

BE IT HEREBY ORDAINED, by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following .....

## **CHAPTER 1015.A MOBILE FOOD VENDOR ORDINANCE**

### **A. Applicability**

No person shall carry on the business of operating to sell food or beverage from a mobile food vendor within the limits of the Town of Scarborough without first having obtained a license from the Town of Scarborough. Mobile food vending may only occur on locations in Section B below.

### **B. Permitted Mobile Food Vendor Locations**

**Approved Mobile Food Vendor Court.** Mobile food vendors may operate at approved Mobile Food Vendor Courts with permission of the property owner.

**One-time Events.** Mobile food vendors may operate on private property for a private one-time event 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.** Mobile food vendors may operate at a private catered event. 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.

**Town Sponsored Events.** Mobile food vendors may operate at Town sponsored events. Site locations 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 vendor pad sites in a common outdoor plaza or space 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 vendor 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. 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 or other persons authorized to operate the mobile food vendor.
7. Valid and current vehicle/trailer registration of mobile food unit.
8. Description of product being sold and menu.
9. The name(s) and applicable pad site location(s) of the approved mobile food vendor court at which the mobile food vendor will be located, and/or the permitted location at which the mobile food vendor will be located.
10. Identification of 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**

Upon submission to the Town and prior to any public hearing, an application shall receive a recommendation for approval or disapproval with reasons noted by the Code Enforcement Officer, the Police Chief, the Fire Chief, and the Tax Collector, for the Town Council's consideration.

An initial application for a license to operate as a mobile food vendor within Scarborough shall be approved by the Town Council following a public hearing as described in Section E of this ordinance upon a determination that the application complies with the provisions of this ordinance.

#### **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**

Any license issued pursuant to this ordinance may, after notice and public hearing, be suspended or revoked by the Town Council for non-compliance with the ordinances, statutes, and regulations of the Town of Scarborough and the State of Maine, or upon a determination that any owner or operator has violated any condition of a license, made a material misstatement on the application for the license, or has kept or operated 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.** Any applicant for a license under this ordinance must demonstrate each of the following:

### **1. General Standards**

- a. A license shall only be granted if the applicant demonstrates compliance with all applicable Federal, State and local requirements, 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.
- b. An applicant must additionally and specifically demonstrate that the applicant:
  - i. Meets all State of Maine Health Department regulations;
  - ii. Holds a State of Maine Eating Place Mobile License;
  - iii. Complies with the State of Maine rules relating to eating and lodging places, as periodically amended; and
  - iv. Shall not sell anything other than food, beverages and associated related and incidental goods.

### **2. Equipment Standards**

- a. Use of petroleum fuel powered generators is prohibited on mobile food vendor courts
- b. Mobile food vendors shall be attended at all times during operating hours.
- c. The allowable dimensions of a mobile food vendor (including all attachments, except hinged canopies that open to reveal food serving areas) shall be no more than 30 feet long, 13 feet tall, and nine feet wide.
- d. Mobile food vendors shall have a gray water holding tank.
- e. Mobile food vendor operators shall ensure that there is an adequate supply of potable water for cleaning equipment and the preparation of foods.
- f. Mobile food vendor operators shall ensure there is an adequate and safe source of electrical power.

- g. 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.
- h. The trailer, or vehicle, being used shall be registered, in good upkeep, and provide a neat appearance.

### **3. Inspections Required**

- a. 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.
- b. 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.
- c. Mobile food vendors conducting cooking operations shall obtain an annual fire inspection from the Fire Department prior to operating its business.
- d. Open flame cooking, either within or outside a food vendor, is prohibited, except where such activity is specifically permitted by the Fire Department.
- e. 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 15th.

### **4. Refuse and Waste**

- a. 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.
- b. 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.
- c. 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.

### **5. Signage**

- a. Mobile food vendors shall not place signs/banners in or alongside the public right-of-way or across roadways.
- b. 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 of the mobile food vendor they are advertising for.

**6. Noise, Lighting and Odors**

- a. 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.

**7. Hours of Operation**

- a. Mobile food vendors may operate beginning at 6:00 AM and ending at 10:00 PM, unless otherwise qualified or limited by the municipal review authority.

**J. 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.

**K. 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.

**L. 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.