

MOBILE FOOD VENDOR ORDINANCE

SECTION 1. AUTHORITY

This is a civil ordinance adopted and enforced pursuant to the authority conferred by 24 V.S.A. Chapter 59 and §2291(9).

SECTION 2. PURPOSE

The purpose of this Ordinance is to allow for food to be made occasionally available to the general public in the Common Zoning District in a safe, respectful, and convenient manner to benefit the general public health, safety and welfare of Westford citizens by establishing reasonable guidelines and standards for mobile food vendors. Furthermore, the intent of this Ordinance is to support place making by increasing business opportunities, encouraging creative business models and providing another way to improve the quality and experience of one of Westford's most important public spaces.

SECTION 3. DEFINITION

Mobile Food Vendor - A mobile stand, tent, cart, licensed motorized vehicle or trailer, manufactured or converted, equipped to refrigerate and/or prepare food where, on a temporary basis, such food items are sold to the general public at large or to individuals attending a special event.

SECTION 4. LICENSE REQUIRED

A mobile food vendor license is a nontransferable license required to sell food in the Common Zoning District. It shall be unlawful for any individual or company to operate as a Mobile Food Vendor without first obtaining a license therefore from the Administrative Officer pursuant to this Ordinance. All licenses shall be issued for a specified time period, not to exceed one year, and a specified location within the Common Zoning District. Licenses must be visibly displayed during hours of operation. Appropriate locations and the number of licenses issued in the Common Zoning District for Mobile Food Vendors shall be determined by the Administrative Officer. In addition to the provisions of this Ordinance, all Mobile Food Vendors shall comply with the Town Common Use Policy, which is incorporated herein by reference.

SECTION 5. EXEMPTIONS

The following Mobile Food Vendors are exempt from this ordinance:

1. A vendor participating in an organized farmers market.
2. A vendor invited by a Town organization to sell at a Town organized event.
3. A volunteer Town organization fundraising during a public event.
4. A vendor catering at private events, such as private parties and wedding receptions where such events are a one-time occurrence and do not take place as one event in a series of events at which access by the members of the public is generally assumed.

5. Lemonade, Ice Tea and similar cold drink outdoor tables or stands located on private property and operated fewer than seven (7) days per month and where the total volume of unbottled beverages sold per month is less than twenty (20) gallons gross.
6. Sidewalk bake sales or similar outdoor tables or stands located on a commercial property and operated fewer than seven (7) days per month and where activities do not encroach on any public sidewalk or right-of-way.

SECTION 6. APPLICATION

An applicant to be a Mobile Food Vendor shall file a complete application with associated application requirements and fee.

It is the applicant's responsibility to provide the information and materials necessary to prove the applicant's Mobile Food Vendor proposal meets requirements of this Ordinance.

The Administrative Officer must determine whether the application is complete promptly after the applicant submits it. The Administrative Officer must inform the applicant in writing of his/her determination. If the application is incomplete, the Administrative Officer must inform the applicant of what additional information is required.

Once the Administrative Officer determines that the application is complete, the Administrative Officer must act within thirty (30) days to approve or deny the application; otherwise, the application shall be deemed denied. Except in the event of denial by expiration of the 30-day application consideration period, denial of a license shall be accompanied by a written statement of grounds for such denial.

The applicant may appeal the denial of an application to the Town of Westford Selectboard within fifteen (15) days of the Administrative Officer's decision.

SECTION 7. FEE

A mobile food vendor license is valid for a specified amount of time, up to one year, and may be reapplied for on an annual basis. A license is available at an annual fee of \$250.00 or a monthly fee of \$50.00. Full payment for the time specified in the application is required at the time of application.

SECTION 8. REVIEW OF APPLICATIONS

REVIEW OF APPLICATIONS. The license shall be granted when it is determined that the use conforms to Performance Standards in the Westford Land Use & Development Regulations and will not adversely affect: (1) the character of the area, (2) the public good, and (3) pedestrian and/or traffic safety. Furthermore, the Administrative Officer shall review each application for compliance with the terms of this Ordinance and shall determine that the type and scale of the operation are appropriate for location in the Common Zoning District. The Administrative Officer shall have the authority to direct changes to the operation of a licensed Mobile Food Vendor, issue notices of violations and/or revoke licenses to ensure compliance and/or protect the public's health, safety and welfare.

SECTION 9. STANDARDS

The following standards shall apply to all Mobile Food Vendors holding a license and their employees while operating in the Town of Westford:

1. Hours of operation are between 7:00 AM and 9:00 PM.
2. A Mobile Food Vendor shall be located and operated in a safe manner that reduces the risk of injury to customers and passing pedestrians while at no time impeding the free movement of motor vehicles and/or pedestrians in the Common Zoning District.
3. A Mobile Food Vendor shall maintain their location in a clean state that is neat in appearance and is responsible for the provision of receptacles for and daily removal of all recyclable and non-recyclable material including wastewater generated by or associated with their operation.
4. A Mobile Food Vendor may be located on any private property within the Common Zoning District with the permission of the property owner(s). A Mobile Food Vendor may also be located on public property within the Common Zoning District in pre-approved Selectboard Mobile Food Vendor locations identified on *Exhibit A – Public Property Mobile Vendor Locations*. No Mobile Food Vendor licensed under this Ordinance shall be entitled to any exclusive location. Mobile Food Vendors shall comply with the Town Common Use Policy.
5. Signs and other similar forms of visual advertising not attached to the mobile stand shall not exceed 25 square feet in surface display area or stand more than 6 feet above the ground level. A maximum of three (3) exterior signs not attached to the mobile stand are allowed. No sign shall be placed in such a manner as to obstruct or interfere with the traffic and/or pedestrian safety. Furthermore, all signage shall conform to Section 326.C (6 through 10) of the Westford Land Use & Development Regulations. Banners, flags, pennants, “feather” or “tear drop flag” signs and other similar items are considered signs under this Ordinance. No sign shall be placed on public property without obtaining prior approval therefore from the Administrative Officer or Town Administrator.
6. The Mobile Food Vendor’s mobile stand, tent, cart, licensed motorized vehicle or trailer and all standalone signage, recyclable and non-recyclable receptacles, tables, seating and related items shall be removed and stored off-site at the end of the business day in a secure manner, unless prior approval for keeping such items in a certain location is given by the Administrative Officer or Town Administrator.
7. All noise purposely created to promote business is prohibited. Music played at a reasonable volume for the purpose of entertaining customers is allowed provided it does not disturb adjoining properties, area residents or other activities in the Common Zoning District and conforms to the Performance Standards in the Westford Land Use & Development Regulations.
8. All required licenses, certifications, etc. (e.g. proof of insurance liability policy, State of Vermont Sales & Use Tax Certificate, Vermont Dept. of Health Temporary Food License or License to Operate a Food and Lodging Establishment and State of Vermont DMV

Registration) shall be valid while the license is in effect. Notwithstanding Sections 10 and 11 below, expiration of any required license or certification shall be grounds for revocation of the Mobile Food Vendor license.

SECTION 10. VIOLATION

A notice of violation shall be issued for a violation of any provision of this Ordinance. Each violation of this Ordinance, including operation without a license, shall be subject to a \$200.00 fine for each offense until rectification of sited violation is approved by the Administrative Officer or Town Administrator. Each day the violation continues is a separate offense. A food truck, stand or other similar vendor operating without a license shall be subject to the same penalty.

SECTION 11. REVOCATION

A Mobile Food Vendor license may be revoked or suspended by the Administrative Officer for misrepresentation, conviction of a federal or state law violation, Town ordinance violation, expiration of any required license or certification or when a sited violation is not rectified in a timely manner as determined by the Administrative Officer. License revocation or suspension shall be issued in writing and may be appealed to the Selectboard within fifteen (15) days of revocation, or suspension. In the event of revocation, or suspension no paid license fees will be refunded to the vendor.

SECTION 12. ENFORCEMENT

This Ordinance may be enforced by the Town Administrator, Administrative Officer or any State Police officer or Chittenden County Sheriff. Any violation may be enforceable by injunction or other action available at law or equity. In issuing a summons, the enforcing officer may enforce this Ordinance in the Vermont Judicial Bureau and may be the appearing officer at any hearing. Should the enforcing officer seek further relief, including injunctive relief, the enforcing officer may bring an action in the name of the Town Westford in the Vermont Superior Court, Civil Division, Chittenden Unit to compel compliance with this Ordinance. Ordinances enforced in the Judicial Bureau shall be in accordance with 24 V.S.A. §§ 1974a and 1977, *et seq.*

SECTION 13. APPLICABILITY AND SEVERABILITY

1. This Ordinance controls only those activities treated and does not supersede any state or federal law or consistent local regulation.
2. Any part or provision of this Ordinance shall be considered severable and the invalidity of any part or section shall not be held to invalidate any other part or provision of this Ordinance.

Adopted this 14th day of June 2018. Effective date: August 13, 2018.

WESTFORD SELECTBOARD


Allison Hope, Chair


Julia Andrews


Grant Thomas

Received for Record

June 15, 2018 at 8:30 am

Attest: Nanette Rogers
Nanette Rogers, Town Clerk