

CHAPTER 13

LICENSES, PERMITS AND
GENERAL BUSINESS REGULATIONS

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Part 1

Transient Retail Business

§101. Definitions and Interpretation.

1. As used in this Part:

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.

PERSON - any natural person, partnership, association, corporation or other legal entity.

TRANSIENT RETAIL BUSINESS - includes the following:

(a) Engaging in peddling, soliciting, or taking either by sample or otherwise, for any goods, wares or merchandise upon any street, alley, sidewalk, or public ground, or from house to house, within the Borough of Nazareth; and

(b) Selling, soliciting or taking orders for any goods, wares or merchandise, from a fixed location within the Borough, 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.

2. The singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine and the neuter.

(Ord. 459, 11/6/1978; as amended by Ord. 529, 9/5/1985, §1)

§102. License Required; Fee; Conditions of Issuance.

1. No person shall engage in any transient retail business within the Borough of Nazareth without having obtained from the administrative clerk a license, for which a fee shall be charged. Such fee shall be as established, from time to time, by Borough Council. [Ord. 595]

2. No person who is engaged in solicitation for political or religious purposes is required to obtain a license. (Ord. 683, 9/3/2002)

3. No license fee shall be charged under this Section:

A. To farmers selling their own produce.

B. 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.

C. To any manufacturer or producer in the sale of bread and bakery products, meat and meat products, or milk and milk products.

D. To children under the age of eighteen (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.

E. 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 administrative clerk and obtain license without fee. [Ord. 595]

4. Any person dealing in one (1) 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 activities in connection with the sale of goods, wares and merchandise not in such exempted categories.

5. 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 in his 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. (Ord. 459, 11/6/1978; as amended by Ord. 529, 9/5/1985, §2; and by Ord 595, 10/7/1991)

§103. Application for License. Every person desiring a license under this Part shall first make application to the administrative clerk for such license. If such person shall also be required to obtain a license from any State or County officer, he shall, when making such application exhibit a valid license from such State or County officer. The applicant shall state:

- A. His name and address, both permanent and local.
 - B. His criminal record, if any.
 - C. The name and address of the person by whom he is employed.
 - D. The type of goods, wares and merchandise he wishes to deal with in such transient retail business.
 - E. The length of time for which license is to be issued; and
 - F. The type and license number of the vehicle being used, if any.
- (Ord. 459, 11/6/1978; as amended by Ord. 529, 9/5/1985, §3)

§104. Issuance of License; Custody, Display or Exhibit Thereof.

1. Upon receipt of such application and the prescribed fee, the administrative clerk, if he shall find such application in order, shall issue the license required under this Part. Provided, in order to properly investigate the information contained in the application, the administrative clerk may require a waiting period of up to forty-eight (48) hours prior to issuing the license.

2. Such license shall contain the information required to be given on the application therefore. Every license holder shall carry such license upon his person, if engaged in transient retail business from house to house or upon any of the streets, alleys, sidewalks or public grounds, or shall display such license at the location where he shall engage in such business if doing so at a fixed location. He shall exhibit such license, upon request, to all police officers, Borough officials and citizens of the Borough. (Ord. 459, 11/6/1978; as amended by Ord. 529, 9/5/1985, §4)

§105. Prohibited Acts. No person in any transient retail business shall:

- A. Sell any product or type of product not mentioned in his license.
- B. Hawk or cry his wares upon any of the streets, sidewalks or public grounds in the Borough.

C. When operating from a vehicle, stop or park such vehicle upon any of the streets or alleys in the Borough for longer than necessary in order to sell there from to persons residing in the immediate vicinity.

D. Park any vehicle upon any of the streets or alleys in the Borough for the purpose of sorting, rearranging or cleaning any of his goods, wares or merchandise or of disposing of any carton, wrapping material or of any stock or wares or foodstuffs which have become un-saleable through handling age or otherwise.

E. Engage in any business activity at any time on a Sunday or legal holiday or at any time before 9:00 A.M. or after 8:00 P.M. any day of the week other than a Sunday or legal holiday.
(Ord. 459, 11/6/1978; as amended by Ord. 529, 9/5/1985, §5)

§106. Supervision and Records. The Chief of Police shall supervise the activities of all persons holding licenses under this Part, and the administrative clerk shall keep a record of all such licenses hereunder. (Ord. 459, 11/6/1978; as amended by Ord. 529, 9/5/1985, §5)

§107. Suspension and Revocation of License; Appeal. The Chief of Police is hereby authorized to suspend or revoke any license issued under this Part when he deems such suspension or revocation to be beneficial to the public health, safety or morals, for violation of any provisions of this Part, or for giving false information upon any application for a license hereunder. Appeals from any suspension or revocation may be made to the Council at any time within ten (10) days after such suspension or revocation. No part of a license fee shall be refunded to any person whose license shall have been suspended or revoked. (Ord. 459, 11/6/1978; amended by Ord. 529, 9/5/1985, §7)

§108. Penalties. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not exceeding six hundred dollars (\$600.00) and costs and, in default of payment thereof, shall be subject to imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this Part continues shall constitute a separate offense. (Ord. 459, 11/6/1978; as amended by Ord 529, 9/5/1985, §8; and by Ord. 595, 10/7/1991)

Part 2

MOBILE FOOD VENDORS

§ 201. Purpose. The Borough of Nazareth finds that allowing mobile food vendors to operate, subject to practical regulations and limitations, is beneficial to persons living and working within the Borough. This Part recognizes the unique physical and operational characteristics of mobile food vending, establishes standards for mobile food vending operations and promotes practices that serve the health, safety, and welfare of the public.

§ 202. Definitions. The following words, terms, and phrases, when used in this Part, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

BOROUGH—The Borough of Nazareth, Northampton County, Pennsylvania.

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 Borough which collaborates with a food truck operator to host a food truck 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 or 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 Borough from which the operator sells only pre-packaged frozen dairy or water-based food products and pre-packaged beverages. For purposes of this Part, a non-motorized unit from which such products are sold shall be considered a food cart.

LOCATION – Any single property parcel or any combination of contiguous parcels in the Borough 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 (1) 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, 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 Borough to a mobile food vendor to conduct a mobile food service operation in the Borough.

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.

PERMIT ADMINISTRATOR – The Chief of Police or his or her designee who shall oversee the issuance, suspension or revocation of mobile food vendor permits.

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.

§203. Permit, Fees, Rules and Regulations.

A. Permit, Fees. It shall be unlawful to operate as a mobile food vendor within the Borough unless a mobile food vendor permit has been issued by the Borough and in compliance with the other requirements of this Part. Permit fees shall be paid at the time of application in an amount to be established by Borough Council and set forth in the Borough's Schedule of Fees. A portion of the permit application fee, as determined by Borough Council, shall be non-refundable if an application is denied after review.

B. Mobile food vendors must comply with all federal, state, and local licensing, which includes up-to-date records on health inspections, as well as all other permitting regulations and all business tax, sales tax, and other tax requirements.

C. The Borough Council shall promulgate rules and regulations as necessary, supplemental to the provisions herein, for the purpose of carrying out the administration and enforcement of this Part.

§204. Event Host, Types of Vendors, Location.

A. Event Host. All applicable mobile food vendors who wish to operate in the parking lane of a street open to vehicular traffic shall have an event host act as a co-applicant on a food truck or food cart operator's application for permit. Event hosts shall not be permitted to host an event for a minimum of seven (7) days following an event by that same host. Event hosts shall provide adequate restroom facilities for the mobile food vendor's workers and shall ensure that the operation area is clean and free from trash or debris following the event.

B. Food Trucks. Food trucks shall be parked or stationed only within the public right-of-way/parking lane adjacent to the physical location of its affiliated event host as stated in subsection A above. When parked or stationed, a food truck must be positioned to comply with the requirements of Section 206B herein. A food truck may be located on Borough property if specifically permitted by the Borough. Such permission shall be specifically stated in the mobile food vendor permit. A food truck may operate on private property subject the provisions of subsection E below.

C. Food Carts. Food carts shall be parked, stationed, or operated only on streets that are closed to vehicular traffic unless the food cart and workers are adequately protected by "jersey type" barriers (supplied by vendor or event host) positioned to comply with the requirements of Section 206B herein. If a mobile food vendor wishes to operate within jersey barriers on a street open to vehicular traffic, they are subject to the requirements of subsection A above and are restricted to the public right-of-way/parking lane adjacent to the physical location of its affiliated event host. A food cart may be located on Borough property if specifically permitted by the Borough. Such permission shall be specifically stated in the mobile food vendor permit. A food cart may operate on private property subject the provisions of subsection E below.

D. Ice Cream Trucks. Ice cream trucks may operate from the right-of-way in any area of the Borough for no more than 15 minutes before relocating to another location not less 500 feet from the previous stop. When operating in the public right-of-way, an ice cream truck must be positioned to comply with the

requirements of Section 206B herein. An ice cream truck may operate on Borough property if specifically permitted by the Borough. Such permission shall be specifically stated in the mobile food vendor permit. An ice cream truck may operate on private property subject the provisions of subsection E below.

E. Private property. A mobile food vendor intending to sell to the public may operate on private property if the vendor obtains a mobile food vendor permit and the activity is allowed as a permitted use under Chapter 27 (Zoning) of this Code, subject to the following conditions:

1. Permission. A mobile food vendor selling to the public from private property shall have the written permission of the property owner, which shall be made available to the Borough immediately upon request.

2. Unimproved properties. Regardless of any agreement with the owner of the property, a mobile food vendor may not operate on an unimproved parcel. For purposes of this section, a parcel is considered "improved" if it contains a building that may be occupied pursuant to applicable building codes or contains a parking area or lot which services an adjacent building that may be occupied pursuant to applicable building codes.

3. Maximum number of a mobile food vendors. No more than two (2) mobile food vendor may operate at any private property location at one time unless authorized by the Borough.

4. Placement on private parking lot. A mobile food vendor's operation, including any canopies, signage, equipment, and seating areas, may not occupy more than three (3) parking spaces per mobile food service vehicle. A mobile food service vehicle, parked at a location without designated parking spaces, shall not block fire lanes, designated traffic lanes or ingress or egress to or from a building or street.

§205. Hours of Operation. 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 Borough may permit extended hours of operation, but no vendor shall park a mobile food service vehicle in the right-of-way or on Borough property overnight except as permitted in conjunction with a street closure or special event.

§206. Operating Requirements.

A. Vehicle requirements.

1. Design and construction. 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.

2. Licensing. 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.

B. Operating in the Right-of-way.

1. Reserved Parking Placard. The mobile food vendor or event host shall obtain from the Borough Police Department a "reserved parking" placard which shall be affixed to the parking meter of any metered parking space occupied or blocked from public use by a mobile food service vehicle or operation. Reserved parking placards shall be affixed to any applicable parking meter a minimum of twenty-four (24) hours prior to the start of the event. Reserved parking placards shall not be required when the street is closed for a special event.

2. Mobile food service vehicles shall park facing the same direction as traffic, at no more than twelve (12) inches between the curb face or edge of pavement and with the service window of the vehicle facing the curb or edge of pavement.

3. 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.

C. Business access. No mobile food service vehicle may operate in a location that:

1. Impedes the ingress or egress from another business or otherwise causes undue interference with access to another business.

2. Blocks the lawfully placed signage of another business.

3. Prevents access to another business by emergency vehicles.

D. Pedestrians. 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 on the sidewalk to less than four (4) feet. All awnings or canopies of the vehicle shall be securely anchored and provide a minimum clearance of six (6) feet, eight (8) inches above the sidewalk.

E. Safety and fire prevention.

1. 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 Borough's fire code official.

2. 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.

3. 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.

4. All mobile food service vehicles with a generator must provide a 3A-40BC fire extinguisher.

5. 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.

6. The maximum amount of LPG gas that can be stored/used is two (2) 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.

7. 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.

8. 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.

9. Any engine-driven source of power must be separated from the public by barriers, such as physical guards, fencing, or enclosures.

10. Any engine-driven source of power shall comply with the following:
 - a. located at least 10 feet in all directions from openings and air intakes,
 - b. located at least 10 feet from every means of egress,
 - c. directed away from all buildings, and
 - d. directed away from all other cooking vehicles and operations.

F. Solid fuel safety (wood, charcoal).

1. Solid fuel must not be stored above any heat producing appliance or vent.
2. Solid fuel must not be stored closer than 3ft to any cooking appliance.
3. Solid fuel must not be stored near any combustible liquids, ignition sources, chemicals, and food supplies and packaged goods.
4. Solid fuel must not be stored in the path of the ash removal or near removed ashes.
5. All Ash cinders, and other fire debris should be removed from the firebox at regular intervals and at least once a day.
6. Removed ashes, cinders, and other removed fire debris should be placed in a closed, metal container located at least 3 feet from any cooking appliance.

G. Noise. No sounds that are prohibited by Chapter 10, Part 5 (Noise) of this Code shall be produced by a mobile food service vehicle's operation.

H. Support methods. 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.

I. Spills. To prevent discharges into waterways, drainage systems or public sewer systems, each food truck operation shall comply with all storm water regulations of the Borough 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.

J. Waste collection. 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. All trash receptacles must be emptied when full, and all waste must be removed prior to departure of a mobile food service vehicle from a location.

K. Pedestrian service only. Mobile food service vehicles shall serve pedestrians only. Drive-up or drive-by service is prohibited.

L. Signage. 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 the vehicle. One sandwich board sign may be placed outside the mobile food service vehicle, provided that the base of a sandwich board sign is placed no further than six (6) feet beyond the mobile food service vehicle. Sandwich board signs shall not exceed eight (8) square feet per side or forty-eight (48) inches in height and shall not obstruct or impede pedestrian or vehicular traffic.

M. Alcohol sales. Food trucks shall not sell alcoholic beverages, unless specifically permitted by the Borough and according to applicable state law.

N. Insurance.

1. Mobile food service vehicles must maintain all motor vehicle insurance coverage required by applicable state and federal laws and regulations.

2. Mobile food service vehicles operating on Borough property other than the right-of-way shall always maintain such additional insurance coverage as may be required by the Borough. In the event the required coverage is not properly maintained, permission to operate on Borough property will be immediately revoked.

O. Exterior cooking equipment. 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, if applicable.

§207. Operational Restrictions. All Mobile Food Vendors are prohibited from:

A. Operating in any manner that creates a hazard to the health, safety, or welfare of the public as determined by a Borough Police Officer, Code Enforcement Official, Borough Engineer, or other Borough official.

B. Any area where they will impede pedestrian traffic.

C. Consuming alcoholic beverages while vending.

D. Vending in any residential neighborhood, excluding ice-cream trucks, unless specially permitted by the Borough or as part of a large event authorized by the Borough.

E. Parking where traffic or parking laws or ordinances would be violated.

F. Parking in fire lanes, loading zones or other spaces with parking limitations.

G. Placing chairs, tables, tents, or other similar items in the right-of-way or on private property without authorization from the property owner.

H. Offering public seating within a mobile food truck or any other mobile vehicle.

§208. Mobile food vendor permits.

A. Required. The designated permit administrator shall oversee the issuance, suspension and revocation of mobile food vendor permits. No mobile food service vehicle may operate within the Borough without a mobile food vendor permit issued by the Borough. A mobile food vendor permit authorizes the holder only 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. This section shall not apply to contractual arrangements between a mobile food service vehicle operator and any individual, group, or entity for pre-arranged catering at a specific location, provided that the mobile food service vehicle is not open to or serving the general public.

B. Application.

1. In order to obtain a mobile food vendor permit, a fully completed permit application shall be submitted to the office of the permit administrator a minimum of seven (7) calendar days prior to the date of the event. Fully completed or partially completed permit applications received within seven (7) calendar days of the event ("late applications") shall be subject to an additional "expedited processing fee" in an amount to be established by Borough Council and set forth in the Borough's Schedule of Fees. In addition, the permit administrator shall have the discretion to deny a late application if they determine there is not sufficient time to properly process the application prior to the event date.

a. Permit applications shall be submitted on a form provided by the Borough and at a minimum shall include the following information:

- I. Name, address, contact number of the owner of the vehicle.
- ii. Name, address, contact number of the operator of the vehicle.
- iii. A copy of applicant's valid photo ID submitted with application.
- iv. A copy of applicant's certificate of business insurance.

b. The following information shall be produced only upon request of the permit administrator or his or her designee:

- I. A copy of the vehicle registration reflecting the vehicle identification number (VIN) of the vehicle.
- ii. A copy of the state or county health department permit or permit applicable to mobile food providers.
- iii. A copy of any alcoholic beverage permits, if applicable.
- iv. A copy of the operator's business permit.
- v. Proof of motor vehicle insurance coverage.
- vi. A signed acknowledgment that the operator has read this Part and will comply with all applicable requirements herein.
- vii. Any additional information required by the permit administrator.

2. Submission of a permit application for a mobile food vendor permit shall be accompanied by the applicable permit fees.

3. Each mobile food vendor permit holder shall have an ongoing duty to provide the Borough with notice of any change to any of the information submitted with its permit application, within 10 days of the change, including current photographs of the mobile food service vehicle in the event of any change in the appearance of or signage on the vehicle.

C. Issuance.

1. Completed Application-Payment of Fee. A mobile food vendor permit shall be issued, except as provided in paragraph 2 below, upon verification by the permit administrator that an application has been satisfactorily completed in accordance with the requirements of this section and payment of the applicable permit fees.

2. No such permit shall be issued:

a. if the permit administrator determines that any part of the mobile food service operation, including, but not limited to the vehicle or the proposed location, pose a threat to the health, safety, or welfare of the public,

b. at the discretion of the permit administrator, following review of a negative criminal history report of the applicant, taking into consideration the nature, severity, and relevancy of any charges in which the applicant was found guilty,

c. to an operator whose permit is currently suspended or has been revoked within the preceding 12 months, or to any person who intends to operate the same mobile food service vehicle for which the operator's permit is currently suspended or has been revoked within the preceding 12 months.

3. If the permit administrator denies the application, such denial shall be in writing and provided to the applicant within 15 days of receipt of the application.

D. Expiration. All mobile food vendor permits shall expire on December 31 of each year, or on such alternate date as may be set by the permit administrator. A mobile food vendor permit may be renewed for the next 12-month period, provided that all applicable requirements are met and the permit is not currently suspended or has not been revoked within the preceding 12 months. The fees for application and permit renewal shall be the same as the application and permit fees for a new mobile food vendor permit.

E. Transferability. A mobile food vendor permit may not be transferred except as part of the sale of a controlling interest in a business holding the permit or a sale of substantially all of the assets of a business holding the permit. The operator of the mobile food service vehicle shall notify the Borough within ten days of any such sale and shall update any information that has been changed since the submittal of the application for the mobile food vendor permit.

F. Temporary permit. If an operator of a mobile food service vehicle has not previously obtained a mobile food vendor permit and is found to be operating within the Borough, either a Borough code enforcement official, fire official, or police officer may authorize the operator to continue operating for not more than two (2) hours, provided that the operations must comply with the location and hours of operation requirements set forth in Section 204 herein. Thereafter, the operator shall not operate a mobile food service vehicle within the Borough without first paying the required application fee and obtaining a mobile food vendor permit as required by this section.

§209. Enforcement.

A. Citation. Each of the following circumstances constitute a violation of this Part, for which a citation of up to \$300 may be issued to the violator of this Part by a Borough code enforcement official, fire official, or police officer:

1. Operation of a mobile food service vehicle without a current, valid permit, provided further that each day and each separate location at which a mobile food service vehicle is operated without a current, valid permit shall be considered a separate violation.

2. Continuation of temporary mobile food service vehicle operations beyond the time period authorized by a Borough code enforcement official or police officer.

3. Holding a mobile food vendor event without a permit or failing to comply with the conditions of approval for a special event permit.

4. Failure to comply with any other provision of this Part.

B. Suspension of permit. A mobile food vendor permit shall be suspended by the permit administrator if:

1. The applicant for the permit knowingly provided false information on the application.
2. Two violations of this Part have occurred within a six-month period in conjunction with the mobile food service vehicle for which the permit has been issued.
3. The operator of a mobile food service vehicle fails to maintain a current, valid vehicle registration, health department permit, business permit or proof of required motor vehicle insurance coverage.

C. Revocation of permit. A mobile food vendor permit shall be revoked by the permit administrator if:

1. Four violations of this Part have occurred within a 12-month period.
2. A mobile food service vehicle is operated in an unlawful manner to constitute a breach of the peace or otherwise threaten the health, safety, or general welfare of the public.

D. Reinstatement.

1. Suspended Permit-Reinstatement Fee. An operator may request to have a suspended mobile food vendor permit reinstated by taking such actions as may be necessary to correct a mobile food service vehicle's noncompliance and paying a reinstatement fee in the amount to be determined by the Borough council. Said amount shall be listed on the Borough's schedule of fees and may be changed by resolution of Borough council. The reinstatement fee is established to offset the Borough's cost of enforcement measures, inspections, and compliance verifications.

2. Revoked permit. An operator whose mobile food vendor permit has been revoked may apply for a new permit after 12 months from the date of revocation, provided the operator has taken such actions as may be necessary to correct a mobile food service vehicle's noncompliance. The operator shall pay a permit reinstatement fee in the amount to be determined by the Borough council. Said amount shall be listed on the Borough's schedule of fees and may be changed by resolution of Borough council. The reinstatement fee is established to offset the Borough's cost of enforcement measures, inspections, and compliance verifications.

3. No permit will be issued to any person who intends to operate the same mobile food service vehicle for which the operator's permit is currently suspended or has been revoked within the preceding 12 months.

F. Notice. Notice of the suspension or revocation of a mobile food vendor permit shall be issued to the operator in writing by the permit administrator.

§ 210. Appeals.

A. Filing. The denial, suspension, or revocation of a mobile food vendor permit by the permit administrator may be appealed by filing a written notice of appeal, establishing the grounds for the appeal, with the Borough permit administrator no later than ten business days following receipt of the notice of denial, suspension, or revocation.

B. Law Committee's review. When an appeal is filed with the permit administrator as set forth herein, an appeal hearing shall then be scheduled with the operator and the Borough council's law committee. The law committee's decision shall be issued in writing, based on a written summation of the pertinent facts, and shall be final. The law committee may affirm the permit administrator's decision or reverse the denial,

suspension, or revocation of a permit, or may reduce the waiting period required for reinstatement of a revoked permit if it is determined that the operator has taken reasonable steps to mitigate the violations leading to the revocation and to prevent future violations.

C. Refunds. There shall be no refund of an application fee for a mobile food vendor permit that has been denied. There shall be no refund of a reinstatement fee for a suspended or revoked permit unless the law committee determines on appeal that the permit administrator acted in error in suspending or revoking the permit.

§211. Severability. Should any section, subsection, clause, provision or other portion of this Ordinance be declared invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance; the Borough council having adopted this Ordinance as if such invalid portions had not been included therein.

§212. Repealer. All Ordinances or parts of Ordinances, which are inconsistent herewith are hereby repealed.

§213. Effective Date. This Ordinance shall become effective immediately upon adoption by Nazareth Borough Council and approval of the Mayor.

(Ord. 868, 4/4/2022)