

**An Ordinance to Amend Chapters 150 (Licensing) and 212 (Traffic)  
of the Code of the Town of Wells to Clarify Requirements  
Regarding s**

**NOTE: Proposed additions to existing Code sections are underlined.  
Proposed deletions of existing Code sections are ~~crossed-out~~.  
Other sections of the Ordinance are unchanged.**

The Town of Wells hereby ordains and enacts “An Ordinance to Chapters 150 (Licensing) and 212 (Traffic) of the Code of the Town of Wells to Clarify Requirements Regarding Food Trucks” to read as follows:

**Part 1:** Section 150-3, entitled “Definitions” is hereby amended as follows:

**LUNCH WAGON FOOD TRUCK**

A vehicle or cart providing food and drink ~~for construction sites and the like or 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 moves from site to site.

**LOCATION**

Any single parcel or combination of contiguous parcels that are owned or controlled by a single entity or affiliated entities.

**Part 2:** Section 150, Attachment 1, entitled “Licenses and Permits, Town of Wells, Table 1” is hereby amended as follows:

Lunch Wagon Food Truck	<del>\$800</del> <u>1,000</u> per vehicle	x	x	n	x	c	c	c
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**Part 3:** Section 150, Article XIV, entitled “Food Truck Operation” is hereby adopted as follows:

**§ 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.**

**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, as well as its general home rule authority.

### **§ 150-150 License required.**

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.

### **§ 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 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.

### **§ 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.

### **§ 150-153. Insurance required.**

Food trucks shall obtain and provide proof of, at a minimum, motor vehicle insurance as require 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 having receiving site plan approval from the Planning Board, pursuant to Chapter 145, Article X, of this Code of Ordinances.

**§ 150-155 Hours of operation.**

Food trucks may operate beginning at 7:00 AM and ending at 9:00 PM, unless otherwise qualified or limited by the municipal review authority.

**§ 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 shall park facing the same direction as traffic, at a distance of no more than twelve (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 (3) 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.

H. Food trucks operating on public property 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.

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.**

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. 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.

**Part 4:** Section 212-3, entitled “Definitions” is hereby amended as follows:

**FOOD TRUCK**

A vehicle or cart providing food and drink for construction sites and the like or 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 moves from site to site.

**LOCATION**

Any single parcel or combination of contiguous parcels that are owned or controlled by a single entity or affiliated entities.

**MOBILE SELLING UNIT**

A mobile vehicle, which is designed, constructed and used to transport, prepare, sell, serve or deliver food or other goods at a number of sites and is capable of being moved from its serving site at any time. Mobile selling units include, but are not limited to, food trucks and Ice Cream Trucks, as are further defined in this Chapter.

**OPERATE**

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

**OPERATOR**

Any person operating or permitted to operate a food truck.

**Part 5:** Section 212-6, entitled "Parking of vehicles" is hereby amended as follows:

A. No person shall park or leave standing any vehicle, including but not limited to any food truck, on or at any of the following:

...

G. No person shall park or leave standing, attended or unattended, any mobile selling unit, including but not limited to a food truck, on any public way or parking lot, without first receiving the requisite permit as issued by the Town. In the case of a food truck, no operation may occur on any public way or parking lot unless pursuant to a valid outdoor festival or special amusement permit, as outlined in Chapter 150 of this Code of Ordinances, in excess of 15 minutes' duration.

**Part 6:** Effective Date.

This Ordinance shall take effect 30 days after adoption by the Board of Selectmen.

Given under our hands this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

BOARD OF SELECTMEN OF THE TOWN OF WELLS:

\_\_\_\_\_  
Karl Ekstedt

\_\_\_\_\_  
Daniel Hobbs

\_\_\_\_\_  
John Howarth

\_\_\_\_\_  
Tim Roche

\_\_\_\_\_  
Kathleen Chase