

TOWNSHIP OF NEW SEWICKLEY

ORDINANCE NO. 227

AN ORDINANCE OF THE TOWNSHIP OF NEW SEWICKLEY, BEAVER COUNTY, PENNSYLVANIA, AMENDING ITS ZONING ORDINANCE, TO INCLUDE REGULATION SPECIFIC TO FOOD TRUCKS, AGRITOURISM, WEDDING VENUES, MULTI-FAMILY DWELLINGS AND BUSINESS LICENSE REGISTRATION

WHEREAS, as authorized by the Pennsylvania Municipalities Planning Code (MPC), the Board of Supervisors of the Township of New Sewickley regulates land use and zoning within the Township through its comprehensive Zoning Ordinance;

WHEREAS, upon the recommendation of Township Staff and the Township Planning Commission, the Township Board of Supervisors seeks to amend various provisions of its Zoning Ordinance, as follows: Amend the Lists of Uses in various Zoning Districts to allow “Food Trucks” and “Agritourism” as Conditional Uses and revised Districts in which Duplex, Triplex, Quadplex and Multiple Family Dwellings are Permitted; and, add specific conditional use criteria for “Food Trucks” and “Agritourism”; add definitions specific to the uses for “Food Trucks”, and “Agritourism”; amend the definition of Place of Worship and Assembly to address Wedding and Event Venues; Amend Article 5 to provide specific use criteria for Wedding and Event Venues; add minimum parking requirements specific to the uses for “Agritourism”; and lastly amend Article 11 to include regulations for “Business License Registration”.

WHEREAS, the Township has, in accordance with the requirements of the MPC, submitted the proposed amendments to its Planning Commission, which gave its recommendations regarding the proposed amendments at a duly noticed public meeting;

WHEREAS, on October 5, 2021, the Township Board of Supervisors held a duly noticed, advertised, and posted public hearing to take public comment on the proposed zoning ordinance text amendments; and

WHEREAS, the Township Board of Supervisors, having received such public comment as may have been given at the Public Hearing, and having received the recommendations of the Township’s Planning Commission, finds that enactment of the proposed zoning amendments will be beneficial to the health, safety, and welfare of the Township and consistent with the PA MPC.

NOW THEREFORE, be it Ordained and Enacted by the Township of New Sewickley Board of Supervisors, and it is hereby Ordained and Enacted by authority of same, as follows:

SECTION 1: AMENDMENTS REGARDING FOOD TRUCKS

That the Township Zoning Ordinance, Ordinance No. 208, as amended, is hereby further amended as follows:

1. Add the following definitions to Article 2, Section 201 (to be placed in alphabetical order):
 - i. **FOOD TRUCK:** A motorized or towed vehicle or temporary structure, licensed by the Commonwealth of Pennsylvania, from which edible food products are cooked, prepared, assembled or stored with the intent to sell or distribute such items to the general public in an individual portion, with or without charge.
 - ii. **ICE CREAM/BEVERAGE TRUCK:** A vehicle, licensed by the Commonwealth of Pennsylvania, from which the operator sells only pre-packaged frozen dairy or water-based food products and pre-packaged or dispensed non-alcoholic beverages.
2. Amend Article 3, Section 306, Table 306A to add the term “Food Trucks (See Section 447)” to the list of conditional uses.
3. Amend Article 3, Section 307, Table 307A to add the term “Food Trucks (See Section 447)” to the list of conditional uses.
4. Amend Article 4, to add Section 447 “Food Trucks” as follows:
 - A. Food Trucks shall be permitted in the General Commercial and Light Industrial Districts subject to the conditions of this Section.
 - B. Sales of alcoholic beverages or products shall be prohibited in all food trucks and beverage trucks unless otherwise approved by the Board of Supervisors.
 - C. Provided permission is granted by the applicable property owner, food trucks are permitted on site and in parking areas of all public buildings, public parks, and school buildings located within the Township in any Zoning District.
 - D. Provided permission is granted from the applicable property owner, food trucks are also permitted in parking lots of area places of

worship to support special events and fundraising efforts of said establishments in any Zoning District.

- E. Food trucks shall be temporary operations and may operate only on lots which have an established use. Food trucks operating at a permanent location or on a lot absent of a principal use shall be considered restaurants.
- F. Food trucks must comply with all federal, state and local licensing, which includes registering for and obtaining a local business license, up-to-date records on health inspections, as well as any and all other permitting regulations and all business tax, sales tax and other tax requirements.
- G. The provisions of this chapter apply to food trucks engaged in the business of cooking, preparing and/or distributing food or beverages with or without charge in public spaces. This section does not apply to mobile ice cream or water ice trucks such that stationary operations do not exceed 5 minutes prior to proceeding to a new location.
- H. It shall be unlawful for any person to maintain or operate a food truck in the Township of New Sewickley without first applying for and securing a permit therefor, as provided in this chapter.
- I. Any person who shall desire to operate a food truck in the Township of New Sewickley shall make an application (the applicant) in writing to the Township Zoning Officer. Such application shall be accompanied by such application fee, as required by a schedule of fees, established by and amended from time to time by resolution of the Township Board of Supervisors. Such application shall be made annually after the first of the year upon forms provided by the Township, and shall set forth and include the following information:
 - 1. The name, business name, tax identification number and address of the applicant and/or food truck owner;
 - 2. Contact information, including phone number and e-mail address;
 - 3. Food truck information, including business license number, all state and county permits, truck make and model, and

license plate number. Current photos of the front, side and interior of the food truck must be provided;

4. Valid driver's license of the operator of the food truck;
 5. Food truck vending information, including types of goods to be sold and proposed hours of food truck vending;
 6. The location, dates and times of proposed operation;
 7. Such other information as may be required from time to time by the Township;
 8. An agreement of indemnity as outlined in §447.K-M of this chapter and a certificate of liability insurance naming the Township as an additional insured, if the food truck is to be operated on public property; and
 9. All such information and actions that are required by this Section, or any other section of part of this Ordinance.
- J. No action shall be taken on any application for a permit under this section until the application has been completed in its entirety and the application fee, as required by a schedule of fees, established and amended from time to time by resolution of the Township Board of Supervisors, has been paid in full. The schedule of fees shall be kept on file at the Municipal Building of the Township of New Sewickley. There shall be no proration of fees under this subsection.
- K. The owner of the food truck shall well and truly save, indemnify, defend, and hold harmless the Township of New Sewickley, its officers, elected officials, employees and agents from and against any and all actions, suits, demands, payments, judgments, costs and charges caused by any reason due to the existence of the food truck and all damages to persons or property resulting from or in any manner caused by the presence, location, use, operation, installation, maintenance, replacement, or removal of such food truck, or by the acts or omissions of the employees or agents of the applicant and/or food truck owner in connection with such food truck.

- L. The owner of the food truck must obtain and maintain a general liability insurance policy protecting itself and the Township of New Sewickley from any and all damages. A food truck owner must indemnify the Township of New Sewickley a minimum amount of \$1,000,000 for bodily injury or death and \$500,000 for property damage resulting from any one accident. All insurance policies shall be issued by companies qualified to do business in the Commonwealth of Pennsylvania. All policies shall name the Township as an additional insured and shall provide that any cancellation or reduction in coverage shall not be effective unless 30 days prior written notice thereof has been given to the Township.
- M. Neither the provisions of this section nor any damages recovered by the Township shall be construed to limit the liability of the owner of the food truck for damages.
- N. Vending shall only be permitted from food trucks located at least 50 feet from any residential building.
- O. Vending may occur only between 9:00 a.m. and 10:00 p.m. food trucks may not arrive before 8:00 a.m. and must be removed by 11:00 p.m. each day, unless otherwise authorized by the Board of Supervisors.
- P. Food trucks may not stay parked on the street overnight and must be removed from the street every night, unless otherwise authorized by the Board of Supervisors. All required Township and County issued licenses and permits must be valid and posted in a visible location on or within the food truck at all times.
- Q. No vending is permitted within 25 feet of a fire hydrant.
- R. Food trucks must be parked as close as possible to the curb. Do not double park.
- S. No vending is permitted on private property without express permission of the property owner.
- T. A food truck cannot park within a school zone or within two blocks of a school during school hours, unless otherwise permitted by the Board of Supervisors.

- U. Food trucks shall not operate within 100 feet of a permanent restaurant or business that sells similar items without written consent of the owner said permanent use.
- V. A person in charge must be present at the food truck vending site at all times.
- W. Food trucks may only be open to and may only serve customers from the side of the truck facing the sidewalk or parking lot, food trucks are prohibited from operating such that customer access is from a roadway. Food trucks operating within a public right-of-way may not operate in an area in which vehicular parking is not otherwise permitted.
- X. No tanks, generators or other equipment shall be placed within the public right-of-way.
- Y. Temporary signs used as part of the food truck vending operation shall not exceed eight square feet and shall not block any sidewalks or impede any vehicular, biking or pedestrian traffic or paths.
- Z. Awnings and canopies associated with any food truck shall be at least seven feet above any public sidewalk.
- AA. A food truck vending operation is subject to any and all applicable Township Code requirements or other relevant Township of New Sewickley ordinances, resolutions, or requirements.
- BB. Failure to comply with any directions or provisions of the food truck permit application process and food truck operating guidelines may result in penalties as set forth herein, as well as the denial of a food truck vending application and/or revocation of a food truck operation permit.
- CC. The failure to comply with any food truck standards, as set forth herein, may result in the following (in addition to the penalties set forth in §447.Z):
 - 1. First violation: fine and/or suspension or revocation of permit.

2. Second violation: fine and suspension or revocation of permit.

DD. Any person who violates or permits the violation of any provision of this chapter shall, upon conviction thereof in a summary proceeding brought before a District Justice, be guilty of a summary offense and shall be subject to the payment of a fine, not less than \$50.00 for the first offense, not less than \$100.00 for the second and subsequent offense, and not more than \$1,000.00, plus the cost of prosecution. Upon default of payment thereof, the defendant may be sentenced to imprisonment in the county prison for a period of not more than 30 days. Each section or provision of this chapter that is violated shall constitute a separate offense, and each day or portion thereof in which a violation of this chapter is found to exist shall constitute a separate offense, each of which violations shall be punishable by a separate fine imposed by the District Justice in the amounts stated hereinabove.

SECTION 2: AMENDMENTS REGARDING AGRITOURISM

That the Township Zoning Ordinance, Ordinance No. 208, as amended, is hereby further amended as follows:

1. Add the following definitions to Article 2, Section 201 (to be placed in alphabetical order):
 1. **AGRITOURISM:** The practice of attracting travelers or visitors to an area or areas used primarily for agricultural purposes, including, but not limited to, overnight stays (lodging and camping), special events and festivals, recreation activities and events, fresh products and value-added products, tourism-enhanced direct marketing, and / or education. Agritourism may serve as a supplementary, complimentary, or primary enterprise of the lot.
2. Amend Article 3, Section 304, Table 304A to add the term “Agritourism (See Section 448)” to the list of conditional uses.
3. Amend Article 3, Section 305, Table 305A to add the term “Agritourism (See Section 448)” to the list of conditional uses.

4. Amend Article 3, Section 306, Table 306A to add the term “Agritourism (See Section 448)” to the list of conditional uses.
5. Amend Article 3, Section 307, Table 307A to add the term “Agritourism (See Section 448)” to the list of conditional uses.
6. Amend Article 4, to add Section 448 “Agritourism” as follows:
 - A. Agritourism enterprises are only permitted on farms with a minimum lot size of 10 acres, or as otherwise approved by the Board of Supervisors. Farms must be existing and in operation, or as otherwise approved by the Board of Supervisors.
 - B. Sanitary facilities shall be provided in accordance with PADEP requirements.
 - C. All prepared food available for sale must be prepared in accordance with applicable federal, state, and local regulations. Produce grown on the farm is permitted. Alcoholic beverages may be served in accordance with applicable federal, state and local regulations, including those of the Pennsylvania Liquor Control Board as a licensed limited winery or similar use.
 - D. If a permanent structure is proposed as part of the agritourism enterprise, the maximum size of that structure shall be the same size and similar character for structures used in other farm businesses.
 - E. The applicant shall submit evidence that all state and federal requirements have been met prior to the issuance of a final occupancy permit. Required permitting agencies may include, but are not limited to:
 1. Pennsylvania Department of Agriculture
 2. Pennsylvania Department of Environmental Protection
 3. Pennsylvania Liquor Control Board
 4. Bureau of Alcohol, Tobacco, and Firearms
 5. Pennsylvania Fish and Boat Commission
 6. Pennsylvania Game Commission

7. Amend Article 5, Table 515 to add "Agritourism" with required parking ratio of "1 space per employee on peak shift and 1 space per every 500 square feet of gross floor area for indoor activities and 1 space per every 2,500 square feet of outdoor related activities".

SECTION 3: AMENDMENTS REGARDING BUSINESS LICENSE REGISTRATION IN ARTICLE 11.

That the Township Zoning Ordinance, Ordinance No. 208, as amended, is hereby further amended as follows:

1. Amend the Ordinance to include Section 1103-A: Business License Registration, as follows:
 - A. The owner of every property used as the place of operation of any business, trade, occupation or profession in the Township shall register for a Business License with the Township. A one-time administrative fee as adopted by resolution of the Board of Supervisors shall be due at time of initial registration. Agricultural Operations, as defined herein, shall be exempt from requirement to register for a Business License.
 - B. Initial registration shall be filed by the property owner as follows:
 1. Within 180 days for adoption of this Ordinance, all properties used as the place of operation of any business, trade, occupation or profession at the time of adoption of this Ordinance must register for a Business License.
 2. Within 30 days of issuance of an Occupancy Permit for any new construction, change of ownership, change of tenant of any property used as the place of operation of any business, trade, occupation or profession, the property owner must register for a Business License.
2. Each application for registration and license shall be signed by the applicant, if a natural person, and in the case of an association or partnership, by a member or partner thereof, and in the case of a corporation, by an officer thereof. Each applicant shall receive a license from the collector. Such license shall not be assignable and shall be conspicuously

posted at the place of business or the places of business of every such person at all times. In the case of loss, defacement or destruction of any license, the person to whom the license was issued shall apply to the collector for a new license, for which a fee as established from time to time by resolution of Township Board of Supervisors shall be charged.

3. The license shall be renewed annually, with the submission of a new application filled by February 1 of each calendar year.

SECTION 4: AMENDMENTS REGARDING WEDDING VENUES AS PLACES OF ASSEMBLY

That the Township Zoning Ordinance, Ordinance No. 208, as amended, is hereby further amended as follows:

1. Amend the Definition of Place of Worship and Assembly in Section 201 to include the following: "A Place of Assembly includes establishments or buildings that act as a gathering place where a periodic social event, ceremony, wedding, and/or a party, special meal or reception surrounding such a social event, ceremony, or wedding, by prearranged appointment for invited groups of people, but is not a bottle club. The venue may include both the social event, ceremony or wedding and the party, special meal or reception surrounding a special event, ceremony, wedding or one or the other. A place of assembly located within a residential Zoning District, such as an existing barn on an existing agricultural property may be used as place of assembly such as a wedding or event venue and shall meet criteria in Section 520. This definition includes facilities where food cooked off-site is served on site, or may include commercial food preparation facilities, but shall not keep regular hours to accommodate the general public unless approved as a restaurant or bar."
2. Amend Article 5 to add Section 520 Wedding and Event Venue (Residential Districts) as follows:
 - A. A place of assembly located within the venue may hold an event, ceremony, wedding, and/or a party, special meal or reception surrounding an event, ceremony, wedding during the hours of 10:00 A.M. and 11:59 P.M.

- B. Operations shall not exceed 55 dba measured at all lot boundary lines. The Township reserves the right to suspend and/or rescind the zoning permit if it is determined by the Zoning Officer the noise characteristics and/or levels exceed the standard enumerated herein.
- C. As part of the approval process, the Chief of the Township Fire Department, or the designated agent thereof, shall inspect the premises to evaluate access and structural layout. No certificate of use/license shall be issued prior to an inspection by such authority. The owner shall make the premises available for reinspection by Township authorities at any reasonable time.
- D. Building may act as a gathering place for periodic social events by prearranged appointment for invited groups of people, but is not a bottle club and does not feature performances of sexually explicit entertainment. This definition includes facilities where food cooked off-site is served on site, or may include commercial food preparation facilities, but shall not keep regular hours to accommodate the general public unless approved as a restaurant or bar.
- E. Maximum occupancy shall not exceed that permitted by the UCC and/or Fire Code regulations.
- F. Service of meals shall be limited to event, ceremony, wedding and/or party guests.
- G. Off-street parking spaces, as specified in Article 5 of this Ordinance, shall be shall not be sited within any required front yard setback areas.

SECTION 5: DUPLEX, TRIPLEX, QUADRIplex AND MULTIPLE FAMILY DWELLINGS USES IN THE LIGHT INDUSTRIAL ZONING DISTRICT

1. Amend Table 307A to identify the following uses as Permitted Uses in the LI District:
 - a. Duplex Dwelling
 - b. Townhouse Development
 - c. Triplex or Quadriplex Dwellings
 - d. Multiple Family Dwellings Other than Townhouse, Triplex or Quadriplex

SECTION 6: REPEALER.

That any and all previous Ordinance(s) which are inconsistent with the terms and provisions of this Ordinance are hereby repealed.

SECTION 7: SEVERABILITY.


That if any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 8: EFFECTIVE DATE.

That this Ordinance shall take effect immediately upon enactment as provided by law.


ORDAINED AND ENACTED into law this 2nd day of November, 2021.

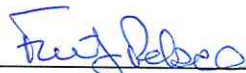
ATTEST:


Township Secretary

TOWNSHIP OF NEW SEWICKLEY

BY: 
Chairman, Board of Supervisors

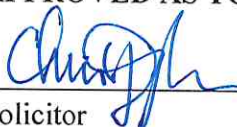
BY: 
Member, Board of Supervisors

BY: 
Member, Board of Supervisors

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Member, Board of Supervisors

BY: 
Member, Board of Supervisors

APPROVED AS TO FORM:


Solicitor