
COUNTY OF NORTHUMBERLAND
IN THE COMMONWEALTH OF PENNSYLVANIA

Ordinance No. 2022-____

AN ORDINANCE OF NORTHUMBERLAND BOROUGH, NORTHUMBERLAND
COUNTY, AMENDING THE CODE OF THE BOROUGH OF NORTHUMBERLAND TO
AMEND IN ITS ENTIRETY CHAPTER 34, ARTICLE II TO ESTABLISH AND
ESTABLISHING REGULATION OF MOBILE FOOD FACILITIES PENALTIES TO BE
DETERMINED BY BOROUGH COUNCIL RESOLUTION

The Borough Council of Northumberland Borough, Northumberland County, Pennsylvania, enacts and ordains as follows:

WHEREAS, Northumberland Borough (the “Borough”) has experienced an increase in the request for the operation of mobile food facilities and/or food trucks within the Borough; and

WHEREAS, Northumberland Borough Council is charged with the protection of the health, safety and general welfare of its residents; and

WHEREAS, Northumberland Borough Council desires to establish a standard process by which it will issue licenses for mobile food facilities, and to enact uniform penalties for failure to remedy a violation; and

WHEREAS, Northumberland Borough intends to contemporaneously establish regulation of Special Events Permits by Ordinance, which negates the need for the current regulations set forth in Chapter 34, Article II.

NO THEREFORE, IT IS ORDAINED AND ENACTED, by the Mayor and Borough Council of Northumberland Borough, as follows:

SECTION I: ARTICLE II of CHAPTER 34 of the Code of the Borough of Northumberland, shall be amended and replaced in its entirety as follows, and shall now be referred to as, CHAPTER 34, ARTICLE II – MOBILE FOOD FACILITIES, and shall read as follows:

ARTICLE I -- ESTABLISHMENT

§ 34.2.01 License required.

No person shall operate a mobile food facility (MFF) having a commissary/service area located within the Borough of Northumberland without first obtaining a license to operate a public eating and drinking place from the Pa Department of Agriculture or a Local Health Department. The license shall be posted in the food facility in a conspicuous place so as to be seen by customers, vendors, employees, and patrons of the subject facility. License application shall be made in accordance with the Mobile Food Facility Operation Guide published by the PA Department of

Agriculture, and the licensing processes as outlined in Article II and the associated fees shall apply.

§ 34.2.02 Operation of mobile food facilities.

The owner/operator shall comply with statutes and regulations of the Commonwealth of Pennsylvania with regard to cooking, utensils, refrigeration, appliances, materials and food storage and other matters, and a license issued by the Department of Agriculture shall be prominently displayed on the MFF for view by patrons.

§ 34.2.03 Mobile food facility design.

MFFs shall be designed to be attractive and shall not display any words or images that are obscene or pornographic.

§ 34.2.04 Trash.

MFFs shall have a trash receptacle with a tight-fitting lid, and the owner/operator shall be responsible for the disposal of trash generated by its business. Owner/operators are responsible for proper disposal of the trash whenever the container becomes full or, at a minimum, at the conclusion of the day's operation, but not in receptacles provided for by the Borough of Northumberland.

§ 34.2.05 Signage.

Only signs identifying the owner/operator's name, business name and contact/social media information and a listing of the items available for sale are permitted on an MFF.

§ 34.2.06 Fire extinguisher required.

All MFFs equipped with a heat source shall be equipped with a serviceable fire extinguisher.

§ 34.2.07 Operation locations/limitations.

While operating in the Borough of Northumberland, the following provisions regarding operating locations shall be followed.

A. An MFF may operate on private property only with the permission of the owner of said property.

B. When operating on a public street, the MFF shall be placed in such a way as the customer service area is positioned away from vehicle traffic.

C. An MFF shall remove its portable facility each day and return to its permanent commissary or service area when having ceased food service operations.

E. When operating in a Residential or Neighborhood Business Zoning District, the MFF shall be prohibited from running generators or creating noise in violation of the Borough's Noise Ordinance.

SECTION II: **REPEALER.** All provisions of previous Ordinances of the Borough of Northumberland and the Code of the Borough of Northumberland which are contrary to this Ordinance are expressly repealed.

SECTION III: **SAVINGS CLAUSE.** In all other respects, the Code of the Borough of Northumberland shall remain as previously enacted and ordained.

SECTION IV: **SEVERABILITY.** The provisions of this Ordinance are severable and if any of its sections, clauses, or sentences shall be held illegal, invalid, or unconstitutional, such provisions shall not affect or impair any of the remaining sections, clauses or sentences.

SECTION V: **EFFECTIVE DATE.** This Ordinance shall take effect immediately.

ENACTED, ORDAINED, AND APPROVED this _____ day of _____, 2022.

Borough Council of Northumberland
Borough, Northumberland County,
Pennsylvania

By: _____
Paul Ruane, Council President

ATTEST:

_____, Borough Secretary

Mayor of Northumberland Borough