

**SMITHFIELD TOWNSHIP
MONROE COUNTY,
COMMONWEALTH OF PENNSYLVANIA**

ORDINANCE NO. DRAFT

AN ORDINANCE OF SMITHFIELD TOWNSHIP, COUNTY OF MONROE,
COMMONWEALTH OF PENNSYLVANIA, UPDATING REGULATIONS
FOR TRANSIENT BUSINESS.

WHEREAS, the Township of Smithfield (hereinafter “Township”) is a Second Class Township located within the County of Monroe, Commonwealth of Pennsylvania, with an office address of 1155 Red Fox Road, East Stroudsburg, PA 18301; and,

WHEREAS, the Township is committed to fostering a vibrant local economy while ensuring the health, safety, and welfare of its residents; and

WHEREAS, the rise of transient businesses, including but not limited to food trucks, pop-up shops, and seasonal vendors, has prompted a need for updated regulations to address their operation within the township; and

WHEREAS, the current regulations regarding transient businesses are insufficient to manage the impact of such businesses on traffic, public safety, and neighborhood aesthetics; and

WHEREAS, the Board of Supervisors believes that clear and updated regulations will promote fair competition, enhance community engagement, and protect the interests of both transient businesses and established local businesses.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Smithfield Township, Monroe County, Pennsylvania, as follows:

SECTION 1. Chapter 13, Part 2, Section 201 – Definitions of the Smithfield Township Code of Ordinances shall update the definition of “Transient Retail Business” to match the definition in Chapter 27, Section 1002 – Other Words, as such:

TRANSIENT BUSINESS

Businesses that are “pop-up” stores (such as Christmas tree and flower tents, holiday ornaments, seasonal clothing and wares), food trucks and portable commercial businesses such as food prep kitchens (commonly called “ghost kitchens”). These businesses may only be located on private property and only with the written consent of the property owner. Access to the business must be by an approved driveway entrance with either a valid and existing Township or PennDOT highway occupancy permit. Toilet facilities are not required. A sufficient number of off-street parking is required based upon a best estimate of expected customer usage but such parking cannot block or otherwise obstruct adjacent rights-of-way, alleys, roads or streets.

SECTION 2. Chapter 13, Part 2, - Transient Retail Business of the Smithfield Township Code of Ordinances, shall be altered to change the words “transient retail business” to “transient business” throughout the entirety of Part 2.

SECTION 3. Chapter 13, Part 2, Section 204 – License Application Procedures of the Smithfield Township Code of Ordinances, is hereby repealed and restates as follows:

1. Every person desiring a license under this Part shall first make application to the Zoning Officer for such license. Such license shall be subject to the following specific regulations and requirements.
 - A. Transient licenses shall only be permitted in the following zoning districts: M-1, RE, and ED.
 - B. Applicant must use an existing driveway on a property and shall not construct a new ingress/egress point on the property to access the transient business.
 - C. Written consent of the property owner shall be submitted with the permit application.
 - D. All retail items for sale must be contained completely within the framework of the temporary structure or tent.
 - E. The applicant for a transient license shall be permitted one sign with a maximum of one square foot for each linear front footage of the structure or building used by the applicant, with a maximum of a 24 square foot sign for the use if the licensed premises is granted for the use in connection with the retail items being marketed at that site.
 - F. The applicant must comply with all applicable County, State and Federal regulations, and must provide copies of any required permits or licenses required by the County, State or Federal Government to the Township. In addition, a copy of applicant's sales tax number shall be provided with the permit application. In the event the transient business hours are between sunset and sunrise, the applicant must comply with all provisions of Chapter 27 of the Smithfield Township Code of Ordinances concerning the lighting of the parking lot.
 - G. The transient license shall be for a period of one year.

SECTION 4. Severability. In the event any provision, section, sentence, clause, or part of this Ordinance shall be held invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance, it being the intent of this Township that such remainder shall be and shall remain in full force and effect.

SECTION 5. Repealer. All other ordinances or parts of ordinances inconsistent herewith shall be and the same expressly are repealed.

SECTION 6. Effective Date. This Ordinance shall become effective five days after the date of enactment as provided by law.

ADOPTED this _____ day of _____, 2024 by the Board of Supervisors of the Township of Smithfield, Monroe County, Pennsylvania.

**SMITHFIELD TOWNSHIP
BOARD OF SUPERVISORS**

Jacob A. Pride, Chair

Robert Lovenheim, Vice Chair

Michael Albert, Supervisor

Attest: _____
Julia Heilakka
Township Secretary