

**BOROUGH OF MEDIA
DELAWARE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 1174 of 2025

AN ORDINANCE OF THE BOROUGH OF MEDIA, COUNTY OF DELAWARE, COMMONWEALTH OF PENNSYLVANIA, AMENDING CHAPTER 173 (“FOOD ESTABLISHMENTS”) TO PROVIDE A DEFINITIONS OF “COURTHOUSE MOBILE FOOD VENDOR DISTRICT” AND MOBILE FOOD VENDOR AND TO PROMULGATE REGULATIONS REGARDING PERMITTING AND OPERATION OF MOBILE FOOD VENDORS ON PUBLIC STREETS AND SIDEWALKS IN THE BOROUGH

WHEREAS, the Borough Council of the Borough of Media is duly empowered by the Borough Code, 8 Pa. C.S.A. § 101 *et seq.*, to enact certain regulations relating to the public health, safety, and welfare of the residents of and visitors to the Borough;

WHEREAS, Mobile Food Vendors provide a distinct service and business model to the residents and visitors to the Borough of Media which requires specific regulation and oversight to ensure safe and orderly operation;

WHEREAS, the Borough Code authorizes Borough Council to make, amend, and adopt amendments to the Borough Code of Ordinances, as amended, that are consistent with the Constitution and laws of the Commonwealth and that it deems necessary for the proper management and control of the Borough and the best interests of its residents and visitors; and

WHEREAS, the Borough Council of the Borough of Media has determined that certain amendments to the Borough of Media Code of Ordinances, as amended, are required for the orderly administration of the laws of Media Borough.

BE IT ORDAINED AND ENACTED, by the Borough Council of the Borough of Media as follows:

Section 1: Amendment to Part II (“General Legislation”), Chapter 173 (“Food Establishments”), Article I (“General Provisions”), Section 173-1 (“Definitions”) of the Borough of Media Ordinances. Section 173-1 (“Definitions”) of the Codified Ordinances of the Borough of Media is hereby amended to include new definitions for “Courthouse Mobile Vendor District” and “Mobile Food Vendor” which shall be placed in alphabetical order in Section 173-1 and shall read as follows:

COURTHOUSE MOBILE FOOD VENDOR DISTRICT

The area of Borough right of way located on the north side Front Street between Orange Street and Olive Street.

MOBILE FOOD VENDOR

A self-contained food service operation, either located in a readily movable non-motorized vehicle with wheels capable of being towed away by a motorized vehicle, or a motorized vehicle designed for the preparation, display, and service of food and beverages to patrons.

Section 2: Amendment to Part I (“General Legislation”), Chapter 173 (“Food Establishments”), Article VII (“Mobile Food Vending Services”). Chapter 173 (“Food Establishments”) Article VII (“Mobile Food Vending Services”) shall be retitled (“Mobile Food Vendors”) and hereby amended and restated in its entirety as follows (added language underlined; removed language ~~stricken~~):

§ 173-21. Regulation of Mobile Food Vendors on Public Streets and Sidewalks. Mobile Food Vendors shall not be permitted to be operated on public streets or sidewalks unless such use and operation fall within one of the following exceptions:

§ 173-22. Permitted Use and Operation of Mobile Food Vendors.

(a) Operation of Mobile Food Vendors under Mass Gathering Permit. Any person obtaining a mass gathering permit for use of the public streets or sidewalks pursuant to Chapter 155 _ of the Code of the Borough of Media is permitted to allow the operation of mobile food vendors within the area covered by such mass gathering permit for the duration of the mass gathering permit. Any such mobile food vendors shall comply with the requirements of § 173-23 through § 173-25 of this Article.

(b) Operations within the Courthouse Mobile Food Vendor District. Mobile Food Vendors shall be permitted to operate in the Courthouse Mobile Food Vendor District in accordance with the following requirements:

- (i) Limit of Location and type of Vendors. Only one Mobile Food Vendor shall operate within the District at any one time, and such operation shall occur only in the one (1) space designated by the Code Enforcement Officer (“Designated Space”). Only Mobile Food Vendors operating out a non-motorized vehicle may operate in the Designated Space.
- (ii) Limitation on number of permits; Rotating days and hours of operation.

It shall be unlawful for any person to engage in the business of a Mobile Food Vendor without a valid permit issued by the Borough.

The Borough shall issue up to two (2) permits annually (hereby designated as “Permit A” and “Permit B”) for a Mobile Food Vendor to operate in the Designated Space on a rotating basis. The choice between Permit A and Permit B shall be issued on a first-come, first served basis in accordance with the permitting requirements and application process set forth § 173-24 hereof.

The holder of Permit A shall be permitted to occupy and operate in the Designated Space on Mondays and Wednesdays from 8:30 a.m. to 5:00 p.m. prevailing time. The holder of Permit B shall be permitted to occupy and operate in the Designated Space on Tuesdays and Thursdays from 8:30 a.m. to 5:00 p.m. prevailing time.

No more than one (1) permit may be issued to a single person or business entity or both. The number of allowable permits, spaces, and hours of operation may be changed from time to time by resolution of Borough Council.

(iii) Application for permit; renewal process.

A. Application. Each application shall indicate on its face, in addition to other reasonable requirements as may be determined by the Borough Code Enforcement Officer, that the following materials must be submitted by the applicant:

- (1) The name of the business and its owner or owners and the mailing address of the business.
- (2) Proof of all necessary licenses and certifications required by the Commonwealth of Pennsylvania and the Delaware County Health Department Rules and Regulations.
- (3) A brief description of what is to be sold.
- (4) A list of the names of employees authorized by the permit holder to operate under any permit issued pursuant to this Article along with their contact information.
- (5) Certification that the Mobile Food Vendor’s equipment (including but not limited to non-motorized vehicle and propane tanks) has passed all necessary inspections required by the Delaware County Department of Health and the Commonwealth of Pennsylvania.
- (6) Interior design of food preparation area, showing all features, locations of hand-washing sinks for employees, location of propane tanks or generators, etc.
- (7) A certificate of insurance providing general liability insurance of not less than \$350,000 per occurrence, listing the Borough as additionally insured. A Mobile Food Vendor permit shall be valid only for the explicit time period covered by

the effective dates of such insurance policy. The owner shall indemnify the Borough of Media against any and all such claims, losses, injuries, or damages to person or property, including attorneys' fees and court costs, whether incurred as a result of the negligence of Borough, the owner or their employees, or their agents.

B. Permit fee.

The annual permit fee for a Mobile Food Vendor shall be \$300, which fee may be changed from time to time by resolution of Borough Council. Failure to pay such fee within thirty (30) days after issuance of the permit may result in revocation of the permit.

C. Initial permit approval process; priority for Legacy Vendors.

Subject to the provisions regarding Legacy Vendors below, an application for a Mobile Food Vendor permit must be submitted to the Code Enforcement Officer for review. The Code Enforcement Officer shall review and approve applications on a rolling basis in order of receipt. If the application is denied, the Code Enforcement Officer shall state in writing the specific reasons for the denial.

A Mobile Food Vendor operating in the Borough immediately prior to the enactment of the ordinance amending this Article (referred to herein as a "Legacy Vendor") that submits an application for permit within fourteen (14) days of the effective date of such amendment shall have their applications reviewed by the Borough Code Enforcement Officer on a priority basis over any other applicants. If, after initial review, the Code Enforcement Officer determines that the application does not satisfy the application criteria set forth in subsection (A) hereof, the Legacy Vendor shall have an additional fourteen (14) days to cure any deficiencies before denial of the permit and loss of priority status. The first such Legacy Vendor to apply and successfully satisfy the criteria set forth in subsection (A) hereof within such timeframe shall be issued their choice of "Permit A" or "Permit B" as set forth in § 173-22 hereof. The second such Legacy Vendor, if any, to apply and successfully satisfy the criteria set forth in subsection (A) hereof within such timeframe shall be issued the remaining permit.

D. Annual Renewal; priority to current permit holders. The Mobile Food Vendor permit is valid for a period of one (1) year from the date of its issuance. At least thirty (30) days prior to its expiration, the permit holder shall apply for the renewal of the permit. If the current permit holder fails to reapply or otherwise satisfy the criteria set forth in Subsection (A) hereof within fourteen (14) days after notification of any such deficiency, the permit shall expire and shall become available to other applicants.

E. Mobile Food Vendor permit holders must, during the permit year, notify the Code Enforcement Officer in writing of any change in the information required in Subsection (A), within thirty (30) days of such change.

(iv) Transfer of permit prohibited.

No person holding a Mobile Food Vendor permit shall sell, lend, lease or in any manner transfer a Mobile Food Vendor permit for value. Notwithstanding the foregoing, a permit holder may transfer a permit as part of the sale of its business upon prior written approval of the Code Enforcement Officer. Any such transfer shall be subject to the terms and conditions of the original permit. Any unauthorized transfer shall automatically void such permit.

§ 173-23. State and County Licenses Required

In addition to a Borough-issued permit for Mobile Food Vendors operating within the Courthouse Mobile Food Vendor District, all Mobile Food Vendors shall possess all licenses and certifications required by the Commonwealth of Pennsylvania and the Delaware County Health Department Rules and Regulations.

§ 173-24. Operation; use of propane and natural gas.

A. Mobile Food Vendors shall post their permits, or a copy of such permit, in a conspicuous place to which the public has access by sight.

B. Unattended vehicles prohibited. No vehicles used in connection with operations shall be parked on the right-of-way overnight or left unattended and unsecured at any time food is kept in the vehicle. Any vehicle which is found to be unattended shall be considered a public safety hazard and shall be ticketed in accordance with existing Borough ordinances and may be impounded.

C. Trash removal; sanitation. Mobile Food Vendors are responsible for maintaining the sidewalk within fifteen (15) feet of their vehicles clean of all trash generated by their operations, and for washing the sidewalk in the area occupied by their vehicles in the manner and at the frequencies specified by the Code Enforcement Officer by regulation. Mobile Food Vendors shall be held responsible for any staining, residue, or damage caused by their operations, including but not limited to grease, oil, or food spills, and must take appropriate steps to clean and remediate such conditions to the satisfaction of the Borough. Mobile Food Vendors must take with them at the end of each day all trash, litter, garbage and refuse generated by their operations. All Mobile Food Vendors shall offer a waste container for public use. No Mobile Food Vendor may place or deposit any trash, litter, garbage or refuse generated by

their operations on the sidewalk, in any public receptacle, or on any private property without the express permission of the property owner.

D. No Mobile Food Vendor shall provide or allow any dining area, including but not limited to tables, chairs, booths, bar stools, benches, and standup counters.

E. No Mobile Food Vendor shall conduct business in such a way as would restrict or interfere with the ingress or egress of pedestrians, or in such a way as would create or become a nuisance or hazard to public health, safety or welfare, or increase traffic congestion or delay, or constitute an obstruction to adequate access, to fire, police, sanitation or emergency vehicles.

F. Special Requirements for Mobile Food Vendors using propane or compressed natural gas. In addition to all other requirements of this Article and any other applicable laws and regulations, a Mobile Food Vendor operating a vehicle using propane or compressed natural gas shall comply with the following requirements:

(1) Models. Only U.S. Department of Transportation-approved models of propane and natural gas tanks shall be used on vehicles used by a Mobile Food Vendor. Tanks shall be labeled properly with prominent safety placards, in accordance with U.S. Department of Transportation regulations. Tanks shall be equipped with a regulator as prescribed by the National Fire Protection Association Code ("NFPA"). No quick-connect devices (as defined in NFPA 58) shall be permitted except on chassis-mounted tanks, and then only if they are equipped with a manual shut-off.

(2) Mounting and Placement of Tanks. The mounting and placement of propane and natural gas tanks shall withstand impact equal to four times the weight of the filled propane or natural gas container, in accordance with NFPA 58. Tanks shall be secure and conform with the NFPA standards relating to the safe mounting of tanks. Propane and natural gas tanks shall be installed upon the vehicles in one of the following ways:

(a) Outside mounted in a semi-enclosed cabinet, with vents at the bottom to facilitate the diffusion of vapors, vapor-tight to the interior of the vehicle, with a weather-protected regulator and a leak indicator in accordance with NFPA standards;

(b) Outside mounted, secured on top and bottom and stabilized (for example, with a strap), vapor-tight to the interior of the vehicle, mounted no less than 28 inches above the ground with a weather-protected regulator; or

(c) Chassis-mounted, in accordance with NFPA 58.

No propane or natural gas tanks shall be installed on the roof or stored inside the vehicle.

- (3) Propane and natural gas tanks shall be equipped with an overfill protective device and turned off while the vehicle is in motion, any time the vehicle is unattended, and when the vehicle is stored overnight.
- (4) All propane and natural gas piping shall be constructed and installed in accordance with NFPA standards and shall be made of steel, copper, or brass. Plastic piping is prohibited.
- (5) A vehicle shall carry no more than a total of 120 pounds of propane or natural gas.
- (6) A person who has successfully completed a propane and natural gas handling and safety course, approved by the Department of Labor and Industry to be in compliance with propane industry standards, shall be present at all times during which the vehicle is being operated. Such person shall have a certificate of successful completion of the course readily available, upon the request of the Code Enforcement Officer or any Borough agent.
- (7) Vehicles shall have their propane or natural gas systems inspected by a propane professional every ninety (90) days. After the inspection, the professional shall produce a maintenance report with the results of the inspection. This report shall be kept in the vehicle, at all times for a minimum of one (1) year, and shall be readily available, upon the request of any Borough agency or department. If the report identifies an unsafe condition in the operation of the propane or natural gas tanks, the operator of the vehicle shall take all action necessary and appropriate to remedy the unsafe condition and to obtain a maintenance report indicating the tanks are in safe working order prior to the resumption of business operations. No mobile food vehicle shall operate its propane or natural gas system more than ninety (90) days after the date of its last maintenance report.
- (8) If a leak, fire or other safety incident occurs, the vehicle operator shall seek immediate maintenance, and the vehicle shall not be returned to service until it has been inspected and certified as safe, by a licensed propane company operator. The incident, inspection and safe certification shall be made a part of the maintenance report, and this report shall be submitted to the Borough Fire Department, or such other department as the Code Enforcement Officer may designate, within five (5) business days of receipt.
- (9) Propane and natural gas tank refilling or exchange shall be performed by a licensed propane and natural gas company operator or by a permit holder who has completed a training course pertaining to refilling and exchange, that has been approved by the Department of Labor and Industry. All refills and exchanges shall take place at facilities approved by the Department of Labor and Industry. Refills and exchanges shall not take place on Borough streets or rights-of-way.

(10) All maintenance records and refills and exchanges of tanks for mobile food vehicles shall be kept by the mobile food service owner.

(11) Permit holders shall be responsible for testing their propane and natural gas systems for leaks with a Underwriters Laboratories (“UL”)-Classified and Mine Safety and Health Administration-certified combustible gas detector at each instance or refill or exchange. Such testing shall be completed and recorded before the vehicle leaves the refill and exchange facility.

(12) The Fire Department, or such other department as the Code Enforcement Officer may designate, is authorized to inspect propane systems at any time for compliance with the provisions of this Subsection and any other applicable provisions of law.

§ 173-25. Inspection; enforcement; regulations; violations and penalties.

A. Inspections. The Code Enforcement Officer may inspect or cause to be inspected any vehicle or operations by a Mobile Food Vendor at any time.

B. Fine for violation. Any Mobile Food Vendor permit holder in violation of any provision of this Article or any rules and regulations promulgated hereunder shall be subject to a fine not to exceed \$1,000 for each day that the violation continues. Each day a violation continues to exist shall constitute a separate and distinct violation of this Article.

C. Revocation, suspension, modification. Once a permit has been issued, it may be revoked, suspended, or not renewed by the Code Enforcement Officer for failure to comply with the provisions of this Article or any rules and regulations promulgated by the Code Enforcement Officer. In addition to the foregoing, a permit issued under this Article may be suspended, revoked, or not renewed for any of the following reasons:

(1) fraud, misrepresentation, or knowingly false statement contained in the permit application;

(2) fraud, misrepresentation, or knowingly false statement in the course of carrying on the business as a Mobile Food Vendor;

(3) conducting the business as a Mobile Food Vendor in such a manner as to create a public nuisance, cause a breach of the peace, or constitute a danger of the public health, safety, welfare, or morals or interfering with the rights of abutting property owners.

D. Appeals. Decisions by the Code Enforcement to revoke, suspend, or not renew a permit may be appealed to the Borough Council. The decision resulting therefrom

shall be final and subject only to judicial review. The Code Enforcement Officer may suspend a permit for no more than three days without a notice or hearing, pursuant to Subsection (C) hereof. If the suspension is expected to exceed three days, a hearing shall be held before the Code Enforcement Officer within 72 hours of the suspension or revocation in order to determine whether concern for the public safety or health justifies the suspension.

E. In addition to prosecution of persons in violation of this article, the Code Enforcement Officer, Borough police officers, or any duly authorized agent of the Borough may seek such civil or equitable remedies, including injunctive relief and other measures to enforce the provisions of this article in any court of record in the Commonwealth of Pennsylvania, against any person or property, real or personal, to effect the provisions of this Article.

F. Removal. Any Mobile Food Vendor found in violation of this Article or any rules and regulations promulgated by the Code Enforcement Officer shall be issued a citation for violation in accordance with existing Borough ordinances, and the vehicle may be impounded in accordance with the Borough Code.

G. Enforcement. The provisions of this Article or any rules and regulations promulgated hereunder shall be independent, nonmutually exclusive, separate remedies, all of which are available to the Borough as may be deemed appropriate and all of which may be enforced by the Code Enforcement Officer, any member of the Borough Police Department or any other designated officials of the Borough.

H. Code Enforcement Officer may promulgate reasonable regulations. The Borough Code Officer may promulgate any additional rules and regulations appropriate for the implementation of this Article; provided, however, that such rules and regulations are not inconsistent with those set forth in this Article.

Section 3: Severability: The provisions of this Ordinance are severable, and if any sections, sentences, clauses, parts or provisions thereof shall be held illegal, invalid or unconstitutional by any Court of competent jurisdiction, such decision of the Court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Borough Council that this Ordinance would have been adopted as if such illegal, invalid or unconstitutional, sections, sentences, clauses, parts or provisions had not been included therein.

Section 4: Effect: This Ordinance shall take effect and be in force from and after August 1, 2025.

ENACTED AND ORDAINED, by the Borough of Media, Delaware County, Pennsylvania, this 18th day of June, 2025.

BOROUGH OF MEDIA

Attest:

PRESIDENT OF COUNCIL
MARK PAIKOFF

SECRETARY
BRITTANY N. FORMAN

Approved this 18th day of June, 2025

MAYOR
ROBERT A. McMAHON