

FOOD TRUCKS WORKSHOP

OZO TABLE 702.1
LAND USES PERMITTED IN ZONING
DISTRICTS

FEB 24, 2020

Land Uses	Shoreland Zones														
	OFR	RD	RR1	RR2	DB	GB1	GB2	LB	F	SLR	SLC	SG1	SG2	SP	RP
Kennel, veterinary hospital*	NP	NP	NP	NP	NP	NP	NP	NP	SPR	NP	NP	NP	NP	NP	NP
Manufacturing	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Marina	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	SPR	NP	NP
Mechanized recreation	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Nursing home	NP	NP	NP	NP	NP	SPR	NP	SPR	NP	NP	NP	NP	NP	NP	NP
Outdoor sales, services & storage areas including gasoline stations	NP	NP	NP	NP	NP	NP	NP ⁵	NP	NP	NP	NP	NP	NP ¹⁰	NP	NP
Public utility facility, other than Essential Services or Service Drops	NP	NP	SPR	SPR	NP	SPR	SPR	NP	SPR	NP	NP	NP	NP	NP	NP

- 5 As an exception, the Ogunquit Playhouse may serve patrons beverages and snack food outdoors on the premises from one hour before, during and one
hour after performances.
- 6 Type 2 and 3 Restaurants shall not be permitted in those portions of the SLC Zone immediately adjacent to the LB Zone.
- 7 Only permitted with Site Plan Review in RP Beach as indicated on the Official Zoning Map. Not permitted in all other portions of the RP District.
- 8 Not permitted unless a special exception is granted pursuant to Article 4.6.
- 9 See special Shoreland standards in Article 9.
- 10 As an exception, within the Shoreland General Development 2 - Perkins Cove – SG2 District, live lobsters landed in Perkins Cove may be sold from
vehicles or boats, owned or operated by holders of Commercial Lobstering Licenses. However, any such sales from vehicles shall only be allowed
from those vehicles parked within the “Bait Wharf II” Parking Area, directly adjacent to the Harbor Master’s Office. No signs advertising any such
outdoor live lobster sales shall be permitted, and lobster sales shall be limited to live lobsters only, and any form of additional solicitation or promotion
of other goods, products or services shall be prohibited (regardless of any other provisions of this Ordinance). (Amended 6/12/12 ATM, by a
petitioned article)
11. Storage of recreational vehicles shall be exempt.

Chapter 150. Licenses and Permits

Article XIV. Food Truck Operation

[Added 1-16-2018]

§ 150-147. Purpose.

These licensing criteria recognize the desire of the Town of Wells to promote economic development through the encouragement of food trucks, while also regulating the impact of such trucks on the traffic and public safety of the Town.

§ 150-148. Definitions.

As used in this article, the following terms shall have the meanings indicated:

OPERATE

To sell food, beverage, and other permitted items from a food truck.

OPERATOR

Any person operating or permitted to operate a food truck.

§ 150-149. Authority.

This article is enacted by the Board of Selectmen in accordance with its general ordinance enactment authority, pursuant to 30-A M.R.S.A. § 3009, § 2.06(4) of the Charter of the Town of Wells, as well as its general home rule authority.

§ 150-150. License required; license not required for one-time private events.

- A. Regardless of its location or hours of operation, no food truck may operate within the Town of Wells without first obtaining a food truck license, which shall be issued conditional upon the licensee's adherence to the criteria set forth by this article. Additionally, all such food trucks must comply with all applicable local, state, and federal rules and statutes, including but not limited to those rules and statutes pertaining to the preparation and sale of food.
- B.

No license is required for a food truck that is rented, leased, or otherwise retained for the purpose of operating at a one-time event, no more than 15 hours in duration, that is to be held entirely on a private lot used exclusively for residential purposes.

§ 150-151. Application for general food truck licenses.

An application for a food truck license shall be filed with the Town Clerk on forms provided by the Town Clerk and shall be accompanied by the appropriate nonrefundable license fee as indicated by Section 150 Attachment 1. The application shall be verified under oath and shall provide at least the following information:

- A. The name and address of the applicant.
- B. The operating name of the food truck.
- C. Any prior experience in operating a food truck possessed by the applicant.
- D. The names of all employees of the food truck.
- E. The vehicle information number and license plate number for each food truck.
- F. Photographic representations of the exterior of the food truck, as well as of the interior areas in which food will be prepared.
- G. The address of the location, if different from the food truck itself, where any and all edible foodstuffs held out for sale by said food truck are prepared.
- H. A copy of any and all licenses, permits, and authorizations issued to the operator by the State of Maine, including but not limited to a driver's license, and food safety permits and inspections conducted by the Maine Departments of Agriculture and Health and Human Services.

§ 150-152. Issuance or denial of permit.

Once an application for a food truck license is deemed complete by the Town Clerk, the Board of Selectmen shall schedule a public hearing, after which the application shall be approved, approved with conditions, or denied. The Board of Selectmen shall issue a food truck license unless it finds that the standards of this article are not met. Food truck licenses must be renewed annually.

§ 150-153. Insurance required.

Food trucks shall obtain and provide proof of, at a minimum, motor vehicle insurance, as required by state law, and business insurance with a minimum coverage limit of \$1,000,000.

§ 150-154. Location of licensed food truck; additional permits required.

Notwithstanding the issuance of a general food truck license, pursuant to § 150-149, a food truck is required to seek additional approval and/or permits due to their intended location of operation, as follows:

- A. Rights-of-way and public property. Food trucks may not operate on public property, including but not limited to in public streets, rights-of-way, parking lots, and recreational areas, unless such food trucks operate pursuant to a properly licensed outdoor festival or special amusement permit, pursuant to Article VI or Article VII of this chapter.
- B. Private property. Food trucks may only operate on private property after:
 - (1) Receiving site plan approval from the Planning Board, pursuant to Chapter 145, Article X, of this Code of Ordinances, and all food trucks shall be reviewed as a "fast food restaurant" use as defined in § 145-10 of this Code:
 - (2) Pursuant to a validly issued outdoor festival, special amusement, or mass gathering permit; or
 - (3) In situations where additional municipal approvals are necessary, as detailed in § 150-150B above.

§ 150-155. Hours of operation.

Food trucks may only operate beginning at 7:00 a.m. and ending at 9:00 p.m., unless otherwise allowed or limited by the municipal review authority, including but not limited to on a duly approved site plan.

§ 150-156. Operating requirements.

- A. No food truck 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.
- B. All food trucks operating within a public right-of-way, pursuant to a permit issued under § 150-154 above, shall park facing the same direction as traffic, at a distance of no more than 12 inches between the curb face or edge of pavement and with the service window of the vehicle facing the curb or edge of pavement.
- C. No seating area shall be provided for food trucks operating on public property, except as permitted in conjunction with a street closure outlined in the applicable special amusement permit.
- D. No food truck 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.

- E. No food truck or its appurtenances, including but not limited to signage and patron queue, may reduce the clear pedestrian path of travel on the sidewalk to less than six feet.
- F. No food truck may operate within three feet of any other food truck.
- G. 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 and the State of Maine.
- H. Food trucks operating on public property pursuant to a permit issued under § 150-154 above shall serve pedestrians only. Drive-through or drive-in service is prohibited.
- I. Open-flame cooking, either within or outside a food truck, is prohibited, except where such activity is specifically permitted by the Fire Department or other applicable licensing authority.
- J. Amplified music or sounds from any food truck may not at any time unreasonably disturb nearby businesses, pedestrians, or vehicles.
- K. All refuse associated with the operation of the food truck 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.

§ 150-157. Violations and penalties; enforcement.

Any person, including but not limited to the owner, lessee, licensee, or operator of a food truck, found to be in violation of any of the provisions of this article shall pay a civil penalty not to exceed \$100 for the first such offense in a calendar year and \$200 for each subsequent offense in the same calendar year. Each violation constitutes a separate offense. Any person who violates any of the provisions of this article shall, in addition to said penalty, become subject to suspension or revocation of any license issued under this article to operate a food truck within the Town of Wells. Violations of any provision of this article may be enforced by the Wells Police and the Code Enforcement Officer.

DOOR-TO-DOOR SALES

The solicitation or sale of goods, wares, merchandise or services by a seller or the seller's employee's direct contact accomplished by means of a visit or phone call to a residence without the consumer soliciting the initial contact, including home repair services.

[Amended 11-7-2000]

ENTERTAINMENT

Includes any amusement, performance, exhibition or diversion for patrons or customers on licensed premises, whether provided by professional entertainers or by full-time or part-time employees of the licensed premises whose duties include activities with an entertainment value.

FARM STAND

A roadside stand not exceeding 450 square feet in floor area selling only farm, gardening, greenhouse or nursery products, cut Christmas trees, garland, wreaths, wreath materials and loam on the premises.

FISH MARKET

A business where seafood products are sold.

FINANCIAL INSTITUTION

A place of business which includes banks, credit unions, savings and loans and financial advisors.

FLORIST

See "retail business."

FOOD TRUCK

A vehicle or cart primarily providing food and drink 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 is capable of moving from site to site. The term "food truck" does not include ice cream trucks.

[Added 1-16-2018]

FUNCTION HALL

A business in which a room or rooms may be rented out to a variety of different groups for public and private meetings, gatherings, dances, conferences or parties.

GAME MACHINE

A coin-operated entertainment device.

GAME OF CHANCE

A game, contest, scheme or device in which a person stakes or risks something of value for an opportunity to win something of value and in which the outcome depends in a material degree upon an element of chance, notwithstanding that skill of the contestant or participant may also be a factor therein.

GAMING

Games of chance such as bingo.

GAS STATION

A business that sells motor fuels and may do automobile repairs.

HEALTH INSTITUTION

A hospital, nursing home, clinic, boarding care facility or other place for the treatment or diagnosis of human ailments, excluding professional offices.

HOME BUSINESS

CITY OF BIDDEFORD

Sec. 22-20 Permit regulations.

[Added 3-20-2018 by Ord. No. 2018.17]

- (a) The application fee for a mobile food vendor permit shall be \$200. Each mobile food vendor unit shall be permitted separately.
- (b) Mobile food vendor permits 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 City at the time of application.
- (d) Mobile food vendors shall provide proof of a State of Maine health certificate at the time of application.
- (e) Upon renewal the applicant shall pay the renewal fee of \$200 and update any changes in the permitting documentation upon permit renewal. 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.
- (f) The City Manager is authorized to make reasonable rules and regulations, not inconsistent with this section, governing the design, construction and location of pushcarts or food trucks.
- (g) Display of permit. 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's truck or concession trailer.

CITY OF BIDDEFORD

Sec. 22-21.2 Mobile food vendor requirements.

[Added 3-20-2018 by Ord. No. 2018:17]

The following regulations shall apply to mobile food vendors:

- (1) 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.
- (2) Mobile food vendors may not have a drive-through.
- (3) Continuous music or repetitive sounds shall not project from the mobile unit.
- (4) A five-foot clear space shall be maintained around the mobile food vending unit.
- (5) All mobile units shall have a gray water holding tank.
- (6) 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.
- (7) No sales are allowed within public park facilities while park concession units are operating. Mobile units operating in public parks and on streets adjacent to public parks or recreational facilities require approval by the City's Recreation Director.