

City Council Workshop

Agenda Item #2

June 9, 2014

Food Trucks – Ordinance Guidance

City Councilor Cohen has requested a workshop item to discuss the allowance of “Food Trucks” in South Portland.

Corporation Counsel posed questions to staff around amending Chapter 14 for the allowance of Food Trucks. City staff has met to address those questions, but have found the need to seek guidance from the City Council on some items before drafting ordinance language.


City Manager



City of South Portland
 Office of the City Clerk
 25 Cottage Road
 South Portland, ME 04106
 207-767-7628

Application for a Food Establishment License to

Valid

Code of Ordinances Chapter 14 §100-106

All applicants require a **State Food License**. Failure to do this may result in your City Food License not being issued. It is illegal to operate your business without all applicable licenses.

Please fill out this application completely even if this is a renewal.

Please check the license you require:			Total Fees:
	Food Service Only – Prep Onsite	\$200.00	
	Food Service Only – NO Prep Onsite	\$150.00	
	Food Service Temporary (Less than 2 weeks)	\$35.00	
	Food Service Catering	\$95.00	
	Mobile (1) (2)	\$120.00	
	Mobile Ice Cream (1)	\$120.00	
	Stationary (2)	\$120.00	
	Pushcart (2)	\$100.00	
	Background Checks (each)	\$25.00	
X	Processing Fee	\$20.00	\$20.00

Please Check One	
	New license
	Renewal

Please Check Business Type: (3)	
	Individual
	Corporation
	Association
	Partnership

(1) Please attach vehicle registration(s) and a copy of your State of Maine Service License if mobile vending or ice cream truck. A list of stops and their locations, with written permission from the land owner(s) is required for any new stops and all new applicants.

(2) If the vending unit will be operating within 500' of another city licensed food establishment, the license will require a Public Hearing. The 500' is measured from lot line to lot line on the city tax maps. Additional fees for legal ads will be incurred. Applicant must provide written permission from property owners. Planning Board approval may be necessary for some stationary units.

(3) Corporations, Associations and partnerships must complete a Corporate Officer List and submit with this application

Are there coin operated amusement devices on the premises? Yes No How many _____
 Are there Billiard/Pool Tables on the premises? Yes No

Please complete the following information (print);

Business Name:	Telephone:	
Address of Business:		
Name of Manager at Establishment:		
Owner Name:		
Mailing Address:	City:	
State:	Zip:	Telephone:
Contact person:	Email Address:	

Seating Capacity:						
Type of Food Served:						
Days and Hours of operation:						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday

Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above license and further agrees that any misstatement of material fact may result in refusal of license or revocation if one has been granted. Applicant agrees that all taxes and accounts pertaining to the premises will be paid prior to issuance of the license.

Authorized Signature	Print Name and Title	Date

Additional Information:

Municipal Use Only

Date of Application:	Date Paid:	Receipt #
Map and Lot:	Real Estate taxes paid:	Personal Prop taxes paid:

	Approved	Disapproved	Signature
Fire Chief			
Health Officer			
*Bldg. Inspector			
*Police Chief			

*New Applications Only

Comments:

**Corporate Officer List
City of South Portland
Office of City Clerk
P.O. Box 9422
South Portland, ME 04116-9422**

Name of Company: _____

If applicant is a partnership, association or corporation, list names, residences, and birth dates as well as title of each member. If applicant is new and/or city ordinance requires a background check be conducted on all corporate officers, a \$25 fee per name applies. (Check may be made out to the City of South Portland).

Name full name, including middle initial and maiden name, if applicable	Date of Birth
Address	Title

Name full name, including middle initial and maiden name, if applicable	Date of Birth
Address	Title

Name full name, including middle initial and maiden name, if applicable	Date of Birth
Address	Title

Name full name, including middle initial and maiden name, if applicable	Date of Birth
Address	Title

Signature of Authorized Officer



Mobile Vending/Pushcarts License Permission
City of South Portland
Office of City Clerk
P.O. Box 9422
South Portland, ME 04116-9422

Application to be filled out by the property owner

I, _____ give _____
Print name Mobile Vending Company

Permission to solicit food at _____
Business Name

Business Location

Signature

Title

Date

CODE OF ORDINANCES - CHAPTER 14
ARTICLE VI. FOOD, FOOD HANDLERS AND FOOD SERVICE ESTABLISHMENTS

DIVISION 1. GENERALLY

Sec. 14-100. State Code adopted and administrative rules adopted.

The City hereby adopts the most recent version of the State of Maine Food Code as adopted by the Maine Department of Health and Human Services and the Maine Department of Agriculture, Food and Rural Resources and its associated Rules Relating to the Administration and Enforcement of Establishments Licensed by the Health Inspection Program as if fully set forth herein, except for the changes set forth in this Article.

Sec. 14-101. Definitions.

Catering establishment: An establishment providing catered meals to eat on site for planned functions, but which does not provide meals to the general public on a walk-in basis.

Craft producer: A vendor associated with a farmers' market who manufactures or crafts non-farm and food products by the force of their own labor, who has control over the means and methods of production and who assumes the financial and liability risk for the production enterprise.

Farm and food products: Any agricultural, horticultural, forest or other product of the soil or water, including, but not limited to, fruits and fruit products, vegetables, eggs, dairy products, meat and meat products, poultry and poultry products, fish and fish products, grain and grain products, honey, nuts, maple products, apple cider, fruit juice, malt liquor, wine, ornamental or vegetable plants, nursery products, fiber or fiber products, firewood and Christmas trees.

Farmers' market: A building, structure or place used by 2 or more farmers for the direct sale of farm and food products to consumers. A person may not sell farm and food products at a market labeled "farmers' market" unless at least 75% of the product offered by that person was grown or processed by that person or under that person's direction. A product not grown or processed by that person must have been purchased directly from another farmer and the name and location of the farm must be identified on the product or on a sign in close proximity to the displayed product.

Food establishment. The definition of "food establishment" in the Food Code at Section 1-201.10(B)(32)(c) is hereby amended to read:

(c) "Food establishment" does not include:

(i) An establishment that offers only prepackaged foods that are not potentially hazardous, provided that the sale revenues of the prepackaged foods do not exceed 3% of the annual gross income of the individual establishment;

Services vendor: A vendor associated with a farmers' market who provides a service intended for immediate consumption.

Vendor associated with a farmers' market: A craft producer and/or services vendor selling good or services at the same designated location and days and times as a farmers' market.

Charter reference(s)--Council authorized to create offices, § 203; authority for manager to make appointments, § 302.1.

Sec. 14-102. License required

No person may operate a food establishment or place without first obtaining a license to do so from the City Clerk. A food service establishment license shall only be granted upon a showing by the applicant of compliance with all requirements of this Article and all other relevant provisions of this Chapter. Licenses must be posted in a conspicuous place on the licensed premises.

Sec. 14-103. License fees

Fees for licenses required by this Article shall be as specified in the Schedule of License, Permit and Application Fees established by City Council order.

Sec. 14-104. Mobile, temporary and non-permanent stationary vending units

Mobile, temporary and non-permanent stationary vending units, including push carts and mobile ice cream vendors, shall be licensed in accordance with the provisions of this Article except as set forth herein. Each such unit shall be licensed to sell and dispense only such items as are listed in the application and which the unit is properly equipped to dispense. In no event shall any license granted to any unit be valid to permit operation or sales within a five hundred foot (500') distance from any licensed food establishment within the City; provided, however, that this limitation shall not apply to mobile ice cream vending units.

Sales of farm or food products as part of a farmers' market in a location specified in Section 14-105(a) shall not be considered mobile, temporary or non-permanent stationary vending units and shall not be regulated by this section.

A license for a mobile, temporary and non-permanent stationary vending unit may only be granted if the vending unit complies with zoning regulations and has received site plan approval from the Planning Board as provided in Chapter 27, "Zoning," Article VXIII, Site Plan Review. Impacts to be considered include, but are not limited to: increase in traffic generation and circulation, parking area, utilization of City services, stormwater run-off, noise, odors or other annoying or dangerous emissions detectable at lot boundaries, or health concerns such as likelihood of attracting insects, vermin or other pests.

Notwithstanding other provisions of this section to the contrary, applicants for mobile, temporary or non-permanent stationary vending unit licenses may apply to the City Council for a waiver of the provisions of this section prohibiting operation within five hundred feet (500') of any other licensed food service establishment. The City Council shall hold a public hearing on any such request. Not less than ten (10) days before the public hearing, notice shall be sent to all licensed food service establishments within five hundred feet (500'). The City Council may grant, deny, or grant with conditions any such license based upon a showing of hardship by the applicant and based upon a showing that the granting of a variance would not be detrimental to the public health, safety or welfare, provided, however, that at least five (5) affirmative votes shall be required for a waiver.

Sec. 14-105. Farmers' Markets.

(a) Farmers' Markets Generally.

- (i) No person may sell items at a farmers' market without either a farmers' market license or a vendor associated with a farmers' market license issued by the City Clerk's office. There must be at least two farmers holding valid farmers' market licenses present at a designated location and day/time of a farmers' market in order for any licensee to sell good or services at the farmers' market for that day/time.
- (ii) A farmer, craft producer or services vendor seeking to participate in or be associated with a farmers' market shall pay an annual application processing fee as specified in the Schedule of License, Permit and Application Fees established by City Council order. In addition, for each farmers' market location that an applicant seeks to sell goods or services at, the applicant shall pay the applicable per market location fee as specified in the Schedule of License, Permit and Application Fees established by City Council order. All other licensing fees shall be waived.
- (iii) Any vendor who seeks to apply for a vendor associated with a farmers' market license must first demonstrate to the City Clerk that the applicant has been approved by whomever is responsible for the general oversight of the designated location and day/time of the farmers' market, be it the property owner, market manager or otherwise.
- (iv) To ensure that a farmers' market retains its essential character as such, the total number of licenses issued for vendors associated with a farmers' market shall not exceed 25% of the total number of farmers' market licenses issued, as calculated on a per farmers' market location basis each license year and in whole numbers. For purposes of calculating compliance with this subsection, the number of licenses issued for vendors associated with a farmers' market shall be rounded up to the nearest whole number.
- (v) All farmers' markets must comply with all applicable requirements of Chapter 27 of the Code of Ordinances.
- (vi) Mobile, temporary and non-permanent stationary food vending units, including push carts and mobile ice cream vendors, are prohibited from participating in duly approved farmers' market locations.
- (vii) Any items sold at the farmers' market that are not the products of the farmer selling them must be so labeled.
- (viii) In addition to the general provisions regarding suspension or revocation of a license, the City Clerk shall revoke the license of any person who fraudulently uses weights or measures, combines with any other licensee in the fixing or maintaining of a price, or who intentionally and knowingly deprives another licensee of the use of the latter's designated stall in the market. In addition, the City Clerk may suspend or revoke the license of any person who violates any other section of this Chapter.

(b) Farmers' Markets located on City Property.

- (i) Farmers' markets may be permitted on City property at such times and locations as established by City Council order.
- (ii) The City Clerk may assign to a particular farmer or to a farmers' market association duly organized and existing under the laws of Maine the administrative duty to assign stalls to participating farmers.
- (iii) No license for the sale at a farmers' market of any items shall be issued by the City Clerk until the applicant has filed with the City Clerk a certificate, in a form satisfactory to the Corporation Counsel, evidencing general liability coverage in an amount not less than \$400,000 combined single limit for personal injury and property damage, or such other amount as may be required by the Maine Tort Claims Act (14 M.R.S.A.

§ 8001 et seq.) as amended from time to time, whichever amount shall be greater, and naming the City as an additional insured. The licensee shall maintain such insurance at all times while engaged in sales at a farmers' market, and the licensee shall provide the City Clerk with not less than ten (10) days' advance written notice of the cancellation, expiration or non-renewal of said insurance.

Sec. 14-106. Enforcement and penalties.

(a) Enforcement. The City's Health Officer or Health Inspector is authorized to enforce and shall enforce the provisions of this Article. The City Clerk is also authorized to enforce the provisions of this Article.

(b) Fines. Any person violating any provisions of this Article shall be fined in an amount not to exceed five hundred dollars (\$500) per violation. Each separate section and each day of a violation shall constitute separate violations. Any such fine may be in addition to any suspension or revocation imposed in accordance with the provisions below.

(c) License suspension or revocation.

- (1) The Health Officer or Health Inspector may immediately suspend any license granted under this Article for reasons of public health or safety.
- (2) The Health Officer or Health Inspector may immediately suspend any license granted under this Article upon denial of access to inspect the establishment.
- (3) The City Clerk may suspend any license granted under this Article for violation of any provision of this Chapter.

Upon suspension, the licensee shall immediately surrender the license to the Health Officer or Health Inspector. If suspended by the Health Officer or Health Inspector, the license shall remain suspended until reinspection shows compliance with this Article. If suspended by the City Clerk, the license shall remain suspended until the licensee shows compliance with this Chapter.

Where a licensee fails to comply with the requirements of this Article or this Chapter within ten (10) days from the date of suspension, a hearing shall be scheduled before the City Council for revocation of the license. Upon scheduling of a revocation hearing before the City Council, the license shall remain suspended until the completion of the hearing and decision by the City Council. The City Council may revoke the license on the following grounds:

1. The licensee has failed to bring the establishment into compliance with this Article or this Chapter within ten (10) days of the date the license was suspended;
2. The license has been suspended three (3) times or more within the previous 12-month period; or
3. The Council finds that the establishment poses a significant threat to public health or safety.

FOOD TRUCK POLICY & REGULATORY ISSUES

BACKGROUND

▶ A recent boom in food truck popularity has caused regulation headaches for many municipalities across the country. The National Restaurant Association reports that food trucks were responsible for nearly \$650 million in revenue in 2012, and recent research released by the Intuit Network predicts food trucks will generate between 3 and 4 percent of total restaurant revenue, around \$2.7 billion, by 2017.

▶ Many local ordinances regulating mobile vending were written decades ago, and apply more to ice cream trucks, hot dog carts and sidewalk vendors. Many modern food trucks are equipped with state-of-the-art cooking, refrigeration and sanitation equipment, and ordinances need to be updated to address these food trucks.

▶ Food trucks take up a lot of space, require more health and safety oversight, cater to a different customer than ice cream trucks and hot dog carts, and have a more challenging relationship with brick and mortar restaurants and other mobile vendors.

CURRENT CITY LICENSING ORDINANCE

▶ "Mobile (motorized) vending unit" is an undefined term in Chapter 14 (Licenses) of the Code of Ordinances, but mobile vending units are regulated pursuant to Sec. 14-104. Licenses are issued by the City Clerk and are valid for one year. The license fee is \$120, plus a \$20 processing fee.

▶ Sec. 14-104 requires mobile vending units to be at least 500 feet from another City-licensed food establishment, although the City Council may waive this restriction after notice and a public hearing.

▶ Sec. 14-104 requires mobile vending units to obtain site plan approval from the Planning Board.

▶ Sec. 14-105(a)(vi) prohibits mobile vending units from participating in farmers' market locations.

▶ Mobile vending units are not expressly authorized to park on City property or street rights-of-way.

POLICY & REGULATORY ISSUES

I. PUBLIC HEALTH

- (a) Sanitation (cleaning of preparation utensils; disposal of garbage, wastewater (gray water) and remnants of grease traps) – Does the City need to be more stringent than the Maine Food Code? How close must restroom facilities and access to hand washing facilities for food truck employees be? Is the City's current inspection program available for food trucks and, if so, is it sufficient?
- (b) Food Safety – Does the City need to be more stringent than the Maine Food Code? Is the City's current inspection program available for food trucks and, if so, is it sufficient? Should a certified food protection manager be required?
- (c) Role of Commissaries or Base Stations (fixed location kitchens where food must be prepped before being loaded onto the truck for cooking and selling) – Should vendors be required to have a contract with a commissary?

II. PUBLIC SAFETY

- (a) Fire Department Permits – Are open burning/cooking or other fire safety permits required? Is inspection of any fire suppression system required?
- (b) Parking on Public Ways – If allowed, for how long and in what locations?
- (c) Private Property – Should food trucks be allowed on private property? If so, where? How does the City reduce externalities that might spill over onto neighboring properties, especially if there are multiple vendors on one property? Should there be fewer regulations if a vendor is located on private property rather than public property? Should the City identify private, vacant lots and allow vendors to create partnerships for gathering and vending in those locations?
- (d) Pedestrian and Intersection Safety – Should vendors be required to be a certain distance from any sidewalk or to maintain a certain minimum amount (*e.g.*, 4 feet) of unobstructed sidewalk? Should vendors be required to be a certain distance from certain busy intersections? Should there be any limitations on signage?
- (e) Vending Near Schools – Should there be proximity restrictions, *i.e.*, must a vendor be a certain distance from a school? Should there be time restrictions (to limit the amount of time vendors sell to students without adult supervision)? Should the vendors be allowed to compete with existing school food service?
- (f) Other – Limits on hours of operation? Prohibition on indoor/outdoor seating? Prohibition on playing amplified music?

III. PUBLIC SPACE

- (a) Time Constraints – How long should vendors be allowed to park and vend in one location (usually at least 4 hours due to set-up and break-down time)?
- (b) Proximity Restrictions – How much distance should be maintained between food trucks? How much distance should be maintained between other food establishments? Should the proximity restrictions vary based on the density of the surrounding area (shortened for denser neighborhoods and lengthened for less dense neighborhoods)?
- (c) Geographic Limitations – Should vendors be limited to certain zoning districts, parking spaces or other designated areas (*e.g.*, street rights-of-way and core area parks)? Should there be a lottery or first-come, first-serve system that allows a restricted number of parking spaces or sections of right-of-way to be set aside for mobile vending?
- (d) Insurance – A certificate of insurance providing sufficient commercial general liability insurance and listing the City as an additional insured should be required of vendors who vend on City property.

IV. ECONOMIC ACTIVITY

- (a) Geographic Limitations – Can geographic limitations be used to potentially enhance economic development in certain areas of the City?
- (b) Streamlining the Licensing Process – How centralized will the licensing process be? What land use approvals should be required (and will the requirements vary if a single vendor as opposed to multiple vendors in one area)? What City Department approvals

should be required? Will there be a checklist of all license requirements? Will a physical inspection of the food truck be required? Will notice to abutters of the application be required (if a specific location is approved as a vendor site)?

- (c) Cost of License – How to balance generating enough revenue to off-set the license review process but without discouraging business owners from entering the market?

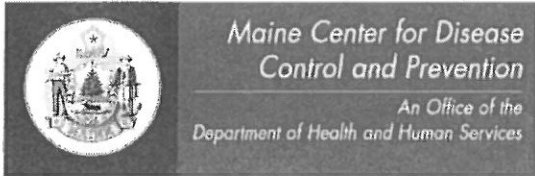
	A	B	C	D	E	F	G
1	<u>Question</u>		<u>Portland Food Trucks</u>		<u>Staff Recommendation</u>		<u>Council Guidance</u>
2	Current Licensing						
3	Mobile vending unit is undefined in Chapter 14 Licenses, but mobile vending unites are regulated in 14-104. Licenses are issued annually for \$120.00 plus \$20.00				\$150.00 plus \$20.00 for a annual license and \$40.00 plus \$20.00 for a special event license		
4							
5	Section 14-104 requires mobile vending units to be at least 500 feet from another City licensed food establishment, although the City Council may waive this restriction after				500-feet from another establishment - if proposed under 500-feet needs approval from City Council		
6							
7	Section 14-104 requires mobile vending units to be obtain site plan apporval from the Planning Board.				No Planning Board		
8							
9	Section 14-105(a)(vi) prohibits mobile vending units from participating in farmers' market locations.				Food trucks will be prohibited from participating in Farmers' Markets.		
10							
11	Mobile Vending Units are not expressly authorized to park on City property or street rights-of-way.				The allowance on designated areas of city streets - and in parks only through special event license.		
12							
13	Public Health Issues						
14							

	A	B	C	D	E	F	G
15	Sanitation: Do we need to be more stringent than the Maine Food Code? How close should bathroom and handwashing facilities be? Do we have the capability to inspect food trucks?		Food truck base station must be inspected and properly licensed pursuant to Chapter 19 and Sections 15-12 and 6-17.		Truck needs to be inspected by State and licensed by State. Base station needs to be inspected by community it is in. A food inspection sticker should be present on the truck. Handwashing is needed and grey water should properly be disposed of. City will also inspect food truck.		
16							
17	Food Safety: Should a certified food protection manager be required?				Yes - there should be a certified food protection manager.		
18							
19	Should vendors be required to have a contract with a commissary for food preparation?				Food trucks need to have proof of base station, unless prep food on-site.		
20							
21	Fire Dept: Are open burning/cooking or other fire safety permits required? Fire suppression system inspection?				Hood suppression system were required by Code. Secured fuel system. Fire extinguisher on each vehicle		
22							
23	Parking: On a public way - how long and how often?		6:00 am to 10:00 pm in the designated areas on city owned land. Night vending from 10:00 pm to 6:00 am in non residential areas citywide. Police Department can close it down after 10:00 pm if the vending is causing a public safety		Bid or Lottery or Both for designated spots? No night vending unless associated with special event. Applicant request time and decided by City Council?		
24							
25	Private Property: Should they be allowed on private property? Should there be a limit to number of trucks? How do you reduce impact to abutting neighbors?		Yes. First come first serve.		Yes - private allowed as long as not in a residential zone. Also based on size of parcel.		
26							

	A	B	C	D	E	F	G
27	Pedestrian and Road Safety: Should vendors be required to be a certain distance from any sidewalk or not obstruct a certain amount of sidewalk? Distance from any intersection?		Public property - food trucks shall comply with all parking rules, except that food trucks otherwise operating lawfully...(talks about feeding a meter). Cannot be parked overnight on city streets.		Public property - food trucks shall comply with all parking rules, except that food trucks otherwise operating lawfully...(talks about feeding a meter). Cannot be parked overnight on city streets.		
28							
29	Near Schools: Should their be proximity restrictions (certain feet from a school?) or time restriction?		Prohibits them at schools unless authorized by the school event.		Prohibits them at schools unless authorized by the school event.		
30							
31	Other: Limits on hours of operation? Prohibitions on indoor/outdoor seating? Limits on amplified music?		6:00 am to 10:00 pm on private property or in the designated areas on city owned land. Night vending from 10:00 pm to 6:00 am in non residential areas citywide. Police Department can close it down after 10:00 pm if the vending is causing a public safety hazard. Noise requiments pursuant to Section 17-20 of Code		Upon applicant's request and Council decision? No indoor/outdoor seating. No music.		
32							
33	Public Space						
34							
35	How much distance between Food Trucks? Based on density of area?		Peninsula: 65-feet from 1) any fixed based food establishment with operating kitchen measured from front door; and 2) any hotel, B&B, motel, hostel, or inn measured from nearest edge of property. Off Peninsula: 200 feet from fixed food service with kitchen measured from front door; 2) any hotel, bed and breakfast, motel, hostel, or inn measured from the nearest edge of property.		Special events spaced 25 feet apart. Daily positioning should be more, but ultimately up to designated areas.		
36							

	A	B	C	D	E	F	G
37	Limited to certain zoning districts? Parking spaces?		Not allowed in the Residential R zones unless specifically designated. No designated parking spots for food trucks.		No residential zones unless licensed as a special event through Clerks office. No designated parking spots.		
38							
39	Should there be a lottery for licenses?		Portland - competitive bid process for city property. Those on private property are first come first serve.		Bid/Lottery/Both???		
40							
41	Should there be certain specific areas designated?		Portland outlines specific areas on city streets within the Peninsula. Allows in city parking lots and parks. No school locations unless part of a school function.		Yes if on City streets. (possible examples - Bug Light Park/Boat Ramp, Mill Creek, SMCC area, Willard Square, Western Avenue (Kaplan Univ), Main Street)		
42							
43	Insurance for commercial liability listing the City should be required.		Each food truck vendor must provide a certificate of insurance to cover public liability in the amount of at least 400K.		Each food truck vendor must provide a certificate of insurance to cover public liability in the amount of at least 400K.		
44							
45	Other						
46							
47	What City Approvals will be needed? Creation of a quick referral listing.				Food License and Food Truck License (City and State).		
48							
49	Number of Licenses given out annually?				Annual licenses given?		
50							
51	Design of Food Truck?		Application requires description that includes length and width at its widest configuration. Color pictures need to be submitted of the truck of at least two angles.		Application requires description that includes length and width at its widest configuration. Color pictures need to be submitted of the truck of at least two angles.		
52							

	A	B	C	D	E	F	G
53	Size of Truck		Trucks must not exceed 10 feet in width, including side extensions or awnings. Should not exceed 24 feet in length including the trailer hitch, trailer or other extension. On Private property the food truck can be upwards of 40-feet.		Trucks must not exceed 10 feet in width, including side extensions or awnings. Should not exceed 24 feet in length including the trailer hitch, trailer or other extension. On Private property the food truck can be upwards of 40-feet.		
54							
55	Self Contained Truck		Food trucks need to be self contained except for trash receptacles which shall be in contact with the truck and not impede vehicle or pedestrian movement.		Food trucks need to be self contained except for trash receptacles which shall be in contact with the truck and not impede vehicle or pedestrian movement.		
56							
57	Serving Window Direction		Must serve towards sidewalk or esplanade.		Must serve towards sidewalk or esplanade.		
58							
59	Sale of Items		Only food and non-alcoholic drinks		Only food and non-alcoholic drinks		
60							
61	Revoking License		Failure to adhere is cause for revocation or suspension of license City Clerk pursuant to Chapter 15.		Failure to adhere is cause for revocation or suspension of license City Clerk pursuant to Chapter 15.		
62							
63	Designated areas vs special event areas				How do we handle a designated area at Bug Light, but also allow for other food trucks to take advantage of a special event (4th of Event, Color Run) Do we prohibit food trucks during Art in the Park if the streets around Mill Creek Park are a designated spot?		
64							
65	Definitions				Distinguish between mobile, stationary and Food Trucks.		
66							
67	License sticker				Yes - make up stickers for trucks showing that they are allowed to operate in South Portland		



Paul R. LePage, Governor

Mary C. Mayhew, Commissioner

Department of Health and Human Services
Maine Center for Disease Control and Prevention
286 Water Street
11 State House Station
Augusta, Maine 04333-0011
Tel.: (207) 287-8016; Fax: (207) 287-9058
TTY Users: Dial 711 (Maine Relay)

Tel. (207) 287-5671

Health Inspection Program

Fax (207) 287-3165

Checklist for Mobile Units

All units need:

- State license
- Hand Wash Sink (110F Hot Water),
 - Name of water supply source _____
 - Soap
 - Paper towels
 - Hand wash signage
- 2 bay or 3 bay sink (see separate Mobile Compliance Handout to determine)
- Gray water tank – 15% larger than potable water tank
 - Location of disposal _____
- Food thermometer
- Nonporous and smooth surfaces
- Proper storage of utensils, food, dry goods etc.
- Dishwashing detergent
- Sanitizer and testing strips

Some units need:

- Municipal license (if City or Town requires one)
- Base station (if not 100% self-sufficient)
 - Location _____ License ID# _____
- Refrigeration (Depending upon food service of PHF Foods)
 - Thermometer inside
- Certified Food Protection Manager (see exemption list)
 - Name and Expiration Date _____
- Ice
 - Name of approved source supplier _____
- Backflow preventer and food grade hose
- Sneeze guard
- Consumer Advisory (if menu items require one)
- Light shield (food truck)
- Umbrella (overhead protection)
- Food Protection - Sliding Window, Screening or Air Curtain (food truck)
- Floor Covering

City of Portland Food Truck Rules and Regulations

These Rules and Regulations are promulgated pursuant to Section 19-23 of the City Code:

1. An application must be submitted on a form provided by the City Clerk's office with colored pictures of at least two different angles of the unit you are applying to license and a description that includes the length and width, when in its widest configuration.
2. Operation from 6:00 a.m. to 10:00 p.m. food trucks may operate on private property in all zones where food trucks are permitted with the permission of the property owner and in the following locations:
 - a. On the following city streets on the Peninsula:
 - West Commercial Street from Park Street to Danforth Street;
 - Bayside along Marginal Way from Forest Avenue to East End Beach Trail, along Washington Avenue from I295 to Cumberland Avenue, along Cumberland Avenue from Washington to Forest Avenue and along Forest Avenue from Cumberland to Marginal Way;
 - On the north side of Park Avenue between High Street and I295, except when there is a game or event at Hadlock Field in which case food trucks are limited to Park Avenue along Deering Oaks Park until two (2) hours before a game or event and starting again two (2) hours after the game or event;
 - Spring Street between Temple and Center Street;
 - Commercial Street from Franklin Arterial to India Street and then along Thames Street;
 - Eastern Promenade from Washington Avenue to Cutter Street;
 - St. John Street from A Street to Valley Street and along Valley Street back to A Street and along A Street between Valley and St. John Street.
 - In the metered parking spaces on the southeasterly side of Congress Street directly adjacent to Lincoln Park between Pearl Street and Franklin Street.
 - b. On city streets or in city-owned parking lots off the Peninsula:
 - In the B-3, B-4, B-5, B-6, B-7 and Industrial Zones.
 - c. City Parks:
 - On city streets or in city-owned parking lots in city parks, if granted a license through the competitive bid process or RFP process described in Chapter 2, Sections 2-301 through 2-314 of the Portland City Code.
3. Night Vending: Food Trucks may operate in all non-residential zones where food trucks are permitted between the hours of 10:00 p.m. and 6:00 a.m. both on and off peninsula

subject to the Separation Requirements in paragraph seven (7) of these rules. Additionally, the food truck shall obtain the appropriate Night Vendor's License from the City Clerk.

The Portland Police Department has the right to close down or request a food truck to relocate after 10 p.m. where in the opinion of the Department, the food truck vending is causing or contributing to an imminent public safety hazard.

4. Food trucks are not allowed on the grounds of any school unless as part of a school authorized function.
5. Food trucks are not allowed in cemeteries.
6. Except as provided in Paragraph 2(a) above, food trucks are not allowed in residential (R) zones.
7. Separation Requirement:
 - a. On Peninsula: Except when operating in connection with a festival or special event approved pursuant to Section 19-22 of the City Code, food trucks must locate at least sixty-five (65) feet from:
 - i. Any fixed-base food service establishment with an operating kitchen measured from the front door; and
 - ii. Any hotel, bed and breakfast, motel, hostel, or inn measured from the nearest edge of the property.
 - b. Off Peninsula: Except when operating in connection with a festival or special event approved pursuant to Section 19-22 of the City Code, food trucks must locate at least two-hundred (200) feet from:
 - i. Any fixed-based food service establishment with an operating kitchen measured from the front door; and
 - ii. Any hotel, bed and breakfast, motel, hostel, or inn measured from the nearest edge of the property.
8. In addition to complying with the City's ordinances related to food trucks and these regulations, the owner and operator of a food truck is responsible for applying for and obtaining all other necessary city licenses required for the service of food and beverages, the food truck itself must be in compliance with the motor vehicle laws of the State of Maine, and the food truck owner is responsible for verifying that a specific location, other than those identified in paragraph 3(a), does not violate a zoning ordinance of the City.
9. Food truck locations, other than those on private property or those permitted through the City's competitive bid process, are based on a first come, first serve basis; there will be no designated parking spots for specific food truck vendors.

10. In locations on public property where food trucks are permitted to operate, food trucks shall comply with all parking rules, except that food trucks otherwise operating lawfully and actively offering food for sale on city-owned property may, in any twenty-four (24) hour period, “feed” any parking meter once in order to extend the maximum parking time by two times (2x) the usual maximum parking time limit.
11. Food trucks may not be parked overnight on city streets or in city parking lots.
12. Size limitations: Food trucks must not exceed ten (10) feet in width, including any side extensions or awnings. Food trucks parking in metered parking spaces on city-owned property must not exceed twenty (20) feet in length including the length of any trailer hitch, trailer, or other extension. Food trucks parking in non-metered parking spaces on city-owned property must not exceed twenty-four (24) feet in length, including the length of any trailer hitch, trailer, or other extension. If the food truck is parked on private property, the food truck with attached trailer, or other extension must not exceed forty (40) feet in length.
13. Food trucks must be self-contained when operating, except for the required trash and/or recycling receptacles which shall be in contact with the food truck, in a safe location and in no event shall impede the free movement of automobiles or pedestrians.
14. Food trucks must serve to the sidewalk or esplanade next to a sidewalk when parked in spaces parallel to City sidewalks.
15. Only food and/or non-alcoholic beverages are allowed to be sold on City property.
16. Each food truck vendor must provide the City of Portland with a certificate of insurance to cover public liability in the amount of at least \$400,000.00
17. The food truck base station must be inspected and properly licensed pursuant to Chapter 19 and Sections 15-12 and 6-17 (if applicable) of the City code.
18. Food trucks shall comply with the City’s noise requirements pursuant to Section 17-20 of the Portland City Code.
19. Failure to adhere to the regulations for food truck is cause for revocation or suspension of your license by the City Clerk pursuant to Chapter 15 of the City Code.

Dated: May 5, 2014

Signed: /s/ Mark Rees
 Mark Rees
 City Manager

Please Direct Inquiries Regarding the Food Trucks in the City of Portland or Food Truck Inspections to (207)756-8365.

**MOBILE/TEMPORARY MOBILE UNIT
RISK AND EQUIPMENT
COMPLIANCE HANDOUT**

ALL MOBILE UNITS SHALL HAVE A HAND WASH SINK WITH HOT/COLD WATER UNDER PRESSURE; TEMPORARY MOBILE UNITS CAN USE A GRAVITY or PRESSURE SYSTEM

Temporary mobile units may use an alternative ware washing set up using a three wash basin system (bus boy basins) for washing, rinsing and sanitizing dishes and utensils. Each Temporary license is one event no greater than 14 days. Three Temporary licenses are allowed per licensee per year. If you are going to attend greater than three events per year, you will have to apply for a Mobile Unit license and comply with all the requirements of a mobile unit.

➤ LOW RISK: NON PHF*

**Equipment: Hand Sink, if using utensils a 2 bay sink is required, refrigeration may be required.
Must be able to demonstrate proper 2 bay sink technique.**

Popcorn	Ice/Slushi	Candy Apples
Pretzels	Shelled Peanuts	Soda
Dispensed Drinks	Pre-Packaged Juice	Cotton Candy
Pre-Packaged Foods (labeled & from a licensed facility)		

➤ MODERATE RISK: SOME PHF* and PREPARATION

**Equipment: Hand sink, if only using utensils a 2 bay sink is required otherwise a 3 bay sink is required.
Refrigeration may be required.
Must be able to demonstrate proper 2 bay sink technique.**

Fried Dough	Smoothies	Apple Crisp	Pre Cooked PHF
French Fries	Ice Cream	Onion Rings	Fresh Squeezed Lemonade
Onion Blossoms	Cream Puffs	Hot Dogs	Vegetable Salads and Dressings
Salads	Canned Cheese	Canned Chili	Pre-packaged Condiments
Prepared Salads w/ PHF (from a licensed facility)			Pre-cooked eggs, lobster, crab, shrimp
Cooked foods, delivered in an approved carrier and no utensils are used, but must demonstrate proper use of disposable gloves and/or single service papers.			

➤ HIGH RISK: ALL PHF*

Equipment: Hand sink, 3 bay sink, and refrigeration required.

Raw PHF*	Sausage	Meats	Seafood	Fish
Hot dogs with PHF* if any preparation i.e., chili				
Onsite prepared salads: i.e., potato, coleslaw, pasta, egg salad, and seafood				
Raw bar: i.e., oysters on the half shell				
Pizza with PHF*: i.e., (ground meats: hamburg or sausage)				
Pie with PHF* i.e., cream pies				

***PHF = POTENTIALLY HAZARDOUS FOOD**

3 bay dishwashing: Wash, Rinse, and Sanitize

Sinks must be big enough for the biggest pot or pan to be submersed.

If you have any questions, please contact your district health inspector or our offices at 287-5671.