



**GARDINER CITY COUNCIL  
AGENDA ITEM INFORMATION SHEET**



<b>Meeting Date</b>	06/24/2020	<b>Department</b>	Code Enforcement
<b>Agenda Item</b>	4.e Second Read and Possible Approval of Mobile Food Vending Ordinance Changes		
<b>Est. Cost</b>	n/a		

<b>Background Information</b>	<p>The Planning Board approved the new Mobile Food Vending Units, Title 5, Chapter 12, Land Use Code and Amending the Code of Ordinances in dealing with Food Trucks. On May 14, 2020 the Planning Board requested the City Council to set a public hearings for first and second readings to adopt these proposed changes.</p>
	<p>Planning Board Chair Debby Willis, CEO Kris McNeill, and EDD Tracey Desjardins will be present to facilitate any questions.</p>
	<p>All pertinent materials are attached.</p>

<b>Requested Action</b>	'I move to adopt the Mobile Food Vending Units, Title 5, Chapter 12, Land Use Code and Amending the Code of Ordinances dealing with food trucks and to waive publication of the changes in the newspaper (as allowed by City Charter Article 11 Section 9)..'
<b>City Manager and/or Finance Review</b>	The City Manager recommends the above action.
<b>Council Vote/ Action Taken</b>	
<b>Departmental Follow-Up</b>	City Clerk must update ordinance and website on effective date (30 days after approval). City Clerk must publish ad per Charter Article II Section 9.

<b>City Clerk Use Only</b>	1 <sup>st</sup> Reading <u>06/10/2020</u>	Advertised <u>06/02/2020</u>	<u>EFFECTIVE DATE</u>  <u>07/24/2020</u>
	2 <sup>nd</sup> Reading <u>06/24/2020</u>	Advertised <u>07/09/2020</u> w/in 15 Days	
	Final to Dept <u>                    </u>	Updated Book <u>                    </u>	Online <u>                    </u>

## Revised Amendment to the Code of Ordinances Dealing with Food Trucks

Amend the City of Gardiner's Code of Ordinances to create a new Chapter 12 Mobile Food Vending Units to read as follows:

### 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

## Revised Amendments to the Land Use Code to Address the Treatment of Food Trucks

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

1. Amend Section 17 Definitions by inserting a new definition of a “Mobile Food Vending Unit” in proper alphabetical order to read as follows:

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.

2. Amend the Land Use Table in Section 7 Zoning Districts to add Mobile Food Vending Unit as a use in Subsection 7.6.3 Commercial Uses to read as follows:

### 7.6.3 Commercial Uses

#### Key to Land Use Table

Y = “Allowed”

N = Not Allowed

C = Code Enforcement Officer Review

P = Permitted with Review

SD = Subdivision Review

#### Legend

The legend at the top of the columns identifies the various zoning districts as follows:

RP	Resource Protection	SLR	Shoreland Overlay Limited Residential
SL	Shoreland	RG	Residential Growth
R	Rural	HDR	High Density Residential
PR	Professional/Residential	TD	Traditional Downtown
PIC	Planned Industrial/Commercial	PD	Planned Development
CC	Cobbossee Corridor	ECR	Education/Community Recreation
MUV	Mixed Use Village	PHD	Planned Highway Development
IT	Intown Commercial	CPD	Cobbossee Planned Development

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 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 tenone hundred eighty (180) days in any calendar year-thirty (30)-day period.

607.6. The unit shall not be open for business between 110:00 PM and 67:00 AM.

~~607.7. There shall be a minimum of six (6) parking spaces available for use by customers of the unit. Up to four (4) of the required spaces may be located in legal on-street parking or public parking lots within three hundred (300) feet if the CEO determines that spaces are typically available for customer use when the unit will be open for business.~~

### **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.

~~605.1.7. The west side of School Street between Lincoln Ave and Dresden Avenue~~

~~605.1.8. Brunswick Ave between Elm Street and School Street~~

605.1.79. Enterprise Avenue

605.1.810. Prescott Street

605.1.911. Technology Drive

605.1.102. 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~~ requirements unless otherwise approved by the Chief of Police including time limits.

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 Council.

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.

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. A thirty day license - \$50 fee~~
- 603.23. 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 unit shall be a self-contained unit that can operate without being connected to external sources of power, water or waste disposal.~~
- 604.34. The owner/operator shall provide covered receptacles for the collection of trash and other wastes.
- 604.45. 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.
- 604.56. 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 except when the unit is operated as part of a City approved event or community activity.

#### **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

Commercial Uses																
	RP	SLR	SL	R	RG	HDR	PR	TD	PIC	PD	ECR	CC	MUV	PHD	IT	CPD
Accessory Business Use	N	N	N	N	N	P <sup>11</sup>	P <sup>11</sup>	N	N	N	N	N	N	N	N	N
Adult Businesses	N	N	N	N	N	N	N	N	P	N	N	N	N	N	N	N
Auction Barn	N	N	N	N	N	N	N	P	N	P	N	N	P <sup>8</sup>	P	N	N
Automobile Repair	N	N	N	P	N	N	N	N	P	P	N	N	P <sup>6</sup>	P	N	N
Automobile/Vehicle Sales & Service	N	N	N	N	N	N	N	N	P	P	N	N	P	P	P	N
Bank	N	N	N	N	N	N	P	P	P	P	N	P	P	P	P	N
Bed & Breakfast	N	P	P	P	P	P	P	P	P	P	N	P	P	N	P	P
Building Supply	N	N	N	N	N	N	N	P	N	P	N	N	N	P	P	N
Catering	N	N	N	P	P <sup>9</sup>	N	P	P	N	P	N	P	P	P	P	P
Communication Facility exclusive of towers	N	N	N	P	N	N	N	P	P	P	N	N	P	C	P	N
Communication Facility in alternative tower structure	N	N	N	P	P	P	P	P	P	P	N	P	P	C	P	P
Communication Tower	N	N	N	P	N	N	N	N	P	N	N	N	N	P	N	N
Construction Services	N	N	N	P	N	N	N	N	P	P	N	N	N	P <sup>7</sup>	N	N
Convenience Store including Retail Fuel Sales	N	N	N	N	N	N	N	N	P	P	N	N	P	P	P	N
Crematory	N	N	N	P	N	N	N	N	P	N	N	N	N	N	N	N
Funeral Home	N	N	N	P	N	N	P	P	N	P	N	N	P	P	P	N
Indoor Recreation Facility	N	N	N	N	N	N	N	P	P	P	N	P	P <sup>6</sup>	P	P	N
Junkyards & Auto Graveyards	N	N	N	P	N	N	N	N	N	N	N	N	N	N	N	N
Kennels	N	N	N	P	N	N	N	N	N	P	N	N	N	N	N	N

	RP	SLR	SL	R	RG	HDR	PR	TD	PIC	PD	ECR	CC	MUV	PHD	IT	CPD
Kiosks	N	N	N	N	N	N	P	P	P	P	N	P	P	P	P	N
Laboratories /Research Facilities	N	N	N	N	N	N	P	P	P	P	N	P	P <sup>6</sup>	P	P	N
Laundromat	N	N	N	N	N	N	N	P	N	P	N	N	P	P	P	N
Marinas	N	N	P	P	N	N	N	P	N	P	N	P	N	N	P	N
Medical Facility	N	N	N	N	N	N	P	P	P	P	N	P	P	P	P	N
Meeting Space Up to 2000 Sq Ft	N	N	N	N	N	N	P	P	P	P	N	P	P	P	P	N
Meeting Space over 2000 Sq Ft	N	N	N	N	N	N	P	P	P	P	N	P	P <sup>6</sup>	P	P	N
Mobile Food Vending Unit	N	N	N	C	N	N	N	C	C	N	C	C	C	C	C	N
Offices up to 2,000 sq. ft.	N	N	N	P	P <sup>9</sup>	N	P	C	C	P	N	P	P	P	P	P <sup>9&amp;10</sup>
Offices 2,000 sq. ft. or larger	N	N	N	N	N	N	P	P	P	P	N	P	P <sup>6</sup>	P	P	N
Overnight Accommodation	N	N	N	N	N	N	N	P	P	P	N	P	P	P	P	N
Outdoor Storage Facility	N	N	N	N	N	N	N	N	P	P	N	N	N	N	N	N
Parking Garage	N	N	N	N	N	N	N	P	P	N	N	P	N	P	P	N
Parking Lots	N	N	N	N	N	N	N	P	P	P	N	P	P	C	P	N
Pet Services	N	N	N	P	N	N	N	P	N	P	N	P	P	P	P	N
Restaurant	N	N	N	N	N	N	P	C	P	P	N	P	P	P	P	N
Restaurant with drive-through	N	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N
Retail up to 3,500 sq. ft.	N	N	N	P	N	N	P	P	P	P	N	P	P <sup>6</sup>	P	P	N
Retail 3,500 sq. ft. or larger	N	N	N	N	N	N	N	P	P	P	N	P	N	N	P	N
Self-Storage Buildings	N	N	N	N	N	N	N	N	P	P	N	N	P <sup>6</sup>	P	N	N
Service Business	N	N	N	N	P <sup>9</sup>	N	P	P	P	P	N	P	P <sup>6</sup>	P	P	P <sup>9&amp;10</sup>



	RP	SLR	SL	R	RG	HDR	PR	TD	PIC	PD	ECR	CC	MUV	PHD	IT	CPD
Shopping Center	N	N	N	N	N	N	N	N	P	P	N	P	N	P	P	N
Theater	N	N	N	N	N	N	N	P	N	P	N	P	P	P	P	N
Tradesperson's Office	N	N	N	P	P	P	P	P	P	P	N	P	P	P	P	P
Vehicle Fueling Station	N	N	N	N	N	N	N	N	P	P	N	N	P	P	P	N
Veterinary Clinic	N	N	N	P	N	N	N	P	N	P	N	P	N	P	P	N
Detached Canopy	N	N	N	N	N	N	N	N	P	P	N	N	P	P	P	N