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CONFIDENTIAL LEGAL MEMORANDUM

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TO: KITTANNING BOROUGH COUNCIL

FROM: JORDAN SHUBER, ESQUIRE, SOLICITOR

SUBJECT: PROPOSED FOOD TRUCK ORDINACE

DATE: ~~APRIL 20~~~~SEPTEMBER 16, 2026~~OCTOBER 5, 2026

Per your request, I have prepared the following revised proposed ordinance concerning food truck use in the Borough:

BOROUGH OF KITTANNING, PENNSYLVANIA

ORDINANCE NO. [___]

AN ORDINANCE OF THE BOROUGH OF KITTANNING, ARMSTRONG COUNTY, COMMONWEALTH OF PENNSYLVANIA, ESTABLISHING REGULATIONS FOR MOBILE FOOD FACILITIES (FOOD TRUCKS); PROVIDING FOR LICENSING, OPERATIONAL REQUIREMENTS, AND RESTRICTIONS ON THE USE OF

BOROUGH-OWNED PROPERTY; AND PRESCRIBING PENALTIES FOR VIOLATIONS.

SECTION 1: PURPOSE AND INTENT

The purpose of this Ordinance is to protect the health, safety, and welfare of the residents of Kittanning Borough by regulating the operation of Mobile Food Facilities. This Ordinance seeks to balance the interests of mobile vendors with those of established "brick-and-mortar" businesses and to ensure that the use of public property for private enterprise is conducted in an orderly, safe, and controlled manner.

SECTION 2: DEFINITIONS

A. **Mobile Food Facility (Food Truck):** A self-contained, motorized vehicle or towable trailer that is used for the preparation, sale, and/or distribution of food or beverages to the general public. Mobile Food Facility shall expressly excluded mobile ice cream trucks. The operation of a Mobile Food Facility, in and of itself, shall not constitute a "Special Event" under the Borough's Special Event Ordinance (Chapter _____ of the Borough Code of Ordinances). However, any Mobile Food Facility operating as part of a larger gathering or event that independently meets the threshold of a Special Event under Section 2(A) of the Special Event Ordinance shall comply with all applicable requirements of that Ordinance.

B. **Borough Property:** Any street, alley, sidewalk, park, or parking lot owned or maintained by Kittanning Borough.

~~C. **Open Area Consumption:** The consumption of food or beverages in an outdoor area not specifically licensed or permitted for such activity.~~

SECTION 3: PERMIT REQUIRED

A. No Mobile Food Facility shall operate within Borough limits without a permit issued by the Borough.

B. An applicant shall submit an application to the Borough Zoning Officer on a form provided by the Borough, making sure to provide all information requested. ~~The~~ A Mobile Food Facility permit fee of Twenty-Five Dollars ($25.00)~~, as set by the Borough Council,~~ shall be paid with the submission of the application.

C. The Borough Code Enforcement Officer shall issue a Mobile Food Facility permit to the applicant upon receipt of a complete application and the applicant's Mobile Food

Facility passing an initial inspection. Permits shall be valid for one year from the date of issuance.

D. Mobile Food Facility permits shall be renewed annually by the applicant, prior to the expiration date. An inspection is required for each annual renewal.

E. ~~All~~ Any fees associated with the permit and inspection of ~~any~~ Mobile Food ~~Facility~~ Facilities, not explicitly set forth herein, ~~will~~ shall be established yearly by Resolution of the Borough Council.

F. Transfers "for value" are prohibited. No person or entity holding a permit for a Mobile Food Facility shall sell, lend, lease, or in any manner transfer said mobile food truck permit for value.

G. Transfers "not for value," included as part of the sale of a business are permitted as part of the sale of a majority of the stock in a corporation holding such permits, or as part of the sale of the majority of the membership interest of the limited-liability company holding such permit, or as part of the sale of a business or substantially all of its assets, provided that there shall be no allocated or actual value for the transfer of the permit.

SECTION 4: INSPECTIONS

A. Initial Inspections at the time of permit application shall be conducted by _____ and shall follow a checklist for health and safety standards as approved by the Borough Council. The applicant is responsible for contacting the _____ to arrange for an inspection, location, and time. If an application fails an initial inspection or subsequent spot inspection, a re-inspection fee, as established by the Borough Council may be charged.

B. All Mobile Food Facilities are subject to subsequent inspections by the Borough Code Enforcement Officer, Health Officer, or Police Department at any time during hours of operation to ensure compliance with this Ordinance and all applicable health and safety codes.

C. The Borough Mobile Food Vendor License and the PA Department of Agriculture license must be conspicuously displayed on the facility at all times.

SECTION 5: USE OF BOROUGH PARKING LOTS AND PUBLIC SPACES

A. **Approval Required:** Private businesses or organizations wishing to host Food Trucks in Borough-owned parking lots must obtain written authorization from the Borough Council or its designee.

B. **Site Restoration:** The permittee is responsible for the removal of all trash and the cleaning of any grease or spills from the Borough lot within two hours of the conclusion of the event.

SECTION 6: OPERATIONAL REGULATIONS

A. **Hours:** Operation is permitted between 7:00 AM and ~~10~~11:00 PM, unless otherwise approved for a special event.

Commented [ED1]: Current noise ordinance restricts yelling, etc. especially between the hours of 11:00pm and 7:00am

B. **Noise:** Mobile Food Facility operators shall remain subject to the restrictions set forth in the Borough's Noise Ordinance (Chapter 373 of the Borough Code of Ordinances) ~~No amplified music or loud generators that create a nuisance to neighboring residents shall be permitted~~.

C. **Traffic Safety:** Mobile Food Facilities shall not block fire hydrants, handicapped ramps, or sightlines at intersections. Mobile Food Facilities shall not impede access of emergency vehicles and are not permitted in fire lanes.

D. **Food Safety Certification**: At all times, at least one person working at the Mobile Food Facilities must hold a current food safety certification.

~~E. **Proximity to Licensed Establishments:** Food Trucks operating on Borough Property or public right-of-ways shall not be located within 100 feet of the entrance of an existing establishment holding a valid PLCB liquor license.~~

SECTION 7: VIOLATIONS AND PENALTIES

A. **Fines:** Any person or entity violating any provision of this Ordinance shall, upon conviction, be sentenced to pay a fine of not less than $300 and not more than $1,000 per violation, plus costs of prosecution.

B. **Permit Revocation:** The Borough may revoke the permit of any vendor who violates any provision of this ordinance.

C. **Separate Offense:** Each day of a continuing violation shall constitute a separate offense.

SECTION 8: SEVERABILITY AND REPEALER

If any section of this Ordinance is found to be unconstitutional or illegal, the remaining sections shall remain in full force. All prior inconsistent ordinances are hereby repealed.

ORDAINED AND ENACTED this ____ day of _____, **2026.**

ATTEST:

_____
Borough Secretary

BOROUGH OF KITTANNING

_____
President