

**LOWER NAZARETH TOWNSHIP
NORTHAMPTON COUNTY, PENNSYLVANIA**

ORDINANCE NO. 251-06-24

AN ORDINANCE OF LOWER NAZARETH TOWNSHIP, COUNTY OF NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA, ESTABLISHING REGULATIONS FOR TRANSIENT RETAIL MERCHANDISING, COMMONLY REFERRED TO AS PEDDLERS, AND MOBILE FOOD VENDORS; PROVIDING FOR DEFINITIONS; ADMINISTRATION AND ENFORCEMENT OF THE REGULATIONS ESTABLISHED; PROVIDING FOR PENALTIES FOR VIOLATION(S) OF THIS ORDINANCE AND REPEALING ANY ORDINANCES, RESOLUTIONS OR PARTS THEREOF IN CONFLICT HERewith; PROVIDING FOR THE SEVERABILITY OF PARTS OF THIS ORDINANCE DEEMED TO BE INVALID; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of Supervisors of Lower Nazareth Township, Northampton County, Commonwealth of Pennsylvania are responsible for the health, safety, and welfare of the public; and

WHEREAS, the Board of Supervisors of Lower Nazareth Township recognizes that from time to time, individuals or businesses desire to temporarily market their goods and services to the residents and visitors to Lower Nazareth Township; and

WHEREAS, the marketing of such goods and services is not handled from a brick and mortar building and is generally handled from a motorized vehicle, temporary structure or door-to-door; and

WHEREAS, the Board of Supervisors of Lower Nazareth Township also recognizes the existing "Peddlers Ordinance" as obsolete since it does not address modern "peddler" practices and food trucks, which are becoming a popular way of providing food at various events.

BE IT ORDAINED AND ENACTED by the Board of Supervisors of Lower Nazareth Township, County of Northampton, Commonwealth of Pennsylvania as follows:

SECTION 1. Short Title. This Ordinance shall be known as the "Peddlers and Food Truck Ordinance".

SECTION 2. Enactment. This Ordinance is enacted pursuant to the authority conferred by the Second Class Township Code.

SECTION 3. Purpose. The Township of Lower Nazareth finds that allowing transient merchants and food trucks to operate, subject to practical regulations and limitations, is beneficial to persons living, visiting, and working within the Township. The Township recognizes the unique physical and operational characteristics of transient retail sales and food trucks, which require the establishment of regulations and standards for operation and promotes practices that serve the health, safety, and welfare of the public.

SECTION 4. Definitions. The following words when used in this Ordinance shall have the following meanings, unless the context clearly indicates otherwise:

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 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, precooked foods such as hot dogs, prepackaged foods and prepackaged drinks.

EDIBLE FOOD PRODUCTS – Those products that are ready for immediate consumption, including prepackaged food and food cooked, prepared, or assembled on-site.

EVENT HOST – A permanent brick and mortar business located in the Township which collaborates with a transient retail merchant or food truck vendor to host an event.

FOOD CART – A non-motorized, non-enclosed vehicle, including, but not limited to a pushcart, wagon, or trailer commonly moved by hand, bicycle or towed to a specific location by a motorized vehicle, that serves edible food products and beverages commonly prepared or assembled elsewhere.

FOOD TRUCK – A vehicle or trailer unit in which edible food products are cooked, prepared, or assembled with the intent to sell such items to the public, provided further that food trucks may also sell other edible food products and beverages that have been prepared and assembled elsewhere. A food truck is a fully enclosed unit which permits food truck workers to remain in the enclosed unit when cooking, preparing, assembling, and selling products.

ICE CREAM TRUCK – A motorized vehicle which is not stationed at a certain location in the Township from which the operator sells pre-packaged frozen dairy, soft ice cream, dipped ice cream, water-based food products, and beverages. For the purposes of this Part, a non-motorized unit from which such products are sold shall be considered a food cart.

LEGAL HOLIDAY – Includes New Year's Day, Good Friday, Easter, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day and such other legal holidays as may be designated by the Commonwealth of Pennsylvania or the United States of America.

LOCATION – Any single property, parcel, or any combination of contiguous parcels in the Township that are owned or controlled by a single individual, entity, or affiliated entities.

MOBILE FOOD VENDOR – A self-contained food service operation, located in a readily movable motorized, wheeled, or towed vehicle, used to store, prepare, display, or serve to the public edible food products intended for individual portion service.

MOBILE FOOD VENDOR EVENT – One or more mobile food service vehicles operating in one location on a certain date with the intent to serve the public.

MOBILE FOOD SERVICE VEHICLE – A food truck, food cart, canteen truck, or ice cream truck and includes any portable unit that is attached to a motorized vehicle and intended for use in the operation of a mobile food vendor.

MOBILE FOOD VENDOR PERMIT – A permit issued by the Township to a mobile food vendor to conduct a mobile food service operation in the Township.

OPERATE – To sell food, beverages, and other permitted items from a mobile food service vehicle and includes all tenses of the word.

OPERATOR – Any person operating or permitted to operate a mobile food service vehicle.

PEDDLER – Any “person” who shall engage in “peddling” as hereinbelow defined.

PEDDLING – Engaging in transient retail merchant activities, canvassing, soliciting, or taking of orders, either by sample or otherwise, for any goods, wares, merchandise, or services, upon any of the streets or sidewalks, or from house to house within the Township of Lower Nazareth.

PERSON – Any natural person, partnership, association, corporation, or other legal entity.

PERMIT ADMINISTRATOR – The Zoning Officer shall oversee the issuance, suspension, or revocation of mobile food vendor permits.

TOWNSHIP – The Township of Lower Nazareth, County of Northampton, Commonwealth of Pennsylvania.

TRANSIENT RETAIL MERCHANT – Includes the following:

- A. Engaging in peddling, soliciting, or taking either by sample or otherwise, for any goods, wares, merchandise or services upon any street, alley, sidewalk, or public ground, or from house to house, within the Township of Lower Nazareth; and
- B. Selling, soliciting, or taking orders for any goods, wares, merchandise, or services from a fixed location within the Township, on a temporary basis, which shall include,

but shall not be limited to, such activities conducted at the time of special occasions or celebrations, for seasonal purposes, or for or in advance of specific yearly holidays.

VEHICLE – Every device in, upon or by which any person or property may be transported or drawn upon a street, including devices moved by human power.

SECTION 5. Transient Retail Business Exemptions, Application, Licensing and Regulations

- A. No person shall engage in any transient retail business within the Township of Lower Nazareth without having obtained from the Zoning Officer a license, for which a fee shall be charged. Such fee shall be established, from time to time, by the governing body.
- B. No person who is engaged in solicitation for political or religious purposes shall be required to obtain a license.
- C. EXEMPTION TO LICENSE FEES:**
 - 1. To farmers selling their own produce.
 - 2. For the sale of goods, wares, and merchandise, donated by the owners thereof, the proceeds whereof are to be applied to any charitable or philanthropic purpose.
 - 3. To any manufacturer or producer in the sale of bread and bakery products, meat and meat products, or milk and milk products.
 - 4. To children under the age of 18 years who take orders for and deliver newspapers, greeting cards, candy, bakery products, and the like, or who represent the Boy Scouts or Girl Scouts or similar organizations.
 - 5. To any person who has complied with the provisions of the “Charitable Organization Reform Act,” 10 P.S. § 161.1 et seq. All persons exempted hereby from the payment of the license fee shall be required to register with the zoning officer and obtain a license without a fee.
- D. Any person dealing in one or more of the above-mentioned exempted categories, and dealing with other goods, wares, or merchandise not so exempted, shall be subject to the payment of the license fee fixed by this Section for his or her activities in connection with the sale of goods, ware and merchandise not in such exempted categories.
- E. APPLICATION**
 - 1. Every person desiring to engage in the business of “peddling” in the Township of Lower Nazareth shall first make an application to the Zoning Officer of the

Township for a license. Upon such application, such person shall provide the following information and meet the requirements set forth:

- a. The name and address of the applicant.
- b. A description (make, model, color, and year), VIN number and license number of any vehicle which the applicant expects to use while peddling or soliciting.
- c. The kind of goods and/or services which the applicant proposed to engage in peddling, soliciting, selling or taking orders for.
- d. The specified length of time during which the applicant proposes to engage in peddling or soliciting.
- e. A minimum of a current, valid driver's license, government issued identification card or other valid identification documentation.
- f. A certified criminal history record check from the Pennsylvania State Police.
- g. The name and address of the company or companies peddling or soliciting for.

F. LICENSE REQUIREMENTS AND REGULATIONS

1. No person shall engage in transient retail sales or "peddling" without first obtaining from the Township Zoning Officer a license, for which a fee shall be charged. Such fee shall be established, from time to time, by the governing body.
2. Every license issued under the provisions of this Part shall be issued on an individual basis to persons engaging in such business; every individual shall obtain a separate license, issued to him or her in his or her name, and the license fee hereby imposed shall be applicable to every such individual license, except that a representative of a charitable organization may obtain the licenses for the applicants therein. Licenses are not transferable from one person to another.
3. Upon registration and payment of the license fee, the Zoning Officer shall issue a transient retail merchant license to the applicant for a period not exceeding 30 days to engage in transient sales. The license can be renewed for subsequent periods of 30 days by application in the same manner to the Zoning Officer and upon payment of the license fee for each thirty-day period.
4. Transient retail merchants shall limit their operations between the hours of 9:00 a.m. to 7:00 p.m. EST, Monday through Saturday. No peddling will be permitted on Sundays or legal holidays.

5. No person licensed as a peddler under this ordinance shall hawk or cry his wares upon any of the streets or sidewalks of the Township, nor shall he use any loudspeaker, horn or any other device for announcing his or her presence by which the public will be annoyed.
6. Peddlers and/or transient retail merchants shall only approach a residential premises at the entrance closest to the street and/or sidewalk. No side or rear entrances shall be approached unless such an entrance is the primary established entrance for the premises. Peddlers shall not approach a property whose owner has clearly indicated they are not welcome to enter the premises.
7. License holders may not sell any product or service that is not mentioned in the license application.
8. Upon receipt of such application and the payment of the prescribed fee and if the Zoning Officer shall find the application in order, he or she shall issue the license described in this Part. The license shall contain the information required to be given on the application. Every license holder shall carry such license upon his or her person, if engaged in transient retail business or "peddling" from house to house or upon any of the streets, alleys, sidewalks, or public grounds within the Township or display the license if operating from a fixed location. The license holder shall exhibit such license, upon request, to all police officers, Township officials, and citizens of the Township.

Section 6. Mobile Food Vendor Application, License Requirements and Regulations

A. APPLICATION

1. Every person desiring to engage in the business of mobile food vending in the Township of Lower Nazareth shall first make an application to the Zoning Officer of the Township for a license. The issuance of a mobile food service permit does not create a real estate interest in any permitted space as a leasehold or otherwise, and the holder of the food vending permit shall be construed as a licensee.
2. Food vending permits vending permits shall be issued for a period of one year.
3. Upon making application, the applicant shall provide the following information and meet the requirements set forth:
 - a. Name, address, contact number of the owner of the vehicle.
 - b. Name, address, contact number of the operator of the vehicle.
 - c. A copy of the applicant's valid photo ID submitted with application.

- d. A copy of the applicant's certificate of business insurance.
- e. A copy of the vehicle registration reflecting the Vehicle Identification Number (VIN) of the vehicle.
- f. A copy of the state or county health department permit or permit applicable to mobile food providers.
- g. A copy of any alcoholic beverage permits, if applicable.
- h. A copy of the operator's business permit.
- i. Proof of motor vehicle insurance coverage.
- j. A signed acknowledgement that the operator has read the applicable rules and will comply with all applicable requirements herein. Furthermore, mobile food service providers shall indemnify, defend, and hold harmless the Township of Lower Nazareth from all claims, liabilities, obligations, damages, penalties, costs, and expenses, including reasonable attorney fees and disbursements of any kind or nature, including, but not limited to, actions for personal injury or death, or the assessment of fines or penalties by any governmental agency.

B. LICENSE REQUIREMENTS AND REGULATIONS

1. A mobile food vendor permit authorizes the holder to engage in the vending of products from a mobile food service vehicle in compliance with this Code and as specified on the permit. The mobile food vendor permit must be prominently displayed when the mobile food service vehicle is in operation.
2. Mobile food vendors may operate anytime beginning at 8:00 a.m. until 9:00 p.m. unless otherwise restricted by the operator's mobile food vendor permit or by the property owner. The Township may permit extended hours of operation.
3. No vendor shall park a mobile food service vehicle in the right-of-way or on Township property overnight except as permitted in conjunction with a street closure or special event.
4. Vehicle Requirements:
 - a. Mobile food service vehicles must be specifically designed and constructed for the purpose of preparation and sale of the specific type of food being sold and may not operate in any manner that is not compatible with the purpose for which the vehicle has been designed and constructed.

- b. Mobile food service vehicles must be permitted and equipped in accordance with the rules and regulations of all local, state, and federal agencies having jurisdiction over such vehicles. The preparation and sale of food from mobile food service vehicles must comply with all applicable local, state, and federal laws and regulations.

5. Operating in the Right-of-Way

- a. Mobile food service vendors shall park facing the same direction as traffic, at no more than 12 inches between the edge of the pavement and with the service window of the vehicle facing the curb or edge of the pavement.
- b. When a mobile food service vehicle is permitted to operate in the public right-of-way, no seating area shall be provided in the public right-of-way, except as permitted in conjunction with a street closure for a special event.

6. Business Access

- a. No mobile food service vehicle may operate in a location that impedes the ingress and egress from another business or otherwise causes undue interference with access to another business.
- b. No mobile food service vehicle may operate in a location that blocks the lawfully placed signage of another business.
- c. Prevents access to another business by emergency vehicles.

7. If on or adjacent to a sidewalk, the components of a mobile food service vehicle's operations, including signage, seating areas and patron queue may not reduce the clear pedestrian path of travel to less than four feet. All awnings, canopies of the vehicle shall be securely anchored and provide a minimum clearance of six feet, eight inches above the sidewalk.

8. Safety and Fire Prevention

- a. All cooking, heating and electrical equipment and all cooking practices must comply with applicable safety regulations, including applicable fire and electrical codes and any other safety requirements imposed by the Township's building code or fire marshal.
- b. No power cord, cable or equipment shall be extended across any public street. Power cords, cables, or equipment extended across a sidewalk, walkway or other public area must be properly secured and marked to prevent a hazardous condition.

- c. All mobile food service vehicles must be equipped with a 2A-10BC fire extinguisher that is inspected annually and certified as meeting National Fire Protection Association standards.
- d. All mobile food service vehicles with a generator must provide a 3A-40BC fire extinguisher.
- e. All food service vehicles utilizing a deep fat fryer must provide a type K fire extinguisher in addition to the required extinguisher requirements set forth in this ordinance.
- f. The maximum amount of LPG gas that can be stored/used is two 100-pound tanks. LPG storage tanks shall only 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.
- g. Any type of cooking inside the mobile food service vehicle that produces grease laden vapors is required to be protected with an NFPA 96 compliant fire suppression system.
- h. All vendors must maintain a clearance of at least 10 feet away from buildings, structures, vehicles, and any combustible materials and must also maintain a clearance of at least 15 feet from a fire hydrant.
- i. Any engine-driven source of power must be separated from the public by barriers, such as physical guards, fencing, or enclosures.
- j. Any engine-driven source of power shall comply with the following:
 - 1. Located at least 10 feet in all directions from openings and air intakes.
 - 2. Located at least 10 feet from every means of egress.
 - 3. Directed away from all buildings.
 - 4. Directed away from all other cooking vehicles and operations.

9. Solid Fuel Safety (Wood, Charcoal)

- a. Solid fuel must not be stored above any heat producing appliance or vent.
- b. Solid fuel must not be stored closer than 3 feet to any cooking appliance.
- c. Solid fuel must not be stored near any combustible liquids, ignition sources, chemicals, and food supplies and packaged goods.

- d. Solid fuel must not be stored in the path of the ash removal or near removed ashes.
 - e. All Ash cinders and other fire debris should be removed from the firebox at regular intervals and at least once a day.
 - f. Removed ashes, cinders, and other removed fire debris should be placed in a closed, metal container located at least three feet from any cooking appliance.
10. No sounds that are prohibited as part of this Ordinance or other Township ordinances shall be produced by a mobile food service vehicle's operation.
 11. No mobile food service vendor shall use stakes, rods, or any other method of support that must be drilled, driven, or otherwise fixed into or onto asphalt, pavement, curbs, sidewalks, or buildings.
 12. To prevent discharges into waterways, drainage systems or public sewer systems, each food truck operation shall comply with all storm water regulations of the Township and all regulations regarding prohibited discharges to public sewers. In addition, each vehicle shall have a spill response plan to contain and remediate any discharge from the vehicle.
 13. The area of a mobile food service vehicle operation must be always kept neat and orderly. During each period of operation at a location, the operator must provide proper trash receptacles for public use that are sufficient and suitable to contain all trash generated by the mobile food service vehicle operation.
 14. Mobile food service vendors shall serve pedestrians only. Drive-up or drive-by service is prohibited.
 15. Signage for each mobile food service vehicle shall be limited to signs on the exterior or interior of the vehicle and one sandwich board sign. All signs on the exterior of the vehicle shall be secured and shall not project more than six inches from a vehicle, provided that the base of a sandwich board sign is placed no further than six feet beyond the mobile food service vehicle. Sandwich board signs shall not exceed eight square feet per side or 48 inches in height and shall not obstruct or impede pedestrian or vehicular traffic.
 16. Food trucks shall not sell alcoholic beverages, unless specifically permitted by the Township and according to applicable state law. Mobile food service vendors shall not consume alcoholic beverages while vending.
 17. Any food preparation equipment outside of the mobile food service vehicle shall not obstruct vehicular or pedestrian traffic, and the use and operation of such equipment shall not create safety hazards for the public. Food shall not be served to customers directly from any outside food preparation equipment. Any smoker

or other exterior equipment that generates heat shall be surrounded with at least three traffic safety cones supplied by the mobile food vendor or event host.

Section 7. Revocation of Permit

- A. A permit issued to a transient retail merchant or mobile food service vendor can be revoked by the Zoning Officer for violation(s) of this Ordinance or operating in an unlawful manner that constitutes a breach of the peace or otherwise threatens the health, safety, or general welfare of the public.
- B. Notice of the revocation of a permit shall be issued to the permittee in writing.

Section 8. Violations and Penalties

Any person who shall violate any provision of this Ordinance shall, upon summary conviction thereof before a Magisterial District Judge, be sentenced to pay a fine of not greater than \$1,000.00 plus costs, including reasonable attorney fees, and, in default of payment of said fines and costs, to a term of imprisonment not to exceed thirty (30) days or that which is permitted by statute for punishment of summary offenses, whichever is less. Each day that a violation of this Ordinance continues shall be deemed a separate offense.

Section 9. Enforcement

The enforcement of this Ordinance shall be handled by the Zoning Officer or the Colonial Regional Police Department.

Section 10. Repeal.

Any Ordinance, Resolution and/or other regulation of the Township, in conflict herewith are hereby repealed. All other provisions of the ordinances, resolutions and/or regulations of Lower Nazareth Township, County of Northampton, Commonwealth of Pennsylvania shall remain in full force and effect.

Section 11. Severability

The provisions of this Ordinance are declared to be severable. If any article, section, subsection, paragraph, clause, phrase, or provision of this Ordinance shall be held to be invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part or provisions hereof, other than the part determined to be invalid or unconstitutional.

Section 12. Effective Date.

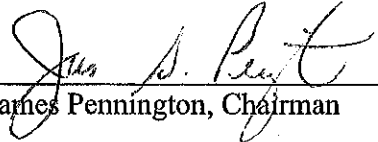
This Ordinance shall become effective five (5) days following the date of the adoption by the Board of Supervisors.

DULY ENACTED AND ORDAINED as an Ordinance of Lower Nazareth Township, this 12 day of June, 2024, by a majority of the Board of Supervisors of the Township of Lower Nazareth, Northampton County, Commonwealth of Pennsylvania, at a duly advertised meeting of the Board of Supervisors at which a quorum was present.

**LOWER NAZARETH TOWNSHIP
BOARD OF SUPERVISORS**

ATTEST:


Tammi Dravec, Secretary/Treasurer


James Pennington, Chairman