

CHAPTER 212
MOBILE VENDOR ORDINANCE
TOWN OF GRAY

Adopted November 19, 1985

Amended March 17, 1992

Amended September 15, 2020

SECTION 212.1 – TITLE AND PURPOSE

This Ordinance shall be known and may be cited as the Mobile Vendor Ordinance of the Town of Gray, Maine.

This ordinance applies to any food service establishment, including ice cream vendors, hot dog stands, push carts, food trucks, and other food services that are located on private property. Mobile units for the sale of food on public ways is regulated by the Lunch Wagon Statute under 30-A M.R.S.A. Section 3931. Food trucks shall be regulated exclusively in Section 212.2 and 212.12

SECTION 212.2 – DEFINITIONS

“Disqualifying Criminal Conviction” shall mean and include any conviction or any criminal offense punishable by imprisonment for more than one year whether or not the sentence was imposed or served, but shall not include any conviction which is more than five (5) years old or is shown to have been set aside on appeal or collaterally, or for which a pardon, certificate of rehabilitation, or equivalent under the law of the sentencing jurisdiction has been granted.

“Food Truck” shall mean a vehicle not more than ten (10) feet in width and twenty-five (25) feet in length providing food or drink for members of the public on private property or in parking lots outside of the travel way, which is not stationary but capable of moving from site to site.

“Mobile Vendor” shall mean and include any food service establishment not more than eight (8) feet in width and eighteen (18) feet in length attached to wheels and which is capable of moving under its own power or being self-contained unit to be readily moved and must have a wash basin and napkins if selling food and which has all utilities and facilities contained within it or is capable of hookup thereto, in order to serve persons present at its location. The term shall exclude any use which falls exclusively within the definition of “lunch wagon” under 30-A M.R.S.A. Sec. 3931 as amended from time to time.

“Operate” shall mean to sell food, non-alcoholic beverages, and other permitted food items from a food truck.

“Operator” shall mean any person operating or permitted to operate a food truck.

SECTION 212.3 – LICENSE

No person, firm, corporation or association shall operate as a mobile vendor in Gray without first securing a license under this ordinance. Any person seeking such a license shall annually make application to the Gray Town Council. Within thirty (30) days of receipt of said application, the Town Council shall hold a public hearing following notification of the abutters of the location at which the vendor intends to do business. Following the Public Hearing, the Council shall issue, issue with conditions, or deny the license. Said license shall expire on December 31st of each year. Fees will not be prorated. Refer to the Town’s fee schedule for the annual license fee.

SECTION 212.4 – APPLICATION FORM

This application shall be on a form provided by the Town Clerk and shall require the applicant to furnish the following information:

- A. Name, address and telephone number of mobile vendor owner.
- B. Name, address and telephone number of mobile vendor operator, if different from owner.
- C. Identification of site or sites where mobile vendor will operate.
- D. Description of mobile vendor vehicle and its license number, if any.
- E. A certificate of insurance as required in Section 212.8.
- F. A photograph or sketch, or plan of the mobile vendor vehicle.
- G. A certificate of approval issued by the Department of Human Services of the State of Maine, if required.
- H. A complete record of the applicant with respect to any disqualifying criminal conviction or a statement by the applicant that no such conviction exists.
- I. An appropriate form of statement, over the signature of the applicant, giving all persons and governmental agencies having information relevant to the above items and permission to release same to the Clerk.
- J. A description of those items which the applicant proposes to sell and dispense.
- K. Written evidence from the Code Enforcement Officer that the use is allowed in the zoning district (s) in which the applicant proposes to operate.

SECTION 212.5 – DISQUALIFYING CRIMINAL CONVICTIONS

A license granted under this section shall be denied or revoked when any applicant or licensee has received a disqualifying criminal conviction at any time during the five years immediately preceding the application or while a license granted under this ordinance is in effect – or has been imprisoned at any time during said periods for a disqualifying criminal conviction, provided that said conviction was for an offense which is rationally related to the purpose of licensing mobile vendors.

SECTION 212.6 – SCOPE OF AUTHORITY

A licensee under this ordinance shall be authorized to sell and dispense only those items which have been described in the application and which the mobile vendor is equipped to dispense pursuant to the rules described by the Department of Human Services, as they may be amended from time to time. No mobile vendor shall operate within two hundred (200) feet of any fixed base retail establishment or other mobile vendor offering the same or substantially similar goods or services. A mobile vendor shall operate only on private property and not within or on any public ways. No license shall be granted for a mobile vendor unless allowed as a land use in the underlying zoning district(s) in which it operates.

SECTION 212.7 – OPERATING STANDARDS

- A. Location. A mobile vendor may operate only on land that is owned by the operator or land which he/she has written permission to use. If the mobile vendor is to be operated on land that is not owned by the operator, a copy of the written permission to use the land of another property owner

must be submitted to the Town Council along with the original application on such forms as the Town shall require.

- B. Abutters of land to be used by a mobile vendor shall be notified of the Public Hearing date at which the mobile vendor's application will be considered by the Town Council.
- C. Access. Mobile vendor license applicants demonstrate to the Town Council that there is sufficient access, parking and maneuvering space available at the site on which the mobile vendor will operate. The location and adequacy of approaches shall be first reviewed by the Code Enforcement Officer. Suitable, safe access by pedestrians must also be provided.
- D. Mobile vendors and any mobile vendor ancillary facilities such as parking shall be located at least ten (10) feet from the nearest edge of the roadway surface and ten (10) feet from the adjacent side lot lines, unless written approval is received from the abutter to locate less than ten (10) feet from the side lot line.
- E. The approved mobile vendor registration sticker issued by the Town of Gray must be conspicuously displayed on the vending equipment. This sticker is non-transferable.
- F. Mobile Vendor Signs. Mobile vendors must conform with the Town of Gray Sign Ordinance.
- G. Hours of operation shall be from sunrise to sunset. The mobile unit shall be removed from the site and relocated in a safe and suitable place between the hours of sunset and sunrise.
- H. Noise level (dBA). No loud speakers or any unnecessary noise will be allowed on the site. Noise is required to be muffled so as not to be objectionable due to intermittence, beat frequency or shrillness. The average dBA count resulting shall not exceed sixty (60) dBA at any point on or beyond the site.

SECTION 212.8 – RUBBISH CONTAINERS

A sufficient number of covered, metal rubbish containers shall be provided at each site immediately adjacent to the mobile vendor to hold material discarded by its customers, and the license shall cause the same to be emptied as necessary. In no case shall such containers be more than ten feet from the mobile vendor vehicle. A licensee shall keep sidewalks, roadways, and other public or private spaces adjoining and adjacent to his/her locations clean and free from paper and refuse of any kind which may be generated by the operation of the business.

SECTION 212.9 – INSURANCE

The licensee shall provide written evidence of insurance coverage for the period of the license and executed by an insurance company authorized to issue such policy in the state, in the usual form of automobile liability insurance policies in this state for injuries to persons and property resulting from the use and operation of the vehicle to be licensed.

Such policy of insurance shall be issued for the principal sum not less than \$300,000 for bodily injury, death and property damage. A certificate of insurance bearing an endorsement thereon by the issuing agent shall be deposited with the Clerk. Such certificate shall state that the issuing agent will notify the clerk in writing no less than thirty (30) days prior to the cancellation thereof.

SECTION 212.10 – AUTOMATIC REVOCATION OR SUSPENSION

No license granted under this ordinance shall be effective for any period during which the licensee's certificate of approval, issued by the Department of Human Services, is suspended or revoked.

SECTION 212.11 – GROUNDS FOR SUSPENSION OR REVOCATION

A license granted under the authority of this ordinance may be suspended or revoked by the Town Council, after notice of hearing, when the Council determines that the licensee has violated any condition of this ordinance or any other applicable law, or of the license granted to him/her.

SECTION 212.12 – FOOD TRUCKS

This section applies to food trucks that operate on private property. Food trucks individually and cumulatively have an impact similar to small structures and to other businesses. The Town acknowledges that food trucks can be desirable in limited circumstances provided certain standards can be met.

- A. License. No person, firm, corporation, or association shall operate a food truck in Gray without first securing a license which will be conditional upon adherence to the criteria set forth in this ordinance. Any person seeking such a license shall annually make application to the Town of Gray Code Enforcement Officer. Said license will expire on December 31st of each year. Fees will not be prorated.
1. Food trucks proposing to operate at any one location for more than three (3) days in a row, six (6) days a month, or three (3) consecutive months in the same location require a license issued by the Town Council following the provisions in 212.3. Operating a food truck for any length of time within a 24-hour period shall constitute a day for the purposes of this definition.
- B. Application Form. This application shall be on a form provide by the Town, must be received at least three (3) days prior to the event, and shall require the applicant to furnish the following information:
1. Name, address, telephone number, and email address of the food truck owner.
 2. Name, address, and telephone number, and email address of the food truck operator, if different from the owner.
 3. A certificate of insurance as required in section 212.12.D.2.
 4. Description of the food truck and its license number.
 5. A photograph, sketch, or plan of the food truck
 6. Property Owner's consent in writing.
 7. Overall Plot Plan showing the parcel, structure, and area where the food truck will operate. If applicable, include the number of tables and seating that will be available for use.
 8. For parking areas, provide a plan depicting adequate and safe interface between pedestrians and vehicles. Also include the vehicular traffic flow.
- C. Operating Standards. Standards applicable to Food Trucks
1. All food trucks must comply with all applicable local, state, and federal rules and statutes, including but not limited to those rules pertaining to the preparation and sale of food.
 2. Food trucks shall obtain and provide, if, at a minimum, motor vehicle license as required by state law, and business insurance with a minimum coverage of \$1,000,000.
 3. Food trucks shall not impede access to any entrance or driveway of any building.

4. Business hours are limited to • Business hours are limited to 8AM to 9PM in predominately residential neighborhoods & 7AM to 9PM in commercially permitted locations.
5. All solid waste or debris accumulating from a food truck operation must be collected by the food truck operator and disposed of in a trash receptacle and removed daily by the food truck operator.
6. No food truck may operate within 500 feet of a public-school during school days.
7. No food truck may conduct business within 200 feet of street intersections.
8. Seating may be provided but is limited to 16 seats.
9. Amplified music or sounds from any food truck is prohibited.
10. Open flame either within or outside the food truck is prohibited, except where such activity is specifically permitted by the Fire Department or other applicable licensing authority.
11. A food truck may connect to hardwire electrical service approved by the Gray Code Enforcement Officer.
12. All signage shall be permanently affixed to the food truck.
13. No exterior lighting is permitted on the site.
14. Food trucks operating for more than 3 days in a row, 6 days a month, or 3 consecutive months in the same location, require a license issued by the Town Council following the provisions in 212.3. Operating a food truck for any length of time within a 24-hour period shall constitute a day for the purposes of this standard.
15. The applicant can request from the Town CEO, one, 30-day extension of this license if the days of operation at one location exceed what is allowed, provided that the applicant has filled out the appropriate paperwork and is waiting for Council approval.

D. Revocation of License. The Code Enforcement Officer is authorized to revoke or suspend any food truck license for:

1. Misrepresentation of information in the application.
2. Fraud or misrepresentation in the conduct of business.
3. creation of a public nuisance or a threat to the public's health, safety, or welfare.
4. Conviction of a crime involving moral turpitude.
5. Health inspection violation which not corrected within 24 hours of notice
6. Any violation of the standards listed above.

E. Penalties: Any person who violates any provision listed above shall be subject to a fine of \$500. Each day a violation continues shall be considered a separate violation.