



THE PRINCE GEORGE'S COUNTY GOVERNMENT

Office of Audits and Investigations

September 14, 2022

FISCAL AND POLICY NOTE

TO: Robert J. Williams, Jr.
Council Administrator

William M. Hunt
Deputy Council Administrator

THRU: Josh Hamlin
Senior Legislative Budget and Policy Analyst

FROM: Kassandra Fields
Legislative Budget and Policy Analyst

RE: **REVISED** Policy Analysis and Fiscal Impact Statement
CB-053-2022, Food Truck Locations (Draft 2)

CB-053-2022 (*Proposed and presented by:* Council Member Ivey)

Referred to the Health, Human Services and Public Safety Committee (HHSPS) on June 16, 2022.

AN ACT CONCERNING FOOD TRUCK LOCATIONS for the purpose of eliminating Food Truck Hubs and authorizing Food Truck vending in certain locations in Prince George's County.

Fiscal Summary

Direct Impact:

Expenditures: Minimal, if any, increases in expenditures due to administrative costs associated with enforcement/permitting efforts.

Revenues: Likely minimal.

Indirect Impact:

14741 Governor Oden Bowie Drive, Upper Marlboro, Maryland 20772
VOICE (301) 952-3431; FAX (301) 780-2097; TDD (301) 925-5167

Potentially positive.

Legislative Summary:

CB-053-2022, sponsored by Council Member Ivey was presented to the County Council on May 31, 2022 and referred to the Health, Human Services and Public Safety (HHSPS) Committee for the June 16, 2022 agenda.

CB-053-2022 serves to eliminate ‘Food Truck Hubs’ and to authorize ‘Food Truck Vending’ in certain areas within the County. As drafted, the bill modifies language from referring to designated ‘uses’, which can be construed as a zoning designation, to permitted ‘locations’ instead. It expressly defines “food truck” and “mobile unit”. Additionally, it outlines the permitting/licensing and enforcement authorities and process therein.

At the June 16th Committee meeting, the following items were raised, noted or requested:

- Council Member Streeter opined that the existing manner in which DPIE and Health work in collaboration for permitting, inspection and enforcement of brick and mortar restaurants should dictate the manner in which the process for mobile food vending occurs.
- Council Member Turner asked for multi-year data on the number of mobile vehicle licenses operating within the County.
- Council Member Turner asked for additional information governing enforcement actions taken against vendors over the last couple of years.
- Committee members discussed developing standards that would serve to cap the number of vendors in particular areas, so as to avoid over congestion.
- The Committee asked DPIE if there were enough existing resources in place to accommodate enforcement efforts, should the bill be enacted. The Director advised there were staffing shortages and agreed to provide the most current vacancy report the following day. However, noted that what, if any, additional resources would be necessary would not be clearly defined until after the bill had been enacted and staff was able to analyze the historical data for several months or more.

The bill was held until the first HHSPS Committee meeting scheduled in September.

Current Law/Background:

CB-016-2015 and CB-017-2015 established the foundation for food truck operations within the County by outlining new regulations for fixed locations, known as ‘*Food Truck Hubs*’. The regulations limited vendors, in general, to specific areas where a ‘*hub*’ was allowed to be established for operations, which generally included a ¼ mile radius within most Metro or MARC stations, and Maryland-National Capital Park & Planning Commission facilities. West Hyattsville, Prince George’s Plaza, Largo Town Center, and Branch Avenue Metro Stations were exempt for food truck hubs. The hubs required a coordinator to oversee operation of the hub, a substantial fee

from \$500 to \$3,500 to be paid, and approval of the hub by DPIE. Hubs outside of these designated areas required a special resolution approved by the Council.

In 2019, the Council passed CB-037-2019, which reduced licensing fees for a fire inspection to license food trucks from \$75/hour to a \$35 flat fee; the Bill also eliminated all food truck hub license fees.

Additionally, the Council provided more access to food truck vending through CR-073-2019 by allowing vendors to go through incorporated municipalities to vend in the respective municipal boundaries, according to that municipality's regulations. CR-065-2019 also provided for the Maryland-National Capital Park & Planning Commission and DPIE to create a Memorandum of Understanding (MOU) to allow food trucks to operate at their facilities according to the MOU. The outcome of that MOU has yet to be determined. For both of these resolutions, the initial licensing of the food truck by the County has not changed.

Last year, the Council considered CB-105-2021¹, an act eliminating Food Truck Hubs and authorizing Food Truck vending. The bill was sponsored by Councilmembers Ivey and Anderson-Walker, presented to the County Council on September 28, 2021, and referred to the Committee of the Whole (COW). On October 14, 2021, CB-105-2021 was held in Committee in order to address concerns presented by staff and Councilmembers. As presented, CB-053-2022 has been modified slightly from the draft that was considered last year to incorporate staff and administrative changes to process, but the intent remains unchanged.

Resource Personnel

- John Sheridan, Policy Director, Council District 2
- Lori Parris, DPIE
- Evelyn Hoban, Health Department

Discussion/Policy Analysis:

CB-053-2022 (**Draft 2**) would amend the current regulations in the County to eliminate the requirement for a food truck hub (and all references therein) to be created for operation of food trucks, in addition to notably advancing the areas where licensed food trucks could vend.

As amended, the license for a 'Food Service Facility-Mobile Unit' shall be regulated under *Subtitle 5, Division 12 Peddlers and Itinerant Vendors* **and** *Subtitle 12, Division 2, Food Service Facilities, Subdivision 3, Permits and Inspections*.

¹ <https://princegeorgescountymd.legistar.com/LegislationDetail.aspx?ID=5149563&GUID=76C8114F-3EDC-4D5B-9239-E316BDD562B0&Options=ID|Text|&Search=cb-105-2021>

Section 5-193(a-b) of the Code defines a 'Food Service Facility – Mobile Unit'. Additionally, it sets forth that with the permission from a person authorized to enter into an agreement on behalf of the property owner or manager (under all circumstances), vending would be allowed in: (1) office and business parks to accommodate workers who may want quick access to prepared food but may not be located near restaurants or other food venues; (2) industrial areas, industrial and employment parks, to serve the same purpose set forth in (1); (3) commercial areas and retail shopping centers, to attract more retail customers or provide additional food options to patrons; (4) faith-based organizations, private community and common community properties, and cooperatives such as membership pools and non-profit venues to enhance events with convenient and diverse food access; (5) agritourism facilities, wineries, farms, orchards, and similar establishments open to the public; (6) craft food and beverage facilities, including breweries where prepared food options are either not allowed, limited, or are meant to compliment the food or beverage product produced on the property; (7) food halls, food markets, farmers markets, and other temporary food-associated venues to attract additional patrons as well as to provide or compliment the products already being sold; (8) active construction sites for prepared food options for the workers on the property; (9) County, State, and federal properties with public access that often have large concentrations of workers that would benefit both the vendor as well as the employees; (10) golf courses; and (11) dog parks (not vending in a public right-of-way).

Section 5-193.03(a-d) delineates the circumstances surrounding a revocation of a license issued for the purpose of mobile unit/food truck vending.

Subtitle 12, Health, Subdivision 3, Permits and Inspections, Section 12-115 sets forth the requirements for the specific application for mobile units/food trucks:

- Copy of vehicle registration;
- Copy of insurance policy covering the mobile unit applying for a license;
- Location(s) where the mobile unit and/or operator will vend in the County, as specified in Section 5-193(b) of the Code;
- Certification that the unit passed the applicable health and fire inspections set forth in Section 12-115 (b), (c), and (e) of the Code.
- All appropriate vehicle identification must be plainly visible
- Certification of vehicle dimensions.

On page 6, lines 24-30, and page 7, lines 1-17 outline the safety and sanitation requirements governing a mobile unit. These are not new regulations. They were in place throughout various sections of the existing code relating to food truck hubs that are being proposed to be repealed in CB-53-2022. As drafted, it merely places the applicable requirements within Subtitle 12, Health, section of the Code.

During numerous discussions with food truck vendors at the Food Truck Hub Oversight Committee meetings, facilitated by the Economic Development Corporation, it was cited that the many regulations and restrictions the County places on food truck operations has created a dearth of vendors in Prince George's County, which already lacks adequate upscale brick and mortar food establishments. Additionally, the County lacks dense economic centers near many of the Metro stations that would provide prime locations for food trucks to operate. Furthermore, the Pandemic

has altered workplace locations and created increased challenges for the industry; within Prince George’s County, all but two food truck hubs have closed. Because of this combination of circumstances, a substantial number of food truck vendors who live in the County operate their trucks outside of their home jurisdiction. This legislation would provide for a simpler, more streamlined process for vendors to operate in the County while increasing their options for locations, and the overall success of their operations.

Lastly, CB-053-2022 repeals existing *Section 5-189.01, Definitions, Section 5-189.02, Duration of license; renewal, Section 5-189.03, License and Application, Section 5-189.04, Duties and Responsibilities of a Coordinator, and Section 5-189.05, Violation and Revocation of Subtitle 5, Businesses and Licenses, Division 11, Mobile Units – Food Truck Hubs* from the County Code in their entirety; and *Section 5-2801, Legislative Purpose and Intent, Section 5-2802, Definition, Section 5-2803, License required, fee, Section 5-2804, License application, Section 5-2805, Standard dimensions, Section 5-2806, Insurance Requirements, Section 5-2807, Safety and Sanitation, Section 5-2808, Approval/Denial of License, Section 5-2809, Suspension or revocation of license, and Section 5-2810, Appeals from Subtitle 5, Division 28-Special Food Service Facilities-Mobile Units of the County Code.*

Attached is a table delineating the method(s) of permitting and licensing for food truck operations within neighboring or similar jurisdictions. It also outlines some additional regulations that provide oversight to food truck operations within those specific boundaries. For the most part, all require the following types of permit/licenses (although the specific name may vary, it serves the same purpose): valid health department food license; food manager certificate; peddler’s/solicitor’s license; street vendor license; food location permit; base of operation/commissary authorization approval; business license; and fire inspection. Additionally, the codes set forth detailed vending locations, specific sidewalk passage standards, limitations on number of vending locations in certain areas or zones, lottery assignment process for locations, maximum total operating space of mobile vending units, and hours of operations, to name a few.² Notably, the City of Baltimore even requires the City Councilperson for the proposed mobile vending location to be contacted, to provide initial input and to provide the groups to contact for notification and outreach including: the merchants association, the neighborhood association and or benefits district. In addition, written recommendations are developed by that specific Council Person and provided to the Department of Transportation as part of the application process.³

Mobile vending has been a part of the American culinary landscape for in excess of a century. “Lunch wagons” have been chronicled to be around since the 19th century, at that time, they were covered wagons. These mobile kitchens took off after World War II, following the growth of the suburbs, finding venues where restaurants were rare, but the demand was high. The modern face of the food truck, however, can be tied back to a Los Angeles, when two entrepreneurs teamed up with a local chef in 2008 to provide Korean BBQ outside of nightclubs in LA late at night. From there, it began expanding its operations to daylight streets around the community, with crowds en tow.⁴

² **Exhibit 1**, Table of Similar Jurisdictions Food Truck Regulations

³ https://transportation.baltimorecity.gov/sites/default/files/Street%20Vendor%20Rules%20and%20Regs_1.pdf

⁴ <https://www.foodtrucknation.us/wp-content/themes/food-truck-nation/Food-Truck-Nation-Full-Report.pdf>

While food trucks have become a \$2.7 billion-plus industry in cities across the nation, and fixtures in our communities, government regulation of them has been slow to adapt to embrace the change. The U.S. Chamber of Commerce Foundation issued a comprehensive study and report, entitled *Food Truck Nation* to draw awareness, in part, to the regulatory speed bumps to mobile vending, that have somewhat limited entrepreneurial opportunity.⁵ Food truck owners are a diverse crowd of rich and poor, representing all races and genders. In the report, it was noted that in Chicago alone, roughly 80% of local food trucks are minority-owned small businesses.⁶

In the analysis, one aspect of the index reviewed the requirements to obtain permits and licenses in cities across the nation. It was found that Denver, Indianapolis, and Philadelphia were the cities with the easiest to understand processes, while Washington, D.C., Seattle, and Boston were in the bottom ranks. As an example, Boston and San Francisco, require 32 procedures to start a new truck. Denver, by comparison, requires only 10 procedures to obtain permits and licenses.⁷

Based on the study's findings, on average, starting and maintaining a food truck for one year requires an entrepreneur to complete forty-five (45) separate government mandated procedures over thirty-seven (37) business days and spend \$28,276 on permitting, licensure, and on-going legal compliance within the community served.⁸

There is a notable accelerating trend of food trucks morphing into and being a part of brick-and-mortar restaurants. In nearly every city in which they become established, food trucks offer a net positive to the restaurant industry. While official figures on that type of growth are difficult to assess for reporting purposes, neighborhoods where food trucks cluster, such as around Washington, D.C.'s Farragut Square, have seen visible, concomitant growth in brick-and-mortar establishments.⁹

As part of the report, the authors engaged the users (food truck owners) to determine what factors in each process helped with the efficiency of establishing and maintaining a food truck in the cities utilized as part of the study. The report noted that lower permitting fees, fewer number of times required to physically go to a regulatory office, having a clear, concise, easy-to-comprehend process in one location, websites and online services that were 'user friendly' and easy to navigate, and minimal zoning and proximity regulations were the most helpful in promoting the success and growth of the individual business.¹⁰ It was noted that one city's regulations were so poorly defined and cumbersome, that even the employees seemed not to understand the process to help the applicant navigate it.¹¹

⁵ <https://www.foodtrucknation.us/wp-content/themes/food-truck-nation/Food-Truck-Nation-Full-Report.pdf>

⁶ <https://www.foodtrucknation.us/wp-content/themes/food-truck-nation/Food-Truck-Nation-Full-Report.pdf>

⁷ Id.

⁸ <https://www.foodtrucknation.us/wp-content/themes/food-truck-nation/Food-Truck-Nation-Full-Report.pdf>

⁹ Id.

¹⁰ <https://www.foodtrucknation.us/wp-content/themes/food-truck-nation/Food-Truck-Nation-Full-Report.pdf>

¹¹ Id.

However, even in those cities deemed “most friendly” toward food truck activities, it is important to note that they do require permitting to include, business permit, vending permit, health, fire inspection, and zoning compliance for siting (they refer to these as ‘proximity rules’). There is a checklist that makes it easy for the applicant and regulating authority. Additionally, some of the codes set forth detailed vending locations, specific sidewalk passage standards, limitations on number of vending locations in certain areas or zones, lottery assignment process for locations, maximum total operating space of mobile vending units, and hours of operations, to name a few. This information should not be construed as a recommendation, but merely provided to emphasize that some level of permitting, coordinating and oversight does exist, even in the most “friendly” communities to food truck vendors, to ensure safe and efficient operations. Additionally, the critical issue isn’t which agency necessarily oversees any particular aspect of the process, but, rather, that someone is making sure that all health and safety requirements are being met. With the Food Truck Hub system, the Hub Coordinator was responsible for checking these things, but now there appears to be a hole in oversight.

The Prince George’s County Health Department provided a current list of licensed mobile units within the County since 2019:

2019: 107, which included ice cream trucks

2020: 55*, inclusive of ice cream trucks

2021: 98 with ice cream trucks

2022: 95, including ice cream trucks; 84 mobile units total exclusive of ice cream trucks

*The 2020 permit year will have skewed numbers because of governor order not requiring license renewal because of the pandemic. Some of these figures include licenses for trucks/carts located in Six Flags, stadiums and at the University of Maryland (UMD), or those which only sold ice cream.¹²

Fiscal Impact:

Direct Impact

Enactment of CB-053-2022 could have a direct fiscal impact on the County relating to inspection and enforcement. Additional administrative costs associated with implementation could be realized by the Department of Health, the Fire Department, and possibly, to some extent, DPIE. The provision allowing the collection of fees and charges for a special food service facility - mobile unit license could offset these implementation costs.

Indirect Impact

¹² Licensed Mobile Units Report provided by the Health Department, email dated 13 September, 2022, Ms. Evelyn Hoban, M.S., Associate Director, Division of Health/Disease Control, Prince George’s County Health Department

Enactment of CB-053-2022 could have a positive indirect fiscal impact, as it may incentivize and bolster economic development in the proposed locations. Also, it could provide additional food options for residents and workers within the County, which for many can be viewed as positive in terms of quality of life. Lastly, it would serve to enhance entrepreneurial opportunity for food truck vendors, which are comprised of a diverse crowd and represent a fair percentage of the minority-owned small business community.

Appropriated in the Current Fiscal Year Budget

No.

Effective Date of Proposed Legislation:

This Act shall be effective forty-five days (45) after it becomes law.

If you require additional information, or have questions about this fiscal impact statement, please call me.

EXHIBIT 1
Similar Jurisdictions Food Truck Regulations

Jurisdiction	Permitting and Licensing	Hours to operate	Restrictions
Alexandria	<ul style="list-style-type: none"> • Food truck permit • Business License • Health Permit • Fire Prevention Permit • CM administers permits and enforces this chapter of the code¹³ 	7 am-8pm	<ul style="list-style-type: none"> • Additional parking location requirements • Vending location requirements¹⁴ • Signage • Noise • Storage • Liquid waste • Trash • Detailed designated on-street vending locations set forth in code.¹⁵
Arlington County	<ul style="list-style-type: none"> • Peddler, Vendor permit¹⁶ • Fire Inspection¹⁷ • Mobile Food Unit License¹⁸ & Base operation agreement from Environmental Health Program¹⁹ • Health License²⁰ • Certified Food Protection Mgr. Card²¹ • Vendor decal req.²² 	<p>2 of the 3 vending zones have hours of 10 am-2 pm M-F, the 3rd is 10 pm-2 am-F-Sunday</p> <p>Can't conduct any business on any public street or sidewalk between the hours of 8:00</p>	<ul style="list-style-type: none"> • Hot and Cold Water • 3 compartment sink • Waste and Fresh water tanks • Food truck vending zones (3) (for consideration of street vending zones, traffic study, parking resources, land uses all must be considered)²³ • A zone shall only be located adjacent to sidewalks with a width appropriate for the pedestrian activity anticipated and as established by good traffic engineering practice; however, in no instance shall the sidewalk width be less than six (6) feet. • Trash

¹³ <https://media.alexandriava.gov/docs-archives/manager/info/amendmentordinance.pdf>

¹⁴ <https://media.alexandriava.gov/docs-archives/manager/info/finalapprovedvendinglocaltionmap=1=.pdf>

¹⁵ <https://www.alexandriava.gov/FoodTrucks>

¹⁶ <https://www.arlingtonva.us/Government/Departments/Police-Department/Vendor-Permits>

¹⁷ <https://www.arlingtonva.us/files/sharedassets/public/Health/Documents/Arlington-County-Fire-Regulations.pdf>

¹⁸ https://www.arlingtonva.us/files/sharedassets/public/health/documents/2022-2023-mobile-application_fillable_2022.05.04.pdf

¹⁹ https://www.arlingtonva.us/files/sharedassets/public/health/documents/2022-2023-base-of-operation-agreement_fillable_2022.03.11.pdf

²⁰ <https://www.arlingtonva.us/Government/Programs/Health/Environmental-Health/Mobile-Food-Unit-and-Vendor-Health-Licenses#section-1>

²¹ https://www.arlingtonva.us/files/sharedassets/public/health/documents/certified-food-protection-manager-guidelines_2021.10.15.pdf

²² https://www.arlingtonva.us/files/sharedassets/public/health/documents/mobile-food-unit-license-checklist_2021.10.15.pdf

²³ <https://www.arlingtonva.us/Government/Programs/Health/Environmental-Health/Mobile-Food-Unit-and-Vendor-Health-Licenses#section-3>

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Similar Jurisdictions Food Truck Regulations

Jurisdiction	Permitting and Licensing	Hours to operate	Restrictions
		p.m. and 6:30 a.m. unless otherwise allowed	
Fairfax County	<ul style="list-style-type: none"> • Food establishment permit (Health Dept)²⁴- which includes the certified food mgr. card-proof of inspection of the food truck²⁵- Health Dept. also issues the Virginia Dept. of Transportation²⁶ Land Use permit for mobile vending. • Business License²⁷ • Approved Facility/Commissary Use Agreement²⁸ • Solicitor License (from Dept. of Cable and Consumer Services)²⁹ • Food Truck Operation Permit (P&Z)³⁰ • Written permission/permit application for private property 		<ul style="list-style-type: none"> • Permitted in 3 locations: Designated ROW, private property and parks (after attaining a Mobile Food Vendor Permit from the Fairfax County Park Authority)³² • Food trucks are permitted as an accessory use in the specified locations³³ • Food trucks may only operate for a maximum of four hours in any one day at any one location³⁴ • Food trucks located on less than 20 acres may operate for a maximum of four hours in any one day at any one location, including set-up and breakdown-down. • Food trucks located on 20 acres or more may operate for a maximum of eight hours in any one day at any one location, including set-up and break-down • Food trucks must be located 100 feet from all property lines. • A maximum of three food trucks are permitted at any one location at the same time, provided that

²⁴ <https://www.fairfaxcounty.gov/health/permits/mobile-food-unit>

²⁵ <https://www.fairfaxcounty.gov/health/food/certified-food-manager>

²⁶ Chapter 82-1-30 of the Fairfax County Code regulates the sale of food from vending trucks on VDOT roadways.

²⁷ https://www.fairfaxcounty.gov/code/sites/code/files/assets/documents/pdf/food_trucks.pdf#page=1

²⁸ <https://www.fairfaxcounty.gov/health/sites/health/files/assets/documents/pdf/forms/ehf59-mobile-food-commissary-agreement.pdf>

²⁹ https://www.fairfaxcounty.gov/code/sites/code/files/assets/documents/pdf/food_trucks.pdf#page=1

³⁰ <https://www.fairfaxcounty.gov/planning-development/zoning/food-trucks>

³² <https://www.fairfaxcounty.gov/health/sites/health/files/assets/documents/pdf/forms/ehf65-mobile-vending-zoning-agreement.pdf>

³³ <https://online.encodeplus.com/reg/fairfaxcounty-va/doc-viewer.aspx#secid-241>

³⁴ https://www.fairfaxcounty.gov/code/sites/code/files/assets/documents/pdf/food_trucks.pdf#page=1

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Jurisdiction	Permitting and Licensing	Hours to operate	Restrictions
	through P&Z Admin Division for Food Location Permit ³¹		<p>additional food trucks may be permitted in conjunction with administrative permits or other special events regulated by any proffered condition, development condition, special exception or special permit.</p> <ul style="list-style-type: none"> • Trash • Temporary provisions for special events
Baltimore City	<ul style="list-style-type: none"> • Licensed through DOT • Licenses renew 7/1 • A valid Health Department Food Facility License if the vendor is selling items for consumption • A valid Health Department Food Manager Certificate • A valid Motor Truck Peddler’s License if the vendor operates from a motorized vehicle • Street Vendor License³⁵ • Food trucks and mobile vendors are required to be licensed by the Street Vendor’s Board.³⁶ 	<p>6am to 12 midnight</p> <p>In consultation with the Department of Transportation, the Department of Transportation and the Department of Recreation and Parks shall determine the effective hours of the mobile vending location</p>	<ul style="list-style-type: none"> • Temporary provisions for special events • Current copy of any lease, letter or agreement from landlord or property owner for vending on private property • Operator Statement on Community Engagement demonstrating how your operation is committed to the community it serves, describing local hiring and training practices and any plan to source ingredients locally, and whether or not your commissary is located in Baltimore City.³⁸ • Operator Statement on Environmental Sustainability detailing how your food truck operations include environmentally sustainable practices such as: using locally grown and sourced ingredients, use of alternative fuels or low-emissions vehicles, bio-based food service ware, or recycling and composting practices³⁹ • The Department shall have the authority to limit the number of mobile vendor licenses granted in

³¹ <https://www.fairfaxcounty.gov/planning-development/sites/planning-development/files/assets/documents/zoning%20ordinance/foodtrucks/foodtrucklocationapplication.pdf>

³⁵ https://transportation.baltimorecity.gov/sites/default/files/Street%20Vendor%20Rules%20and%20Regs_1.pdf

³⁶ <https://transportation.baltimorecity.gov/sites/default/files/Revised%20GUIDELINES%20on%20Food%20Truck%20Special%20Events%206%202%2015.pdf>

³⁸ <https://transportation.baltimorecity.gov/sites/default/files/Mobile%20Vendor%20or%20Food%20Truck%20new%20checklist.pdf>

³⁹ <https://transportation.baltimorecity.gov/sites/default/files/Mobile%20Vendor%20or%20Food%20Truck%20new%20checklist.pdf>

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Jurisdiction	Permitting and Licensing	Hours to operate	Restrictions
		<p>and each location's effective hours shall be noted clearly on the signage marking the location. Generally, the operating hours, excluding exceptions for special circumstances, shall be from 10am to 2pm.³⁷</p>	<p>accordance with the health, safety and welfare of the general public as well as the number of licenses in Baltimore City and the amount of vehicular traffic and mobile vending.</p> <ul style="list-style-type: none"> • Appeals of any decision from DOT to Board of Municipal Zoning Appeal⁴⁰ • No street vendor shall conduct business in such a way as to restrict or interfere with the ingress or egress of an abutting property owner or tenant, create or become a nuisance or hazard to public health, safety or welfare, increase traffic congestion or delay or constitute an obstruction to adequate access to fire, police or sanitation vehicles • A clear pedestrian zone must be maintained at all times on the sidewalk adjacent to the vending stand, cart or vehicle. • Trash • The City Councilperson for the proposed mobile vending location is contacted, provides initial input and provides the groups to contact for notification and outreach including: the merchants association, the neighborhood association and or benefits district⁴¹. • Written advisement and recommendation (or email notification) from City Council Person and identified groups is provided to Department of Transportation. • Established sidewalk vending location standards⁴² • Sets forth prohibited application areas ⁴³

³⁷ https://transportation.baltimorecity.gov/sites/default/files/Street%20Vendor%20Rules%20and%20Regs_1.pdf

⁴⁰ https://transportation.baltimorecity.gov/sites/default/files/Street%20Vendor%20Rules%20and%20Regs_1.pdf

⁴¹ https://transportation.baltimorecity.gov/sites/default/files/Street%20Vendor%20Rules%20and%20Regs_1.pdf

⁴² https://transportation.baltimorecity.gov/sites/default/files/Street%20Vendor%20Rules%20and%20Regs_1.pdf

⁴³ <https://transportation.baltimorecity.gov/sites/default/files/VENDOR%20MAP.pdf>

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			<ul style="list-style-type: none"> • Department of Recreation and Parks shall approve mobile vending locations that meet the standards for locations in City parks⁴⁴ • Mobile Vending locations established to accommodate one vendor shall be 30 feet.⁴⁵ • A detailed process for requesting Removal, Reduction, Addition or Expansion of Mobile Vendor Locations (these four agencies review the request : Department of Transportation, Parking Authority of Baltimore City, Department of Recreation and Parks and the Baltimore Development Corporation) • Assignment of Mobile Vending Street Locations via Draft Lottery⁴⁶ • Design Standards For Food Vendors • The maximum limit of 25 feet in length to be applied to all mobile vendors includes the total operating space of the unit. No trailers or hitches are allowed.
Montgomery County	Mobile Food Service Facility License ⁴⁷ , Vendor’s License ⁴⁸ , A vendor's license is required in Montgomery County ⁴⁹ . It is unlawful for a person to sell, offer to sell or solicit orders for goods (including perishable foods) or services on any public street, sidewalk, other public right-of-way,	⁵⁵	<ul style="list-style-type: none"> • If commissary/base of operations is on private well and septic, written well and septic approval is required from Dept. of Permitting Services-private well must also submit potable water test results to DPS • Bill #33-16 required all eating and drinking establishments under the immediate control of a food service manager be required to have an employee

⁴⁴ https://transportation.baltimorecity.gov/sites/default/files/Street%20Vendor%20Rules%20and%20Regs_1.pdf

⁴⁵ https://transportation.baltimorecity.gov/sites/default/files/Street%20Vendor%20Rules%20and%20Regs_1.pdf

⁴⁶ https://transportation.baltimorecity.gov/sites/default/files/Street%20Vendor%20Rules%20and%20Regs_1.pdf

⁴⁷ <https://www.montgomerycountymd.gov/HHS/Resources/Files/L%26R/Environmental%20Health/Mobile%20Food/New%20Mobile%20Application-%20WHOLE%20PACKET.pdf>

⁴⁸ <https://www.montgomerycountymd.gov/DPS/Resources/Files/ZSPE/Vendors%20License%20Application%20Revised%201-13-2022.pdf>

⁴⁹ <https://www.montgomerycountymd.gov/DPS/Resources/Files/ZSPE/Vendors%20License%20Application%20Revised%201-13-2022.pdf>

⁵⁵ <https://www.montgomerycountymd.gov/DPS/Process/zspe/Regular-Route-Vendor-License.html>

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Similar Jurisdictions Food Truck Regulations

Jurisdiction	Permitting and Licensing	Hours to operate	Restrictions
	<p>door-to-door, in a vehicle, on foot, or from a vehicle or temporary stand or structure located on private property without a vendor’s license.</p> <p>Must operate from an approved base of operation ⁵⁰(Food service Facility license of commissary or base of operation), Montgomery County Certified Food Manager card⁵¹, Signed copy of Agricultural Producer Certificate and Survey. (This is issued by the Montgomery County Office of Agriculture-only applicable in central business district and agricultural Produce)⁵²</p> <ul style="list-style-type: none"> • Requires food allergen training⁵³ <p>⁵⁴</p>		<p>who has completed a food allergen awareness training course and passed a test. The trained employee must be on the premise at all times when food is being prepared or served.⁵⁶</p>
DC	<ul style="list-style-type: none"> • The Director of the Department of Consumer and Regulatory Affairs (DCRA Director) is responsible for coordinating all vending activities to include reviewing and issuing vending business licenses – vending site permits, enforcement 	<p>Sunday through Thursday, from 5:00a.m. to 10:00 p.m.; Friday and Saturday from 5:00 a.m. to 1:00</p>	<ul style="list-style-type: none"> • Establishes clear and extremely detailed vending locations-sidewalk vending areas too to include specific passageway standards (feet).⁵⁹ • Limits # of sidewalk vending locations to 3 on any side of the city block.⁶⁰ • Designated unoccupied sidewalk Vending Locations identified by the DCRA Director and approved by the

⁵⁰ <https://www.montgomerycountymd.gov/HHS/LandR/FoodServiceFacility.html>

⁵¹ <https://www.montgomerycountymd.gov/HHS-Special/Resources/Files/LandRdocs/FoodService/CFSMAPPLICATION.pdf>

⁵² <https://www.montgomerycountymd.gov/DPS/Resources/Files/ZSPE/Vendors%20License%20Application%20Revised%201-13-2022.pdf>

⁵³ https://www.montgomerycountymd.gov/COUNCIL/Resources/Files/bill/2016/20161101_33-16.pdf

⁵⁴ https://codelibrary.amlegal.com/codes/montgomerycounty/latest/montgomeryco_md_comcor/0-0-0-24601

⁵⁶ https://www.montgomerycountymd.gov/COUNCIL/Resources/Files/bill/2016/20161101_33-16.pdf

⁵⁹ <https://dchealth.dc.gov/sites/default/files/dc/sites/doh/publication/attachments/Vending%20Regulations.pdf>

⁶⁰ <https://dchealth.dc.gov/sites/default/files/dc/sites/doh/publication/attachments/Vending%20Regulations.pdf>

EXHIBIT 1
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Jurisdiction	Permitting and Licensing	Hours to operate	Restrictions
	<p>of this code. (Vending business license required, Vending site permit required). The DCRA Director may revoke or suspend a Vending Business License, or deny an application for the issuance or renewal of a Vending Business License.</p> <ul style="list-style-type: none"> • Any person may appeal the summary suspension or denial to the Office of Administrative Hearings. • DOT designates vending locations • MPD-enforcement of district laws, criminal law, and assisting with enforcement of this particular code, as necessary. • DOH responsible for enforcement of food operations (health inspection permit required along with hazard analyses/plan). • Fire/Emergency Medical inspections relating to fire/propane⁵⁷ (Permit required) • Mobile roadway vending site permit issued through DCRA) 	<p>a.m. the next day; provided, that vendors operating in Residential Zones, as specified in the District of Columbia Zoning Regulations, shall not vend past 10:00 p.m. on any night of the week.⁵⁸</p>	<p>DDOT Director may be assigned to licensed sidewalk vendors through a lottery conducted by the DCRA Director⁶¹</p> <ul style="list-style-type: none"> • Development of design standards for vending vehicles (detailed). • Each food vending business shall be inspected by the DOH Director at least once every six (6) months.⁶² • Must display all the following permits/licenses, etc.: Vending Business License; Vending Site Permit; Health inspection certificate; Food Protection Manager Certificate; DCRA-issued vendor identification card; DOH-issued certified food protection manager identification card; and a propane or open flame permit, if the vendor uses propane or open flames in his or her operations.⁶³ • All vehicles shall be registered and inspected by the District of Columbia Department of Motor Vehicles or by the motor vehicle department of another state or municipality with appropriate jurisdiction; • Regulates littering and customer lines. • Persons who are authorized by the organizer of a licensed Special Event to vend within the boundaries of a licensed Special Event may vend without a Vending Business License or Vending Site Permit.

⁵⁷ <https://dchealth.dc.gov/sites/default/files/dc/sites/doh/publication/attachments/Vending%20Regulations.pdf>

⁵⁸ <https://dchealth.dc.gov/sites/default/files/dc/sites/doh/publication/attachments/Vending%20Regulations.pdf>

⁶¹ <https://dchealth.dc.gov/sites/default/files/dc/sites/doh/publication/attachments/Vending%20Regulations.pdf>

⁶² Id.

⁶³ Id.

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