

Ordinance No. 222
Introduced: September 6, 2022
Public Hearing:
Enacted:
Effective:

COMMISSIONERS OF POOLESVILLE, MARYLAND
FOOD TRUCKS

AN ORDINANCE of the Town of Poolesville, Maryland to amend and add to the Poolesville Code of Ordinances Zoning Code to address Food Truck use and the requirements related thereto.

PURSANT to Section 82.12(65) of the Charter of the Town of Poolesville, Maryland, Title 4 of the Land Use Article of the Annotated Code of Maryland, and applicable provisions of the Code of the Town of Poolesville, the Commissioners of the Town of Poolesville are empowered to exercise planning and zoning powers within the Town of Poolesville, Maryland; and

WHEREAS, under the requirements of Land Use Article of the Maryland Annotated Code and the Poolesville Planning and Zoning Commission shall review proposed zoning amendments and offer comment thereon which it has done; and

WHEREAS, the Commissioners of Poolesville giving public notice as required by law, held a public hearing on the Ordinance on _____ to receive public input and comment.

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSIONERS OF
POOLESVILLE, MARYLAND THAT:

Section One: The following definition shall be added to Appendix B, Section 14 of the Zoning Code of the Town of Poolesville:

48A. *Food Trucks.* A self-contained vehicle, trailer, cart or similar conveyance from which prepared food or drink for human consumption is sold or dispensed. Such vehicle may be self-propelled, towed or pushed by another vehicle. The operation of such a Food Truck requires the necessary permits and licenses under this Chapter.

Section Two: The following definition shall be amended in Appendix B, Section 14 of the Zoning Code of the Town of Pooleville:

38. Drive -In Eating and Drinking Establishments:

c. *This definition shall not apply to Food Trucks operating under a valid Use Permit as provided in this Chapter.*

Section Three: The following Section shall be added to Appendix B of the Zoning Code of the Town of Pooleville:

Section 7B. Food Trucks.

A. Use Permits.

1. A Use Permit is required to operate a Food Truck within the corporate boundaries of the Town of Pooleville. Applications must indicate the dates and hours of operation and must contain a site plan showing the proposed location of the food truck, layout of the site, parking and adjacent structures and uses.
2. Food trucks are permitted as an accessory use:
 - a. On private property in the Commercial Zone and must be compatible with the principal uses on the site and the surround properties and zones; or
 - b. In conjunction with Special Events or park facilities as permitted by the Town of Pooleville.
3. Food Trucks must obtain all the necessary permits and licenses prior to operation, including but not limited to permits from the Montgomery County Health Department.
4. The Commissioner of Pooleville shall set an appropriate administrative fee for the Use Permit which will be part of the Town's fee schedule and may change from time to time.

B. External Effects.

1. A Food Truck shall not disturb the area with unreasonable noise, traffic, trash, odors, lights, glare or other similar types disturbances. Trash receptacles must be provided and shall be maintained and emptied by the Food Truck operator. Trash shall not be allowed to accumulate on the property.

C. Standards.

Food Trucks may be operated from an approved location subject to the following standards and procedures:

- (a) Each year, the owner or operator of any Food Truck doing business in Town must file a Food Truck Use Permit application with the Town.
- (b) The permit application must be accompanied by the written consent of the private property owner or authorized agent authorizing the Food Truck to be located on the site.
- (c) Town's Use Permit is contingent on the Food Truck applicant receiving and maintaining all Montgomery County Health Department and Consumer Services permits/licenses and any permits required by the State of Maryland.
- (d) Food trucks can operate from 6 a.m. to 9 p.m.
- (e) Permitted Food Trucks can be parked at a location no more than four (4) days a week.
- (f) A maximum of two (2) Food Trucks are permitted at any one location at the same time, however additional Food Trucks may be permitted in conjunction with Town sponsored Special Events.
- (g) Food Trucks may not be located in any fire lane, travel lane, entrance/exit, or any required parking space.
- (h) Food Trucks must be located on a level paved or gravel surface with safe pedestrian access.
- (i) The vicinity around the Food Truck must be kept clean and free of debris.
- (j) Trash receptacles must be provided, maintained and emptied by the Food Truck operator.

D. Issuance of Use Permit

1. Upon the finding that the Application complies with the Standards in this Section, the Town Manager will approve the Use Application, setting forth any conditions to protect the public health, safety and welfare and adequately protect adjoining properties from any adverse impacts of the Food Truck, which may include, but are not limited to limitations on the hours of operation, adjustments to the location, adjustments or additional parking requirements, adjustments or additional vehicular access, and additional safety requirements.

2. Any Food Truck Use Permit is revocable by the Town Manager because of the failure of the property owner or the Food Truck operator to comply with any of the provisions of this section.
3. Food Trucks operating as part of Town Sponsored Events are exempt from the requirements of this Section.

Section Four: Severability.

Should any provision, section, paragraph or subparagraph of this Ordinance, including any code or text adopted hereby, be declared null and void, illegal, unconstitutional, or otherwise determined to be unenforceable for a court having jurisdiction, the same shall not affect the validity, legality, or enforceability of any other provision, section, paragraph or subparagraph hereof, including any code text adopted hereby. Each such provision, section, paragraph or subparagraph is expressly declared to be and is deemed severable.

Section Five: Section headings, chapter headings, titles.

Section headings, chapter headings, titles, etc., are for the purpose of description or ease of use and do not form a part of the text of this Ordinance or any Code or text adopted hereby.

James E. Brown, President
Commissioners of Poolesville

A TRUE COPY ATTEST:

Barbara L. Evans, Town Clerk