BOROUGH OF OAKMONT
ORDINANCE NO. O2 OF 2025

AN ORDINANCE AMENDING THE BOROUGH OF OAKMONT CODE OF ORDINANCES TO ADOPT A NEW CHAPTER 125 TO ESTABLISH RULES AND REGULATIONS FOR THE OPERATION OF MOBILE FOOD FACILITIES WITHIN THE BOROUGH AND IMPOSING PENALTIES FOR VIOLATION

Section I. It is ordained by the Council of the Borough of Oakmont to amend the Borough of Oakmont Code of Ordinances by adopting a new Chapter 125, titled Mobile Food Facilities, to read in its entirety as follows:

§ 125-1 **Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

MOBILE FOOD FACILITY ("MFF")

A movable retail food facility, such as a stand, vehicle or food truck, cart, basket, box or similar structure, from which food and/or non-alcoholic beverages are stored, prepared, processed, distributed and/or sold and shall not include stands selling fundraising items that benefit non-profit youth organizations like Girl Scouts, Scouts BSA, or school organizations.

MFF OPERATOR

A person operating a mobile food facility within Oakmont Borough.

§ 125-2 **Permit required.**

No person shall serve any food nor locate a Mobile Food Facility ("MFF") within the Borough without first obtaining an operations permit from the Oakmont Borough office and paying the applicable permit fee.

§ 125-3 **Permit application; fee procedure.**

A. Application for a permit hereunder shall be made with the Oakmont Borough Manager. Such application shall include:

(1) The name, address, telephone number and email address of the MFF Operator;
(2) The license plate number of the MFF;
(3) A copy of the vehicle registration for the MFF;
(4) A copy of the MFF Operator's driver's license;
(5) Certification by the MFF Operator that the MFF has passed all necessary inspections required by the Commonwealth of Pennsylvania;
(6) A copy of all permits issued by the Commonwealth of Pennsylvania Department of Agriculture;
(7) A certificate of insurance providing general liability insurance of not less than $1,000,000 per occurrence; and
(8) The proposed location(s) of the MFF.

B. If the MFF is or will be located on a roadway or within a cartway, the placement of the MFF must be approved by the Chief of Police or his or her designee.

C. A nonrefundable permit fee shall accompany each application. The permit fee shall be established by resolution of Borough Council.

D. Such permit shall be valid for one (1) year from the date of issuance, subject to the MFF's continued compliance with the regulations and requirements set forth in this chapter.

§ 125-4 **Time of service.**

A MFF may operate in the C, I and LI Zoning Districts between the hours of 6:00 a.m. to 10:00 p.m. and in the R-1, R-2, R-3, MXD and MXD-2 Zoning Districts between the hours of 10:00 a.m. to 10:00 p.m. The duration of the operation shall not exceed twelve hours.

§ 125-5 **Regulations.**

A. No MFF shall operate in the Borough unless the MFF Operator is fully compliant with this Chapter and all applicable statutes and regulations.

B. No MFF shall be parked overnight on any Borough or state right-of-way.

C. No MFF may park and/or operate on private property without the consent and approval of the owner of such property.

D. A MFF shall not be located in a location that creates an unsafe situation for either vehicular or pedestrian traffic.

E. Except on private property, 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.

F. No MFF located on Borough grounds or any public street within the Borough 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.

G. A food vendor and/or MFF is encouraged to seek electrical connection to a brick-and-mortar establishment or residence to avoid use of a generator. The MFF must provide a safe electrical connection that does not harm or endanger the public or provide or restrict any public access to streets, sidewalks and/or rights-of-way.

H. A MFF shall not block or obstruct any driveway, right-of-way, fire lane, or access to any property.

I. Tables may be temporarily set up near the MFF with the property owners' permission, but not on sidewalks or any right-of-way.

J. No audio amplification, including but not limited to megaphones or speaker systems, shall be permitted as part of the MFF vending operation.

K. The MFF Operator and/or his or her designee must be present at all times that the MFF is stationary and operational.

L. A MFF may not be located within 50 feet of the entrance of any brick-and-mortar eating establishment that is not affiliated with the MFF.

M. No alcoholic beverages shall be dispensed from an MFF located on public property, except in the case of any Borough or Borough-affiliated event, including Taste of Two Towns.

N. The MFF Operator shall provide trash receptacles near the stationary MFF, and all trash and refuse shall be removed by the MFF Operator as needed and at the conclusion of operation on a daily basis.

§ 125-6 **Enforcement.**

It shall be the duty of the Borough Manager and/or Chief of Police to enforce the provisions of this chapter.

§ 125-7 **Violations and penalties.**

Any person violating any provisions of this chapter shall, upon conviction thereof, be subject to a fine of not exceeding $1,000, plus costs of prosecution, or to imprisonment for a term not exceeding 90 days, or both, in the discretion of the court, and every day that such violation exists shall constitute a separate offense.

Section II. Any ordinance or part of any ordinance conflicting with this Ordinance is repealed to the extent of such conflict.

Section III. It is intended that the provisions in this Ordinance are severable and if any provisions are held or declared illegal, invalid or unconstitutional by a court of competent jurisdiction, the decision shall not affect or impair any of the remaining sections.

Section IV. This Ordinance shall be effective immediately upon adoption and shall be further in effect prior to adoption as a pending ordinance as of the date of publication of notice to the public that the Borough Council has resolved to consider such an Ordinance.

This Ordinance adopted at a duly assembled public meeting held this 17th day of June, 2025.

ATTEST:

BOROUGH OF OAKMONT

Borough Secretary

By: President, Borough Council

Approved by Office of the Mayor:

Mayor, Borough of Oakmont

Recording Certification: This Ordinance recorded in the Borough Ordinance book on _____, 2025 by the undersigned.

Borough Secretary