

Council of the City of York, PA  
Session 2013  
Bill No.  
Ordinance No.

INTRODUCED BY: **Henry Hay Nixon**

DATE: **October 1, 2013**

**An Ordinance**

Amending Article 333 "Peddlers and Solicitors," Subsection 333.15 "Continental Square Sidewalk Food Vendor License" of the York City Codified Ordinances to increase the number of mobile food vendors licenses authorized to operate in Continental Square from one to twelve licenses.

BE IT ORDAINED, by the Council of the City of York, Pennsylvania, that Article 333, Section 333.15 "Continental Square Sidewalk Food Vendor License" be amended as follows:

333.15 CONTINENTAL SQUARE SIDEWALK FOOD VENDOR LICENSE.

- (a) There shall be made available ~~twelve one~~ **mobile food vendor** licenses total for Continental Square, the area generally defined as the intersection of George Street and Market Street, except as outlined in Section 333.16 for the operation of a mobile food dispenser.
- (b) The license shall be issued for a duration of one year **and shall be renewable in one year increments thereafter. The licenses are not transferable. In the event that the holder of a license is unable to use the license for any reason, the license must be returned to the City with no refund of any licensing fees paid.**
- (c) The fee for a Central Business sidewalk food vendor license **or renewal** shall be established by resolution of Council. One individual or corporate entity shall hold no more than ~~two one~~ licenses concurrently.
- (d) The Department of Community and Economic Development, Bureau of Health, shall be responsible for issuing the licenses. The department shall develop procedures for control and monitoring of each license. A procedure shall be developed to provide City residents and businesses for first opportunity to purchase such licenses before they are made available to the general public. The department shall file a copy of the procedures with the City Clerk. Applicants shall be in good standing with the City of York and the Commonwealth of Pennsylvania. Vendor must submit proof of payment of City of York mercantile tax and Pennsylvania sales tax, this information must be made available upon request by City of York.
- (e) Mobile food vendors are permitted to operate a mobile, hand-operated food dispenser which can be hand-propelled by the operator, is built specifically for the purpose of dispensing the product sold by the vendor, and is properly licensed and meets the minimum standards set forth by the National Sanitation Foundation. Motor-vehicle type mobile food dispensers may not operate in the Central Business District.
- (f) Proximity to food establishments. Mobile food dispensers shall not be operated within one-hundred feet of the primary public entrance to an establishment licensed by the City as a food outlet of any type whatsoever, with the exception of when such affected establishment provides to the Department of Community & Economic Development, Bureau of Health a written and notarized letter expressing waiver from this article prior to the issuance of licenses under this article.
- (1) During the license period, the mobile food vendor may stay at an assigned site regardless of the subsequent opening of an eating establishment within a one hundred foot (100 ft.) perimeter.

(g) Mobile dispensers shall be permitted to sell, consistent with other subsections of this ordinance, candies, such as ice cream, chocolates, mints and gum, food, such as, hot dogs, bratwurst, sausage, sandwiches, peanuts, potato chips, fruit, salads, and beverages such as soda, lemonade, juices, bottled water, coffee, hot chocolate and periodicals such as newspapers and magazines, but shall be strictly prohibited from selling apparel, jewelry, movies, compact discs, video cassettes or video discs, cigarettes, cigars, pipes, pornography, prophylactics, and related items

(h) Mobile food dispensers shall be attended by at least one operator at all times.

(i) Mobile food dispensers shall be removed from public property between 7:00 p.m. and 7:00 a.m. between the months of October through March and 9:00 p.m. and 7:00 a.m. between the months of April through September, except as outlined in Section 333.16.

(j) Mobile food dispensers shall not obstruct the passage of pedestrian travel, and a clear sight triangle as referenced in Section 1307.01 of the Zoning Ordinance must be maintained.

(k) Mobile dispensers shall be required to clean all litter within twenty-five feet in all directions of the location of the stand at the end of each business day. Dispensers shall properly remove all trash and litter from the site and at no time shall place said trash in any curbside receptacle.

(l) Under this article, licenses shall be issued based on the same standards that the City Health Inspector would use to license Temporary Food Facilities, under the Pennsylvania Food Code, and licenses shall only be issued upon the City Health Inspector's passing grade of the commissary or storage facility of the vendor dispenser.

(m) Retention of the Central Business District mobile food dispenser license shall be contingent upon compliance with all requirements herein. A license holder who fails to comply with all conditions shall have their license revoked. The license fee shall be nonrefundable if revoked. (Ord. 19-2011. Passed 6-7-11.)

This ordinance shall become effective in accordance with the law.

PASSED FINALLY:

BY THE FOLLOWING VOTE:

YEAS: \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

NAYS: \_\_\_\_\_.

\_\_\_\_\_  
Carol Hill-Evans, President of Council

ATTEST:

\_\_\_\_\_  
Dianna L. Thompson-Mitchell, City Clerk

Presented to the Mayor for approval this \_\_\_\_\_ day of \_\_\_\_\_.

Approved: \_\_\_\_\_  
Mayor Date

Vetoed: \_\_\_\_\_  
Mayor Date