

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

TOWN OF TIVERTON

CHAPTER

AN ORDINANCE IN AMENDMENT OF CHAPTER X OF THE
REVISED ORDINANCES OF THE TOWN OF TIVERTON,

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THE COUNCIL OF THE TOWN OF TIVERTON HEREBY ORDAINS:

SECTION I. The Code of Ordinances, Town of Tiverton, Rhode Island, is hereby amended by adding Article III, Chapter 58-43 through 64 to be numbered as set forth herein, PEDDLERS AND SOLICITORS is hereby amended by adding thereto the following:

**Article III. ~~DOOR-TO-DOOR CANVASSERS AND SALES PERSONS~~ MOBILE FOOD
ESTABLISHMENT PERMIT**

Sec. 58-43. License Required. Any license required pursuant to Rhode Island General Laws § 5-11.1-1 *et seq.* as may be amended from time to time, shall acquire a Mobile Food Establishment permit from the Town of Tiverton through the Office of the Town Clerk.

Sec. 58-44. Definitions. As used in this article, the following terms shall have the meanings indicated:

Event Permit. Pursuant to R.I.G.L., § 5-11.1-3(3), means a permit that the Town issues to the organizer of a public mobile food establishment located on public property.

Mobile Food Establishment. Pursuant to R.I.G.L., § 5-11.1-3(5), a food service operation that is operated from a movable motor-driven or propelled vehicle, portable structure, or watercraft that can change location. Mobile food establishments specifically includes, but is not limited to, food trucks, food carts, ice cream trucks/carts, and lemonade trucks/carts.

Mobile Food Establishment Operator. Pursuant to R.I.G.L., § 5-11.1-3(7), a person or corporate entity who or that owns, manages, or controls, or who or that has the duty to manage or control the operation of a mobile food establishment.

Mobile Food Establishment Vendor. Pursuant to R.I.G.L., § 5-11.1-3(8), a person who prepares, sells, cooks, or serves food or beverages from a mobile food establishment.

Mobile Food Permit. Pursuant to R.I.G.L. § 5-11.1-3(9) a, "municipal mobile food establishment permit" issued by the town to a mobile food establishment operator that possesses a current state mobile food establishment registration as issued by the Department of Business Regulation which shall include:

A. Mobile food permit issued to a mobile food establishment that temporarily parks on a public street or private property and engages in the service, sale or distribution of food, prepared on site, to the general public directly from the vehicle.

B. Mobile food transient permit issued specifically to an ice cream/lemonade truck or catering trucks, who sell pre-packaged or pre-prepared foods, who may travel in/into residential districts and are transient in nature, moving at least every 15 minutes.

Sec. 58-45. Scope.

The provisions of this article apply to mobile food establishments engaged in the business of cooking, preparing and/or distributing food or beverage with or without charge upon or in public and private restricted spaces.

Sec. 58-55. Permit process.

A. It shall be unlawful for any person to operate within the Town a mobile food establishment without having obtained a permit from the Town Clerk for that purpose.

B. A person desiring to operate a mobile food establishment shall apply for such permit or renewal of such permit to the Town Clerk. The application for a permit or a renewal of permit shall be provided by the Town Clerk and shall include the following:

(1) Name, phone number, e-mail contact and business address of the applicant.

(2) If utilizing private property, any mobile food establishment permitted under the provisions of this article must have a letter in their possession from the owner of the property on which he or she is selling authorizing the establishment to sell upon the property. This authorization must be current and must state for how long the permission is granted, but in no event will same authorization be valid for a period of more than one year. If participating in a licensed special event, then the event holder may be the one to hold this letter in their possession from the property owner for use of the private property.

(3) Copy of the Rhode Island Department of Business Regulations mobile food establishment registration.

Sec. 58-56. Issuance fee/Event Permit Fee

The fee for the issuance of a permit granted pursuant to this article shall be \$75.00. Each mobile food or stationary food establishment shall be separately permitted, and the permit fee chargeable hereunder shall be paid for each such establishment.

The fee for the issuance of an event permit fee shall be \$300.00

Sec. 58-57. Duration and expiration date of municipal permit.

All permits issued under the provisions of this article shall be for a term for one year from the date of issuance.

Sec. 58-58. Renewal

Renewals of the municipal permit shall occur from January 1 to March 31 during each calendar year.

Sec. 58-59. Personal nature of permit; non-transferability.

All permits issued under the provisions of this article shall authorize only the person named therein to sell and offer for sale as aforesaid. No permit issued under the provisions of this article shall be transferable. A permit is valid for one vehicle only and shall not be transferred between vehicles.

Sec. 58-60. Regulations.

A. No operator of a mobile food establishment shall park, stand or move a vehicle and conduct business within areas of the Town where the permit holder has not been authorized to operate.

B. The customer service area for mobile food establishments shall be on the side of the truck that faces a curb, lawn or sidewalk when parked/stopped. No food service shall be provided on the driving-lane side of the truck. No food shall be prepared sold, or displayed outside the mobile food establishments.

C. No mobile food establishment shall provide or allow any dining area within 10 feet of the mobile food vehicle, including, but not limited to, tables and chairs, booths, stools, benches or stand-up counters on a sidewalk.

D. Customers shall be provided with single-service articles, such as plastic utensils and paper plates, and a waste container for their disposal. All mobile food establishments shall offer a waste container for public use which the vendor shall empty at its own expense. All trash and garbage originating from the mobile food operations shall be collected and disposed of offsite by the operators each day. Spills of food or food by-products shall be cleaned up, and no dumping of gray water, grease, or anything on the streets, sidewalks, or any public way is allowed.

E. No mobile food establishment, mobile food operator or vendor shall make or cause to be made any unreasonable or excessive noise. The operation of all food vehicles shall conform with the Town's noise ordinance, including generators. No loud music, other high-decibel sounds, horns, or amplified announcements are allowed.

F. No flashing or blinking lights or strobe lights are allowed by mobile food establishments or related signage when the vehicle is parked and engaged in serving customers. All exterior lights with over 60 watts shall contain opaque hood shields to direct the illumination downward.

G. Mobile food establishments, when parked on public streets, shall be parked in conformance with all applicable parking restrictions and shall not hinder the lawful parking or operation of other vehicles.

H. Mobile food establishments shall be allowed to operate from 6:00 a.m. to 12:00 midnight, seven days a week, including holidays.

I. A mobile food establishment shall not:

(1) Be parked on the street overnight; or

(2) Be left unattended and unsecured at any time food is in the vehicle.

Any mobile food establishment found to be in violation of Subsection I (1) or (2) above shall be considered a public safety hazard and may be ticketed and towed away.

J. The issuance of a mobile food establishment permit does not grant or entitle the vendor to the exclusive use of any legal public spot within the prescribed territorial limits.

K. No mobile food establishment shall use external signage, bollard, or other equipment not contained within the vehicle. When extended, awnings for mobile food vehicles shall have minimum clearance which does not present a hazard to pedestrians.

L. Any power required for the mobile food establishment located on a public way shall be self-contained and a mobile food establishment shall not use utilities drawn from the public right-of-way. Mobile food establishments on private property may use electrical power from the property being occupied or an adjacent property, but only when the property owner provides written consent to do so. All power sources must be self-contained. No power cable or equipment shall be extended at or across any Town street, alley or sidewalk.

M. No mobile food establishments shall operate in violation of the land use, zoning or other ordinances of the Town of Tiverton.

Sec. 58-61. Territorial limits.

The following limits further define where a mobile food establishment can and cannot operate:

A. Not in a residential zone, unless part of a duly licensed special event.

B. Not within 200 feet of any open brick-and-mortar restaurant.

C. Not within 200 feet of any public or private school, or municipal park, without the corresponding property owner's written consent. However, nothing in this section shall be deemed or construed to be an exception to the rules and regulations of the Division of Parks and Recreation as the same pertain to vendors/concessionaires.

D. Not within 10 feet of driveways, bus stops or crosswalks.

E. Not in a handicap parking area or no-parking zone.

F. Not within 500 feet of any fair, festival, special event or civic event that is licensed or sanctioned by the Town unless the vendor has obtained permission from the event sponsor and is duly licensed or has a special event permit issued by the Town of Tiverton.

G. Not in an area where such operation is deemed by the Chief of Police, or his/her designee, to endanger or inconvenience the general public or where there is determined to be a disturbance of the peace.

H. Not on private property without the written permission of the owner of the property, and such permission shall be available at all times, unless permission was granted to the holder of a special event, and the special event holder has the written permission from the owner.

Sec. 58-62. Visibility of permit.

Each person granted a permit in accordance with the provisions of this article shall conspicuously exhibit the permit at all times while selling within the limits of the Town of Tiverton.

Sec. 58-63. Violations and penalties.

A. Any person violating any of the provisions of this article may be subject to denial, suspension or revocation of the municipal permit after a hearing before the Town Council.

B. Every individual sale or offer for sale made contrary to the provisions of this article shall be deemed and construed as a distinct and separate offense, and the person making the sale or offer of sale shall be prosecuted therefor in the manner herein prescribed.

C. Upon the cancellation or revocation of any permit, the person holding the permit shall surrender or return the same to the Town Clerk or his/her designee.

Sec. 58-64. Severability.

If any provision of this article is to be held invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

ARTICLE III IV DOOR-TO-DOOR CANVASSING

SECTION II. This ordinance shall take effect upon its second passage and all ordinances or parts of ordinances inconsistent herewith are hereby repealed.