



# CASTINE MAINE U.S.A.

## Mobile Vending Unit (MVU) Ordinance

### ARTICLE 1 – DEFINITIONS

**HOLIDAYS AND HOLIDAY WEEKENDS:** State of Maine designated and observed holidays as posted on [www.maine.gov](http://www.maine.gov) and at Emerson Hall. Holiday weekends are state designated holidays where the holiday observation date falls on a Friday or a Monday.

**MOBILE VENDING UNIT:** A mobile vehicle designed and constructed to transport, prepare, sell or serve food, beverage or merchandise at a number of sites and is capable of being moved from its serving site at any time. This type of establishment is a self-contained food service operation, located in a vehicle or a movable stand on wheels, used to store, prepare, display or serve food intended for individual portion service.

**MOBILE VENDOR:** A person who serves food, beverage or merchandise prepared for consumption on or off the premises. This definition specifically shall not include the operation of a farm stand selling homegrown produce or sale of food or drink from a temporary sidewalk stand operated by minors immediately adjacent to their residence.

**PUBLIC PROPERTY:** Any land or facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by the municipal governmental body or entity.

**PRIVATE PROPERTY:** Non-publicly held land where a person or persons have the right of legal title to, beneficial interest in, or a contractual right of ownership in a lot or parcel of land.

**SEASONAL:** Activity corresponding to the traditional warmer months in Castine. From the 1<sup>st</sup> of May through October 15th yearly.

### ARTICLE 2 – PERMIT REQUIRED

A. It shall be unlawful for any mobile vendor to sell, display, or offer for sale of food, beverages, goods, or merchandise within the Town without first obtaining an approved Mobile Vendor Permit from the Selectboard of Castine.

B. There are three types of permits.

1. Private Property Permits for the Commercial, Educational and Maritime Activity Overlay areas as defined in the Castine Zoning Ordinance under Article 4. The Commercial, Maritime Activity and Educational districts are displayed in Figure 2 of this Ordinance.
2. Public Property Permits for the Town Dock and Backshore Recreation Areas.
3. Special Event or Festival Permits.

### ARTICLE 3 – APPLICATION PROCESS

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Town of Castine Municipal Offices

P.O. Box 204 • 67 Court Street • Castine, Maine 04421-0204

Telephone: 207.326.4502 • Facsimile: 207.326.9465 • [www.castine.me.us](http://www.castine.me.us) • [www.visitcastine.com](http://www.visitcastine.com)

A. New Applications for a Mobile Vending Permit may be made throughout the year. The Selectboard of Castine generally meets on the first (1st) and third (3d) Mondays of every month at 4:00 pm at Emerson Hall, 67 Court Street, Castine, Maine. The filing deadline for all new applications shall be one week (7 days) prior to a scheduled and posted meeting to be placed on the agenda.

B. Application forms for a permit can be procured from the Town Clerk or found on the town's website, [castine.me.us](http://castine.me.us), under the Town Hall tab clicking on Registrations, Licenses and Forms.

C. All applications shall be completed and signed by the applicant and filed with the Town Clerk. Incomplete applications will not be placed on the agenda. For applications on private property in the Commercial, Maritime Activity or Educational Districts, the application shall bear the recommendations for or against approval with the reasons noted by the Code Enforcement Officer and Fire Chief prior to being submitted to the Selectboard.

1. A permit may be granted if the Mobile Vending Unit in question complies with all Federal, State and local laws and the applicant demonstrates that the applicant's operation will be conducted in a healthful and sanitary manner in accordance with the State of Maine Food Code (10-144 CMR 200) so as not to jeopardize the public health, safety, and welfare.

a. Application Requirements for MVU operations on Public Property or Private property in the Commercial, Maritime Activity or Educational Zoning Districts:

1. Current Department of Motor Vehicle Registration and insurance.
2. Current Health Inspection Program License by the State of Maine Department of Health and Human Services.
3. Acceptance of the days and hours of operation.
4. File a Doing Business As (DBA) Certificate with the Town Clerk.
5. A photo of the vehicle.
6. Dimensions of the vehicle.
7. A description of those items which the applicant proposes to sell and dispense or a copy of the menu. The Town of Castine reserves the right to deconflict menu offerings by vendors.
8. If operating on private property, overall Site Plan showing the parcel, structure, and area where the Mobile Vending Unit will operate together with a letter from the property owner authorizing that the applicant has the right to park on that lot on the days specified by the property owner.
9. If operating on Public Land, acceptance of location restrictions.
10. Payment of required fee.

b. Applications for private property in Castine Zoning Ordinance Village I, II, III or Rural District Overlays. Village I, II, III and the Rural District Overlays are defined in Article 4 of the Castine Zoning Ordinance and displayed in Figures 1 and 2 of this Ordinance.

1. MVU operations must be part of a Selectboard approved Special Event or Festival.
2. Current Department of Motor Vehicles Registration and insurance.

3. Current Health Inspection Program License by the State of Maine Department of Health and Human Services.
4. Acceptance of the hours of operation.
5. A Site Plan showing the parcel, structures, and area where the mobile vending unit will operate together with a letter from the property owner authorizing that the applicant has the right to park on that lot on the days specified by the property owner.
6. Permits may be issued for up to four (4) consecutive days
7. Payment of required fee.

D. Renewal Permits for habitually occurring festivals or events.

The Castine Selectboard shall annually review all renewal applications for the purpose of determining the status of the applicant's previous conformance to this ordinance and at such time decide as to:

- (1) approve the renewal request
- (2) table the renewal request, setting a date for the applicant to come before the Officers to answer questions affecting consideration of the renewal request, or
- (3) for reason(s) noted, disapprove the request. Applicants for renewal shall submit a completed application with fees annually to the Town Office at least 30 days prior to the expiration date.

#### **ARTICLE 4 – EXCEPTIONS**

A. Any public or private school; any booster group raising funds for school activities or sports programs; any non-profit organization selling food or drink to raise funds for charitable causes, educational activities, or public agency programs; or any food sold only through vending machines shall be exempt from Article 5 – Performance Standards of this Ordinance.

B. With Selectboard approval, Article 5, Sections B.1.C, B.1.D and B.2.D may be exempted from the performance standards as part of an authorized Special Event or Festival.

#### **ARTICLE 5 – PERFORMANCE STANDARDS**

A. All Mobile Vending Units must comply with all applicable local, state, and federal rules and statutes, including but not limited to those rules pertaining to the preparation and sale of food.

B. Except as otherwise permitted, licensed, or sponsored by the Selectboard in connection with a festival or special event approved by the Selectboard:

1. Location.

- a. Mobile Vending Units may only operate in locations approved and assigned to the vendor by the Selectboard of Castine.
- b. Mobile Vending Units on public property are only allowed in assigned spaces in the Maritime Activity and at the Backshore Recreation Area or in an assigned space as part of Selectboard approved Special Events or Festivals.

- c. Unless part of a Special Event or Festival, Mobile Vending Units may not operate within 100 feet of the property boundary of any licensed restaurant premises serving similar cuisine.
- d. No Mobile Vending Units may operate within 100 feet of a public elementary (Adams School) school during school days.
- e. Mobile Vending Units and customer lines may not be situated in a manner that will obstruct the free passage of pedestrians or vehicles, obstruct an entrance or exit, obstruct a fire lane, or obstruct access to a fire hydrant.

2. Permit Duration and Parking.

- a. With Selectboard approval, Mobile Vending Units on private property in the Maritime Activity, Educational and Commercial Districts may operate for up to four (4) or fourteen (14) consecutive days in accordance with dates stipulated on permit.
- b. With Selectboard approval, Mobile Vending Units on private property in the Maritime Activity, Educational and Commercial Districts may also apply for a seasonal permit in accordance with the dates stipulated in the definitions of this Ordinance.
- c. With Selectboard approval, and in conjunction with a Special Event or Festival, Mobile Vending Units on private property in the Village I, II, III and Rural Districts are allowed for up to four (4) consecutive days in accordance with the dates stipulated on permit.
- d. Mobile Vending Units will not park overnight in their spots unless they are authorized to operate the next day.
- e. Mobile Vending Units may not be parked overnight on Town streets.

3. Hours of Operation.

- a. Mobile Vending Units on public property may operate from 7:00 a.m. to 10:00 p.m. in the Maritime Activity District.
- b. On Holidays or Holiday weekends, Mobile Vending Units may operate from 10:00 a.m. to 9:00 p.m. at the Backshore Recreation Area.
- c. Mobile Vending Units on private property located within the Commercial, Maritime Activity and Educational districts may operate from 7:00 a.m. to 10:00 p.m.
- d. Mobile Vending Units for Selectboard approved Special Events or Festivals may operate from 8:00 a.m. to 9:00 p.m.

4. Sound.

- a. Generators, if used, shall not produce sound in excess of 80 decibels at a distance of six (6) feet from any point of the exterior of the mobile vending unit.
- b. For any purpose other than to inform customers that food is ready for pickup, amplified music or sounds from any mobile vending unit is prohibited. Hawking or calling out to people to draw customers is also prohibited.

5. Size.

- a. A mobile vending unit shall not exceed thirty-five (35) feet in length.
- b. Each mobile vending unit shall be self-contained. Two (2) additional coolers may be placed alongside the mobile vending unit for storage purposes. No vendor shall set up tables, racks or other devices to increase the selling or display capacity of the unit.

6. Maintenance.

- a. The permit holder shall keep sidewalks, roadways, and other public or private spaces adjoining and adjacent to his/her locations clean and free from paper and refuse of any kind which may be generated by the operation of the business.
- b. Covered, trash and/or recycling containers shall be provided by the vendor at each site immediately adjacent to the mobile vending unit to hold material discarded by the mobile vendor's customers. The permit holder shall empty as necessary. Trash receptacles must be resistant to the impact of wind.
- c. It is the responsibility of the mobile vendor to properly dispose of all collected trash daily.

7. Safety

- a. Open flame cooking either within or outside the food truck is prohibited, except where such activity is specifically permitted by the Fire Department or other applicable licensing authority.

8. Signs

- a. A sandwich board style sign, not to exceed 9 square feet on each side, may be placed next to the mobile vending unit in a manner that is visible to passing pedestrians or vehicles providing it does not block visibility or movement for vehicular or pedestrian traffic.
- b. Signs, not to exceed a total of 9 square feet, (comment: unit may have a painted sign on the unit indicating the business name and purpose) may be placed on the mobile vending unit, or incorporated into the unit through means of paint, banners, or canopies. A menu sign, not to exceed 6 square feet, is permitted and will not be counted towards the total sign area.

**ARTICLE 5 – FEES**

**A. Fees for MVU operating on Private Property in the Commercial, Maritime Activity and Education Districts**

- 1. Up to 4 consecutive days - \$50.00
- 2. Up to 14 consecutive days - \$100.00
- 3. Seasonal -----\$250.00

**B. Fees for MVU operating on Public Property**

- 1. Up to 4 consecutive days - \$50.00
- 2. Up to 14 consecutive days - \$200.00
- 3. Seasonal -----\$2500.00

**C. Selectboard Approved Special Events and Festivals**

- 1. Up to 4 days on private property - \$25.00
- 2. Up to 4 days on public property - \$100.00

**ARTICLE 6 – PENALTY, SEPARABILITY and EFFECTIVE DATE**

A. Penalties. Any person who violates any provision of this chapter or the terms of the permit may be penalized in the following manner:

1. Temporary suspension. The Code Enforcement Officer or Fire Chief, with prior approval of the Town Manager, is authorized to immediately and temporarily suspend any permit. The Town Manager shall determine if the permitted premises have not met the requirements of the permit.

2. Revocation. The Code Enforcement Officer or Fire Chief, with prior approval of the Town Manager, is authorized to immediately revoke any permit. The Town Manager shall determine if the permitted premises have not met the requirements of the permit.

3. Unlicensed Vendor. Any person operating any Restaurant or Mobile Vending Unit failing to apply for a Mobile Vending Unit permit and paying the required fee shall be in violation of this section, and such violation is a civil penalty enforced by the Code Enforcement Officer and subject to a fine in the amount of \$500 for the first offense, and up to \$1000 for each subsequent offense.

4. Civil penalties. In addition to any other fines or penalties for violating any provisions of this chapter or the terms of the permit, violation of this chapter is a civil penalty enforced by the Code Enforcement Officer. In any such proceeding, the Town may order that the permit holder or unlicensed vendor abate any violations, pay a penalty between \$100 and \$2,500 per violation, per day, and pay the court costs, attorneys, and expert witness fees incurred by the Town.

5. Mobile Vending Unit Removal. The Code Enforcement Officer, with prior approval of the Town Manager, may remove a Mobile Vending Unit that is in violation of this Ordinance at the expense of the owner. The unit may be held by the Town until the requirements of this Ordinance are met and all fines are paid at the discretion of the Town Manager.

B. Separability. The invalidity of any provision of this Ordinance shall not invalidate any other part.

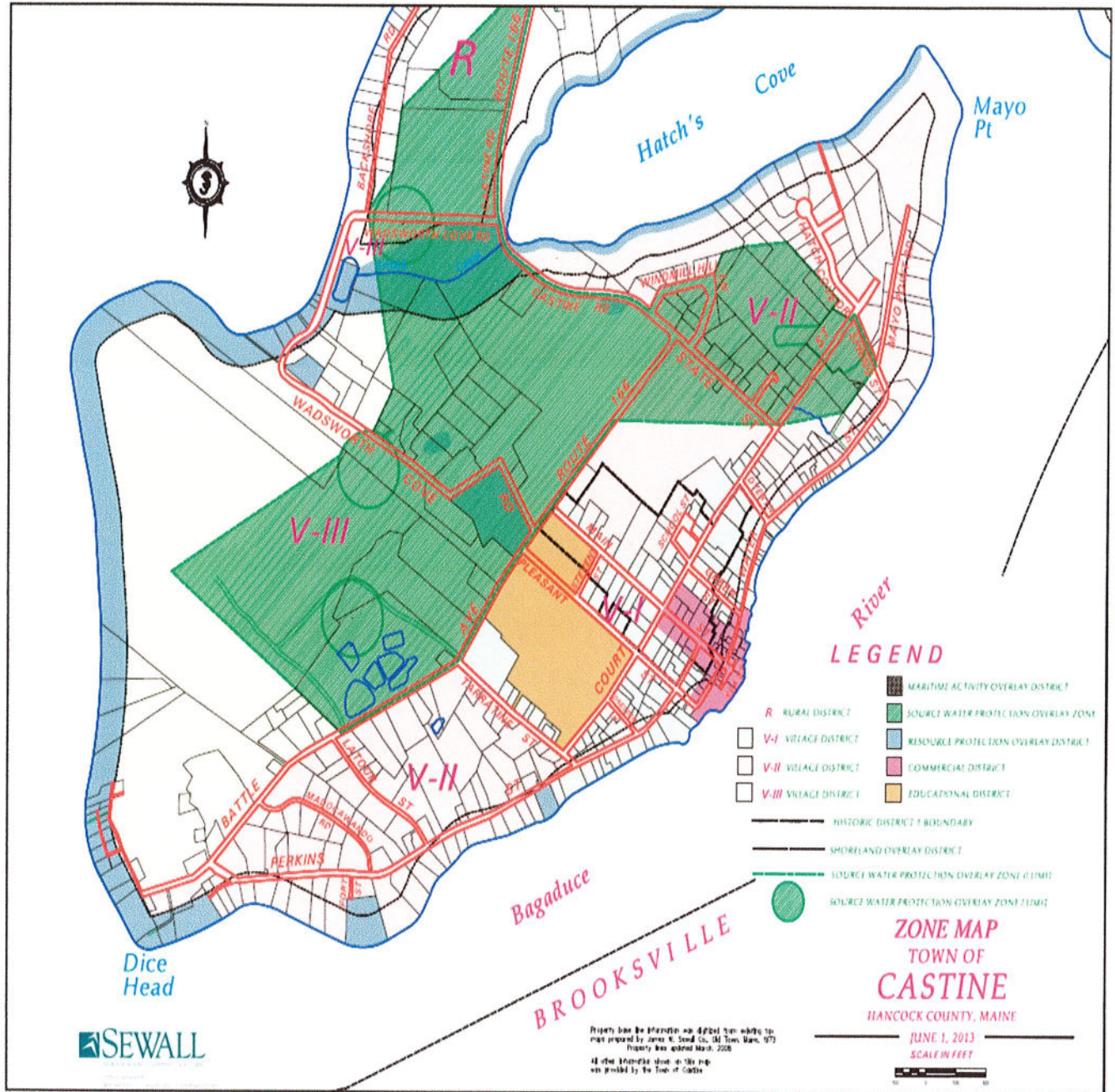
C. Effective Date and Ordinance Revisions

1. This Ordinance shall become effective when adopted by a majority vote at Town Meeting on May 11, 2024.

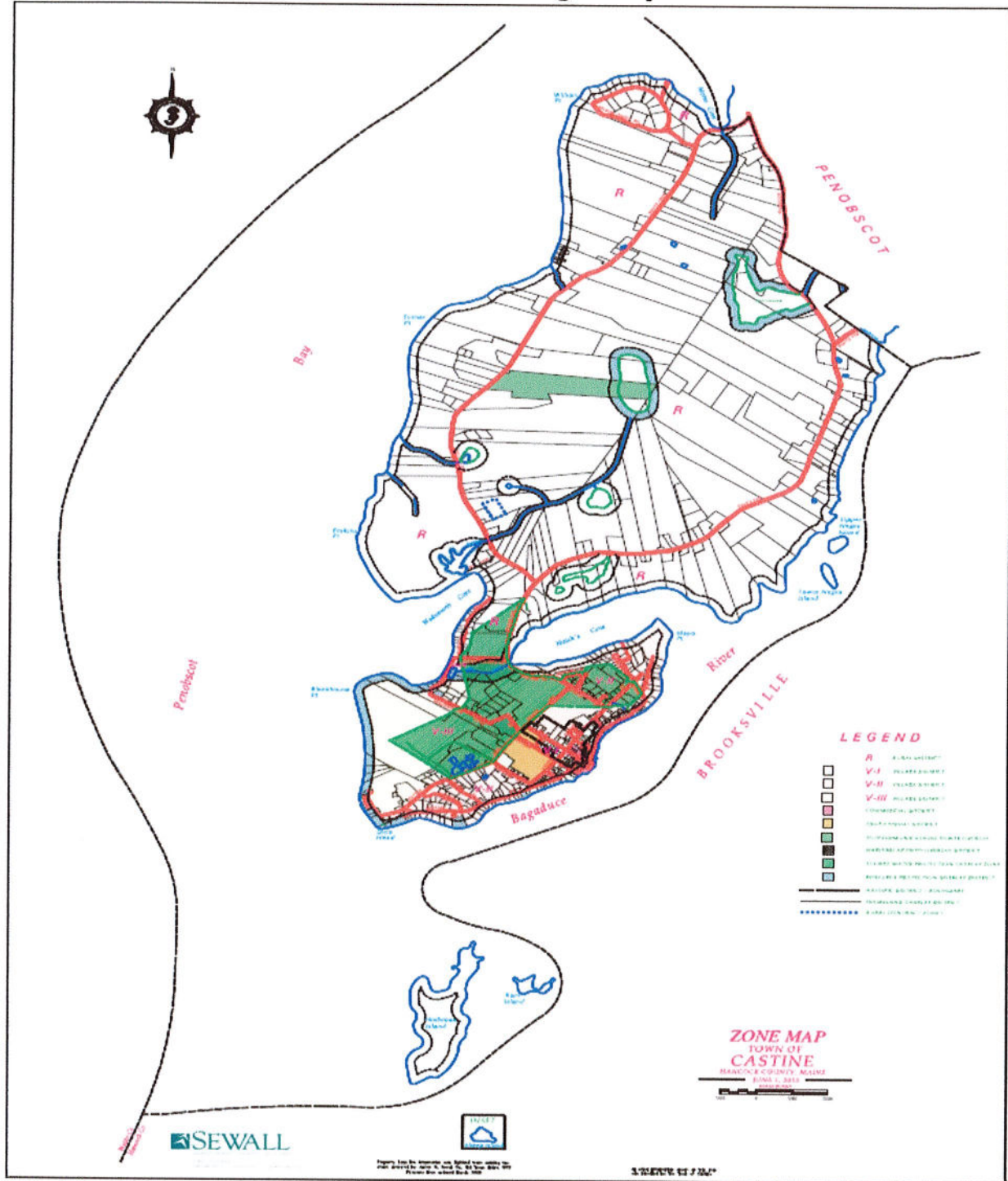
Enacted: \_\_\_\_\_

Attested: \_\_\_\_\_

**Figure 1 – Castine Village Zoning Map:**

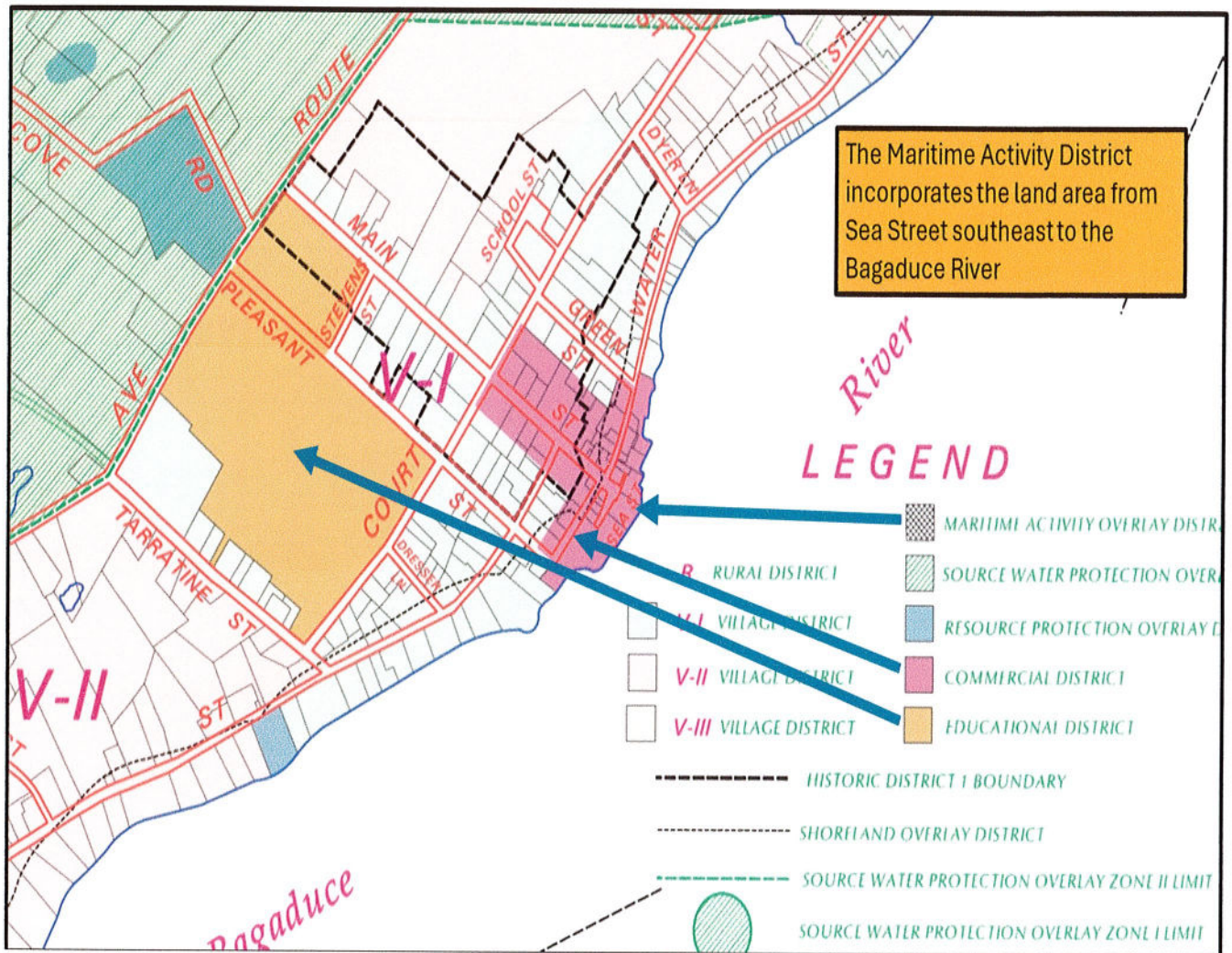


**Figure 2 – Castine Town Zoning Map:**

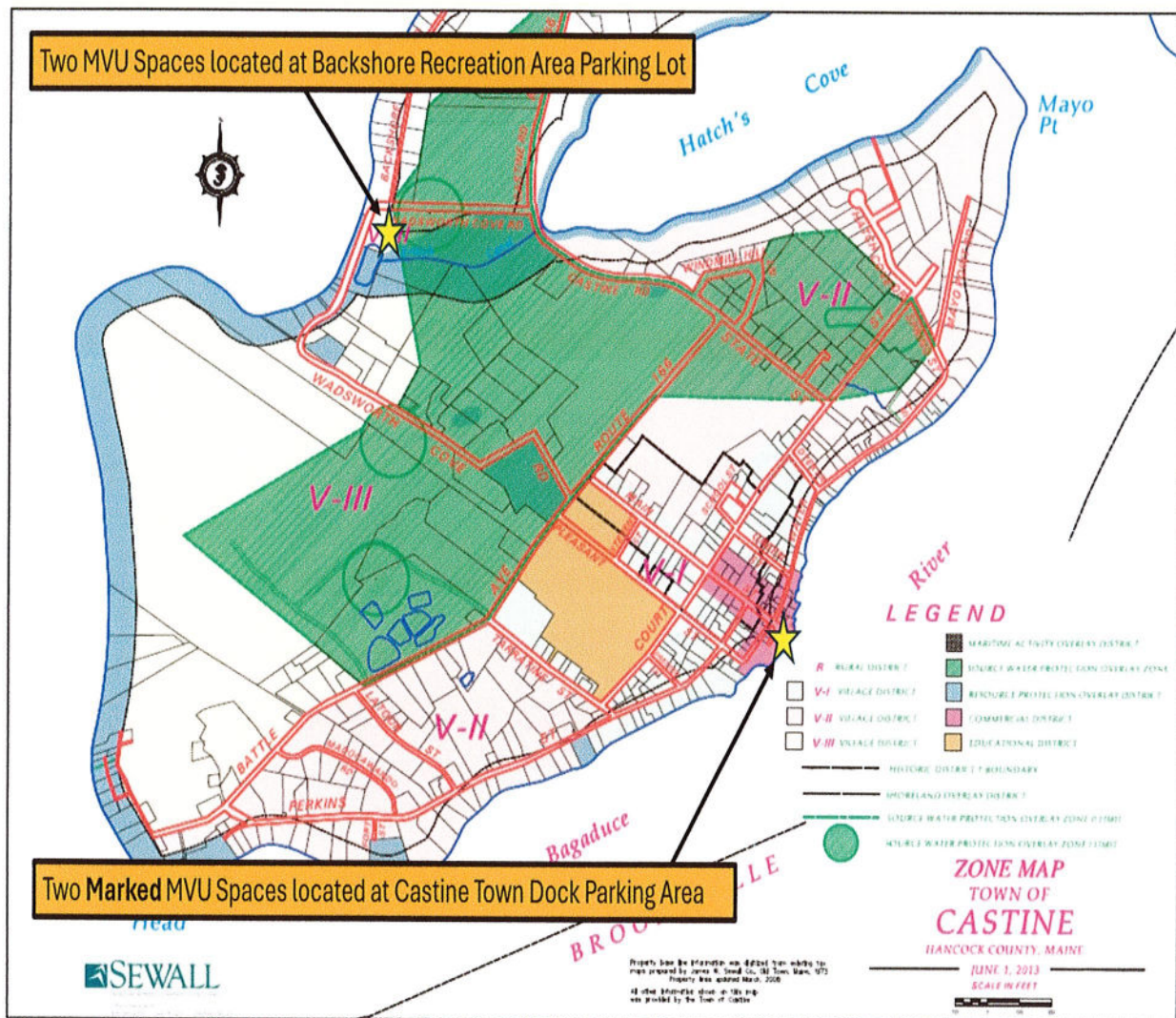




**Figure 3 – Commercial, Education and Maritime Activity Districts:**



**Figure 4 – Authorized Public Property Mobile Vending Unit Locations:**



Town of Castine  
P.O. Box 204  
Castine, ME 04421



Telephone (207) 326-4502  
Facsimile (207) 326-9465  
www.castine.me.us

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### APPLICATION FOR MOBILE VENDING UNIT (MVU)

DATE: \_\_\_\_\_ APPLICANT NAME: \_\_\_\_\_

BUSINESS NAME: \_\_\_\_\_ PHONE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

START DATE: \_\_\_\_\_ DAY(S): M T W TH F S S

PERMIT TYPE: # OF DAYS:

SEASONAL:

MVU LENGTH: \_\_\_\_\_ FOOD TYPE: \_\_\_\_\_ MENU SAMPLE ATTACHED:

COPY OF REG. & INS ATTACHED:  CURRENT COPY OF DHHS INSPECTION ATTACHED:

HAVE YOU EVER HAD A LICENSE TO CONDUCT BUSINESS DENIED OR REVOKED? YES  NO   
IF YES, EXPLAIN:

\_\_\_\_\_  
\_\_\_\_\_

Signature of Applicant

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#### For Office Use

DATE RECEIVED: \_\_\_\_\_ DATE OF HEARING: \_\_\_\_\_

PERMIT FEE: UP TO 4 CONSECUTIVE DAYS = \$50.00  
UP TO 14 CONSECUTIVE DAYS = \$200  
SEASONAL (5/1 – 10/15) = \$2,500

RESULTS OF HEARING:  APPROVED  DENIED

A MVU License is hereby granted for a term concurrent with State Liquor License,  
if applies, but not to exceed one year.

This License is granted under and subject to the Rules & Regulation of the  
Town of Castine Mobile Vending Unit License Policy

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CASTINE SELECTBOARD