

ORDINANCE 21-02

AN ORDINANCE TO AMEND THE TOWN OF MILLVILLE CODE AT CHAPTER 90, ENTITLED
"LICENSE," TO ADD A NEW SUBCHAPTER ON MOBILE FOOD VENDORS.

WHEREAS, the Town Council of Millville has the power to adopt ordinances for the protection and preservation of Town property, rights and privileges; for the preservation of peace and good order; for securing protection and promotion of health, safety, comfort, convenience, welfare and happiness of the residents of the Town;

WHEREAS, the Town Council of Millville has the power to regulate and control the exercise of any license or franchise; and

WHEREAS, the Town of Millville has adopted a License Ordinance for the municipality, which has been codified in Chapter 90 of the Town Code; and

WHEREAS, the Town Council may from time to time amend, supplement, or change the regulations and restrictions established by these Ordinances; and

NOW, THEREFORE, BE IT ORDAINED, by the Town Council for the Town of Millville, Sussex County, Delaware, a majority thereof concurring Council duly met, following a duly noticed Town Council meeting held on July 14, 2020, that the following language hereby is adopted and incorporated into the Town of Millville Code:

Section 1. Amend Chapter 90, entitled "Licenses," with deletions shown by bold strike-through and additions shown by bold underline as follows:

Chapter 90. Licenses

Article III. Mobile Food Vendors.

§ 90-21. Definitions.

As used in this article, the following terms shall have the meanings indicated:

MOBILE FOOD VENDOR - A food service establishment located within a self-propelled vehicle or within a trailer, kiosk or cart (or something similar) that is pulled by a vehicle, used to store, prepare, display, serve or sell food/ beverage, for consumption in a place other than in or on the unit. Any such mobile food vendor is deemed non-permanent and shall be fully transportable and moveable within twenty-four hours.

§ 90-22. Mobile food vendor license required.

A. No mobile food vendor shall sell, solicit, dispose of or offer food, beverages, goods or products for sale within the Town unless it first obtains a mobile food vendor business license issued by the Town.

B. Licensed mobile food vendors shall only operate during the hours of a Town-approved permitted public event.

C. A separate mobile food vendor permit must be obtained for each permitted public event from which sales will be conducted.

D. Licensed mobile food vendors shall display their permit on or within the mobile food vending unit.

§ 90-23. Application for mobile food vendor permit.

A. An application for a mobile food vendor permit shall be filed with the Town. An application fee will be charged for each mobile food vendor application submitted. Such fees are set annually by resolution of the Town Council. An application for a mobile food vendor permit shall set forth the following information:

(1) The name and permanent home address of the applicant at the time of the application.

(2) The name, address and principal shareholders or owners of any firm, organization or business represented.

(3) Proof of current and satisfactory compliance with the following:

a) Delaware State Business License.

b) Delaware Department of Public Health Food Establishment Permit

(4) If a motor vehicle is to be used:

a) The name and address of the owner of the motor vehicle as registered with the appropriate state Division of Motor Vehicles, and a copy of the current registration for the motor vehicle, also a copy of the owner's driver's license.

(5) The name, hours, address and nature of the permitted public event where the mobile food vendor will store, prepare, display, serve or sell its food/ beverage products and for which the mobile food vendor seeks a license.

(6) The mobile food vendor's hours of operation. Mobile food vendors shall open and close no earlier than the hours permitted by the Town for the associated permitted public event.

(7) A mobile food vendor vehicle is to have a fixed or semi-fixed location at the permitted public event from which sales will be conducted. Accordingly, the applicant must submit:

a) A signed statement of permission from the property owner(s) (if other than the applicant) evidencing permission to conduct food vending at the location; and

b) A map of the designated location with any associated furniture included in the drawing, furniture may be allowed so long as it is located within ten (10) feet of the mobile food vendor and does not impede pedestrian or vehicular traffic.

B. No individual or organization shall operate, or cause to be operated, any mobile food vending unit within the Town without doing both of the following:

(1) Providing to the Town a certificate of general commercial liability insurance from an insurance company duly licensed to transact such business in the State, with a minimum coverage amount of \$100,000 and that names the Town as an " additional insured."

(2) Affirming, in writing, that the individual or organization will forever indemnify and hold harmless the Town and all of its agents, employees and representatives from and against all claims, damages, losses, suits and actions, including attorney' s fees, arising or resulting from operation of a mobile food vending unit in the Town.

§ 90-24. Standards for denial of mobile food vendor permit.

A. Upon the filing of an application for a mobile food vendor permit, the Town Manager shall investigate the facts therein set forth. The Town Manager (or his/her designee) may then approve or deny the permit application.

B. Mobile food vendors may be located on public or private property, provided that said vendors shall only operate at such locations during permitted public events. For any permitted public event, the Town Manager (or his/her designee), in his or her discretion, may limit the number of mobile food vendors in order to protect the health, safety, and welfare of the people attending and/ or the general public.

C. Only self-contained lighting is allowed. High intensity lights or lighting that spills over from the permitted public event site where the mobile food vendor will be

located and that is sufficient to cause glare, distract drivers, or obstruct vision is prohibited.

D. No temporary, removable vendor stand shall interfere with vehicular or pedestrian movement on a parcel or adjacent rights of way.

E. A mobile food vendor permit issued shall not authorize any person, except the person designated therein, to engage in any business thereunder. A mobile food vendor permit shall not be transferable.

F. The Town Manager (or his/her designee) shall, within seven (7) days of receipt of a mobile food vendor permit application, approve, deny and/or modify the application.

G. The applicant may appeal any denial or modification of the permit by promptly filing at Town Hall a written notice setting forth grounds for such appeal. Any such written notice of appeal must be filed within five (5) days of the Town Manager's (or his/her designee) decision. Said appeal will be held before Town Council. The decision of Town Council regarding an appeal shall be final.

§ 90-25. Mobile food vendor permit required.

Any person violating any provision of this article shall be subject to such penalties and pay such fines as set forth in Chapter 1, Article II. General Penalty.

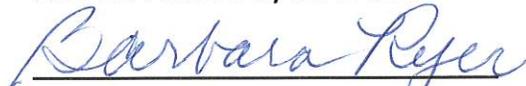
ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF MILLVILLE, SUSSEX COUNTY, DELAWARE, ON THIS 14th DAY OF JULY, 2020.

SEAL:



STEVE MANERI, MAYOR

ATTESTED:



BARBARA RYER, SECRETARY

