Food Truck Amendments
(6-7-2022)

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 (as defined below) may be considered an accessory use, if limited as follows:

1. The Food Truck(s) shall be parked on private property, or parked on municipal property if approved as part of a school or municipal activity;

2. No private property shall host Food Truck activity for more than five (5) days per calendar year;

3. Food Truck operations shall be limited to the hours of 7:00 am - 10:00 pm Sunday - Thursday, and 7:00 am - 11:00 pm Friday and Saturday;

4. Food Truck patrons shall be limited to guests of the property and not the general public, except that in the Town Center District, Business A and Business B Districts, and Fort Williams Park District, and on municipal property, 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; and

6. The Food Truck shall be removed from the site daily at the close of business.

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 by the applicant prior to the deadline for the town council meeting. A Food Truck special use permit is not required for:

    a. A Food Truck operating as an accessory use as defined in Sec. 19-1-3;

    b. Food Trucks at Fort Williams Park; or

    c. Food Trucks operating on the school campus as part of a school event with permission from the school superintendent.

2. The following information shall be submitted:

    a. A complete Food Truck special use application form including the name and contact information of applicant; name and contact information of the non-profit community group that is partnering with and benefitting from the Food Truck if the Food Truck is proposed on town property; and application fee;

    b. Written permission of the property owner to park Food Truck(s) on private property, or public property if located on public property not owned by the Town of Cape Elizabeth;

c. The property location, plan showing the parking space where the Food Truck(s) will be parked, and days and hours of operation of the Food Trucks;

d. Description of power supply for the Food Truck(s), and any proposed on-site utility connections; and

e. A written description of how the Food Truck special use permit request complies with the standards in Sec. 19-7-14 (B)(4).

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

4. The Town Council shall issue a permit when the application demonstrates compliance with the following standards:

a. A Food Truck special use permit may only be issued for the following properties:

i. Town property. A permit may be issued on property owned by the Town of Cape Elizabeth listed below. The Food Truck operation shall be affiliated with and benefit a non-profit community group operating in the Town of Cape Elizabeth. Each community group shall be limited to no more than twenty (20) days per calendar year on Town property. The Town properties where a permit may be issued are:

•Town Hall (320 Ocean House Rd);
•Gull Crest (Spurwink Ave);
•Lions Field (221 Ocean House Rd) limited to two (2) Food Trucks and only available if affiliated with the Little League;
•Plaisted Park (985 Shore Road), limited to one (1) Food Truck and only available if affiliated with the Little League;
•Community Center (343 Ocean House Rd);
•Fire Station (2 Jordan Way), limited to one (1) Food Truck and only available if affiliated with the Cape Elizabeth fire department;
•Police Department (325 Ocean House Rd), and only available if affiliated with the Cape Elizabeth police department;
•Thomas Memorial Library (6 Scott Dyer Rd); and
•Spurwink Church (533 Spurwink Ave).

ii. Commercial District. A permit may be issued on private property located in the Town Center District, Business A District or Business B District. Food Truck activity on the property shall be limited to no more

than twenty (20) calendar days per year. No more than five (5) Food Trucks may be operated on the property each calendar day.

iii. Large property. A permit may be issued on private property that is at least ten (10) acres in size. Food Truck activity on the property shall be limited to no more than twenty (20) calendar days per year. No more than five (5) Food Trucks may be operated on the property each calendar day.

b. Each Food Truck shall be parked in a parking space on the property. When the property has a parking lot, the Food Truck must be parked in an existing parking space(s).

c. Food Truck hours shall be limited to the hours of 7:00 am - 10:00 pm Sunday - Thursday, 7:00 am - 11:00 pm Friday and Saturday. The Food Truck(s) must be removed from the site daily at the close of business.

d. The Town Council may consider the cumulative impact of Food Truck special use permits granted in the same location on public health, safety and general welfare grounds and may deny a permit where a Food Truck parked on town property may interfere with municipal operations.