



**GARDINER CITY COUNCIL
AGENDA ITEM INFORMATION SHEET**



| | | | |
|---------------------|----------------------------------------------------------------------------------------------------------------|-------------------|-------------------------|
| Meeting Date | 08/05/2020 | Department | Code Enforcement |
| Agenda Item | 4b. First Read of Proposed Amendments to Chapter 12 Mobile Food Vending Units of the City's Code of Ordinances | | |
| Est. Cost | n/a | | |

Background Information

Previously the City Council adopted proposed amendments to Chapter 12 Mobile Food Vending Units of the City's Code of Ordinances. Unfortunately, the wrong amendment copy was approved.

Attached are the proposed amendments.

| | |
|-------------------------------------------|-------------------------------------------------------------|
| Requested Action | n/a (Second Read and possible approval will be on 9/2/2020) |
| City Manager and/or Finance Review | n/a |
| Council Vote/ Action Taken | |
| Departmental Follow-Up | |

| | | | |
|----------------------------|-------------------------------------------------|-----------------------------------------------------|--------------------------------------------|
| City Clerk Use Only | 1st Reading <u>08/05/2020</u> | Advertised <u>07/28/2020</u> | EFFECTIVE DATE <u>10/02/2020</u> |
| | 2nd Reading <u>09/02/2020</u> | Advertised <u>10/17/2020</u> w/in 15 Days | |
| | Final to Dept _____ | Updated Book _____ | Online _____ |

Proposed Amendments to Chapter 12 Mobile Food Vending Units of the City's Code of Ordinances

Amend Section 606 to read as follows:

Section 606. Additional Requirements for Units Located on Public Property

A mobile food vending unit that is located and/or operated on public property other than a public street shall conform to the following additional requirements:

606.1. A mobile vending unit that is located or operated in conjunction with a festival or other community event that has received a permit from the City Council shall conform to the requirements of the organizers of the event including the payment of any fees. Units placed on City property in conjunction with a City approved festival or event may be installed up to three (3) days prior to the start of the event and shall be removed within two (2) days after the conclusion of the event under a three-day license if allowed by the organizers of the festival or event. Units shall be operated only during the duration of the festival or event and shall be parked in locations designated by the organizer.

606.2. A mobile vending unit that is not part of a City approved festival or other community event that is located on public property shall conform to the following requirements

606.2.1. A unit at Waterfront Park shall be located in the row of passenger vehicle parking spaces furthest from the river unless an alternative location is approved by the Code Enforcement Officer.

606.2.2. A unit shall be placed on public property other than a street or Waterfront Park only with prior approval of the City Manager or City Council and shall be placed in the location designated by the City Manager.

606.2.3. A unit shall be parked so that customers can be served while standing outside of the travelway of the street, access road or parking lot aisle.

606.2.4. A unit shall not be in place between the hours of 11:00 PM and 6:00 AM and shall be removed from public property every night.

606.2.5. A unit or customers patronizing a unit shall not obstruct pedestrian movement on any sidewalk or pedestrian path.

606.2.6. The site shall be cleaned daily and when the unit is removed. All trash or debris shall be picked up and removed.

July 7, 2020

Proposed Amendments to Chapter 12 Mobile Food Vending Units of the City's Code of Ordinances

Proposed additions to the ordinance are underlined;
proposed deletions are ~~struck out~~.

Amend Section 606 to read as follows:

Section 606. Additional Requirements for Units Located on Public Property

A mobile food vending unit that is located and/or operated on public property other than a public street shall conform to the following additional requirements:

~~606.1. A unit at Waterfront Park shall be located in the row of passenger vehicle parking spaces furthest from the river unless an alternative location is approved by the Code Enforcement Officer or as part of a City authorized event or activity.~~

~~606.2. A unit shall be placed on public property other than a street or Waterfront Park only with prior approval of the City Manager or City Council and shall be placed in the location designated by the City Manager.~~

~~606.3. A unit shall be parked so that customers can be served while standing outside of the travelway of the street, access road or parking lot aisle.~~

~~606.4. A unit shall not be in place between the hours of 11:00 PM and 6:00 AM and shall be removed from public property every night. This requirement shall not apply during City approved festivals or events. Units placed on City property in conjunction with a City approved festival or event may be installed up to three (3) days prior to the start of the event and shall be removed within two (2) days after the conclusion of the event under a three-day license.~~

~~606.5. A unit or customers patronizing a unit shall not obstruct pedestrian movement on any sidewalk or pedestrian path.~~

~~606.6. The site shall be cleaned daily and when the unit is removed. All trash or debris shall be picked up and removed.~~

606.1. A mobile vending unit that is located or operated in conjunction with a festival or other community event that has received a permit from the City Council shall conform to the requirements of the organizers of the event including the payment of any fees. Units placed on City property in conjunction with a City approved festival or event may be installed up to three (3) days prior to the start of the event and shall be removed within two (2) days after the conclusion of the event under a three-day license if allowed by the organizers of the festival or event. Units shall be operated only during the duration of the festival or event and shall be parked in locations designated by the organizer.

606.2. A mobile vending unit that is not part of a City approved festival or other community event that is located on public property shall conform to the following requirements

606.2.1. A unit at Waterfront Park shall be located in the row of passenger vehicle parking spaces furthest from the river unless an alternative location is approved by the Code Enforcement Officer.

606.2.2. A unit shall be placed on public property other than a street or Waterfront Park only with prior approval of the City Manager or City Council and shall be placed in the location designated by the City Manager.

606.2.3. A unit shall be parked so that customers can be served while standing outside of the travelway of the street, access road or parking lot aisle.

606.2.4. A unit shall not be in place between the hours of 11:00 PM and 6:00 AM and shall be removed from public property every night.

606.2.5. A unit or customers patronizing a unit shall not obstruct pedestrian movement on any sidewalk or pedestrian path.

606.2.6. The site shall be cleaned daily and when the unit is removed. All trash or debris shall be picked up and removed.

CHAPTER 12 MOBILE FOOD VENDING UNITS

- SECTION 601. Authority and Purpose
602. Definitions
603. License and Inspections
604. General Requirements
605. Additional Requirements for Units Located on Public Streets
606. Additional Requirements for Units Located on Public Property
607. Additional Requirements for Units Located on Private Property
608. Enforcement; Violations
609. Severability

Section 601. Authority and Purpose

This ordinance entitled “Mobile Food Vending Units” is enacted pursuant to the City’s home rule authority, as provided in 30-A M.R.S. § 3001, the Maine Constitution, Article VIII, Part Second, and 7 M.R.S. § 284, all as may be amended from time to time.

These provisions relating to mobile food vending units or food trucks are intended to provide opportunities for the operation of mobile food vending units in the city while assuring that these units locate and operate in a manner that protects the public safety and does not create unreasonable burdens on the community.

Section 602. Definitions

As used in this chapter, the following words have the meanings stated below:

602.1. Mobile Food Vending Unit (Food Truck) – A motor vehicle or trailer that is licensed to operate on public roads and that is designed and used to sell or otherwise dispense prepared food or beverages directly to consumers.

Section 603. License and Inspections

The owner or operator of a mobile food vending unit shall obtain a license from the Code Enforcement Officer prior to locating and/or operating the unit within the City of Gardiner. The Code Enforcement Officer shall issue a license only if she/he finds that the location and operation of the unit will be in conformance with the requirements of this Chapter and the Land Use Code if applicable and that the owner/operator has obtained all required state approvals or permits and a victualler’s license from the City of Gardiner. The owner or operator of a unit may apply for a license for one of the following time periods upon payment of the appropriate fee:

- 603.1.** A three day license (see **606.4**) - \$20 fee
603.2. An annual calendar year license - \$100 fee

The Code Enforcement Officer in conjunction with the Police Department shall periodically inspect the location and operation of a licensed unit to assure that the requirements of this Chapter are being met.

Section 604. General Requirements

A mobile food vending unit that locates and/or operates in the City of Gardiner shall conform to the following requirements:

- 604.1.** The owner/operator of the unit shall provide the Code Enforcement Officer with evidence of liability insurance coverage in an amount of at least \$1,000,000
- 604.2.** If the unit will be located or operated on a public street or other public property the owner/operator shall provide the Code Enforcement Officer with evidence that the City is named as an additional insured on the liability insurance policy.
- 604.3.** The owner/operator shall provide covered receptacles for the collection of trash and other wastes.
- 604.4.** The owner/operator shall remove and dispose of all trash, garbage and other wastes on a daily basis. No trash, garbage or other wastes shall be stored outside of the unit.
- 604.5.** The owner/operator shall not broadcast amplified music or commercial messages from the unit while the unit is parked for an extended period on a public street or other public property or located on private property.

Section 605. Additional Requirements for Units Located or Operated on Public Streets

A mobile food vending unit that is located and/or operated on a public street shall conform to the following additional requirements:

- 605.1.** The unit that operates from a location for an extended period shall be located in a legal parking space or spaces on one of the following streets:
 - 605.1.1.** Water Street between Church Street and Chestnut Street
 - 605.1.2.** Arcade Street
 - 605.1.3.** Mechanic Street
 - 605.1.4.** Maine Avenue
 - 605.1.5.** Summer Street
 - 605.1.6.** The south side of Dresden Ave between Church Street and School Street
 - 605.1.7.** Enterprise Avenue
 - 605.1.8.** Prescott Street
 - 605.1.9.** Technology Drive
 - 605.1.10.** River Avenue

The City Council may permit a mobile unit to be located on other public streets in conjunction with public or community event or activity.

- 605.2.** The location of the unit shall comply with all applicable parking requirements unless otherwise approved by the Chief of Police.

605.3. The placement or stopping of a unit shall not obstruct normal traffic flow on the street nor require vehicles to deviate from normal traffic lanes.

605.4. A unit shall be parked or stopped so that customers can be served while standing on a sidewalk or otherwise outside of the travelway of the street.

605.5. A unit shall not be in place or operated between the hours of 11:00 PM and 6:00 AM and shall be removed from public streets in the City of Gardiner every night.

605.6. A unit or customers patronizing a unit shall not obstruct pedestrian movement on any sidewalk or pedestrian path.

605.7. The site shall be broom-cleaned when the unit is removed. All trash or debris shall be picked up and removed.

~~Section 606. Additional Requirements for Units Located on Public Property~~

~~A mobile food vending unit that is located and/or operated on public property other than a public street shall conform to the following additional requirements:~~

~~606.1. A unit at Waterfront Park shall be located in the row of passenger vehicle parking spaces furthest from the river unless an alternative location is approved by the Code Enforcement Officer or as part of a City authorized event or activity.~~

~~606.2. A unit shall be placed on public property other than a street or Waterfront Park only with prior approval of the City Manager or City Council and shall be placed in the location designated by the City Manager.~~

~~606.3. A unit shall be parked so that customers can be served while standing outside of the travelway of the street, access road or parking lot aisle.~~

~~606.4. A unit shall not be in place between the hours of 11:00 PM and 6:00 AM and shall be removed from public property every night. This requirement shall not apply during City approved festivals or events. Units placed on City property in conjunction with a City approved festival or event may be installed up to three (3) days prior to the start of the event and shall be removed within two (2) days after the conclusion of the event under a three day license.~~

~~606.5. A unit or customers patronizing a unit shall not obstruct pedestrian movement on any sidewalk or pedestrian path.~~

~~606.6. The site shall be cleaned daily and when the unit is removed. All trash or debris shall be picked up and removed.~~

Section 606. Additional Requirements for Units Located on Public Property

A mobile food vending unit that is located and/or operated on public property other than a public street shall conform to the following additional requirements:

606.1. A mobile vending unit that is located or operated in conjunction with a festival or other community event that has received a permit from the City Council shall conform to the requirements of the organizers of the event including the payment of any fees. Units placed on City property in conjunction with a City approved festival or event may be

installed up to three (3) days prior to the start of the event and shall be removed within two (2) days after the conclusion of the event under a three-day license if allowed by the organizers of the festival or event. Units shall be operated only during the duration of the festival or event and shall be parked in locations designated by the organizer.

606.2. A mobile vending unit that is not part of a City approved festival or other community event that is located on public property and that is not part of a festival or other community event that has received a permit from the City Council shall conform to the following requirements

606.2.1. A unit at Waterfront Park shall be located in the row of passenger vehicle parking spaces furthest from the river unless an alternative location is approved by the Code Enforcement Officer.

606.2.2. A unit shall be placed on public property other than a street or Waterfront Park only with prior approval of the City Manager or City Council and shall be placed in the location designated by the City Manager.

606.2.3. A unit shall be parked so that customers can be served while standing outside of the travelway of the street, access road or parking lot aisle.

606.2.4. A unit shall not be in place between the hours of 11:00 PM and 6:00 AM and shall be removed from public property every night.

606.2.5. A unit or customers patronizing a unit shall not obstruct pedestrian movement on any sidewalk or pedestrian path.

606.2.6. The site shall be cleaned daily and when the unit is removed. All trash or debris shall be picked up and removed.

Section 607. Additional Requirements for Units Located on Private Property

A mobile food vending unit that is located and/or operated on private property shall conform to the following additional requirements:

607.1. The property on which a unit will be placed is located in a zoning district that allows mobile food vending units. The City Council may permit a mobile unit to be located on private property in other zones in conjunction with public or community event or activity.

607.2. The owner or operator of the unit must have the written permission of the property owner.

607.3. A unit may be located in an off-street parking space(s) on the lot.

607.4. If a unit is not located in an off-street parking space or other part of a parking lot, the placement of the unit shall conform to the setback requirements of the district in which it is located.

607.5. A unit shall not be located on a lot for more than one hundred eighty (180) days in any calendar year.

607.6. The unit shall not be open for business between 11:00 PM and 6:00 AM.

Section 608. Enforcement; Violations

This ordinance shall be enforced by the Code Enforcement Officer. Violation of this ordinance shall be a civil violation subject to a fine of not less than \$100 dollars nor more than \$250 dollars for each offense. Each act of violation and every day that any such violation shall occur shall constitute a separate offense. In addition to the fines provided herein, the City may seek any other relief or remedy available, including but not limited to injunctive relief or abatement regarding any violation of this ordinance. The owner or operator of a mobile food vending unit that has been found to be in violation of the ordinance more than twice may be denied future licenses to locate or operate a mobile food vending unit in the City of Gardiner.

Section 609. Severability

Should any section or provision of this chapter be declared to be invalid by a court of competent jurisdiction, such decision shall not invalidate any other section or provision of this chapter.