



Mobile Food Vendor Licensing Ordinance

Adopted Date:

Certified By: _____ Date: _____

Revision-000

Affix Town Seal:



Town of Livermore Falls
Mobile Food Vendor Licensing Ordinance

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Section 1: Title

This ordinance shall be known and cited as the “Town of Livermore Falls **Mobile Food Vendor Licensing Ordinance** and will be referred to herein as “the Ordinance”.

Section 2: Purpose

The purpose of this Ordinance is to provide procedures and standards relating to the operation of mobile food vendors and all as further defined in this Ordinance to require annual licensing for the same.

This Ordinance is also enacted consistent with the Town’s home rule authority pursuant to 30-A M.R.S. § 3001, as may be amended or recodified.

Section 3: Definitions

As used in this Ordinance, unless the context otherwise indicates, the following terms have the following meanings:

Concession Trailer: A mobile vending unit that is not self-propelled, but that is pulled by a motor vehicle, such as a truck or van.

Edible Goods:

- i. Prepackaged food, including, but not limited to, candy, beverages, chips, popsicles and ice cream;
- ii. Prepared food, including, but not limited to, hot dogs, desserts, sandwiches and pizza; or
- iii. On-site prepared food, including, but not limited to, shaved ice, sandwiches, and tacos.

Mobile Food Truck:

A self-contained and self-propelled mobile vending unit that sells edible goods.

Mobile Food Vendor:

Any business that sells edible goods from a mobile food vendor unit within the Town.

Mobile Food Vendor Court:

A collection of mobile food vendors in a common outdoor plaza or site providing a common area for self-serve dining. Mobile Food Vendor Courts are also subject to Planning Board Site Plan Review.

Mobile Food Vendor Unit:

Either a mobile food truck or concession trailer, as defined in this Ordinance. A mobile food vendor may be licensed to operate multiple food vendor units, provided that each shall be separately licensed consistent with this Ordinance.

Section 4: Application and License

- a) License Required. No mobile food vendor may operate within the Town of Livermore Falls without first receiving a license issued by the Select Board under this Ordinance.
- b) Application. Every mobile food vendor shall apply for a license on a form promulgated by the Town. If a mobile food vendor intends to sell edible foods from multiple mobile food vendor units, each such mobile food vendor unit shall be separately licensed. Applications for licenses meeting the requirements for mobile food vendors shall be processed within ten (10) business days by the Town of Livermore Falls.
- c) Mobile food vendor application form. A complete application shall require the following information from the applicant to be considered:
 - i. Name of applicant, as well as physical street address, mailing address, telephone number(s), and e-mail address.
 - ii. Legal name of business or entity.
 - iii. Signed permission form, or provide notarized affidavit from the private property owner granting permission for unit placement.
 - iv. Name, phone number and driver's license number of business owner and all employees operating within the mobile food vendor unit.
 - v. Proposed itinerary with route, vending locations and times.
 - vi. Contact name and phone number of mobile food vending unit while in operation.

- vii. Description of edible goods and other products being sold.
- viii. Valid and current vehicle/trailer registration of mobile food vendor unit.

Section 5: License Regulations

- a) The application fee for a mobile food vendor unit license shall be \$200.00. Each mobile food vendor unit shall be licensed separately.
- b) Mobile food vendor unit licenses shall expire on December 31 of each year.
- c) 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 and shall provide new certificates to the Town within ten (10) business days of any change in such coverage.
- d) Mobile food vendors shall provide proof of appropriate licensure from the State of Maine, as may be applicable.
- e) Upon renewal the applicant shall pay the renewal fee of \$200.00 and update any changes in the licensing documentation upon license renewal. The applicant must submit the application and the renewal fee no fewer than thirty (30) days before expiration of the active license or must reapply as a new applicant.
- f) The Town Manager is authorized to make reasonable rules and regulations, not inconsistent with this section, governing the design, construction and location of mobile food vendor units.
- g) Display of license. 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 licensed mobile food vendor unit.
- h) Mobile Food Vendor Units owned/operated by non-profit, charity, educational or religious groups shall adhere to all Town and State licensing and sanitary rules/laws.
- i) Mobile Food Vendor Units owned/operated by non-profit, charity, educational or religious groups are exempt of permitting fees with proof of tax exemption.

Fee schedules are governed by the Town of Livermore Falls Select Board, and are subject to change, without a public hearing.

Section 6: Prohibited Conduct

- a) It shall be a violation of this Ordinance for any individual as the agent or employee of any business or individual licensed under this Ordinance to sell edible goods from a mobile food vendor unit located in the Town unless its principal or employer has received a license under this Ordinance.
- b) A license issued under this Ordinance is not transferable.
- c) It shall be a violation of this Ordinance for an individual to sell edible goods from a mobile food vendor unit that displays a valid license issued by the Town in the name of another individual, organization, or entity.
- d) It shall be a violation of this Ordinance for any individual, directly or through an agent or employee, to sell edible goods from a mobile food vendor unit located within the corporate limits of the Town after the expiration of the license issued by the Town under this section.
- e) It shall be a violation of this Ordinance for any individual, directly or through an agent or employee, to provide any false or misleading information on an application for a license issued under this Ordinance.
- f) It shall be a violation of this Ordinance for an individual, directly or through an agent or employee, to represent that the issuance of a license by the Town constitutes the Town's endorsement or approval of the edible goods being sold from a mobile food vendor unit.

Section 7: Mobile Food Vendor Unit Performance Standards

No Mobile food vendor license may be granted, and no mobile food vendor may operate, even after issuance of a license, except in compliance with the following performance standards. Such performance standards shall automatically be incorporated into all mobile food vendor licenses granted by the Select Board as conditions of approval.

- a) Each mobile food vendor 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 areas as a result of activities

conducted by a licensed mobile food vendor unit must be cleaned following each stop to a minimum 20 feet of the sales location.

- b) Mobile food vendor units may not have a drive-through.
- c) Continuous music or repetitive sounds shall not project from the mobile food vendor unit in a manner that unreasonably disturbs surrounding properties.
- d) A five (5)-foot clear space shall be maintained around the mobile food vending unit.
- e) All mobile food vendor units shall have a gray water holding tank.
- f) Any mobile food vendor unit licensed under this Ordinance is subject to inspection, following the submittal of a license application, by the Code Enforcement Department, the Health Department and the Fire Department, and may be subject to random inspection and upon reissuance of the license.
- g) No sales of edible goods are allowed from a mobile food vendor unit located within public park facilities or school grounds, while park or school concession units are operating, unless otherwise authorized by the Town. Mobile food vendor units operating in public parks and on streets adjacent to public parks or Town-owned recreational facilities require prior approval by the Town Manager.
- h) The placement of the mobile food vendor unit:
 - I. Shall not hinder vehicular traffic or cause traffic congestion; and
 - II. Shall not hinder, or interfere with, pedestrian traffic; and
 - III. Shall not block or otherwise hinder access to or from private property; and
 - IV. Shall not adversely impact on abutting properties in regards to;
 - 1. Noise;
 - 2. Odor, fumes or smoke; or
 - 3. Light and glare.
- i) The mobile food vendor shall have written permission from the property owner to locate a mobile food vendor unit on said property (if applicable).

- j) The mobile food vendor shall provide at least one fifty-five (55) 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. 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.
- k) The mobile food vendor shall ensure that there is an adequate supply of potable water of cleaning equipment and preparation of foods.
- l) The mobile food vendor shall ensure that the mobile food vendor unit has and adequate and safe source of electrical power.
- m) The mobile food vendor 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 mobile food vendor unit.
- n) The mobile food vendor shall not place or caused to be placed any signs on sidewalks or other rights-of-way. No temporary or mobile signs shall be allowed.
- o) The mobile food vendor unit shall be registered and in good upkeep.
- p) Mobile food vendors shall comply with the State of Maine rules relating to eating and lodging places, as applicable and as periodically amended.
- q) Unless connected to public utilities and approved by the Select Board as part of licensing under this Ordinance, no mobile food vendor unit shall be left in a particular location that is in public view while the same is not in operation.
- r) No mobile food vendor shall conduct business within any single-family residential or agricultural area, as defined by the Code Enforcement Officer, unless otherwise approved in writing by the Code Enforcement Officer.
- s) A mobile food vendor may not operate within 100 feet of the primary entrance of an open and operating fixed-location food service or eating establishment; or within 40 feet from another mobile food vendor unit except in the following:
 - i. During Town sponsored or other community events; or

- ii. Within a mobile food vendor court.
- t) A mobile food vendor, except when located in a mobile food court, shall not conduct sales in a single stationary location:
- i. For duration exceeding 60 minutes on any public street or public streets adjacent to public parks, public schools and recreational facilities, next to fire lanes, or in a no-parking designated areas. Mobile food vendors parking on public streets may not move to a new location without prior approval from the Town.
 - ii. In congested areas where the operation impedes vehicular or pedestrian traffic.
 - iii. Between the hours of 1:00 a.m. and 6:00 a.m.

Section 8: Investigation of Applicant, Officers, Etc.;

Upon receipt of an application for a Mobile Food Vendor license or of a notice of a change of an individual listed in Section 4(c) (iv) of this Ordinance, the Town Clerk of Livermore Falls shall provide copies of the completed application to the Select Board and to the CEO, or other such person designated by the Town Manager, for the purposes of reviewing the application. The CEO shall then complete the following steps:

- A. The CEO shall determine if an applicant's proposal complies with the provisions of this Ordinance.
- B. The CEO may coordinate with any other Town of Livermore Falls employee, agent or independent contractor to carry out any such inspection the CEO deems necessary to determine if the applicant's proposal could be in compliance with Town of Livermore Falls ordinances.
- C. The CEO shall have 21 days from the date a completed application is received to complete a review of the applications and submit an affirmative, negative, or conditional report to the Town of Livermore Falls Select Board.

Section 9: Action on Application

- A. **Public Hearing Required.** Within thirty (30) days of receipt of an application, the Town of Livermore Falls Select Board shall conduct a duly-noticed public hearing to provide an opportunity for public comment on the submitted mobile food vendor application. Notification of the scheduling of this public hearing shall be posted in three (3) conspicuous locations within the town at least seven (7) days prior. At the public hearing, testimony of the applicant and of any interested person shall be heard.
- B. **Written Decision.** Within fifteen (15) days of said public hearing, the Town of Livermore Falls Select Board shall grant the license requested unless the issuance of the license would violate any provision of this Ordinance or other ordinance enacted by the Town of Livermore Falls. All decisions of the Select Board shall be produced in writing, explaining the reasons for the Select Board's decision. A copy of this decision shall be provided to the applicant.
- C. **Conditions of Approval.** In granting a license, the Town of Livermore Falls Select Board may impose any conditions of approval it deems necessary to fulfill the provisions of this Ordinance, or any other ordinance of the Town of Livermore Falls.

Section 10: Standards for License Denial or Revocation

After notice and hearing, renewals of existing mobile food vendor licenses shall be denied by the Town of Livermore Falls Select Board; as well an existing license may be suspended or revoked by the Town of Livermore Falls Select Board if the applicant or licensee, or any of the licensee's officers, members, directors, or partners:

- A. Fails to prove or maintain compliance with all requirements of this Ordinance or with any applicable provision of state law or administrative regulation, including but not limited to 22 M.R.S. §2492, as may be amended or recodified;
- B. Has had a Mobile Food Vendor License revoked by the Town of Livermore Falls or by the State of Maine;
- C. Has not acquired and maintained all necessary State of Maine and local approvals prior to issuance of the license;
- D. Has provided false or misleading information in connection with the license application.

Section 11: Violation Penalties

In addition to revocation and/or suspension of a Mobile Food Vendor License as provided in this Ordinance, any violation of this Ordinance shall be subject to a minimum fine of \$100.00 per day and a maximum fine of \$2500.00 per day. Each day that a violation remains constitutes a separate violation. The Select Board, or its authorized agent, is authorized to initiate legal proceedings in Maine District Court to enjoin the unlawful operation of a Mobile Food Vendor, as provided in this Ordinance. If the Town is the prevailing party in such proceedings, the Town shall be entitled to recover its costs of enforcement, including its attorney's fees.

Section 12: Appeals

Any appeal of a decision of the Select Board to grant, deny, suspend, or revoke a license pursuant to this Ordinance, shall be to the Town of Livermore Falls Board of Appeals within thirty (30) days of the date of the decision. The Board of Appeals shall conduct a *de novo* hearing in which it will hear evidence on the application and make its own findings of fact and conclusions of law on the issue of whether the mobile food vendor license application, is in compliance with the terms of this Ordinance. Any appeal of a decision of the Board of Appeals shall be to Superior Court, in accordance with 30-A M.R.S. § 2691(3)(G) and Rule 80B of the Maine Rules of Civil Procedure.

