

## TOWN OF MADISON, MAINE

### Chapter 250: Mobile Vendor Ordinance

Draft – 3-21-2025

#### **§250-1 Purpose**

This Ordinance establishes minimum regulations for mobile vendors where food is sold within the limits of the Town of Madison.

#### **§250-2 Applicability**

This ordinance applies to all individuals, businesses, and organizations self-contained, motorized mobile food units designed for food preparation and service. This includes food trucks, trailers, or other mobile vending businesses that meet the State of Maine’s definition of a “Mobile Eating Place.” This includes both temporary and permanent vendors operating on public or private property, whether for-profit or non-profit. Mobile vendors and food trucks must comply with all provisions of this ordinance, including but not limited to: licensing requirements, health and safety standards, and operational time limitations, as outlined herein.

This ordinance does not apply to the sale of goods or services by vendors at established brick-and-mortar establishments. This ordinance does not apply to vendors selling from personal vehicles that are not permanently modified for food service, vendors selling at tables at fairs, farmers markets or other temporary community events authorized by the Town of Madison.

#### **§250-3 Definitions**

##### **Disqualifying Criminal Conviction**

Any conviction or any criminal offense punishable by imprisonment for more than one (1) 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 or Trailer**

A vehicle 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**

A self-contained, motorized or towable food service establishment meeting the State of Maine’s definition of a “Mobile Eating Place.” This includes any unit that:

- Is permanently equipped with all necessary kitchen facilities, including handwashing stations, sinks, refrigeration, and cooking appliances.

- Remains one intact unit when transported.
- Can be moved at any time and has no permanent utility connections.
- Is subject to licensing and inspection requirements for mobile food units.

This definition does not include:

- Vendors selling at stationary tables at fairs, farmers markets, or community events.
- Individuals selling from personal vehicles that are not permanently modified as mobile kitchens.
- Non-motorized food carts, bicycles, or hand-pushed vending stands.

### **Operate**

To sell food, non-alcoholic beverages, and other permitted food items from a food truck or trailer.

### **Operator**

Any person operating or permitted to operate a food truck or trailer.

### **§250-4 Licenses required**

No person, firm, corporation or association shall operate as a mobile vendor in Madison without first securing a license under this ordinance. This licensing requirement does not apply to vendors selling at town-approved farmers markets, craft fairs, or other temporary events where vendors operate from personal vehicles, tents or stationary tables. Vendors operating from non-motorized pushcarts, bicycles, or hand carts are also not required to obtain a mobile vendor license under this ordinance.

Any person seeking such a license shall annually make application to the Madison Town Clerk. Within thirty (30) days of receipt of said application, the Select Board 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 Select Board 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.

### **§250-5 Display of license or permit**

Any person authorized to do business in accordance with this ordinance as a mobile vendor shall have displayed in a conspicuous place on the right-hand side of each vehicle, cart, conveyance or carrier used in such business a plate showing that a license or permit has been obtained.

### **§250-6 Application**

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 250-8 (D)
- F. A photograph or sketch, or plan of the mobile vendor vehicle.
- G. A certificate of approval issued by the Department of Health & 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 areas(s) in which the applicant proposes to operate.

### **§250-7 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.

### **§250-8 Mobile vendors operating standards**

- a. Food trucks and trailers may operate on Town owned property from 6:00AM to 10:00PM and on private property from 6:00AM to 1:00AM within the permission of the property owner.
- b. The Somerset Sheriff's Department has the right to close down or request a food truck or trailer to relocate, where in the opinion of the Department, the food truck or trailer is causing or contributing to an imminent public safety hazard.

- c. Food trucks and food trailers shall not be permitted on the grounds of any school unless as part of a school authorized function.
- d. Food trucks and food trailers shall not be permitted in cemeteries, Town owned parking lots, and within the boundaries of Town owned parks unless part of a permitted event.
- e. Separation Requirement:
  - i. Except when operating in connection with a special event, food trucks and food trailers shall not locate within one hundred feet (100'), measured by the most direct line, of occupied space of a food service establishment having a fixed location.
  - ii. No minimum measured space is required between food trucks and food trailers except as noted in subsection i above.
- b. In addition to complying with the Town's ordinances related to mobile vendors and these regulations, the owner and operator of a food truck or food trailer is responsible for applying for and obtaining all other necessary licenses for the service of food and beverages. The food truck or food trailer shall be in compliance with the motor vehicle laws of the State of Maine, securing State of Maine Mobile Vendor license, and the food truck or food trailer owner is responsible for verifying that a specific location does not violate an ordinance of the Town.
- c. Food trucks and trailers shall 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 vehicles or pedestrians. Owner and operate is responsible for all clean up and waste removal.
- d. Each food truck or food trailer shall provide the Town of Madison with a certificate of insurance to cover public liability in the amount of at least \$400,000.00.
- e. The food truck or food trailer shall be inspected and properly licensed. If food is prepared outside of the truck or trailer base station, it shall be prepared in a State of Maine licensed food service establishment.
- f. Food trucks and food trailers shall comply with the State's Title 17-A Maine Criminal Code and Chapter 21 – Offenses Against Public Order regarding noise, as well as the Town's noise requirements outlined in §501-A.

### **§250-9 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.

### **§250-10 Grounds for suspension or revocation**

A license granted under the authority of this ordinance may be suspended or revoked by the Code Enforcement Officer, after notice of hearing, when the Select Board determines that the licensee has violated any condition of this ordinance or any other applicable law, or of the license granted.

### **§250-11 Exemptions**

The following vendors are exempt from the licensing and operations requirements of this ordinance:

1. Farmers Market Vendors: Vendors selling food or beverages at town recognized farmers market, provided they operate from a personal vehicle, table, tent or other temporary setup without permanently installed kitchen.
2. Event Vendors: Vendors selling food or beverages at fairs, festivals, or other town-permitted events, provided they do not operate from a fully enclosed mobile kitchen.
3. Non-Motorized Vendors: Vendors using bicycles, pushcarts, or hand carts, provided they comply with applicable health and safety regulations.
4. Cottage Food Producers: Individuals selling pre-packaged, non-perishable goods made in compliance with State of Maine cottage food laws.

Exempt vendors still must comply with applicable health and safety regulations, including those required by the Maine Department of Health and Human Services. Event organizers may establish additional permitting requirements.

### **§250-12 Special Events Permits**

The Select Board may issue temporary event permits for mobile vendors who do not meet the full requirements of this ordinance but wish to operate at town-approved community events. These permits:

- Are valid only for the duration of the event.
- Do not require a full mobile vendor license.
- May include conditions to ensure compliance with health and safety regulations.

### **§250-13 Enforcement and Appeals**

- The town reserves the right to inspect mobile food units to ensure compliance with this ordinance.
- Vendors found operating without the required license (unless exempt under §250-11) may be subject to fines and removal.
- Any vendor who believes they were improperly denied a license or exemption may appeal the decision to the Select Board.