

**LRPC: August 9, 2024**

## **Mobile Food Vendors Discussion**

Topics:

- Definitions (Chapter 405) – Two types as allowed used only – NOT MOBILE
- Allowed Districts (Chapter 405)
- Site Plan Standards (Chapter 405B Food Vendor Court)
- General Performance Standards (Chapter 405)
- License/Permit Requirements (Licenses and Permits Ordinance)
- Exemptions

### **Definition Samples:**

#### **1. Mobile Food Vendor**

- A vehicle, trailer, cart or stand designed and constructed to transport, prepare, sell or serve food at a number of sites and capable of being moved from its serving site at any time.
- Any business which sells edible goods from a nonstationary location within the Town. The terms shall include, but not be limited to:
  - MOBILE FOOD VENDOR— A self-contained motorized unit selling items defined as "edible goods."
  - CONCESSION TRAILER— A vending unit which is pulled by a motorized unit and has no power to move on its own.
- A mobile vehicle, which is designed, constructed and used to transport, prepare, sell, serve or deliver food or other goods at a number of sites and is capable of being moved from its serving site at any time. Mobile selling units include, but are not limited to, food vendors and Ice Cream Trucks.
- Mobile vehicle equipped with facilities for cooking and selling food from the vehicle. For the purpose of this definition, mobile vehicle also includes trailers attached to a vehicle.
- A vehicle or cart providing food and drink for construction sites and the like or for members of the public, in parking lots, outside the traveled way of a public or private street, or on private property pursuant to a properly approved site plan, which is not stationary but moves from site to site.
- Mobile food vendors are subject to Chapter 405 Zoning Ordinance use standards and applicable performance standards, applicable Chapter 405B Site plan review requirements based on location and Chapter xx license requirements.

#### **2. Mobile Food Vendor Site**

- A site with one (1) mobile food vendor located on the property. For the purpose of this definition the mobile food vendor site shall be accessory use to the primary use of the site.
- Mobile food vendor sites are subject to Chapter 405 Zoning Ordinance use standards and applicable performance standards and Chapter xx license requirements.



### 3. Mobile Food Vendor Court

- A collection of two or more mobile food vendors in a common outdoor plaza or site providing a common area for self-serve dining. For the purpose of this definition the mobile food vendor court may be an accessory use to the primary use of the site or the primary use of the site.
- Mobile Food Vendor Courts are subject to Chapter 405 Zoning Ordinance use standards and applicable performance standards, Chapter 405B Site plan review requirements and Chapter xx license requirements.



**Permitted Residential Districts:**

Mobile Food Vendor Use	PERFORMANCE STANDARDS APPLY	PERFORMANCE STANDARDS APPLY							VR2	VR4
		RF	RF M	R2	R3	R4	R4 A			
Mobile Food Vendor Site (one) (accessory use)	License Requirements									
Mobile Food Vendor Court (two or more)	Performance Standards; License Requirements									

**Permitted Non-Residential Districts:**

Mobile Food Vendor Use	PERFORMANCE STANDARDS APPLY	TV C (2,3,4)	HP	CP D	RH, RH 2	B2	B3	BO R	LI, I
Mobile Food Vendor Site (one) (accessory use)	Performance Standards; License Requirements			P					P
Mobile Food Vendor Court (two or more)	Performance Standards; License Requirements	P	P	P	P	P	P	P	P

### **Proposed Review Authority**

1. Mobile Food Vendor Site (one) – Staff Review and License Requirements
2. Mobile Food Vendor Court (two or more) – Planning Board Site Plan Review and License Requirements
3. Mobile Food Vendor License – Town Clerk and Town Council

### **Site Plan Requirements Examples:**

- The location and orientation of each vendor pad;
- The location of permanent electrical and other necessary utility connections;
- The location of all proposed dining areas and areas designated for gathering and activities;
- The location of any paving, trash enclosures, landscaping, planters, fencing, or any other site requirement;
- The circulation of all pedestrian, bicycle, and vehicle traffic;
- The location of any fixed or movable seating and tables;
- The location and type of all proposed lighting.
- The location of any permanent and ADA accessible restrooms;
- The location of vehicular and bicycle parking and egress.

### **Performance Standard Examples**

### **Location and Egress Samples**

- Each vendor pad shall be equipped with electrical connections. Use of generators is prohibited.
- Mobile food vendors shall not conduct business or operate in the public right-of-way.

- Mobile food vendors shall be required to park on paved or other approved surfaces.
- Shall not set-up within any ADA accessible parking space;
- No food vendor shall impede the flow of traffic, interfere with the general ingress and egress to and from any property, public or otherwise, or present an unsafe condition for patrons, pedestrians, or other vehicles.
- Shall not set-up within any designated sight triangle/vehicle clear-zone;
- Shall not impede safe movement of vehicular and pedestrian traffic, parking lot circulation or access to any public alley or sidewalk;
- No equipment, vehicle, display or sales activity shall block access to a public facility such as a telephone booth, mailbox, parking meter, fire hydrant, fire alarm box, traffic control box, driveway or other access point.
- Shall not conduct business or operate within 20 feet of fire lanes, fire hydrants or fire connections.
- No food vendor may operate in a location that: impedes the ingress and egress from another business or otherwise causes undue interference with access to another business; blocks the lawfully placed signage of another business; or prevents access to another business by emergency vehicles.

### **Location and Service Limitation Samples**

- Food vendors shall serve pedestrians only. Drive-through or drive-in service is prohibited.
- A mobile food vendor may not be located within 100 feet of the primary entrance of an open and operating fixed-location food service or eating establishment;
- No food vendor may operate within three (3) feet of any other food vendor.
- A five-foot clear space shall be maintained around the mobile food vending unit.
- No mobile food vendors shall be located within 200 feet of a residential structure.
- Any activity or structure shall maintain a minimum 20-foot setback from the right-of-way and not be located within a required landscape strip or buffer. Said activity or structure shall also maintain a minimum setback of ten feet from any internal drive or permitted curb cut.

### **Customer Parking - Mobile Food Vendor Site**

- The mobile food vendor operator shall have available, and under written agreement, at least three offstreet parking spaces. In cases where on-street parking is available immediately in front, the operator must have one off-street parking space for any vehicle belonging to an employee working on a given shift.

### **Customer Parking - Mobile Food Vendor Court**

- ??? – Depends on the number of units
- A minimum of six parking spaces shall be provided adjacent to the vending area for the exclusive use of the mobile food vendor and shall not occupy the minimum required parking spaces for any other use on site.

## Hours of Operation

- The hours of operation shall be between the hours of 7:00 a.m. to 8:00 p.m., Sunday through Thursday and between the hours of 7:00 a.m. to 10:00 p.m., Friday through Saturday.
- Mobile food vendors may operate beginning at 7:00 AM and ending at 9:00 PM, unless otherwise qualified or limited by the municipal review authority.

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## **SECTION VIII. LICENSE REQUIRED: MOBILE FOOD VENDOR**

REFERENCE THESE: [mobile-guidance-document08-28-20.pdf \(maine.gov\)](#)

### **A. Applicability**

No person shall carry on the business of operating to sell food, or beverage from a mobile food vehicle within the limits of the Town of Scarborough without first having obtained a license from the Municipal Officers of the Town of Scarborough, unless otherwise exempt by this ordinance. Mobile food vending may only occur on a permitted and approved Mobile Food Vendor Site or Mobile Food Vendor Court, or on exempted locations.

### **B. Definitions – Match Above**

### **C. Application Process**

Every mobile food vendor shall obtain a permit issued by the Town to conduct business in the Town. Each mobile food vending unit requires a separate permit.

A complete application shall require the following information from the applicant to be considered:

- 1) Name of applicant, as well as physical street address, mailing address, telephone number(s), and e-mail address.
- 2) Legal name of business or entity.
- 3) Mobile food vendors shall provide proof of a State of Maine health certificate at the time of application
- 4) Signed permission form, or provide notarized affidavit from the private property owner granting permission for unit placement.
- 5) Phone number for the private property owner on which the mobile food vendor unit will be placed.
- 6) Name, phone number and driver's license number of business owner and all employees operating within the mobile food vendor unit.
- 7) Valid and current vehicle/trailer registration of mobile food unit.
- 8) Description of product being sold.
- 9) Mobile food vendor site – Provide a site plan of the existing use showing where the mobile food vending unit will be located on the property.
- 10) Mobile food vendor court - Copy of the approved Site Plan where the mobile food vending unit will be located on the property. Identify which space will be utilized.

### **A. Public Hearing Required**

The Town Council shall hold a public hearing prior to all applications for mobile food vendor licenses. Notice of the hearing shall be posted in at least two public places and shall be advertised in a local daily newspaper, at least seven (7) days prior to the hearing, both at the expense of the applicant.

#### **D. Approval Authority**

The application, when submitted to the Town Council shall bear the recommendation for approval or disapproval with reasons noted by the Code Enforcement Officer, the Police Chief, the Fire Chief and the Tax Collector.

A license shall be granted if the property in question complies with all Federal, State and local laws and the applicant demonstrates that the premises will be conducted in a healthful and sanitary manner so as not to jeopardize the public health, safety and welfare and that the applicant is not delinquent in the payment of any taxes or fees owed to the Town of Scarborough.

An initial license to operate as a mobile food vendor within Scarborough must be approved by the Town Council.

#### **E. License Renewal**

The Town Clerk shall renew a license issued under section D to operate a mobile food truck on or before May 1st of each year, provided however, that the applicant must still meet all of the licensing standards set forth in section xx. The Clerk shall be empowered to utilize the services of the Scarborough Police Department to update and to check on standards.

e) The applicant must submit the application and the renewal fee within 30 days before expiration of the permit or must reapply as a new applicant.

Upon renewal the applicant shall pay the renewal fee of \$200 and update any changes in the permitting documentation upon permit renewal.

#### **F. License Revocation**

If information is provided to the office of the Town Clerk that a current licensee has violated one or more of the standards set forth in Section 3 and this fact is verified by the Police Department, then the Clerk shall issue a notice of suspension revocation of an existing license. A licensee who has received such notice is entitled to a hearing before the Town Council before the revocation takes effect. The Council shall apply the standards of Section 3 to determine whether license should be suspended or revoked.

In addition, the Town Council may revoke or suspend the license of any owner or operator who violates the conditions of the license, makes a material misstatement on the application for the license, keeps or operates her/his mobile food vending unit in an unsafe, unclean or unsatisfactory condition.

#### **G. License Posting Required**

Every permit, including those from the City, shall be displayed at all times in a conspicuous place where they can be read by the general public on the mobile food vendor unit.

#### **H. License Requirements: General Standards – Examples will work with Public Safety**

- Mobile food vendors must meet all State of Maine Health Department regulations.



- Mobile Food vendors must hold a State of Maine Eating Place Mobile License.
- Mobile food vendors shall comply with the State of Maine rules relating to eating and lodging places, as periodically amended, and shall not operate without a Town issued mobile food vendor license/permit, unless exempt by this ordinance.
- Mobile food vendors shall not sell anything other than food and non-alcoholic beverages, unless a special events liquor license is approved by the local licensing authority.

#### **I. License Requirements: Equipment**

- Mobile food vendor operations, preparing food on-site, unless permanently connected to public utilities and approved by the Planning Board, shall not be left on-site or displayed, or left in public view, in the location of business during nonbusiness hours.
- Mobile food vendors shall ensure the vehicle/cart is attended at all times during operating hours.
- The allowable dimensions of a mobile food vendor (including all attachments, except hinged canopies that open to reveal food serving areas) shall be up to 30 feet long, 13 feet tall, and eight feet wide.
- Tents and tarps are prohibited. All services shall be conducted from the mobile food vendor.
- All mobile units shall have a gray water holding tank.
- The operator shall ensure that there is an adequate supply of potable water for cleaning equipment and the preparation of foods.
- Mobile food vendors must have an adequate supply of fresh water (through the means of an on-truck freshwater tank) to maintain the operation of the food service in a safe and sanitary manner.
- The operator shall ensure that there is an adequate and safe source of electrical power.
- The operator shall ensure that all storage of food supplies and other business material is within the vehicle or other container secured to the vehicle. No loose material shall be permitted outside of the vehicle.
- The trailer, or vehicle, being used shall be registered, in good upkeep, and provide a neat appearance.
- No item(s) related to the operation of the mobile food vendor shall be leaned against or hung from any building or any other structure, including but not limited to, lampposts, parking meters, mailboxes, traffic signal stations, fire hydrants, trees, tree boxes, benches, bus shelters or traffic barriers.
- All items related to the operation of the mobile food vendor shall be kept either on or in the mobile food vendor. No such items shall be stored or placed upon any public space adjacent to the mobile food vendor.
- All cooking, heating and electrical equipment and all cooking practices must comply with applicable safety regulations, including but not limited to applicable fire and electrical codes and any other safety requirements imposed by the Town.

## **J. License Requirements: Inspections Required**

- Mobile food vendors conducting cooking operations shall obtain a fire inspection from the Fire Department prior to operating its business.
- Open flame cooking, either within or outside a food vendor, is prohibited, except where such activity is specifically permitted by the Fire Department.
- The mobile unit will be subject to inspection upon permit application through the Code Enforcement Department, the Health Department and the Fire Department, and may be subject to random inspection and upon reissuance of the permit.

## **K. License Requirements: Refuse and Waste**

- Shall provide separate and clearly marked receptacles for trash, recycling and compost and properly separate and dispose of all trash, refuse, compost, recycling and garbage that is generated by the use;
- Shall not cause any liquid wastes used in the operation to be discharged from the mobile food vehicle;
- Mobile food vendors are responsible for the proper disposal of waste and trash associated with the operation. Mobile food vendors shall remove all generated waste and trash from their approved location at the end of each day or as needed to maintain the public health and safety. No liquid waste or grease is to be disposed of in tree pits, storm drains, sanitary sewers, onto the sidewalks, streets or other public or private space. A written waste management plan indicating plans for waste handling, sanitation, litter collection/prevention, recycling, and daily cleanup procedures shall be submitted with the use permit application.
- Each unit shall be equipped with a portable trash receptacle and shall be responsible for proper disposal of solid waste and wastewater in the sanitation facility legally accessed by the food service establishment. All disturbed areas must be cleaned following each stop to a minimum 20 feet of the sales location.
- The operator shall provide at least one fifty-five-gallon covered trash receptacle, or similar sized container, to hold wastes and debris. No paper, food or other wastes shall be allowed to accumulate on-site. b. The waste container shall be emptied at least daily into an approved commercial dumpster (it being emptied by a licensed hauler on a regular basis) or other suitable and approved means of transport away from the site. It shall be the responsibility of the operator to ensure that all wastes are handled and disposed of properly.
- No temporary sanitary facility or trash receptacle may be located within 100 feet of a property line of a residential use.
- All refuse associated with the operation of the food vendor shall be collected, stored, and transported by the licensee in such a manner as to protect against odor, infestation of insects and/or rodents and any other nuisance condition or conditions which are inconsistent with the health, safety, and welfare of the patrons and the general public.

#### **L. License Requirements: Signage**

- Shall not place signs/banners in or alongside the public right-of-way or across roadways. Signs must be permanently affixed to or painted on the mobile food vehicle or mobile vending cart, or in the case of a mobile retail food establishment, attached directly to the table, awning, canopy or similar item upon or under which sales are directly made;
- No signs shall be placed on sidewalks or other rights-of-way. No temporary or mobile signs shall be allowed.
- Signs advertising the mobile food vendor are prohibited, except for vehicle signs in compliance with the requirements set forth in article XII, Sign regulations, sections [80-426](#) through [80-438](#). Flyers, coupons, and paper handouts of any kind are also prohibited.

#### **M. License Requirements: Noise, Lighting and Odors**

- Mobile food vendors shall not emit sounds, outcry, speaker, amplifier or announcements.
- Shall not adversely impact on abutting properties in regards to: (1) Noise. (2) Odor, fumes or smoke. (3) Light and glare.
- Continuous music or repetitive sounds shall not project from the mobile unit.
- Amplified music or sounds from any food vendor may not at any time unreasonably disturb nearby businesses, pedestrians, or vehicles.

#### **N. Hours of operation**

Mobile food vendors may operate beginning at 7:00 AM and ending at 9:00 PM, unless otherwise qualified or limited by the municipal review authority. **MATCH ABOVE ??**

#### **O. License Fee Required**

The fee payable for a mobile food vendor license shall be as specified in Chapter 311, the *Schedule of License, Permit and Application Fees* established by the Town Council.

#### **P. Insurance Required**

Mobile food vendors shall provide, at their expense, and keep in force during the term of their contract, with a responsible insurance company or companies authorized to do business in the state, commercial general liability insurance in the amount of at least \$1,000,000. The mobile food vendor shall deliver certificates of such insurance to the City at the time of application

#### **Q. License Expiration**

A new license, when granted, shall be valid until May 31<sup>st</sup>, immediately following said granting of said license, except that new licenses granted during April and May shall be valid until May 31<sup>st</sup> of the following calendar year. A permit issued under this section is not transferable.

## **R. Exemptions**

- Mobile Food Vendors located on private property for a private onetime event are not required to obtain a Mobile Food Vendor Permit, provided the unit is on the property less than 15 hours. All other required permits and permissions must be obtained (i.e. Special Event Permit, Mass Gathering Permit).
- A private catered event is an event that sells food and beverages for a limited time coinciding with an event not open to the general public and only to attendees of the event. A town issued mobile food vendor permit is not required to operate as a private catered event.
- Mobile food vendors participating in Town sponsored events are not required to obtain a Mobile Food Vendor Permit. Site location shall be approved by Public Safety Departments.

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