

# ABINGTON TOWNSHIP

**APRIL 10, 2025**



## **BOARD OF COMMISSIONERS WORKING SESSION**



# TOWNSHIP OF ABINGTON

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## BOARD OF COMMISSIONERS WORKING SESSION

### **A G E N D A** **April 10, 2025** **7:30 PM**

There are three ways for the public to participate in the meeting: in-person, online or by phone. Residents who wish to attend in person can do so in the Abington Township Board Room located at 1176 Old York Road, Abington, PA 19001, 2nd Floor. Alternative means of public participation are offered for those who do not wish to or are unable to attend the meetings in person. Residents who wish to participate in the meeting remotely can access the meeting online by a computer, iPad, iPhone, or Android at <https://us06web.zoom.us/j/88216803878>. This link will enable residents to hear the meeting, see presentations, and ask questions. There will be no video interaction capabilities. Residents, who are unable to join online, can listen to and participate in the meeting by calling 1-929-436-2866 and entering the meeting ID number 882-1680-3878 when prompted.

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#### **CALL TO ORDER**

#### **CONSIDER APPROVAL OF MINUTES**

- a. Motion to approve the Minutes from the Working Session of January 9, 2025.

#### **PUBLIC COMMENT ON AGENDA ITEMS**

#### **UNFINISHED BUSINESS**

#### **NEW BUSINESS**

- a. Presentation of an Ordinance amending the Code of the Township of Abington at Part II [General Legislation], Chapter 162 [Zoning] by amending and restating Article III [R1 Low-Density Residential District], and the Use Matrix Appendix to include the G-3 Art Gallery or Museum Use as a Permitted Use in the R1 Low-Density Residential District and Article XXI [Use Regulations] to establish regulations for the G-3 use where located in the R1 Low-Density Residential District.
- b. Review an Ordinance amending the Code of the Township of Abington at Part II [General Legislation] creating Chapter 89 [Food Trucks and Mobile Food Vendors] to provide regulations for the operation of Mobile Food Vendors.

#### **ADJOURNMENT**

## **BOARD POLICY ON PUBLIC PARTICIPATION**

### *For Information Purposes Only*

The Township shall conduct business in accordance with the Commonwealth of Pennsylvania Laws governing the conduct of public meetings and only establish guidelines that shall govern public participation at meetings consistent with the law.

Each commenter shall:

- Direct their comments to the Presiding Officer;
- Speak from the podium or into a microphone designated by the presiding officer;
- State their name for the record;
- Either orally or in writing provide their address for the record;
- Have a maximum of three minutes to make their comments. Each commenter when speaking to a specific agenda item, is to keep their comments relative to that identified agenda item;
- Speak one time per agenda item;
- When commenting on non-agenda items, the commenter is to keep their comments related to matters of the Township of Abington, Montgomery County, Pennsylvania.
- State a question to the Presiding Officer after all commenters have spoken, and;
- Be seated after speaking or upon the request of the presiding officer;
- Not engage in debate, dialogue or discussion;
- Not disrupt the public meeting, and;
- Exercise restraint and sound judgement in avoiding the use of profane language, and the maligning of others.

The stated Working Session of the Board of Commissioners of the Township of Abington was held on Thursday, January 9, 2025 via webinar and in-person at the Township Administration Building, Abington, PA, with President Hecker presiding.

**CALL TO ORDER:** 8:27 p.m.

**PRESENT:** Commissioners BRODSKY, ROTHMAN, DiPLACIDO, LANEY-MARTIN, BROWNE, WINEGRAD, HENRY, ZAPPONE, YOUNG-GERTZ, SPIEGELMAN, BOLE, SCHREIBER, BOWMAN, VAHEY, HECKER

Also Present: Township Manager Christman  
Assistant Legal Counsel Gallagher

**CONSIDER APPROVAL OF MINUTES:**

President Hecker made a MOTION, seconded by Vice President Vahey to approve the minutes from the Working Session of November 14, 2024.

MOTION was ADOPTED 15-0.

**UNFINISHED BUSINESS:** None.

**NEW BUSINESS:**

Presentation of the Preliminary Major Subdivision and Land Development for LD-22-01 DJS Associates located at 1603 & 1617 Old York Road:

Mr. Eric Clase, Project Engineer representing the applicant, said DJS is an existing business that performs traffic forensics, and the property is located on Butler Avenue, Old York Road, and Hamilton Avenue. They previously tore down a building on the Butler Avenue side of the property, and two lots will be combined for an addition to be constructed that will consist of office space, storage and additional parking spaces totaling approximately 41,000 sq. ft. in the MS-High Density Zoning District.

The applicant appeared before the Zoning Hearing Board and was granted variances with conditions, and the applicant will meet those conditions. Also, the applicant is requesting five waivers and will comply with all items as listed in the Township's professional consultant's review letters.

Waivers requested by the applicant –

**Property Identification Plan** - the applicant used aerial photography, so a partial waiver is requested.

**Existing Features Plan** - the applicant used aerial photography, so a partial waiver is requested.

**Off-Street Parking Spaces** – parking spaces are typically 10X20 and the existing spaces onsite are 10X18, so a partial waiver is requested to continue with the existing size of the parking spaces.

**Erosion & Sediment Control Requirements** – any slope onsite that is steeper than 15% requires a waiver. To tie the proposed building expansion along Butler Avenue to the sidewalk, the slope had to be made steeper. The sidewalk is not for pedestrians, it is to tie the existing earth into the existing grade, and it exceeds 15%, so the waiver is to allow a steeper slope.

The applicant removed a waiver request during the Planning Commission meeting regarding stormwater requirements showing existing features and the applicant will provide it, so no waiver is being requested.

**Preliminary/Final Plan Approval** – the applicant is requesting a waiver for the plan to be approved as preliminary as final.

President Hecker asked for any comments from Commissioners.

Commissioner Young-Gertz said she has concern about drainage onto Rt. 611 and permeability.

Mr. Clase replied we will be capturing all stormwater runoff onsite by taking it to a detention basin.

Commissioner Young-Gertz asked for the number of additional parking spaces.

Mr. Clase replied we are adding eight parking spaces, three internal to the building, so there will be 11 additional spaces.

Commissioner Young-Gertz questioned whether the stonewall in front of the property will remain onsite.

Mr. Clase replied yes, there will be a wall along the frontage of the property as part of the building.

Mr. Khal Hassan, Township Engineer, said this proposal was previously reviewed back in April 2022 at various levels, and in April 2024, the applicant appeared before the Zoning Hearing Board and received variances with conditions. On December 18, 2024, the applicant appeared before the Township's Planning Commission who recommended approval of the application.

The applicant provided an updated waiver request list, and initially, there was a waiver request from the ERSAM requirement relating to stormwater, but the applicant removed that waiver and will be in full compliance as they submitted a full design of the stormwater management facility.

The other waiver requests are standard. This is a small project, and we have ample existing information for the site, so aerial photography suffices. The existing parking spaces are 10X18 and the proposed spaces will be the same, which is an acceptable practice. Also, he has no issue with the waiver from Erosion & Sediment Control requirements as the stormwater design associated with the project is adequate and addresses any potential issues related to stormwater. The site is self-contained, and the design will operate as intended.

This is the second review of the project, and it is ready to move forward. The applicant will need to address any outstanding comments before recording the plan.

President Hecker clarified that Township Engineer supports the plan to be designated as preliminary/final plan. Is that correct?

Mr. Hassan replied yes, he supports the waiver as it is a small project.

President Hecker said this will move forward for final consideration at an upcoming voting meeting of the Board of Commissioners.

President Hecker asked for any public comment.

Adele Kubel, resident, commented that they do a nice job with their maintenance.

Lora Lehmann, resident, commented that she does not believe they had a right to receive the variances granted by the Zoning Hearing Board.

President Hecker replied we have no jurisdiction over the Zoning Hearing Board, and they have ruled.

Ms. Lehmann asked for a place at the ZHB where we can talk about the process before and after the meeting and that should be up to this Board to set those rules.

President Hecker replied it is not. Our job as it relates to the Zoning Hearing Board is to appoint members to serve on their Board, and they are an independent agency with their own solicitor. We do not have jurisdiction over their rules of procedures.

**ADJOURNMENT:** 8:40 p.m.

Respectfully submitted,

Liz Vile, Recording Secretary

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BOARD OF COMMISSIONERS WORKING  
SESSION

AGENDA ITEM

April 10, 2025

AGENDA ITEM NUMBER

DATE

Administration

DEPARTMENT

FISCAL IMPACT

Cost > \$10,000

Yes  No

PUBLIC BID REQUIRED

Cost > \$20,100

Yes  No

AGENDA ITEM:

Presentation of an Ordinance adding the G-3 Art Gallery or Museum Use

EXECUTIVE SUMMARY:

The Board of Commissioners has determined that the Code of the Township of Abington should be amended by adding the G-3 Art Gallery or Museum use as a permitted use in the R1 Low-Density Residential District within Abington Township for the maintenance of peace, good government, health and welfare of the Township and its residents.

PREVIOUS BOARD ACTIONS:

n/a

RECOMMENDED BOARD ACTIONS:

Presentation of an Ordinance amending the Code of the Township of Abington at Part II [General Legislation], Chapter 162 [Zoning] by amending and restating Article III [R1 Low-Density Residential District], and the Use Matrix Appendix to include the G-3 Art Gallery or Museum Use as a Permitted Use in the R1 Low-Density Residential District and Article XXI [Use Regulations] to establish regulations for the G-3 use where located in the R1 Low-Density Residential District.



**ABINGTON TOWNSHIP**  
MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. \_\_\_\_\_

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AN ORDINANCE OF THE TOWNSHIP OF ABINGTON, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE TOWNSHIP OF ABINGTON AT PART II [GENERAL LEGISLATION], CHAPTER 162 [ZONING], BY AMENDING AND RESTATING ARTICLE III [R1 LOW-DENSITY RESIDENTIAL DISTRICT] AND THE USE MATRIX APPENDIX TO INCLUDE THE G-3 ART GALLERY OR MUSEUM USE AS A PERMITTED USE IN THE R1 LOW-DENSITY RESIDENTIAL DISTRICT AND ARTICLE XXI [USE REGULATIONS] TO ESTABLISH REGULATIONS FOR THE G-3 USE WHERE LOCATED IN THE R1 LOW-DENSITY RESIDENTIAL DISTRICT

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CERTIFICATION

I, CHRISTOPHER S. CHRISTMAN , BEING DULY SWORN ACCORDING TO LAW, DEPOSE AND SAY THAT I AM THE TOWNSHIP MANAGER IN ABINGTON TOWNSHIP, MONTGOMERY COUNTY, PA AND THAT ATTACHED HERETO IS A TRUE AND COMPLETE CORRECT COPY OF ORDINANCE NO. \_\_\_\_\_.

---

Christopher S. Christman, Township Manager  
\_\_\_\_\_, 2025

ENACTED: \_\_\_\_\_

**ABINGTON TOWNSHIP**  
MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. \_\_\_\_\_

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AN ORDINANCE OF THE TOWNSHIP OF ABINGTON, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE TOWNSHIP OF ABINGTON AT PART II [GENERAL LEGISLATION], CHAPTER 162 [ZONING], BY AMENDING AND RESTATING ARTICLE III [R1 LOW-DENSITY RESIDENTIAL DISTRICT] AND THE USE MATRIX APPENDIX TO INCLUDE THE G-3 ART GALLERY OR MUSEUM USE AS A PERMITTED USE IN THE R1 LOW-DENSITY RESIDENTIAL DISTRICT AND ARTICLE XXI [USE REGULATIONS] TO ESTABLISH REGULATIONS FOR THE G-3 USE WHERE LOCATED IN THE R1 LOW-DENSITY RESIDENTIAL DISTRICT

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WHEREAS, the Board of Commissioners of Abington Township is duly empowered by the First Class Township Code, 53 P.S. § 55101, et seq., to enact certain regulations relating to the public health, safety welfare of the residents of Abington Township;

WHEREAS, the Board of Commissioners of Abington Township has adopted a comprehensive zoning ordinance, known as the Revised Abington Township Zoning Ordinance, as amended, in accordance with the provisions of Article VI of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101, et seq., which is intended to provide for the orderly development and redevelopment of Abington Township;

WHEREAS, the First Class Township Code and Pennsylvania Municipalities Planning Code, supra, authorize the Board of Commissioners to make, amend and adopt amendments to the Revised Abington Township Zoning Ordinance, as amended, that are consistent with the Constitution and laws of the Commonwealth that it deems necessary for the proper management and control of the Township and the best interests of its residents; and

WHEREAS, the Board of Commissioners of Abington Township has determined that certain amendments to the Revised Abington Township Zoning Ordinance, as amended, are required for the orderly administration of the laws of Abington Township; and

WHEREAS, the Board of Commissioners has determined that the Code of the Township of Abington should be amended by adding the G-3 Art Gallery or Museum use as a permitted use in the R1 Low-Density Residential District within Abington Township for the maintenance of peace, good government, health and welfare of the Township and its residents.

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NOW, THEREFORE, IT IS HEREBY ENACTED AND ORDAINED by the Abington Township Board of Commissioners that the Township's Code is amended as follows:

SECTION 1. Amendment to Chapter 162 [Zoning], Article III [R1 Low-Density Residential District], to provide for Use: G-3 Art Gallery or Museum as a use permitted by Conditional Use.

The Code of the Township of Abington, Part II [General Legislation], Chapter 162 [Zoning], Article III [R1 Low-Density Residential District] is hereby restated and amended by adding Use G-3 Art Gallery or Museum as a use permitted by Conditional Use in the R1 Low-Density Residential District, as follows:

Section 301. PERMITTED USES:

By reference, Use G-3 Art Gallery or Museum shall be marked with a "CU", corresponding to "Conditional Use" in the Comprehensive Use Matrix Appendix, as further provided in this Ordinance.

SECTION 2. Amendment to Chapter 162 [Zoning], Article XXI [Use Regulations], to add provisions for Use G-3: Art Gallery or Museum.

The Code of the Township of Abington, Part II [General Legislation], Chapter 162 [Zoning], Article III [R1 Low-Density Residential District], Section 2103 [Categories of Permitted Uses], Subsection 2103.G [Entertainment/Recreation Uses] is hereby restated and amended to add additional criteria to Use G-3: Art Gallery or Museum where located in the R1 Low-Density Residential District], by adding the underlined (example) language, as follows:

§ 2103.G. Entertainment/Recreation Uses:

...

Use G-3: Art Gallery or Museum: A public or private facility that is operated as a repository or collection of works of individual art pieces not mass produced, consisting of one or more of the following: paintings, drawings, etchings or sculptures; may include the sale or loan of the individual art pieces or the sale of related objects and services.

1. An Art Gallery shall not exceed 3,000 square feet.
2. A museum is a building or place, open to the general public, with entry provided for free or a fee; where works of art, scientific specimens, or other objects of permanent value are kept and displayed.
3. Where located in the R1 Low-Density Residential District, the following regulations shall apply:

- a. Limited Use Permitted. Only a museum may be located in R1 Low-Density Residential District as permitted under this Use. No Art Gallery use shall be permitted in the R1 Low-Density Residential District.
- b. Minimum Lot Area. A minimum gross lot area of 10 acres shall be provided.
- c. Second Principal Use. A museum use may constitute a second principal use on a lot. No more than two (2) principal uses may exist on a lot.
- d. Public Operating Hours. A museum shall have limited public operating hours of 10:00 am to 10:00 pm.
- e. As part of a conditional use approval, the Board of Commissioners may reduce the parking requirements of Section 2304.G where good cause is shown that the museum will be adequately served and the modification will reduce the environmental impact of the use.

SECTION 3. Amendment to Chapter 162 [Zoning], Comprehensive Use Matrix Appendix to change the designation for Use G-3 in the R1 Zoning District.

The Code of the Township of Abington, Part II [General Legislation], Chapter 162 [Zoning], Comprehensive Use Matrix Appendix is hereby restated and amended to change the designation of Use G-3 Art Gallery or Museum by removing the designation marked with an “N”, corresponding to “Not Permitted” and to mark the Use G-3 Art Gallery or Museum with a “CU”, corresponding to “Conditional Use” for the column listed as “R1” corresponding to the R1 Low-Density Residential District.

SECTION 4. Repeal and Ratification.

All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed. Any other terms and provisions of the Township’s Code unaffected by this Ordinance are hereby reaffirmed and ratified.

SECTION 5. Severability.

Should any section, paragraph, sentence, clause, or phrase in this Ordinance be declared unconstitutional or invalid for any reason, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect, and for this reason the provisions of this Ordinance shall be severable.

SECTION 6.            Effective Date.

This Ordinance shall become effective five (5) days after enactment.

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ORDAINED AND ENACTED this \_\_\_\_\_ day of \_\_\_\_\_ 2025, by the  
Abington Township Board of Commissioners.

ABINGTON TOWNSHIP  
BOARD OF COMMISSIONERS

\_\_\_\_\_  
THOMAS HECKER  
President

[Seal]

Attested by:

\_\_\_\_\_  
Christopher S. Christman  
Township Manager & Secretary



# ABINGTON TOWNSHIP

ORDINANCE NO. \_\_\_\_

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AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF ABINGTON AT PART II [GENERAL LEGISLATION] CREATING CHAPTER 89 [FOOD TRUCKS AND MOBILE FOOD VENDORS] TO PROVIDE REGULATIONS FOR THE OPERATION OF MOBILE FOOD VENDORS

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## CERTIFICATION

I, CHRISTOPHER CHRISTMAN, BEING DULY SWORN ACCORDING TO LAW, DEPOSE AND SAY THAT I AM THE SECRETARY AND TOWNSHIP MANAGER OF ABINGTON TOWNSHIP, MONTGOMERY COUNTY, PA AND THAT ATTACHED HERETO IS A TRUE AND COMPLETE CORRECT COPY OF ORDINANCE NO. \_\_\_\_.

---

Christopher Christman, Township Manager  
\_\_\_\_\_, 2025

ENACTED: \_\_\_\_\_

# ABINGTON TOWNSHIP

ORDINANCE NO. \_\_\_\_

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AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF ABINGTON AT PART II [GENERAL LEGISLATION] CREATING CHAPTER 89 [FOOD TRUCKS AND MOBILE FOOD VENDORS] TO PROVIDE REGULATIONS FOR THE OPERATION OF MOBILE FOOD VENDORS

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WHEREAS, The Board of Commissioners of Abington Township is duly empowered by the First Class Township Code, 53 P.S. § 55101, et seq., to enact certain regulations relating to the public health, safety, and welfare of the residents of Abington Township;

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

WHEREAS, The First Class Township Code authorizes the Board of Commissioners to make, amend and adopt amendments to the Code of the Township of Abington, as amended, that are consistent with the Constitution and laws of the Commonwealth that it deems necessary for the proper management and control of the Township and the best interests of its residents; and

WHEREAS, The Board of Commissioners of Abington Township have determined that certain amendments to the Code of the Township of Abington, as amended, are required for the orderly administration of the laws of Abington Township.

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NOW, THEREFORE, IT IS HEREBY ENACTED AND ORDAINED by the Abington Township Board of Commissioners that the Township's Code is amended as follows:

SECTION 1.            Creation of Chapter 89.

The Code of the Township of Abington, Part II [General Legislation] is hereby amended to create Chapter 89 [Food Trucks and Mobile Food Vendors], as follows:

§ 89-1.            Definitions.

HOST BUSINESS

Any business or institution operating with a physical location in Abington Township that obtains a permit to allow a Mobile Food Vendor to operate under its supervision.

## MOBILE FOOD UNIT

Any motorized or non-motorized vehicle, including but not limited to food trucks, carts, stands, kiosks, any other device designed to be portable and not permanently attached to the ground and ancillary equipment from which food products are intended to be prepared, sold, and/or distributed, including pre-packaged foods.

## MOBILE FOOD VENDORS

An individual or organization engaged in the operation of a Mobile Food Unit.

### § 89-2. Scope and Intent.

The provisions of this Chapter apply to Mobile Food Vendors and a Host Business, as applicable, engaged in the business of cooking, preparing, and distributing food or beverage with or without charge in public and/or private restricted spaces. This Chapter shall not apply to vehicles that dispense food that move from place-to-place and are not stationary in the same location for more than fifteen (15) minutes at a time, such as ice cream trucks, pushcarts, or stands located on sidewalks.

### § 89-3. General Regulations.

- A. Permits, as provided in this Chapter, shall be required to locate and operate a Mobile Food Unit, as defined in this Chapter, within Abington Township.
- B. A Mobile Food Vendor or Host Business shall obtain and maintain insurance as outlined in Section 89-6 of this Chapter.
- C. A Mobile Food Vendor shall receive and obtain written permission from the property owner on which the Mobile Food Vendor intends to operate a Mobile Food Unit.
- D. Permitted Locations of Operation.
  - (1) Mobile Food Vendors and Mobile Food Units shall only be permitted to operate under a Host Business Location Permit or Single Event Location Permit in the BC – Business Center, MSH – Main Street High Density, MSL – Main Street Low Density, MSVC – Main Street Village Center, SI-G – Suburban Industrial Glenside, and SI-W – Suburban Industrial Willow Grove.
  - (2) Mobile Food Vendors shall be permitted to operate under a Single Event Location Permit on private residential property located in any Zoning District, at the request of the owner, for a private event for a duration of four (4) hours or less, exclusive of set-up and

breakdown which shall be limited to one (1) hour before and after operation.

(3) Mobile Food Vendors shall be permitted to operate in a location not specifically contemplated by this Ordinance where approved by the Zoning Officer in conjunction with a Special Use Permit. A Single Event Location Permit shall also be required.

E. A Mobile Food Unit shall operate on private property only and shall not be permitted to operate within a public right-of-way, except where authorized pursuant to a Special Use Permit, as provided in § 89-3.D(3).

#### § 89-4. Permits.

A. Permits shall be issued for a period not to exceed one (1) year.

B. Permits are required to be renewed prior to the expiration date.

C. Permits are not transferrable.

D. Permits shall be conspicuously displayed as viewed by the customer.

E. Operation of any Mobile Food Unit requires two (2) permits: 1) Location Permit and 2) Mobile Food Unit Permit.

F. Location Permit. Two (2) types of Location Permit shall be available:

(1) Host Business Location Permit.

(a) A Host Business may obtain a permit for Mobile Food Vendors to operate under its supervision.

(b) A Host Business Location Permit is only valid for the operation of Mobile Food Units on the premises of the Host Business Location Permit holder, provided the premises is located in a Zoning District enumerated in § 89-3.D.

(c) A Host Business shall be responsible for ensuring that all requirements of this Chapter are fulfilled.

(d) No more than five (5) Mobile Food Vendors shall be permitted to operate at any one (1) time under a Host Business Location Permit.

(2) Single Event Location Permit.

(a) A Single Event Location Permit shall be available for Mobile Food Vendors to operate a Mobile Food Unit in any Zoning

District enumerated in § 89-3.D or as provided by §§ 89-3.D(2) or (3) on a specific date or for a specific occasion.

G. Mobile Food Unit Permit.

- (a) A Mobile Food Unit Permit permits a Mobile Food Vendor to operate a Mobile Food Unit within the Township pursuant to the terms of this Chapter and under a valid Location Permit.
- (b) The permit holder shall be responsible for ensuring that all requirements of this Chapter are fulfilled.
- (c) Two (2) types of Mobile Food Unit Permit shall be available:
  - [1] Food Truck. A Mobile Food Unit – Food Truck Permit is required for all mobile food units capable of on-site food preparation, including Mobile Food Facility Types 3 and 4, as defined by the Commonwealth of Pennsylvania Department of Agriculture.
  - [2] Food Cart. A Mobile Food Unit – Food Cart Permit is required for all mobile food units offering prepackaged or dispensed food and beverage, including Mobile Food Facility Types 1 and 2, as defined by the Commonwealth of Pennsylvania Department of Agriculture.
- (d) All Mobile Food Vendors shall obtain an Abington Township Business License prior to issuance of a Mobile Food Unit Permit. All applicable taxes are required to be paid. Failure to pay any taxes may result in the revocation of any issued permits.

H. Application for Permit.

- (1) A Host Business or Mobile Food Vendor desiring to provide for the operation of or operate a Mobile Food Unit in Abington Township shall submit complete and truthfully-stated applications.
- (2) All applications shall be accompanied by any fee, as established by resolution of the Abington Township Board of Commissioners.
- (3) All Location Permit applications shall include a site plan showing the proposed location of operation.
  - (a) All site plans shall provide for the following:
    - [1] All site plans shall be drawn to scale.

- [2] The proposed area of operation shall be an all-weather surface, unless otherwise approved by the Township Engineer.
- [3] The proposed area of operation, all walkways, buildings, hydrants, accessible routes, fire lanes, and regulatory signage shall be shown on the site plan.
- [4] The proposed area of operation shall not block any regulatory signage.
- [5] The proposed area of operation shall not interfere with any areas of clear sight distance.
- [6] The proposed location of trash receptacles, as required by § 89-5.A shall be shown.
- [7] If the use of a generator that is not integrated into the Mobile Food Unit is proposed, the proposed location of the generator shall be shown.

(b) All site plans shall be to the satisfaction of the Zoning Officer, Township Engineer and Fire Marshal.

- (4) All applications must include proof of insurance in the form of a certificate of insurance which names Abington Township as an additional insured party, as required by this Chapter.
- (5) All applications shall include written permission from the property owner on which the Mobile Food Vendor intends to operate a Mobile Food Unit.

I. Other licenses or permits. A permit obtained under this Chapter shall not relieve any Mobile Food Vendor of the responsibility of obtaining any other permit or authorization required by any other resolution, ordinance, statute, or administrative rule, including outside agency permits.

§ 89-5. Performance Regulations.

A. Mobile Food Vendors are responsible for providing receptacles for trash and recycling within five feet (5') of their operating location. Mobile Food Vendors and/or Host Business shall be responsible for servicing such receptacles. Any costs incurred by the Township by the Mobile Food Vendor or Host Business's failure to service or dispose of such receptacles or refuse shall be assessed to the responsible party.

B. Mobile Food Vendors may not sell or offer for sale any product or service:

- (1) Within fifteen feet (15') of a fire hydrant.
  - (2) Within fifteen feet (15') of any building.
  - (3) Within fifteen feet (15') of any vehicle.
  - (4) Within fifteen feet (15') of any combustibles.
  - (5) Within twenty-five (25') of any flammable liquids or vapors.
  - (6) Within fifty feet (50') of any air intake for a building.
- C. Mobile Food Units may not block any regulatory signage.
- D. Mobile Food Units may not interfere with any areas of clear sight distance.
- E. Mobile Food Units may not block any vehicular or pedestrian passageways or areas of ingress/egress.
- F. No cord, cable or equipment shall be extended across any public street, sidewalk or other public property. Any cord, cable or equipment on private property shall be arranged in a manner to not constitute a tripping hazard or impediment for accessible access.
- G. All noise must comply with the provisions of Chapter 106.
- H. Mobile Food Vendors may operate between the hours of 7:00 AM and 9:00 PM, exclusive of set-up and breakdown which shall be limited to one (1) hour before and after operation.
- I. All Mobile Food Units shall be removed from the premises no later than 10:00 PM, unless written permission has been obtained from the property owner or Host Business to permit overnight parking.
- J. Mobile Food Units shall not be permitted to park in a residential area overnight, subject to the provisions of Chapters 157 and 162.
- K. Mobile Food Units shall provide operational and regularly-inspected fire suppression equipment to the satisfaction of the Fire Marshal.
- L. Mobile Food Unit Safety Requirements. Mobile Food Units shall comply with the following regulations as applicable.
- (1) Food Truck
    - (a) International Fire Code (2024)
    - (b) International Mechanical Code (2024)

- (c) National Fire Protection Association 1 (2024)
- (d) National Fire Protection Association 96 (2024)
- (2) Food Cart
  - (a) International Fire Code (2024)
  - (b) National Fire Protection Association 1 (2024)
  - (c) National Fire Protection Association 96 (2024)
- (3) All Mobile Food Units must be equipped with a 2A-10BC fire extinguisher that is inspected annually and certified as meeting National Fire Protection Association standards.
- (4) All Mobile Food Units with a generator must provide a 3A-40BC fire extinguisher.
- (5) All Mobile Food Units utilizing a deep fat fryer must provide a type K fire extinguisher in addition to the required extinguisher requirements set forth in this Chapter.
- (6) The maximum amount of LPG gas that can be stored/used is two 100-pound tanks with LPG storage tanks only permitted to be stored/used on the exterior of the mobile food service vehicle; furthermore, all piping and fittings for the distribution and use of LPG gas must be UL or FM approved.
- (7) Any type of cooking inside the Mobile Food Units that produces grease laden vapors is required to be protected with an NFPA 96 compliant fire suppression system.
- (8) Any engine-driven source of power must be separated from the public by barriers, such as physical guards, fencing, or enclosures.
- (9) Any engine-driven power must comply with the following:
  - (a) At least 10 feet in all directions from openings and air intakes;
  - (b) At least 10 feet from every means of egress; directed away from all buildings;
  - (c) Directed away from all other cooking vehicles and operations.

§ 89-6. Insurance Requirements.

A. Mobile Food Vendors shall purchase and maintain the following insurance coverages at not less than the limits specified below or required by law, whichever is greater:

- (1) Commercial general liability insurance or its equivalent for bodily injury, personal injury and property damage including loss of use, with minimum limits of:

\$1,000,000 each occurrence;  
\$1,000,000 personal and advertising injury;  
\$1,000,000 general aggregate; and  
\$1,000,000 products/completed operations aggregate.

This insurance shall include coverage for all of the following:

- (a) Liability arising from premises and operations;
- (b) Liability arising from the actions of independent contractors; and
- (c) Contractual liability including protection for the Mobile Food Vendor from bodily injury and property damage claims arising out of liability assumed under this contract.

- (2) Business auto liability insurance or its equivalent with a minimum limit of \$1,000,000 per accident and including coverage for all of the following:

- (a) Liability arising out of the ownership, maintenance or use of any auto (if no owned autos, then hired and non-owned autos); and
- (b) Automobile contractual liability

- (3) If the Mobile Food Vendor has any employees, workers compensation insurance or its equivalent with statutory benefits as required by any state or Federal law, including 3 standard "other states" coverage; employers liability insurance or its equivalent with minimums as required by Pennsylvania law.

- (4) Errors and omissions liability insurance covering any Mobile Food Vendor operating under a Host Business Permit for liability for loss or damage due to an act, error, omission or negligence or its equivalent with minimum limits of:

\$1,000,000 per occurrence; and  
\$1,000,000 aggregate.

- B. Abington Township and the Township's insurer and their members, elected officials, trustees, officers and employees shall be named as additional insureds on the Mobile Food Vendor's commercial general liability insurance and umbrella or excess liability insurance with respect to liability arising out of the services provided under any permit issued by the Township.
- C. Insurance or self-insurance provided to Abington Township and the Township's insurer and their members, elected officials, trustees, officers and employees under any Mobile Food Vendor's liability insurance or self-insurance required herein shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of insurance or self-insurance. (Any cross suits or cross liability exclusion shall be deleted from the Mobile Food Vendor's liability insurance policies required herein.)
- D. Insurance or self-insurance provided to Abington Township and the Township's insurer and their members, elected officials, trustees, officers and employees as specified herein shall be primary, and any other insurance, self-insurance, coverage or indemnity available to Abington Township and the Township's insurer and their members, trustees, officers and employees shall be excess of and non-contributory with insurance or self-insurance provided to the Township and the Township's insurer and their members, trustees, officers and employees as specified herein.
- E. A Host Business is permitted to maintain the required insurances on behalf of a Mobile Food Vendor operating under a Host Business Location Permit provided the Host Business names the Mobile Food Vendor as an additional insured, in addition to the Township and the Township's insurer, and fulfills all other requirements of this section.

§ 89-7. Indemnification.

To the fullest extent permitted by law, by application for a permit under this Chapter, a Mobile Food Vendor agrees to defend, indemnify, pay on behalf of, and save harmless Abington Township, their trustees, elected officials, officers and employees against any and all claims, liability, demands, suits or loss, including attorneys' fees and all other costs connected therewith, arising out of or connected to the services provided by Mobile Food Vendors for activities associated with their operation in the Township. The Mobile Food Vendor's obligation to defend and indemnify shall survive the termination of the permit.

§ 89-8. Enforcement and Penalty.

- A. Any person who violates any provision of this section shall be guilty of a summary offense.

- B. Each instance shall constitute a new and separate violation of this Ordinance.
- C. Upon issuance of a citation for a violation, the permit under which the Mobile Food Vendor operates shall be suspended and all operations shall cease.
- D. For every such violation, upon conviction, shall be sentenced to pay a fine of not less than \$250 nor more than \$1,000, and the costs of prosecution, and, in default of payment of fine and costs, to undergo imprisonment for not more than ninety (90) days.
- E. Upon conviction or guilty plea, a permit shall not be issued to the same entity for a period of one (1) year.

SECTION 2. Repeal and Ratification.

All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed. Any other terms and provisions of the Township's Code unaffected by this Ordinance are hereby reaffirmed and ratified.

SECTION 3. Severability.

Should any section, paragraph, sentence, clause, or phrase in this Ordinance be declared unconstitutional or invalid for any reason, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and affect, and for this reason the provisions of this Ordinance shall be severable.

SECTION 4. Effective Date.

This Ordinance shall become effective five (5) days after enactment.

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ORDAINED AND ENACTED this \_\_\_\_\_ day of \_\_\_\_\_ 2025, by the Abington Township Board of Supervisors.

ABINGTON TOWNSHIP  
BOARD OF COMMISSIONERS

[Seal]

\_\_\_\_\_  
THOMAS HECKER, President

Attested by:

\_\_\_\_\_  
CHRISTOPHER CHRISTMAN, Secretary