

LRPC: September 13, 2024

**Mobile Food Vendors Discussion**

**Definitions**

**1. Mobile Food Vendor**

A vehicle, trailer, cart or stand designed and constructed to transport, prepare, sell or serve food and capable of being moved from its serving site at any time.

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 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 Non-Residential Districts

Mobile Food Vendor Use	PERFORMANCE STANDARDS APPLY	TVC (2,3, 4)	HP	CPD	RH, RH2	B2	B3	BOR	LI, I
Mobile Food Vendor Court (two or more pad sites)	Performance Standards xx	P	P	P	P	P	P	P	P

### Review Authority

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

### Site Plan Requirements

- The location and orientation of each mobile food 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 Standards

- Each mobile food vendor pad shall be equipped with electrical connections. Use of fuel powered generators is prohibited.
- Mobile food vendors shall not conduct business or operate in the public right-of-way.
- Mobile food vendors shall be parked on paved or other approved surfaces with appropriate spill control and counter plan.
- No mobile food vendor shall set-up within any ADA accessible parking space.
- No mobile 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.
- No mobile food vendor shall set up within any designated sight triangle/vehicle clear-zone.

- No mobile food vendor shall conduct business or operate within 20 feet of fire lanes, fire hydrants or fire connections.
- Mobile food vendors shall serve pedestrians only. Drive-through or drive-in service is prohibited.
- A five (5) foot clear space shall be maintained around the mobile food vending unit.
- Minimum setbacks for the zoning districts shall apply to all mobile food vendor pads sites.

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

- A minimum of one dedicated parking space shall be provided per mobile food vendor pad site and shall not occupy the minimum required parking spaces for any other use on site. ADA parking shall be provided. Parking requirements shall be subject to Planning Board site plan approval

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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 an approved Mobile Food Vendor Court, or on exempted locations.

### **B. Definitions**

**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.

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.

**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.

### **C. Application Process**

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

A complete and signed 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 and menu.
- 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.
- 11) Identify where the food prep operations will occur. If a commissary kitchen is located in the Town of Scarborough, it will be inspected as well.

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

The Town Council shall hold a public hearing on all new applications for mobile food vendor licenses. Notice of the hearing shall be advertised in a local daily newspaper, at least seven (7) days prior to the hearing, 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 personal 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 vendor unit on or before May 1st of each year, provided the applicant must still meet all of the licensing standards set forth in section xx. The Town Clerk shall be empowered to utilize the services of the Scarborough Police Department and the Fire Department to update and to check on standards.

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

Upon renewal the applicant shall pay the renewal fee of \$200 and update any changes in the licensing 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 xx 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 xx 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 license, including those from the Town, 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**

- 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, unless exempt by this ordinance.
- Mobile food vendors shall not sell anything other than food and beverages.

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

- 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.
- Mobile food vendor units shall have a gray water holding tank.
- Mobile food vendor operators shall ensure that there is an adequate supply of potable water for cleaning equipment and the preparation of foods.
- Mobile food vendor operators shall ensure there is an adequate and safe source of electrical power.
- Mobile food vendor operators shall ensure 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.

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

- K.** 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.

- If the cooking procedures involve producing grease laden vapors, a hood suppression system with a class k fire extinguisher must be in place in the food truck with current inspection tags attached.
- Mobile food vendors conducting cooking operations shall obtain an annual 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 food vendor will be subject to inspection upon submission of the license 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. The inspection must be completed by April 15<sup>th</sup>.

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

- Mobile food vendors are responsible for the proper disposal of waste and trash associated with the operation and 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 license application.

#### **M. License Requirements: Signage**

- Mobile food vendors shall not place signs/banners in or alongside the public right-of-way or across roadways.
- Mobile food vendor signs must be permanently affixed to or painted on the mobile food vehicle; sandwich boards are acceptable if placed directly in front to the mobile food vendor they are advertising for.

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

Mobile food vendors shall not emit sounds, outcry, speaker, amplifier or announcements and amplified music or sounds may not at any time unreasonably disturb nearby businesses, pedestrians, or vehicles.

#### **O. Hours of operation**

Mobile food vendors may operate beginning at 5:00 AM and ending at 9:00 PM, unless otherwise qualified or limited by the municipal review authority.

#### **P. 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.



### **Q. 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 town at the time of application

### **R. 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 license issued under this section is not transferable.

### **S. Exemptions**

- Mobile food vendors located on private property for a private onetime event are not required to obtain a Mobile Food Vendor License, provided the unit is on the property less than 15 hours. All other required licenses 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 license 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 License. Site location shall be approved by Public Safety Departments.