

ABINGTON TOWNSHIP

ORDINANCE NO. 2230

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF ABINGTON AT PART II [GENERAL LEGISLATION] CREATING CHAPTER 89 [FOOD TRUCKS AND MOBILE FOOD VENDORS] TO PROVIDE REGULATIONS FOR THE OPERATION OF MOBILE FOOD VENDORS

CERTIFICATION

I, CHRISTOPHER CHRISTMAN, BEING DULY SWORN ACCORDING TO LAW, DEPOSE AND SAY THAT I AM THE SECRETARY AND TOWNSHIP MANAGER OF ABINGTON TOWNSHIP, MONTGOMERY COUNTY, PA AND THAT ATTACHED HERETO IS A TRUE AND COMPLETE CORRECT COPY OF ORDINANCE NO. 2230



Christopher S. Christman, Township Manager
June 12, 2025

ENACTED: _____

ABINGTON TOWNSHIP

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AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF ABINGTON AT PART II [GENERAL LEGISLATION] CREATING CHAPTER 89 [FOOD TRUCKS AND MOBILE FOOD VENDORS] TO PROVIDE REGULATIONS FOR THE OPERATION OF MOBILE FOOD VENDORS

WHEREAS, The Board of Commissioners of Abington Township is duly empowered by the First Class Township Code, 53 P.S. § 55101, *et seq.*, to enact certain regulations relating to the public health, safety, and welfare of the residents of Abington Township;

WHEREAS, Mobile Food Vendors provide a distinct service and business model to the residents and businesses of Abington Township which requires specific regulation and oversight to ensure safe and orderly operation;

WHEREAS, The First Class Township Code authorizes the Board of Commissioners to make, amend and adopt amendments to the Code of the Township of Abington, as amended, that are consistent with the Constitution and laws of the Commonwealth that it deems necessary for the proper management and control of the Township and the best interests of its residents; and

WHEREAS, The Board of Commissioners of Abington Township have determined that certain amendments to the Code of the Township of Abington, as amended, are required for the orderly administration of the laws of Abington Township.

NOW, THEREFORE, IT IS HEREBY ENACTED AND ORDAINED by the Abington Township Board of Commissioners that the Township's Code is amended as follows:

SECTION 1. **Creation of Chapter 89.**

The Code of the Township of Abington, Part II [General Legislation] is hereby amended to create Chapter 89 [Food Trucks and Mobile Food Vendors], as follows:

§ 89-1. Definitions.

HOST BUSINESS

Any business or institution operating with a physical location in Abington Township that obtains a permit to allow a Mobile Food Vendor to operate under its supervision.

MOBILE FOOD UNIT

Any motorized or non-motorized vehicle, including but not limited to food trucks, carts, stands, kiosks, any other device designed to be portable and not permanently attached to the ground and ancillary equipment from which food products are intended to be prepared, sold, and/or distributed, including pre-packaged foods.

MOBILE FOOD VENDORS

An individual or organization engaged in the operation of a Mobile Food Unit.

§ 89-2. Scope and Intent.

The provisions of this Chapter apply to Mobile Food Vendors and a Host Business, as applicable, engaged in the business of cooking, preparing, and distributing food or beverage with or without charge in public and/or private restricted spaces. This Chapter shall not apply to vehicles that dispense food that move from place-to-place and are not stationary in the same location for more than fifteen (15) minutes at a time, such as ice cream trucks, pushcarts, or stands located on sidewalks.

§ 89-3. General Regulations.

- A. Permits, as provided in this Chapter, shall be required to located and operate a Mobile Food Unit, as defined in this Chapter, within Abington Township.
- B. A Mobile Food Vendor or Host Business shall obtain and maintain insurance as outlined in Section 89-6 of this Chapter.
- C. A Mobile Food Vendor shall receive and obtain written permission from the property owner on which the Mobile Food Vendor intends to operate a Mobile Food Unit.
- D. Permitted Locations of Operation.
 - (1) Mobile Food Vendors and Mobile Food Units shall only be permitted to operate under a Host Business Location Permit or Single Event Location Permit in the BC – Business Center, MSH – Main Street High Density, MSL – Main Street Low Density, MSVC – Main Street Village Center, SI-G – Suburban Industrial Glenside, and SI-W – Suburban Industrial Willow Grove.
 - (2) Mobile Food Vendors shall be permitted to operate under a Single Event Location Permit on private residential property located in any Zoning District, at the request of the owner, for a private event for a duration of four (4) hours or less, exclusive of set-up and

breakdown which shall be limited to one (1) hour before and after operation.

- (3) Mobile Food Vendors shall be permitted to operate in a location not specifically contemplated by this Ordinance where approved by the Zoning Officer in conjunction with a Special Use Permit. A Single Event Location Permit shall also be required.

- E. A Mobile Food Unit shall operate on private property only and shall not be permitted to operate within a public right-of-way, except where authorized pursuant to a Special Use Permit, as provided in § 89-3.D(3).

§ 89-4. Permits.

- A. Permits shall be issued for a period not to exceed one (1) year.
- B. Permits are required to be renewed prior to the expiration date.
- C. Permits are not transferrable.
- D. Permits shall be conspicuously displayed as viewed by the customer.
- E. Operation of any Mobile Food Unit requires two (2) permits: 1) Location Permit and 2) Mobile Food Unit Permit.
- F. Location Permit. Two (2) types of Location Permit shall be available:
 - (1) Host Business Location Permit.
 - (a) A Host Business may obtain a permit for Mobile Food Vendors to operate under its supervision.
 - (b) A Host Business Location Permit is only valid for the operation of Mobile Food Units on the premises of the Host Business Location Permit holder, provided the premises is located in a Zoning District enumerated in § 89-3.D.
 - (c) A Host Business shall be responsible for ensuring that all requirements of this Chapter are fulfilled.
 - (d) No more than five (5) Mobile Food Vendors shall be permitted to operate at any one (1) time under a Host Business Location Permit.
 - (2) Single Event Location Permit.
 - (a) A Single Event Location Permit shall be available for Mobile Food Vendors to operate a Mobile Food Unit in any Zoning

District enumerated in § 89-3.D or as provided by §§ 89-3.D(2) or (3) on a specific date or for a specific occasion.

G. Mobile Food Unit Permit.

- (a) A Mobile Food Unit Permit permits a Mobile Food Vendor to operate a Mobile Food Unit within the Township pursuant to the terms of this Chapter and under a valid Location Permit.
- (b) The permit holder shall be responsible for ensuring that all requirements of this Chapter are fulfilled.
- (c) Two (2) types of Mobile Food Unit Permit shall be available:
 - [1] Food Truck. A Mobile Food Unit – Food Truck Permit is required for all mobile food units capable of on-site food preparation, including Mobile Food Facility Types 3 and 4, as defined by the Commonwealth of Pennsylvania Department of Agriculture.
 - [2] Food Cart. A Mobile Food Unit – Food Cart Permit is required for all mobile food units offering prepackaged or dispensed food and beverage, including Mobile Food Facility Types 1 and 2, as defined by the Commonwealth of Pennsylvania Department of Agriculture.
- (d) All Mobile Food Vendors shall obtain an Abington Township Business License prior to issuance of a Mobile Food Unit Permit. All applicable taxes are required to be paid. Failure to pay any taxes may result in the revocation of any issued permits.

H. Application for Permit.

- (1) A Host Business or Mobile Food Vendor desiring to provide for the operation of or operate a Mobile Food Unit in Abington Township shall submit complete and truthfully-stated applications.
- (2) All applications shall be accompanied by any fee, as established by resolution of the Abington Township Board of Commissioners.
- (3) All Location Permit applications shall include a site plan showing the proposed location of operation.
 - (a) All site plans shall provide for the following:
 - [1] All site plans shall be drawn to scale.

- [2] The proposed area of operation shall be an all-weather surface, unless otherwise approved by the Township Engineer.
- [3] The proposed area of operation, all walkways, buildings, hydrants, accessible routes, fire lanes, and regulatory signage shall be shown on the site plan.
- [4] The proposed area of operation shall not block any regulatory signage.
- [5] The proposed area of operation shall not interfere with any areas of clear sight distance.
- [6] The proposed location of trash receptacles, as required by § 89-5.A shall be shown.
- [7] If the use of a generator that is not integrated into the Mobile Food Unit is proposed, the proposed location of the generator shall be shown.

(b) All site plans shall be to the satisfaction of the Zoning Officer, Township Engineer and Fire Marshal.

- (4) All applications must include proof of insurance in the form of a certificate of insurance which names Abington Township as an additional insured party, as required by this Chapter.
- (5) All applications shall include written permission from the property owner on which the Mobile Food Vendor intends to operate a Mobile Food Unit.

I. Other licenses or permits. A permit obtained under this Chapter shall not relieve any Mobile Food Vendor of the responsibility of obtaining any other permit or authorization required by any other resolution, ordinance, statute, or administrative rule, including outside agency permits.

§ 89-5. Performance Regulations.

A. Mobile Food Vendors are responsible for providing receptacles for trash and recycling within five feet (5') of their operating location. Mobile Food Vendors and/or Host Business shall be responsible for servicing such receptacles. Any costs incurred by the Township by the Mobile Food Vendor or Host Business's failure to service or dispose of such receptacles or refuse shall be assessed to the responsible party.

B. Mobile Food Vendors may not sell or offer for sale any product or service:

- (1) Within fifteen feet (15') of a fire hydrant.

- (2) Within fifteen feet (15') of any building.
- (3) Within fifteen feet (15') of any vehicle.
- (4) Within fifteen feet (15') of any combustibles.
- (5) Within twenty-five (25') of any flammable liquids or vapors.
- (6) Within fifty feet (50') of any air intake for a building.
- C. Mobile Food Units may not block any regulatory signage.
- D. Mobile Food Units may not interfere with any areas of clear sight distance.
- E. Mobile Food Units may not block any vehicular or pedestrian passageways or areas of ingress/egress.
- F. No cord, cable or equipment shall be extended across any public street, sidewalk or other public property. Any cord, cable or equipment on private property shall be arranged in a manner to not constitute a tripping hazard or impediment for accessible access.
- G. All noise must comply with the provisions of Chapter 106.
- H. Mobile Food Vendors may operate between the hours of 7:00 AM and 9:00 PM, exclusive of set-up and breakdown which shall be limited to one (1) hour before and after operation.
- I. All Mobile Food Units shall be removed from the premises no later than 10:00 PM, unless written permission has been obtained from the property owner or Host Business to permit overnight parking.
- J. Mobile Food Units shall not be permitted to park in a residential area overnight, subject to the provisions of Chapters 157 and 162.
- K. Mobile Food Units shall provide operational and regularly-inspected fire suppression equipment to the satisfaction of the Fire Marshal.
- L. Mobile Food Unit Safety Requirements. Mobile Food Units shall comply with the following regulations as applicable.
 - (1) Food Truck
 - (a) International Fire Code (2024)
 - (b) International Mechanical Code (2024)
 - (c) National Fire Protection Association 1 (2024)

- (d) National Fire Protection Association 96 (2024)
- (2) Food Cart
 - (a) International Fire Code (2024)
 - (b) National Fire Protection Association 1 (2024)
 - (c) National Fire Protection Association 96 (2024)
- (3) All Mobile Food Units must be equipped with a 2A-10BC fire extinguisher that is inspected annually and certified as meeting National Fire Protection Association standards.
- (4) All Mobile Food Units with a generator must provide a 3A-40BC fire extinguisher.
- (5) All Mobile Food Units utilizing a deep fat fryer must provide a type K fire extinguisher in addition to the required extinguisher requirements set forth in this Chapter.
- (6) The maximum amount of LPG gas that can be stored/used is two 100-pound tanks with LPG storage tanks only permitted to be stored/used on the exterior of the mobile food service vehicle; furthermore, all piping and fittings for the distribution and use of LPG gas must be UL or FM approved.
- (7) Any type of cooking inside the Mobile Food Units that produces grease laden vapors is required to be protected with an NFPA 96 compliant fire suppression system.
- (8) Any engine-driven source of power must be separated from the public by barriers, such as physical guards, fencing, or enclosures.
- (9) Any engine-driven power must comply with the following:
 - (a) At least 10 feet in all directions from openings and air intakes;
 - (b) At least 10 feet from every means of egress; directed away from all buildings;
 - (c) Directed away from all other cooking vehicles and operations.

§ 89-6. Insurance Requirements.

A. Mobile Food Vendors shall purchase and maintain the following insurance coverages at not less than the limits specified below or required by law, whichever is greater:

- (1) Commercial general liability insurance or its equivalent for bodily injury, personal injury and property damage including loss of use, with minimum limits of:

\$1,000,000 each occurrence;
\$1,000,000 personal and advertising injury;
\$1,000,000 general aggregate; and
\$1,000,000 products/completed operations aggregate.

This insurance shall include coverage for all of the following:

- (a) Liability arising from premises and operations;
- (b) Liability arising from the actions of independent contractors; and
- (c) Contractual liability including protection for the Mobile Food Vendor from bodily injury and property damage claims arising out of liability assumed under this contract.

- (2) Business auto liability insurance or its equivalent with a minimum limit of \$1,000,000 per accident and including coverage for all of the following:

- (a) Liability arising out of the ownership, maintenance or use of any auto (if no owned autos, then hired and non-owned autos); and

- (b) Automobile contractual liability

- (3) If the Mobile Food Vendor has any employees, workers compensation insurance or its equivalent with statutory benefits as required by any state or Federal law, including 3 standard "other states" coverage; employers liability insurance or its equivalent with minimums as required by Pennsylvania law.

- (4) Errors and omissions liability insurance covering any Mobile Food Vendor operating under a Host Business Permit for liability for loss or damage due to an act, error, omission or negligence or its equivalent with minimum limits of:

\$1,000,000 per occurrence; and
\$1,000,000 aggregate.

- B. Abington Township and the Township's insurer and their members, elected officials, trustees, officers and employees shall be named as additional insureds on the Mobile Food Vendor's commercial general liability insurance and umbrella or excess liability insurance with respect to liability arising out of the services provided under any permit issued by the Township.
- C. Insurance or self-insurance provided to Abington Township and the Township's insurer and their members, elected officials, trustees, officers and employees under any Mobile Food Vendor's liability insurance or self-insurance required herein shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of insurance or self-insurance. (Any cross suits or cross liability exclusion shall be deleted from the Mobile Food Vendor's liability insurance policies required herein.)
- D. Insurance or self-insurance provided to Abington Township and the Township's insurer and their members, elected officials, trustees, officers and employees as specified herein shall be primary, and any other insurance, self-insurance, coverage or indemnity available to Abington Township and the Township's insurer and their members, trustees, officers and employees shall be excess of and non-contributory with insurance or self-insurance provided to the Township and the Township's insurer and their members, trustees, officers and employees as specified herein.
- E. A Host Business is permitted to maintain the required insurances on behalf of a Mobile Food Vendor operating under a Host Business Location Permit provided the Host Business names the Mobile Food Vendor as an additional insured, in addition to the Township and the Township's insurer, and fulfills all other requirements of this section.

§ 89-7. Indemnification.

To the fullest extent permitted by law, by application for a permit under this Chapter, a Mobile Food Vendor agrees to defend, indemnify, pay on behalf of, and save harmless Abington Township, their trustees, elected officials, officers and employees against any and all claims, liability, demands, suits or loss, including attorneys' fees and all other costs connected therewith, arising out of or connected to the services provided by Mobile Food Vendors for activities associated with their operation in the Township. The Mobile Food Vendor's obligation to defend and indemnify shall survive the termination of the permit.

§ 89-8. Enforcement and Penalty.

- A. Any person who violates any provision of this section shall be guilty of a summary offense.

- B. Each instance shall constitute a new and separate violation of this Ordinance.
- C. Upon issuance of a citation for a violation, the permit under which the Mobile Food Vendor operates shall be suspended and all operations shall cease.
- D. For every such violation, upon conviction, shall be sentenced to pay a fine of not less than \$250 nor more than \$1,000, and the costs of prosecution, and, in default of payment of fine and costs, to undergo imprisonment for not more than ninety (90) days.
- E. Upon conviction or guilty plea, a permit shall not be issued to the same entity for a period of one (1) year.

SECTION 2. **Repeal and Ratification.**

All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed. Any other terms and provisions of the Township's Code unaffected by this Ordinance are hereby reaffirmed and ratified.

SECTION 3. **Severability.**

Should any section, paragraph, sentence, clause, or phrase in this Ordinance be declared unconstitutional or invalid for any reason, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and affect, and for this reason the provisions of this Ordinance shall be severable.

SECTION 4. **Effective Date.**

This Ordinance shall become effective five (5) days after enactment.

ORDAINED AND ENACTED this 12th day of June 2025, by the Abington Township Board of Supervisors.

**ABINGTON TOWNSHIP
BOARD OF COMMISSIONERS**



THOMAS HECKER, *President*

[Seal]

Attested by:



CHRISTOPHER S. CHRISTMAN, *Secretary*

ABINGTON TOWNSHIP

RESOLUTION NO. 25-018

A RESOLUTION OF ABINGTON TOWNSHIP ESTABLISHING AN FEE SCHEDULE FOR PERMITS FOR MOBILE FOOD VENDORS

WHEREAS, the Township of Abington is a Township of the First Class, duly organized and existing pursuant to the applicable laws of the Commonwealth of Pennsylvania; and

WHEREAS, Section 1501.5 of the First Class Township Code, 53 P.S. § 56501.5, entitled “General Powers,” authorizes the Abington Township Board of Commissioners to adopt regulations for the proper management of Township finances; and

WHEREAS, Chapter 89, Section 89-4 of the Code of Abington Township provides for the Abington Township Board of Commissioners to assess fees with respect to the administration of permits for Mobile Food Vendors ; and

WHEREAS, from time to time, the Abington Township Board of Commissioners authorizes revisions or amendments the Township Fee Schedule in whole or in part by resolution adopted at a regular meeting of the Abington Township Board of Commissioners; and

WHEREAS, the Abington Township Board of Commissioners believes it is in the best interests of Abington Township to establish a fee schedule for permits for Mobile Food Vendors.

NOW, THEREFORE, BE IT RESOLVED, for the reasons set forth above, the Abington Township Board of Commissioners establishes the following required permit fees for the operation of Mobile Food Vendors within the Township of Abington:

<u>Type of Permit</u>	<u>Permit Fee</u>
Host Business Location Permit (1 Year)	\$500.00
Renewal (1 Year)	\$250.00
Mobile Food Unit (1 Year)	
Food Truck	\$50.00
Food Cart	\$25.00
Single Event Location Permit without Special Use Permit	\$100.00
Single Event Location Permit with Special Use Permit (Special Use Fee Applicable)	No Fee

ENACTED and **RESOLVED** at the public meeting by the Abington Township Board of Commissioners held on the 12th day of June, 2025.

**ABINGTON TOWNSHIP
BOARD OF COMMISSIONERS**



THOMAS HECKER, *President*

[Seal]

Attested by:



CHRISTOPHER S. CHRISTMAN, *Secretary*