

**Ordinance Committee Draft 10.9.24**

**Mobile Food Vendors Draft Ordinance**

**Information Only - 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

**Add to Chapter 405 Zoning Ordinance Section VI Definitions:**

1. **Mobile Food Vendor.** A vehicle, trailer, cart or stand designed and constructed to transport, prepare, sell or serve food and/or beverages 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, Chapter 405B Site Plan review requirements and Chapter 1015.A Mobile Food Vendor License Ordinance.
  
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 vendors are subject to Chapter 405 Zoning Ordinance use standards and applicable performance standards, Chapter 405B Site Plan review requirements and Chapter 1015.A Mobile Food Vendor License Ordinance.

**Add Use to Chapter 405 Zoning Ordinance (districts that currently permit restaurants):**

| New Use   | PERFORMANCE STANDARDS APPLY | TVC (2,3, 4) | HP | CPD | RH | B2 | B3 | BOR | I |
|---|-----------------------------|--------------|----|-----|----|----|----|-----|---|
| Mobile Food Vendor Court (two or more pad sites)<br>Drive-through or drive-in service is prohibited | Section IX.BB.              | P            | P  | P   | P  | P  | P  | P   | P |

**Section XVIII.A Town and Village Centers District TVC**

**Section XVIII.C Town and Village Centers District TVC2**

**Section XVIII.D Town and Village Centers District TVC3**

**Section XVIII.E Town and Village Centers District TVC4**

**Section XVIII.B Haigis Parkway District (HP)**

**Section XIX Regional Business District (B2)**

**Section XIXA General Business District (B3)**

**Section XX Business Office Research District (BOR)**

**Section XX.A Running Hill – Gorham Rd Mixed Use District (RH)**

**Section XX.C Crossroads Planned Development (CPD)**

**Section XX.I Industrial District (I)**

**Information Only: Chapter 405B Site Plan Requirements Apply the same as for a traditional restaurant except as noted below:**

- A. Site Utilization and Layout Standards Apply
- B. Landscape and Screening Standards Apply
- C. Stormwater Management Standards Apply
- D. Outdoor Lighting Standards Apply
- E. Architectural Design Standards – Does not apply to mobile food vendor units, but does apply to permanent structures
- F. Sign Standards Apply
- G. Public and Private Utilities Apply for permanent facilities

**Add to Chapter 405 Zoning Ordinance Section IX Performance Standards**

**BB. Mobile Food Vendor Court** The establishment of a mobile food vendor court shall be through the site plan process. In addition, all mobile food vendors in the mobile food vendor court shall adhere to licensing requirements found in Chapter 1015.A Mobile Food Vendor License Ordinance.

The following standards shall apply to all mobile food vendor courts:

1. Minimum setbacks for the zoning district the mobile food vendor court is located in shall apply to all mobile food vendor pad sites.
2. Each mobile food vendor pad site shall be equipped with electrical connections.
3. Mobile food vendor pad sites shall be designed to maintain a five (5) foot clear space around each mobile food vendor.
4. Mobile food vendor pad sites shall be designed so that mobile food vendors shall be parked on paved or other approved surfaces. Appropriate spill control and counter-measures plan with sufficient materials to address typical spills is required.
5. Mobile food vendor pad sites shall be designed so that no mobile food vendor is set-up within any ADA accessible parking space.

6. Mobile food vendor pad sites shall be designed so that no mobile food vendor is set up within any designated sight triangle/vehicle clear-zone or within twenty (20) feet of fire lanes, fire hydrants or fire connections.
7. Mobile food vendor pad sites shall be designed so that no mobile food vendor is located in the public right-of-way, impedes traffic, interferes with the general ingress and egress to and from any property, public or otherwise, or presents an unsafe condition for patrons, pedestrians, or other vehicles.
8. Mobile food vendor courts shall provide temporary or permanent public restroom facilities.

**Add to Chapter 405 Zoning Ordinance Section XI Parking Regulations**

|                          |  |
|--------------------------|--|
| Mobile Food Vendor Court | 1 per mobile food vendor pad site; not including the 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. |
|--------------------------|--|

Table 1. EV Charging Infrastructure Requirements - **None**

(Table based on table in section B.1)

| USE                      | Number of Parking Spaces Required<br>*FA = Floor Area<br>*GLA = Gross Leasable Area | Electric Vehicle Charging Station (EVCS) Requirements |                           |                             |              |                      |
|--------------------------|---|---|---------------------------|-----------------------------|--------------|----------------------|
|                          |   | EVCS-installed parking spaces                         | EVCS-ready parking spaces | EVCS-capable parking spaces | TOTAL SPACES | Minimum type of EVCS |
| <b>Commercial</b>        |   |   |                           |                             |              |                      |
| Mobile Food Vendor Court | 1 per mobile food vendor pad site   | --  | --                        | --                          | --           | NA                   |

## **NEW: CHAPTER 1015.A MOBILE FOOD VENDOR LICENSE ORDINANCE**

### **A. Applicability**

No person shall carry on the business of operating to sell food or beverage from a mobile food vending unit within the limits of the Town of Scarborough without first having obtained a license from 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 below.

### **B. Exemptions**

**One-time Events.** Mobile food vendors located on private property for a private one-time event are not required to obtain a Mobile Food Vendor License, provided the unit is not operational for more than thirty-six (36) hours. All other required licenses and permissions must be obtained (i.e. Special Event Permit, Mass Gathering Permit).

**Private Catered Events.** A private catered event is an event that sells food and beverages coinciding with an event and only to the attendees of the event. Private catered events are not open to the general public and advertising to the public is prohibited. A town issued mobile food vendor license is not required to operate as a private catered event.

**Town Sponsored Events.** 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.

### **C. Definitions**

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

**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.

### **D. 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) Provide the name of the approved mobile food vendor court and identify which space will be utilized.
- 10) 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.

#### **E. 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.

#### **F. 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.

#### **G. License Renewal**

The Town Clerk shall renew a license issued under Section F above 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 this ordinance.

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.

#### **H. 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 this Ordinance and this fact is verified by the Police Department, Fire department or Code Enforcement Department, the Clerk shall issue a notice of suspension or revocation of an existing license. A licensee who has received such notice is entitled to a hearing before the Town Council before the suspension or revocation takes effect. The Council shall apply the standards of this Ordinance 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.

#### **I. License Posting Required**

Every required license 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.

#### **J. 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, beverages and associated branded goods.

#### **K. License Requirements: Equipment**

- Use of petroleum fuel powered generators is prohibited.
- 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 no more than 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.

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

- 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 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>.

#### **M. 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.

#### **N. 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.

#### **O. 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.

#### **P. 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.

#### **Q. License Fee Required**

The initial fee and renewal 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.

## **R. 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.

## **S. 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.