

# CITY OF WILLIAMSPORT, PA

## FILE OF CITY COUNCIL

BILL No. 1695-17

SESSION OF 2017

Approved on first reading

Members of City Council:

Approved on final reading

This day 25<sup>th</sup> of May, 2017

WILLIAMSON, ALLISON, SMITH,  
MIELE, KATZ, NOVIELLO, HENDERSON

This day 8<sup>th</sup> of June, 2017

### AN ORDINANCE

6329

**AN ORDINANCE OF THE CITY OF WILLIAMSPORT, LYCOMING COUNTY, PA ESTABLISHING ARTICLE 1122 MOBILE FOOD VENDOR OF THE CODIFIED ORDINANCES.**

**BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILLIAMSPORT as follows:**

Article 1122 hereby reads as follows:

Establishing Article 1122 for the regulation of mobile food vendors within the City of Williamsport.

1122.01 Purpose

1122.06 Enforcement

1122.02 Definitions

1122.07 Denial, Revocation, Suspension of

Permit

1122.03 Licensing Requirements

1122.08 Penalties

1122.04 Application for Permit

1122.09 Severability

1122.05 General Rules & Regulations

#### **1122.01 PURPOSE.**

The general purpose of these regulations is to promote the health, safety, comfort, convenience, prosperity, and general welfare of the citizens of the City of Williamsport by requiring that new and existing mobile food vendors provide residents and customers with a level of cleanliness, quality and safety. It is also the intent of this regulation to establish reasonable guidelines and restrictions for mobile food vendors and encourage the safe and convenient use of the city's public right-of-way.

#### **1122.02 DEFINITIONS.**

As used in this article, the following terms shall have the meaning indicated; unless a different meaning clearly appears from the context:

**"Applicant"** means any person or business who applies for a license or a renewal under the

provisions of this article.

**“Food Service Worker”** means a person who works for or under the direction of, on behalf of, ~~as~~ an agent of the food vendor permittee and/or owner.

**“License”** is an approval that enables the holder to vend food items at authorized locations and times, for a specified period of time.

**“Licensee”** means the holder of a mobile food vendor business license.

**“Mobile Food Unit”** any motorized or non-motorized vehicle, including but not limited to carts, stands, kiosks, and any other devices designed to be portable and not permanently attached to ground and ancillary equipment from which food products are sold or intended to be sold by a mobile food vendor.

**“Mobile Food Vendor”** means a mobile, hand-operated food dispenser which can be hand propelled by the operator, is built specifically for the purpose of dispensing the product sold by the vendor, and is properly licensed and meets the minimum standards set forth by the City.

**“Pedestrian”** is a person who is walking or otherwise traveling in the public right-of-way.

**“Permittee”** is the entity, person, company or corporation which is granted a permit by the City of Williamsport to operate a mobile food vendor upon the city’s public right-of-way.

**“Restaurant”** an establishment where meals are generally served and eaten on premises; prepares and serves food and drink to customers in return for money, either paid before the meal or after the meal is provided.

**“Vendor”** means a person or agency that sells.

### **1122.03 LICENSE REQUIREMENTS.**

- a) All mobile food vendors must submit an application for a permit annually from the Bureau of Codes Department. The application will be reviewed by both the Zoning & Code Administrators in order to meet all applicable code requirements.
- b) The grant of a permit may be terminated for violations to any local, state or federal laws, rules and regulation.
- c) Applicant shall notify the Bureau of Codes Department within fifteen (15) days of any changes to application information.
- d) Applicant must obtain a valid & current business license prior to submitting an application or upon renewal of an annual permit.
- e) Each mobile food vendor shall be required to provide a valid copy of all necessary licenses, proof of insurance and valid ServSafe certificate.

#### **1122.04 APPLICATION FOR PERMIT.**

- a) Each application shall be submitted to the Bureau of Codes with the following documents:
  - 1) A signed Hold Harmless waiver that the applicant shall hold harmless the City and its officers and employees, and shall indemnify the City, its officers and employees for any claim for damages to property or injury to persons which may be occasioned by any activity carried on under the terms of the permit. Permittee shall furnish and maintain such public liability, food product liability, and property damage insurance as will protect vendor, property owners, and the City from all claims for damage to property or bodily injury, including death, which may arise from the operation under the permit or in connection therewith. Such insurance shall provide coverage of net less than One Million dollars per occurrence. The policy shall further provide that it may not be cancelled except upon thirty (30) days written notice served upon the Bureau of Codes Department. A permit issued pursuant to the provisions of this section shall be invalid at any time the insurance required herein is not maintained and evidence of continuing coverage is not filed within the Bureau of Codes Department.
  - 2) ~~A signed waiver that the~~ permittee shall hold harmless the adjacent property owner(s) for any claims for damage to property or injury to persons which may be the direct result of any activity of the permit holder.
- b) Upon filing of a completed application, the non-refundable application fee for all applicants seeking a mobile food vendor permit shall be \$250.00 annually for the owner/operator of the mobile food vendor unit or as amended by Article 117 General Schedule.
- c) Any duplicate permit may be issued upon payment of a fee of \$25.00 should a permit be destroyed.
- d) All permits are issued annually for the first day and month of each year and expire on the same day and month of the same year. No mobile food vendor unit may operate without a permit.
- e) All mobile food vendor units are required to obtain a health license annually.

#### **1122.05 GENERAL RULES AND REGULATIONS.**

- a) All mobile food vendor units are not permitted to operate within any residential zone district nor the following streets within the CBD; Pine Street, Court Street and Wisconsin.
- b) All mobile food vendor units may not operate or sell any product or service:
  1. Within 75 feet of a property that is a brick and mortar restaurant or business that has a valid health license without written approval from the brick and mortar business.
  2. Within 15 feet of a fire hydrant.
  3. On private property without written approval of the property owner.

- c) Mobile food vendor units may not operate before 6:30 a.m. & must be removed from public property by 2:45 a.m. each day.
- d) All mobile food vendor units must provide a waste recycle bin and shall pick up and remove all papers, wrappers, bottles or other refuse dropped by the customers thereof within 30 feet of the vicinity of the mobile food vendor unit.
- e) All mobile food vendor units are required to oversee their customers not obstruct a public right-of-way, impair the movement of pedestrians or pose a hazard to public safety.
- f) All mobile food vendor units shall be attended by at least one operator over the age of 18 at all times.
- g) Mobile food vendors must submit proof of payment of the City of Williamsport's mercantile tax and Pennsylvania sales tax, this information must be made available upon request by the City of Williamsport.
- h) All mobile food vendor units occupying a public space must be in operation within thirty (30) minutes of occupying the space.
- i) No mobile food vendor units shall use or maintain any outside amplified equipment, flashing/animated lights or noisemakers.
- j) Mobile food vendors must have in their possession all required licenses and permits issued by the City within the unit.
- k) Comply with Article 1121 where applicable.

**1122.06 ENFORCEMENT.**

The Bureau of Codes Department shall be responsible for issuing the license and permits. The Bureau of Codes department shall develop procedures for controlling and monitoring of each permit. Both the Bureau of Codes and Police departments shall be responsible for enforcing the times and location of all mobile food vendor units within the city.

**1122.07 DENIAL, REVOCATION, SUSPENSION OF PERMIT.**

- a. An application or approved permit may be denied, revoked, suspended or not renewed by the Bureau of Codes department for any of the following reasons:
  - 1) The permittee and/or licensee or any of its principles fails to satisfy any qualification or requirements imposed by this article, or other local, state or federal laws or regulations that pertain to the particular permit; or
  - 2) The permittee and/or licensee or any of its principles has engaged in operating without a valid license or permit; or
  - 3) The mobile food vendor unit is operated in such a manner as constituting a public nuisance or safety hazard; or
  - 4) There are repeated violations of the applicable portions of this article.
  - 5) Upon notice of denial, revocation, suspension or Non-renewal, the applicant can

appeal to Board of Health with a written request submitted to the Bureau of Codes department within 10 days following the date of notice. Notice will be sent via 1<sup>st</sup> class mail to the name and address on the mobile food vendor application.

b. The provisions of this section are not exclusive. This section shall not preclude the enforcement of any other provisions of this ordinance or state or federal laws and regulations. The City of Williamsport may impose additional requirements to protect against health hazards related to the operation of a mobile food vendor unit.

**1122.08 LICENSE SUSPENSION, REVOCATION, OR NONRENEWAL.**

A license may be suspended, revoked or not renewed by the Bureau of codes after an opportunity for a hearing by the Board of health, for any violation of this article, or Article 1121. Notice of the action intended to be taken along with reasons for such action, shall be given in writing to the licensee at the address contained in the license. The licensee may appeal with the Bureau of Codes within ten days of the date of the notice.

**1122.09 PENALTIES FOR VIOLATIONS.**

Any person who violates any provision of this article shall be guilty of an offense: and for every such violation, upon conviction, shall be sentenced to pay a fine of not less that \$250, nor more that \$1000, and the costs of prosecution, and, in default of payment of fine and costs, to undergo imprisonment for not more than 90 days.

**1122.09 SEVERABILITY.**

In the event any ordinance or part thereof is inconsistent with this ordinance, the provisions of this shall prevail.

This ordinance shall become effective 20 days after final enactment. This ordinance approved/vetoed this 8<sup>th</sup> day of June, 2017

ATTEST:

Janice Frank  
Janice Frank, City Clerk

Jonathan Williamson  
Dr. Jonathon Williamson,  
President, Williamsport City Council

Gabriel J. Campana  
Gabriel J. Campana,  
Mayor, City of Williamsport, PA

Ordinance No. 632P  
Date 6-8-17