



# BOROUGH OF TARENTUM

Allegheny County, Pennsylvania

ORDINANCE #25-07



## AN ORDINANCE ESTABLISHING REGULATIONS FOR MOBILE FOOD VENDORS AND FOOD TRUCKS OPERATING WITHIN THE BOROUGH OF TARENTUM.

**WHEREAS**, the Borough of Tarentum seeks to regulate mobile food vendors to ensure the health, safety, and welfare of its residents and visitors, and;

**WHEREAS**, the Borough Council finds it necessary to implement an ordinance that provides a clear and structured permitting process for food trucks and mobile food vendors within the Borough;

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of Tarentum, as follows:

### Section 1. Definitions; word usage.

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

**BRICK AND MORTAR ESTABLISHMENT** — A food service establishment at which food and/or beverages are sold to consumers and which offer tables or seats for consumers. This article does not recognize fuel/service stations, convenience stores, grocery/butcher/green grocers as brick-and-mortar establishments.

**CONSUMER** — A person who is a member of the public, takes possession of food, is not functioning in the capacity of an operator of a food establishment or food processing plant, and does not offer the food for resale.

**ENFORCEMENT OFFICER** — The person appointed by the Borough Council of Tarentum to issue permits shall be charged with administering and enforcing this article. Police officers of the Tarentum Police Department are also authorized to enforce this article.

**FOOD** — Any raw, cooked or processed edible substance, beverage or ingredient used or intended to be used in whole or part for human consumption; provided, however, that products in hermetically sealed containers processed by heat to prevent spoilage and dehydrated dry or powdered products so low in moisture content as to preclude development of microorganisms are excluded from the terms of this definition. Further, raw and uncut food from the plant kingdom which has been grown in the Borough of Tarentum is excluded from the terms of this definition.

**FOOD TRUCK** — A motorized vehicle which may, upon issuance of a permit by the Borough of Tarentum and conformance with the regulations established by this article, temporarily park upon a street and engage in the service, sale or distribution of ready-to-eat food for individual portion service to the general public, directly from the vehicle. The term shall include trucks and trailer hitch units used for food vending and encompasses all mobile food service units with the exception of pushcarts. Food trucks shall be no larger than 30 feet by eight feet.

**FOOD TRUCK PARK/COLLECTIVE** — An area on private property approved by the issuing agency to accommodate two or more food trucks. Food truck park/collective permit has no associated fee or application and is applied for in writing to the issuing agency. The food truck park/collective permit will be in effect from the issuing agency until the business is permanently closed or by the Borough of



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Tarentum revokes said permit. This definition will refer to the separate riverfront park/ collective unless the term is preceded by riverfront.

**FOOD TRUCK PARK/COLLECTIVE PERMIT APPLICATION** — Application for more than one permit applied for by the owner and/or operator of a truck park/collective on behalf of individual mobile food facilities. This permit application option allows multiple vendors and/or mobile food facilities to be submitted at one time by the food truck park/collective. All permits if issued will be allocated as independent permits.

**FOOD TRUCK PARK/RIVERFRONT COLLECTIVE** — An area on private property approved by the issuing agency to accommodate two or more food trucks within RA, RB and RC zoning districts only. Food truck park/collective permit has no associated fee or application and is applied for in writing to the issuing agency. The food truck park/collective permit will be in effect from the issuing agency until the business is permanently closed or by the Borough of Tarentum revokes said permit.

**FOOD VENDOR** — Any person who transports, distributes or sells to the public foods, prepared foods or readily perishable food of a kind deemed by the health officer to be capable of causing human foodborne illness from a truck, trailer, cart, bicycle or other vehicle. "Readily perishable foods" shall mean any food, beverage, or ingredients consisting in whole or in part of milk, milk products, eggs, meat, fish, poultry, or organisms that can cause food infections or food intoxication.

**INDEPENDENT PERMIT** — Permit issued directly to the owner of a mobile food facility by the regulatory authority that authorizes mobile food vending.

**INDEPENDENT PERMIT APPLICATION** — Application for one permit applied for by the vendor and/or mobile food facility owner.

**ISSUING AGENCY** — The issuing agency will be the Borough of Tarentum.

**LEGAL HOLIDAYS** — New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas.

**LIVE ENTERTAINMENT** — Any entertainment involving performances or delivery of entertainment by one or more persons. Live entertainment may or may not be amplified. The following are considered live entertainment performances:

- (1) Bands.
- (2) Musical ensembles.
- (3) Solo performers.
- (4) Deejays.
- (5) Karaoke.
- (6) Comics/comedians.
- (7) Theatrical acts.

**MOBILE FOOD FACILITY** — A movable retail food facility, such as a stand, bicycle, trailer, vehicle, cart, basket, box or similar structure or conveyance, from



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which food is stored, prepared, processed, distributed or sold operating as an extension of and under the managerial authority of the permit holder of its permitted.

PERMIT — Refers to the independent permit.

PERMIT TERM — The term of the permit issued by the issuing agency is awarded annually, beginning January 1 and ending December 31.

PUSHCART — A cart that is limited to minimal cooking, holding and serving of plated, wrapped, or frankfurter-like foods that is human-propelled, self-contained, enclosed and no larger than five feet by 10 feet.

REGULATORY AUTHORITY — The Borough of Tarentum, Allegheny County, Commonwealth of Pennsylvania, or federal enforcement body or authorized representative appointed by Tarentum as having jurisdiction over mobile food vendors.

SELF-CONTAINED MOBILE FOOD FACILITY — A facility that meets the same requirements as a permanent facility where all the food preparation is done in the facility. As a minimum, the facility must have mechanical holding facilities, gas or electric cooking equipment, water tanks, hand sinks, three-compartment sinks, storage for all food, single-service items, and cleaning supplies.

SPECIAL EVENT — A planned public gathering organized by a person(s), group or business, which has obtained a Borough of Tarentum special events permit, block party/street closure permit or permission from Tarentum Borough Council.

TEMPORARY FOOD FACILITY (TFF) — A food establishment that operates for a period of no more than 14 consecutive days in conjunction with a single event or celebration.

- A. In this article, the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and neuter.

## Section 2. Permit fees and application procedure.

It shall be unlawful for any food vendor to serve food from a mobile food facility (MFF) within the boundaries of the Borough of Tarentum without first obtaining a permit from the Borough of Tarentum. This includes private property, rights-of-way, and Borough land.

- A. Two types of permit applications are available for submittal to the issuing agency, independent MFF permit application and/or a food truck park/collective permit application.
- B. One type of permit is available through the issuing agency, the independent permit.
- C. The Borough of Tarentum Council designates the Borough Manager, Tarentum Code Officer and Tarentum Police to be the agents of the Borough primarily responsible for supervising this section's provisions.
- D. The Borough of Tarentum shall issue the independent permit to each approved applicant in exchange for a completed application and a fee listed in the Borough of Tarentum yearly fee resolution.



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- (1) Food vendors and/or MFF owners who are residents of the Borough of Tarentum shall be issued a permit by the Borough of Tarentum in exchange for a completed application and a fee listed in the Borough of Tarentum yearly fee resolution.
  - (2) The Borough of Tarentum shall issue a permit to a food truck park/collective in exchange for a completed application and the fee listed in the Borough of Tarentum's yearly fee resolution per food truck park/collective application.
- E. Incomplete applications will not be accepted.
- (1) Application fee(s) must be paid at time of submittal.
  - (2) Cash and check (Borough of Tarentum) are the only forms of payment accepted.
- F. The application form for a permit shall be provided by the issuing agency and can be adapted and/or changed as needed without amendment to this article.
- G. A permit shall be valid from the date on which it is issued through the end of that calendar year as per the permit term.
- H. Permits are nontransferable and shall contain the applicant's permit number and the year in which the permit is valid.
- I. A food truck park/collective can submit a food truck park/collective application on behalf of two or more food vendors and/or MFFs. Collectives must submit full applications for each food vendor and/or MFF.
- (1) As part of the application, all food vendors and/or MFFs named in the application will be required to consent to this article.
  - (2) Upon determination of eligibility by the issuing agency, the food truck park/collective shall be issued separate independent permits for each food vendor and/or MFF to conduct business as permitted herein. The permit issued hereunder shall be the property of the individual food vendor and/or MFF and shall be revocable for any violation of this article.
    - (a) The food truck park/collective is subject to all rules of this article and the complete Code of the Borough of Tarentum as all individual food vendors and/or MFFs are while conducting business in Tarentum.
- J. If a food vendor and/or MFF loses his or her permit, a replacement permit can be obtained from the issuing agency for a fee of \$5.
- K. As part of any permit application procedure, applicants may be subject to a criminal background history check (at the applicant's expense), which shall be reviewed by the Chief of Police or his or her designee to determine eligibility of the applicant. This includes food truck park/collective applications.



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- (1) No applicant shall be eligible for issuance or renewal of a permit under this section if the applicant has been convicted of two or more offenses within a



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period of five years preceding the application where each offense involved an assault, communicating a threat, crime against a minor, illegal use of a weapon or other act of violence or attempted violence.

- L. No permit shall be issued to any food vendor and/or MFF who has had a permit suspended or revoked within the last calendar year prior to the current application for a permit.

### **Section 3. Application requirements for permit.**

No person shall offer for sale any food from any MFF within the Borough without a current and valid permit issued by the agency.

- A. The applicant must provide proof of identification issued by a commonwealth, state or the federal government. The applicant must be at least 18 years old.
- B. Two photos of the vehicle, including front and side.
- C. License plate number.
- D. Copy of vehicle registration.
- E. A valid Pennsylvania driver's license for the vendor.
- F. Proof of current and up-to-date auto insurance for the vending vehicle.
- G. EIN or tax ID number.
- H. Certificate of insurance listing the Borough of Tarentum as an additional insured. General liability coverage cannot be less than \$1,000,000.
  - (1) License holders with employees must carry worker's compensation insurance.
- I. A copy of your Allegheny Health Department license (if serving or preparing any consumable product).
- J. All food trucks shall be subject to inspection during operation by the issuing agency for compliance with Borough, county and commonwealth fire code laws and regulations.

### **Section 4. Zoning, location, and traffic restrictions.**

Food vendors and/or MFFs conducting business on private property shall not:

- A. Food vendors and/or MFFs cannot operate in the following Borough of Tarentum Zoning Districts:
  - (1) R1 Residential;
  - (2) R2 or Mixed Use except as approved by Tarentum Borough in the following locations:
    - W. 7<sup>th</sup> Avenue



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- E. 6h Avenue
  - Corbet Street
  - 4<sup>th</sup> Avenue from Ross Street to Allegheny
  - 3<sup>rd</sup> Avenue from Lock Street to Corbet Street
  - 2<sup>nd</sup> Avenue from Ross Street to Corbet Street
- B. Food vendors and/or MFFs can operate by conditional use in the following Borough of Tarentum zoning districts on the appropriate street typology:
- (1) C Commercial (all street types); I Industrial.
- C. Food vendors and/or MFFs can operate by conditional use in the following Borough of Tarentum Zoning Districts:
- (1) RA Riverfront Subdistrict
- (2) The following conditional use standards are required for issuance of a permit in In addition to the conditional use requirements, the following conditional uses must be agreed to by food vendors or MFFs:
- (a) Approval on a case-by-case basis by a majority of the Tarentum Borough Council.
  - (b) No parking directly under Tarentum Bridge.
  - (c) No parking along, behind or in front of property owned by the Borough of Tarentum, except by express permission from the Borough.
- D. Food vendors and/or MFFs meeting conditional use requirements and conducting business from public streets in allowable zones shall not:
- (1) Park illegally in any manner as defined by Borough of Tarentum Code and/or the Commonwealth of Pennsylvania.
  - (2) Park in such a manner that will block or cause to be blocked pedestrian or vehicular traffic, roadways, sidewalks, crosswalks, driveways, stairways, curb cuts, accessible access ramps nor block access to buildings, parks, public conveyances, businesses, crosswalks, traffic control poles containing pedestrian crosswalk button(s), or be within 10 feet of a fire hydrant or within five feet of any fire alarm or other emergency communication device, including public telephones, either by the parked location, or by the location of any crowd that the food vendor and/or MFF may draw.
  - (3) If a food vendor and/or MFF attracts a crowd sufficient to obstruct the street or public access to the street of sidewalk, a police officer may disperse the portion of the crowd that is creating the obstruction.
  - (4) A food vendor and/or MFF shall provide the minimum pedestrian passageway on the sidewalk as required by the Americans with Disabilities Act,<sup>2</sup> which is currently five feet.



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- (5) Park directly in front of, on any side or rear of a brick and mortar establishment without written permission; if multiple brick and mortar establishments are affected, written permission is required from each brick and mortar establishment.
- (6) No more than three food vendors and/or MFFs may operate on any approved Borough block except during a special event.
- (7) No more than one food truck is allowed to operate on any lot at any given time unless located within an approved food truck park/collective or during an approved special event.
- (8) During periods of construction on the streets, sidewalks and infrastructure, the Borough Manager and/or Chief of Police may from time to time temporarily exclude food vendors and/or MFFs from areas where there are issues of public safety, and the Borough Manager and/or Chief of Police or his/her designee may, in their discretion, issue notices of exclusion from areas as the construction requires.

## Section 5. Time of service.

- A. Food vendors and/or MFFs shall not open before the hour of 8:00 a.m. and shall not operate after the hour of 10:00 p.m. except within the boundaries of a permitted food truck park/collective which will not operate after 11:00 p.m.
- B. A food vendor and/or MFF cannot park overnight on Borough streets.
- C. No food vendor and/or MFF shall claim a greater right to serve at any location within Tarentum.

## Section 6. Issuing agency.

- A. The Borough Manager or his or her designee shall at all times keep a written list of all food vendor and/or MFF permits in the Borough of Tarentum and shall promptly update such list each time a new permit is awarded, suspended or revoked.
- B. The issuing agency will provide and post through Borough Police no-parking signs for all permits issued not located on private property.

## 23.02.07. Standards.

The provisions of this section take precedence over any other Borough regulations or ordinance applicable to food vendors and/or MFFs. To the extent other Borough regulations or ordinances are applicable and are inconsistent with this section, this section shall govern.

- A. A food vendor and/or MFF shall clearly display his or her permit while serving and shall allow inspection of the permit by any Borough of Tarentum police officer or Tarentum Borough staff person on request.





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- B. Food vendors and/or MFFs may sell other goods or wares of their own artistic work.
- C. Food vendors and/or MFFs shall not tape or post signs or posters on windows or lean signs against windows so as to obstruct a clear view through the window.
- D. No flashing or blinking lights, or strobe lights are allowed on MFFs when the vehicle is parked and engaged in serving customers.
- E. Food vendors and/or MFFs shall not use a megaphone to attract consumers.
- F. Devices such as amplifiers, small, portable, and self-powered amplification shall be permitted on MFFs for announcements, provided the audible level does not create unreasonable or disturbing sound/s (to be determined by the regulatory authority).
- G. The Pennsylvania State Police Bureau of Liquor Control Enforcement is responsible for enforcing the Pennsylvania Liquor Code and any regulations thereto; as such, all requirements established by the commonwealth will be enforced and required of food truck parks/collectives serving alcohol.
- H. Live entertainment at a food truck park/collective riverfront is allowable only in the following zoning districts: RA, RB and RC (and as allowable by the Pennsylvania Liquor Code).
  - (1) Live entertainment during an approved special event shall conform to the rules of the Borough of Tarentum ordinance for special events.<sup>4</sup>
  - (2) The maximum performance permitted time shall be limited to eight consecutive hours and may only occur between the hours of 10:00 a.m. to 11:00 p.m. Monday through Saturday and 1:00 p.m. to 9:00 p.m. Sunday.
- I. Food vendors and/or MFFs shall not use stakes, rods, or any method of support that is required to be drilled, driven, or otherwise fixed, in asphalt pavement, curbs, sidewalks or buildings.
- J. No food vendor and/or MFF on Borough grounds or streets shall connect to, or cause to be connected to, any source of water on public or nearby private property as part of preparation to serve or during service.
  - (3) A food vendor and/or MFF is encouraged to seek an electrical connection to a brick-and-mortar establishment or residence to avoid the use of a generator.
  - (4) The Borough will not provide electrical service.
  - (5) Permission for the use of electricity is between the property owner and the food vendor and/or MFF.
  - (6) The food vendor and/or MFF must provide a safe electrical connection that does not harm or endanger the public or provide or restrict any public access



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to streets, sidewalks and/or rights-of-way.

- K. While serving, a food vendor and/or MFF shall not use language or gestures, or display any matter which:
- (7) Incites or urges riot; or
  - (8) Is obscene; or
  - (9) Is defamatory, insulting or constitutes a communication which tends to inflict injury or incite an immediate breach of the peace.
- L. Food vendors and/or MFFs shall not consume nor be under the influence of alcoholic beverages or other controlled or intoxicating substances while serving.
- M. MFFs may not be left unattended or otherwise stored on sites at which they offer the sale of food and beverage to the public, unless allowed by the Zoning Ordinance.<sup>5</sup>
- Food vendors and/or MFFs may not conduct business with any person while such person is situated in a motor vehicle.
- N. The Borough of Tarentum may at its discretion notify a food truck park/collective, food vendor and/or MFF that additional police services may be required, and, as such, the food truck park/collective, food vendor or MFF may be invoiced for such additional services deemed as necessary and beyond normal service.
- (10) If the Borough of Tarentum determines that additional services will be invoiced to the food truck park/collective, food vendor, or MFF, the Borough will provide written notice to the food truck park/collective, food vendor, or MFF five days prior to beginning service that will be invoiced.
  - (11) Any invoicing estimated by the Borough of Tarentum that will or could be charged for more than two consecutive days can be requested by the Borough to be paid by the food truck park/collective, food vendor or MFF in advance.

## **Section 8. Litter, sewer, water.**

Food vendors and/or MFFs shall remove all trash, waste and other items from the service area used by the food vendor and/or MFF.

- A. Food vendors and/or MFFs shall provide a suitably sized receptacle for litter, which shall be located within 10 feet of the service window of the unit. It shall be maintained and regularly emptied. All waste generated by the mobile food service unit's operation, including that associated with its customers and staff, must be disposed of outside of the Borough or in an approved dumpster within the Borough.
- B. The area of 20 feet surrounding an MFF shall, at all times, be kept clean and free from litter, garbage, rubble, and debris. For purposes of this section, a MFF shall be responsible for maintaining, in a safe and hygienic manner, the premises on which it is situated.
- C. Food vendors and/or MFFs shall comply with Borough ordinances regarding sewer



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discharge and grease remediation.<sup>6</sup>

- D. Liquid spills within 20 feet surrounding the unit shall be properly cleaned following each stop.

## Section 9. Fire safety.

All Borough, county and commonwealth rules and laws regarding fire safety will apply to MFFs and food truck parks/collectives. To minimize the threat to public safety posted by fire, the following apply:

- A. County and/or commonwealth inspectors, Chief of Police, Fire Chief and/or his/her designee may, in their discretion, inspect any MFF or food truck park/collective for fire safety.
- B. Food truck parks/collectives shall be equipped with a readily accessible multipurpose dry chemical portable fire extinguisher (one per three MFFs) with a minimum rating of 2A 10BC and Class K portable fire extinguishers (one per three MFFs). All required fire extinguishers shall be maintained in compliance with National Fire Protection Association 10, as amended.
- C. Propane and natural gas tanks shall be shut off while the MFF is in motion, unless the tank is equipped with an impact-detection shutoff device approved by the United States Department of Transportation. Propane and natural gas tanks must always be shut off while the MFF is unattended and/or in overnight storage. Mounted tanks must be secure (NFPA 58 — 5.2.4) and conform with NFPA standards relating to the safe mounting of tanks as described in NFPA 58 — 6.23.3.3 and, in addition, be capable of withstanding impact requirements as required by the NFPA (NFPA 58 6.23.3.4).

## Section 10. Violations and penalties.

The prohibitions of Tarentum Borough Code sections which would otherwise frustrate the purposes of this article do not apply to mobile food vendors otherwise in compliance with this section.

- A. Food vendors and/or MFFs must comply with all federal, commonwealth and local laws when performing within the Borough.
- B. By decision of the Tarentum Chief of Police or his or her designee, in the case of an emergency, all food vendors and/or MFFs can be asked to move or relocate for said emergency.
- C. In an emergency, the Public Works Supervisor or his or her designee can decide to cancel all food vendors and/or MFFs.
- D. A permit may be suspended or revoked if a permit holder is found to have knowingly provided false information on any application or has violated the rules and regulations or any federal, commonwealth or local law or ordinance rationally related to this permit.



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- E. No transferability. A permit issued hereunder shall not be transferable to any other person or group for the purpose of conducting operations as a food vendor and/or MFF defined herein.
- F. A police officer may remove food vendors and/or MFFs for interference with the officer's enforcement activities or any other act that causes an imminent danger to the public health or safety.
- G. The Tarentum Borough Police Department shall have authority to remove or cause the removal of any vending equipment or merchandise found on the street, sidewalk or other vending location in violation of any regulations established pursuant hereto. In addition to any forfeiture, the violator shall be liable for any removal, towing and storage charges incurred by either department.
- H. The fine and penalty for food vendors and/or MFFs without a permit will be:
  - (1) First violation: \$200.
  - (2) Second violation within 12 months of the first violation: \$400.
  - (3) Third violation within the 12 months following the first violation: \$800 and revocation of permit.
  - (4) Subsequent violations: denial of subsequent permits, continued fines and penalties.
- I. The issuing agency may deny a permit application if the food vendor and/or MFF have recorded and/or unresolved fines or penalties from previous years.

## **Section 11. Variance process.**

The Borough Manager and/or his or her designee may administratively grant minor variances with conditions. The owner/occupant of the physical site upon which a food vendor and/or MFF wishes to operate, or a food vendor and/or MFF operator wishing to conduct business thereon, when accompanied by written authorization from the property owner/occupier, may request a variance from the terms of this article, where such variance will not be contrary to the public interest and where, owing to special conditions, strict enforcement of the provisions of this article will, in an individual case, result in unnecessary hardship; provided, however, that the spirit of this article shall be observed, and public safety and welfare secured. Such variance may be granted in an individual case upon a finding by the Borough Manager and/or his or her designee that:

- A. Relief shall not be granted for a use of land/or building that is prohibited by this article in the district in question;
- B. The intent and spirit of this article is not compromised;
- C. The strict application of this article to this particular piece of property or food vendor and/or MFF would create an unnecessary hardship;
- D. The request for relief is due to an unusual or peculiar circumstance; and



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E. Relief, if granted, would not cause detriment to public safety and welfare.

### Section 12. False statements.

It shall be unlawful and a violation of this section for any person to knowingly and willfully make a false statement to any public official for the purpose of obtaining a permit.

### Section 13. Severability.

If any section, subsection, sentence, or clause of this article is held, for any reason, to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this article, and the remainder of the article shall stay in full force and effect.

### Section 14. Effective Date

This Ordinance shall take effect immediately upon adoption.

**IN WITNESS WHEREOF**, this Ordinance is duly Ordained and Enacted by the Council of the Borough of Tarentum at a public meeting held this 8th day of April 2025.

ATTEST:

BOROUGH OF TARENTUM

\_\_\_\_\_  
Dwight D. Boddorf, Borough Manager

\_\_\_\_\_  
Scott Dadowski, President of Council

EXAMINED AND APPROVED by me this 8th day of April 2025.

\_\_\_\_\_  
Eric Dee, Esq., Solicitor

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Bob Lang, Mayor



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