

CHAPTER 75  
MOBILE FOOD UNITS

NOTE:

#### § 75-1. Definitions.

For the purpose of this chapter, the following words, terms, and phrases, when used in this article, shall have the meanings indicated:

Food(s) – any type of edible substance meant to be eaten by any creature, including, but not limited to persons, dogs, cats, etc.

Food Truck – an enclosed motor vehicle equipped with equipment and facilities, including but not limited to cookers, grills, smokers, and other similar equipment for preparing, cooking, and selling various types and forms of food products and beverages

Vending Unit – any freestanding pushcart, wagon, table shelving unit, rack vehicle or device, except for a Food Truck defined above, which may be moved, with or without assistance of a motor, which is used in the preparation, display, sale, transportation or storage of any good, wares, or merchandise, personal service, food, food product, or beverage intended for sale, consumption, or distribution on or over the streets, highways, sidewalks, or properties within the Town of Millington

#### §75-2. Licensing.

- A. Business license required – any person operating a food truck or vending unit must have the following licenses:
- Millington business license
  - Millington master sign plan approval
  - Maryland business license
  - Kent County Trader's license
  - Kent County Health Department license
  - Special Event permit

#### §75.3. Fees.

All fees must be made with the appropriate permit applications. Fees are subject to change at time of annual budget approval.

#### §75.4. Application and Issuance.

- A. The Town Council shall act upon the application for a Food Truck or Vending Unit at the next regularly scheduled meeting of the Town Council after the application has been received and has been posted on the Millington website, <http://millingtonmd.us> for a minimum of two (2) weeks. If the application is approved by the Town Council the approved location can be posted by the vendor at least 48 hours prior to the start time and must be removed within 24 hours by the vendor after the stop time. If Town Council disapproves the application, the Town will mail, by first class mail, to the applicant within five days (5) after the date upon which the decision was made, a notice of their action stating the reasons for denial of the permit. Approval of application requires two signatures; the Mayor and one (1) Council member.
- B. All licenses must be attached to the food truck or vending unit in such a way as to be conspicuously displayed to the public during all times of operation.

- C. All licenses shall not be assignable or transferable and may be used only in the operation of the food truck/vending unit as provided for in the license and its application.
- D. All licenses are non-renewable. Upon expiration a new application and documentation must be submitted for review.
- E. An application or license may be denied or revoked for any of the following reasons:
  - a. An investigation reveals that the applicant falsified and/or provided inaccurate information on the application;
  - b. The applicant fails to provide proof of possession of any license or permit which, under federal, state, or local law or regulations, the applicant is required to have in order to conduct the proposed business;
  - c. There is no proof as to the authority of the applicant to serve as an employee/agent to the employer/principle;
  - d. Failure by the applicant to provide all information required by permit application;
  - e. Failure of any portion of the inspection of the mobile food unit by Kent County Health Department or its agents.
- F. Appeal of denial, suspension, or revocation. The decision to deny an application or to suspend other than temporary or revoke a permit may be appealed to the Millington Board of Appeals.

§75.5. Requirements, operations.

- A. All food trucks or vending units are restricted to commercial properties or public parks with proper permission.
- B. All food truck vendors must utilize an approved commercial kitchen for preparation of all food.
- C. All food trucks or vending units are restricted from parking in the street or along curbs; locations must be on the commercial property or in the public park.
- D. No food truck or vending unit can be operated if constructed, loaded, or covered as to prevent its driver from having a clear and unobstructed view of all persons and fixtures located in front of such vending unit or food truck while being moved or operated.
- E. Food truck or vending unit can not be left unattended, at any time. No food truck or vending unit can be left overnight without prior approval by property owner or as part of the special event.
- F. Any person operating a food truck or vending unit must have written permission of the property owner where the units is to be in operation. This written permission must be submitted with the Special Events Permit for review.
- G. Any person operating a food truck or vending unit shall ensure the proper containment and disposal of all waste and trash associated with the operation before leaving the site of the unit's operation. No person shall use the Town's trash receptacles for any purpose associated with the food truck or vending unit or its operations.
- H. A food truck or vending unit shall not use any on-site utilities without permission obtained from the property owner or authorized user of the utilities.
- I. No person shall use amplified microphones, bull horns, flashing lights, or any other distraction sound or light in connection with the food truck or vending unit operation

unless approved by the Town during the permit approval process. This does not prevent the use of traditional music with acceptable noise levels.

- J. Any signage for the food truck or vending unit shall be affixed to the unit, only. All signage must be approved by the Millington Planning Commission through the Master Sign plan process.
- K. No person shall use, operate, deploy, or locate a food truck or vending unit in a manner that creates or maintains a public nuisance, damages or alters public property or infrastructure, and/or erects or utilizes any permanent or fixed structure in any public place.
- L. No food truck or vending unit shall impede or obstruct any street, street intersection or crosswalk. No food truck or vending unit shall impede the ingress or egress of any public or private driveway. No food truck or vending unit shall obstruct pedestrian space.

#### §75.6. Violations.

Any person who violates any section, subsection, or provision of this article shall commit an offense against the Town punishable by a fine not to exceed five hundred dollars (\$500.00). Each day that a person operates in violation of this article shall be considered a separate offense punishable by addition fines.





**TOWN OF MILLINGTON**  
**FOOD TRUCK/VENDING UNIT PERMIT APPLICATION**

NAME OF BUSINESS: \_\_\_\_\_

ADDRESS OF BUSINESS: \_\_\_\_\_

TELEPHONE #: \_\_\_\_\_ EMAIL: \_\_\_\_\_

\*\*\*\*\*

NAME OF OPERATOR OF UNIT : \_\_\_\_\_

DRIVERS LICENSE #: \_\_\_\_\_

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**VEHICLE INFORMATION:**

MAKE: \_\_\_\_\_ MODEL: \_\_\_\_\_ PLATE NUMBER: \_\_\_\_\_

VIN: \_\_\_\_\_ INSURANCE POLICY #: \_\_\_\_\_ (attach a copy of policy declarations)

WIDTH OF VEHICLE: \_\_\_\_\_ LENGTH OF VEHICLE: \_\_\_\_\_

\*\*\*\*\*

LOCATION OF UNIT: \_\_\_\_\_

DAYS/HOURS OF OPERATION: \_\_\_\_\_

**NOTE:** Attach a copy of permission letter from property owner or event planner. Attach a map or drawing of the expected location of operation, including the location of all buildings or structures in the area of proposed operation and proximity to any adjacent residential areas as well as businesses.

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**ADDITIONAL DOCUMENTATION REQUIRED:**

**Generator Use:** Provide manufacturer specifications on decibel ranges generated by generators to be used during operations.

**Waste Disposal/Trash Removal:** Provide explanation of method to dispose of waste and materials.

**Licenses:** Provide copies of Maryland and Kent County business licenses.

**Parking:** Provide parking plan for customers.

ADDITIONAL NOTES/COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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I/We hereby agree and acknowledge that I/we will comply with all applicable Maryland, County, and Town laws and ordinances and will adhere to the conditions granted by this permit. By affixing my/our signature on this form, the sponsor and/or the individual participants agree to hold the public agencies harmless from any liability, incurred by them or to others associated with this event.  
Organization/Applicant is required to purchase liability and property damage insurance in the amounts of \$1,000,000 each.

\_\_\_\_\_  
Organization/Applicant Signature Organization/Applicant Signature

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CONDITIONS OF APPROVAL:

The applicant/owner must adhere to the following conditions of approval: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

_____ Approved	_____ Disapproved	Mayor _____
_____ Approved	_____ Disapproved	Council _____
_____ Approved	_____ Disapproved	Council _____
_____ Approved	_____ Disapproved	Council _____
_____ Approved	_____ Disapproved	Council _____

Fee \_\_\_\_\_ Check # \_\_\_\_\_ Date Paid: \_\_\_\_\_