

**Food Truck Amendments**  
(1-5-2022)

**Chapter 11 Health and Sanitation**

**Article 1. Foods and Food Service Establishments**

**REPEAL Article 1**

**Chapter 19, Zoning Ordinance**

**SEC. 19-1-3. DEFINITIONS**

For the purposes of this Ordinance, the following terms, words, and phrases shall have the meanings given herein. All words not defined herein shall carry their customary and usual meanings. Words used in the present tense shall include the future tense. Words used in the singular shall include the plural. Where so indicated by the text, these definitions also include substantive regulations. Where reference is made to Town or State laws, ordinances, or regulations, each reference to a particular law, regulation, or section shall include all amendments and successor sections.

**Accessory Use:** A use that is incidental and subordinate to the principal use. The principal use shall not become subordinate to accessory uses, when aggregated. A food truck may be considered an accessory use, if limited as follows:

1. The Food truck(s) must be parked on private property;
2. No private property shall host a food truck(s) for more than 5 days per calendar year;
3. Food truck hours limited to the hours of 7:00 am - 10:00 pm Sunday - Thursday, 7:00 am - 11:00 pm Friday and Saturday;
4. Food truck patrons are limited to guests of the property and not the general public, except that in the Town Center, Business A and Business B Districts, food trucks may be open to the general public.
5. The food truck(s) has a current state health permit, to be verified by the private property owner.

**Farm Market:** A farm market that is operated for the purpose of selling raw or shelf-stable products produced from agricultural products grown on land within Cape Elizabeth. A maximum of fifty percent (50%) of the total display area devoted to retail sales may be dedicated to related market products, which shall not preclude the display of products outside of the building. For the purpose of calculating the area devoted to retail sales of related market products, the amount of outside display area included in the calculation of total retail display area shall not exceed the amount of retail display area inside the building. This shall not restrict the total area devoted to outside display area, which must also be immediately contiguous to the farm market building. The fifty percent (50%) maximum shall be averaged annually.

**Food Truck:** A motor vehicle, trailer or like conveyance capable of being transported from place to place which is constructed to contain, store, prepare and properly preserve food for sale and/or distribution, and does not include tables and/or seating.

**Restaurant:** An establishment where food and drink are prepared, served, and sold to customers for consumption primarily on the premises. The sale of alcohol shall account for less than 50% of total annual sales.

## **SEC. 19-7-14. TEMPORARY ACTIVITIES AND EVENTS**

### **A. Community Events**

Temporary uses of a community or nonprofit nature such as festivals, fairs, carnivals, and similar events may be permitted in any district by vote of the Town Council, notwithstanding the provisions of this Ordinance. Such temporary use shall not be contrary to the objectives of this Ordinance. A vote by the Council allowing such temporary use shall not be deemed a change in the zoning and shall apply to the specific event or activity only for its stated duration.

### **B. Food Truck Special Use Permit**

1. One or more food trucks may be allowed as a temporary event with the issuance of a Food Truck special use permit by the Town Council. A complete Food Truck special use permit application must be submitted prior to the deadline for the Town Council meeting. Food Trucks at Fort Williams Park are subject to town operation polices and exempt from this requirement. Food Trucks operating on the school campus as part of a school event are exempt from this requirement if permission has been obtained from the School Superintendent.

2. The following information shall be submitted:

- a. Name and contact information of applicant, and application fee;
- b. Evidence of permission of property owner to park food truck(s) on private property. If one or more food trucks are proposed to be parked on public property, a map with dimensions showing where the food truck(s) are proposed to be parked shall be provided.
- c. The location, days and hours of operation of the food trucks. Food truck(s) shall be removed daily from the location after operations, unless explicitly authorized by the Town Council.
- d. Description of power supply for the food truck(s), and any proposed on-site utility connections.

3. The permit application shall be circulated to the police chief, fire chief, code enforcement officer, community services director and the school superintendent.

4. The Town Council is authorized to review and act upon all Food Truck special use permit applications. The Town Council may request that additional information be provided prior to taking final action on an application, may grant approval for less than requested, and shall base its decision on the application submitted and satisfaction that the public health, safety and general welfare has been adequately protected.