

**Notice of Public Hearing**  
**Proposed Amendment to New Shoreham General Ordinances**  
**Chapter 8, Licenses and Business Regulations**  
**Add New Article XI “Mobile Food Establishments”**  
**Town Hall, Old Town Road, Block Island**  
**Wednesday, November 20, 2019**  
**7:00 p.m.**

The New Shoreham Town Council will hold a public hearing to consider amending New Shoreham’s Revised General Ordinances Chapter 8 Licenses and Business Regulations by adding a new Article XI “Mobile Food Establishments.” The proposed ordinance appears below in its entirety. The Town Council may act on this proposal at the time and place noted above, and all persons for or against will be heard.

**Chapter 8, Article XI “Mobile Food Establishments”**

**Sec. 8-306.<sup>1</sup> - Purpose.**

The purpose of this article is to provide for the issuance of municipal permits for the operation of mobile food establishments within the town in conformance with Title 5, Chapter 11.1 of the Rhode Island General Laws entitled: the "State Mobile Food Establishment Registration Act.”

**Sec. 8-307. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) "Department" means the department of business regulation.
- (b) "Mobile food establishment" means 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.
- (c) "Mobile food establishment operator" means 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.
- (d) "Mobile food establishment vendor" means a person who prepares, sells, cooks, or serves food or beverages from a mobile food establishment.

**Sec. 8-308. - Permit required.**

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<sup>1</sup> The numbering for the sections in this Article XI start at 8-306 because the prior article ends at 8-305; however, the prior article which pertains to Special Events does not have at the end of it any sections reserved. The addition of reserved sections to the Special Events Article X should be considered.

No person shall operate a mobile food establishment within the town without first having received a registration from the department and a permit issued by the town council.

**Sec. 8-309. - Application for Permit; fee; expiration; renewal**

(a) In order to obtain a permit to operate a mobile food establishment with the town, application for the permit shall be made to the town council on an application form provided by the town clerk. In conjunction with the application, the mobile food establishment operator shall provide proof of having a state mobile food establishment registration.

(b) If approved by the town council, the town clerk shall issue the permit upon the payment of a fee which shall be equal to the maximum fee as set by the department and established regulations. The permit shall set the location(s) and times of operation for the mobile food establishment.

(c) The permit issued by the town shall expire on the date that the state mobile food establishment registration expires.

(d) The same procedure as set out in this section for the issuance of a permit shall apply to the renewal of a permit to operate a mobile food establishment.

**Sec. 8-310. - Restrictions on Operations: Number of permits**

The maximum number of permits for the following calendar year shall be set by the town council at the first Monday town council meeting which occurs in November.

**Sec. 8-311. - Restrictions on Operations: Location of operation**

(a) The permissible operation areas for the following calendar year shall be set by the town council at the first Monday town council meeting which occurs in November.

(b) No mobile food establishment operator or vendor shall operate under a permit issued herein except at the location(s) set by the town council in connection with the issuance of the permit.

(c) The chief of police shall, from time to time, submit to the town council streets which, in the police chief's opinion, because of excess traffic and congestion, are unsafe for the operation of a mobile food establishment.

(d) At no time shall a mobile food establishment operator or vendor impede the free flow of pedestrian traffic or vehicular traffic.

**Sec. 8-312. - Restrictions on Operations: Hours of operation**

No mobile food establishment operator or vendor shall operate under a permit issued by the town except during the hours set by the town council in connection with the issuance of the permit.

**Sec. 8-313. - Suspension or revocation of permit.**

(a) Upon the town receiving notice that the department has suspended or revoked a state mobile food establishment registration, a permit issued under this provision of this article shall be immediately suspended or revoked depending on the action taken by the department.

(b) A permit issued under the provisions of this article may be suspended or revoked for cause after notice and hearing before the town council if the operation of the registrant within the town

violates the town's land use regulations, zoning or other ordinances in relations to the operation of a mobile food establishment.

**Sec. 8-314. - Conflict with state law or regulation.**

In the event of a conflict between the provisions of this article and state law or regulation, state law or regulation shall supersede the provisions of this article.

**Sec. 8-135.-Transition Period**

A person holding a current hawkers/peddlers license issued by the town council who is considered to be a mobile food establishment operator under Title 5, Chapter 11.1, may renew the town license by submitting a renewal application to the town clerk on a renewal application form provided by the town clerk prior to December 31, 2019. In conjunction with the renewal application, the mobile food establishment operator must provide written proof of having applied for a state mobile food establishment registration prior to the submission of the renewal application; provided, however that the municipal mobile food establishment permit shall not issue until such time as the mobile food establishment operator provides the town clerk with proof of having received a state mobile food establishment registration prior to March 31, 2020. In the event that such proof is not provided prior to March 31, 2020, the renewal application shall be denied.

**Secs. 8-316—8-319. - Reserved.**

Amendment posted: October 30, 2019  
Public Hearing: November 20, 2019  
Adopted:  
Effective date:

Fiona Fitzpatrick, New Shoreham Town Clerk