

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2021 Legislative Session

Bill No. CB-105-2021

Chapter No. _____

Proposed and Presented by Council Members Ivey and Anderson-Walker

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

BILL

1 AN ACT concerning

2 Food Truck Hubs

3 For the purpose of eliminating Food Truck Hubs and authorizing Food Truck vending in certain
4 areas in Prince George's County.

5 BY repealing and reenacting with amendments:

6 SUBTITLE 5. BUSINESSES AND LICENSES.

7 Sections 5-190, 5-193.01 5-2801, 5-2802, 5-2803,
8 5-2804.

9 SUBTITLE 12. HEALTH

10 Section 12-115

11 BY repealing:

12 SUBTITLE 5. BUSINESSES AND LICENSES.

13 Sections 5-189.01, 5-189.02, 5-189.03. 5-189.04, 5-
14 189.05

15 The Prince George's County Code
16 (2019 Edition, 2020 Supplement).

17 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
18 Maryland, that Sections 5-190, 5-193.01 5-2801, 5-2802, 5-2803 and 5-2804 of the Prince
19 George's County Code be and the same are hereby repealed and reenacted with amendments:

20 **SUBTITLE 5. BUSINESSES AND LICENSES .**

21 **DIVISION 12. PEDDLERS AND ITINERANT VENDORS.**

Sec. 5-190. License required; payment; contents; term; and basis for refusal of license; applicability.

(a) No person, his agents or employees, shall sell, barter or trade or offer or expose for sale, barter or trade in or upon any street or highway in the County, or go from house to house, either on foot, or with a horse or other beast of burden, or with a wagon, or motor vehicle, or other conveyance whatsoever, upon the streets or highways in the County, selling, bartering or trading or offering to sell, barter or trade, or shall sell, barter or trade or offer to sell, barter or trade at or from any roadside stand or roadside market upon any street or highway in the County, any produce, products or merchandise whatsoever without each such person having previously obtained a license from the Department of Permitting, Inspections, and Enforcement.

* * * * *

[(i) Applicability. This Section shall not apply to mobile units that are authorized as participants of a designated Food Truck Hub as defined by Section 5-189.01 of this Code.]

* * * * *

Sec. 5-193.01. Prohibited sales, solicitations and distributions in roadway(s) and certain other portions of the right-of-way.

(a) It shall be unlawful for any person, firm or corporation, by its officers, agents or employees, to sell or to attempt to sell goods, wares or merchandise of any description to, or to solicit or accept any donation from, or to distribute printed matter or materials of any description to, any occupant of a motor vehicle when said motor vehicle is in a roadway, as defined under the Transportation Article of the Annotated Code of Maryland.

(b) Notwithstanding any other provision of this Division, it shall be unlawful for any hawker, peddler, roadside vendor, huckster, itinerant vendor, or any other person to sell, attempt to sell, or display for sale any goods, wares, merchandise, or other items of any description while upon the right-of-way, or from a vehicle upon the right-of-way except for the following:

(1) Automotive equipment to the owner or occupant of a vehicle disabled in a roadside emergency;

* * * * *

1 [(11) Mobile units that are authorized as participants of a designated Food
2 Truck Hub as defined by Section 5-189.01.]

3 * * * * *

4 **DIVISION 28. - SPECIAL FOOD SERVICE FACILITIES - MOBILE UNITS.**

5 **Sec. 5-2801. Legislative Purpose and Intent.**

6 (a) The purpose and intent of this legislation is to provide a regulatory framework for
7 the licensing of a Special Food Service Facility - Mobile Unit that operates [at] as a Food Truck
8 [Hubs] as defined [under to Section 5-189.01(a)] in this Section, Section 12-115 and Section 27-
9 107.01(a)(91.3). Each licensee, as a condition of receiving a license, shall only sell their food or
10 beverage within the designated uses described in Section 12-115 [their designated Food Truck
11 Hub as defined by Section 5-189.01 or at a special event, fair, or festival]. The provisions of this
12 law are in response to the need to encourage economic development, increase public access to
13 healthy food options, minimize or eliminate food [deserts] access disparities in underserved areas
14 of the County, and promote innovative entrepreneurship and revitalization in furtherance of the
15 public safety, health and welfare of the citizens and residents of Prince George's County.

16 **Sec. 5-2802. Definitions.**

17 (a) **Special Food Service Facility - Mobile Unit** means ["A licensed, motorized vehicle or
18 mobile food unit which temporarily operates [at a Food Truck Hub or one-time event] under
19 Section 12-115(e) where food or beverage items are sold to the general public, thereby regulated
20 by the Code of Maryland Regulations (COMAR 10.15.03) as they may be amended from time to
21 time and adopted by reference in Section 12-102 as the County regulations governing food
22 service facilities["].

23 (b) **Food Truck** means a mechanically or electrically motorized vehicle or mobile unit
24 authorized and licensed by the Department of Permitting, Inspections, and Enforcement and the
25 Department of Health to sell certain food or beverage items.

26 (c) **Mobile Unit** means a special food service facility which is a mechanically, electrically,
27 manually, or otherwise propelled vehicle that is relocated following each day's operation to an
28 approved location acceptable to the approving authority.

1 **Sec. 5-2803. License required; fee.**

- 2 (a) No person shall operate a special food service facility - mobile unit [at] as a Food Truck
- 3 [Hub] Operator without first having obtained a special food service facility - mobile unit
- 4 license from the Department of Permitting, Inspections, and Enforcement.
- 5 (b) Each special food service facility - mobile unit license shall be prominently displayed in
- 6 a conspicuous area of the special food service facility - mobile unit.
- 7 (c) Each special food service facility - mobile unit license shall be renewed according to the
- 8 Department of Permitting, Inspections, and Enforcement requirements [expire one year
- 9 from the date of issuance unless renewed].
- 10 (d) [~~There shall be no fee for each-~~] Fees and Charges associated with a special food service
- 11 facility - mobile unit license shall be located in Section 2-253.63 of this Code.

12 **Sec. 5-2804. License application.**

- 13 (a) All applicants for a special food service facility - mobile unit license shall file an
- 14 electronic application for such license on [forms] the online licensing system provided by
- 15 the Department of Permitting, Inspections, and Enforcement. All principal owners shall
- 16 be named in the application form.

17 * * * * *

- 18 (c) If an omission or error is discovered by the Department of Permitting, Inspections, and
- 19 Enforcement, the application will be returned to the applicant for completion or
- 20 correction without further action by the Department[al] of Permitting, Inspections, and
- 21 Enforcement. Any application rejected due to an omission or error shall be accepted only
- 22 when the omission or error has been remedied. For purposes of this Division, the date
- 23 that the Department of Permitting, Inspections, and Enforcement accepts an application
- 24 which is complete shall be the date the application is accepted by the Department of
- 25 Permitting, Inspections, and Enforcement.

26 * * * * *

- 27 (e) Applicants for a special food service facility - mobile unit license under this Division and
- 28 license holders shall have a continuing duty to promptly supplement application information

1 required by this Section in the event that said information changes in any way from what is
2 stated on the application. The failure to comply with said continuing duty within thirty (30)
3 days from the date of such change, by supplementing the application [of] on file with the
4 Department of Permitting, Inspections, and Enforcement, shall be grounds for the
5 suspension or revocation of a special food service facility - mobile unit license.

6 * * * * *

7 **Sec. 5-2810. Appeals.**

8 (a) An applicant may appeal to the [Board of Administrative Appeals] Department of
9 Permitting, Inspections and Enforcement Administrative Hearing Unit, pursuant to
10 Subtitle 13, Division 15 from a final decision of the Department of Permitting,
11 Inspections, and Enforcement for a special food service facility - mobile unit license,
12 [pursuant to Section 2-117(b) of the County Code.]

13 (b) Any party aggrieved by a decision of the Director with respect to the denial,
14 suspension, revocation, or refusal to renew a special food service facility - mobile unit
15 license shall have the right to appeal any such decision to the [Board of Administrative
16 Appeals for Prince George's County, Maryland,] to the Department of Permitting,
17 Inspections and Enforcement Administrative Hearing Unit, pursuant to Subtitle 13,
18 Division 15 within ten (10) calendar days after receipt of a denial, suspension,
19 revocation or refusal to renew decision rendered by the Director. Appeals to the [Board
20 of Administrative Appeals] to the Department of Permitting, Inspections and
21 Enforcement Administrative Hearing Unit, pursuant to Subtitle 13, Division 15 from
22 denial, suspension, revocation, or refusal to renew decision of the Director shall be on
23 the record of the hearing before the Director.

24 (c) Any party aggrieved by a final decision by the [Board of Administrative Appeals,]
25 Department of Permitting, Inspections and Enforcement Administrative Hearing Unit,
26 pursuant to Subtitle 13, Division 15 shall be entitled to file an appeal within thirty (30)
27 days to the Circuit Court for Prince George's County, Maryland. Such appeals shall be
28 governed by the provisions of the Maryland Rules pertaining to administrative appeals.
29
30

1 SECTION 2. BE IT FURTHER ENACTED by the County Council of Prince George's County,
2 Maryland, that Section 12-115 of the Prince George's County Code be and the same is hereby
3 repealed and reenacted with the following amendments:

4 * * * * *

5 **SUBTITLE 12. HEALTH .**

6 **SUBDIVISION 3. PERMITS AND INSPECTIONS.**

7 **Sec. 12-115. Special Food Service Facilities — Mobile Units.**

8 (a) The following provisions shall apply to mobile units and/ or food trucks:

9 (1) Vehicle Identification.

10 (A) The following information must be plainly visible and permanently affixed, with a
11 minimum three (3) inch high letters of contrasting color, to the exterior body of the
12 mobile unit as required by the Health Department.

13 (i) Name of mobile unit and/or operator; and

14 (ii) Address and telephone number of the operator, or other means of identification
15 acceptable to the approving authority.

16 (B) A valid and current Health Department issued decal must be displayed at all times.

17 (C) A valid registration card and vehicle tag must be provided prior to licensure, if
18 applicable.

19 (2) Food handling; storage; source.

20 * * * * *

21 [(E) Public vending of food from manually propelled mobile units is prohibited on public
22 rights of way in Prince George's County and on private property except for mobile units
23 that are authorized as participants of a designated Food Truck Hub as defined by Section
24 5-189.01 or at a stadium, amusement park, in conjunction with a carnival, festival, fair or
25 similar event which has been issued a Temporary Use Permit (UTZ) from the Department
26 of Permitting, Inspections, and Enforcement. This section shall not apply to a permitte or
27 licensee operating within a mixed use venue whose core uses include the merchandising
28 of retail, food, beverages and entertainment provided the permitte or licensee has the
29 permission of the property management association.]

1 (3) Permitted Locations.

2 (A) Public vending of food and/ or beverage from manually propelled mobile units or
3 food trucks is prohibited on public rights of way in Prince George’s County except as
4 provided in Section 5-193.01(b)(9). Manually propelled mobile units and/ or food
5 trucks are permitted public vending in any zone listed below with documented
6 permission from a person authorized to enter into an agreement on behalf of the
7 property owner or property manager. The written agreement shall be electronically
8 filed with the Department of Permitting, Inspections, and Enforcement prior to the
9 date of the intended use and shall remain in effect until it is withdrawn in writing. The
10 permitted uses include the following areas, properties and/ or parcels:

- 11 (i) Office Parks and Business Parks;
- 12 (ii) Industrial Areas, Industrial and Employment Parks;
- 13 (iii) Commercial Areas and Retail Shopping Centers;
- 14 (iv) Faith-Based Organizations and other private community and common community
15 properties including Membership Pools and Non-Profit Organizations;
- 16 (v) Agritourism facilities (Wineries, Farms, Orchards, and similar entities open to the
17 public);
- 18 (vi) Properties of craft food and beverage facilities, including Breweries and other
19 craft beverage facilities;
- 20 (vii) Properties on, at or adjacent to Food Halls, Food Markets, Farmer’s Markets,
21 and other temporary food-associated venues open to the public;
- 22 (viii) Active construction sites;
- 23 (ix) County, State or Federal properties with public employment or public access;
- 24 (x) Golf Courses; or
- 25 (xi) Dog Parks, that do not require food trucks to park on a public right-of-way.

26 (B) A manually propelled mobile unit or a food truck may vend in the following locations
27 with approval from the controlling authority:

- 28 (i) Maryland-National Capital Park and Planning Commission properties; and
- 29 (ii) Incorporated municipalities in Prince George’s County.

30 (b) Trash

(1) Food Truck vendors shall provide adequate trash receptacles and ensure that the trash generated by their business does not litter the immediate vicinity of their truck.
(2) Should the Food Truck vendor fail to dispose the trash and further fail to prevent trash from being strewn throughout the immediate vending area, the Food Truck vendor, shall be subject to a citation.

* * * * *

SECTION 3. BE IT FURTHER ENACTED by the County Council of Prince George's County, Maryland, that Sections 5-189.01, 5-189.02, 5-189.03, 5-189.04 and 5-189.05 of the Prince George's County Code be and the same are hereby repealed:

SUBTITLE 5. BUSINESSES AND LICENSES.

DIVISION 11. [MOBILE UNITS – FOOD TRUCK HUBS.] RESERVED.

[Sec. 5-189.01. Definitions.]

[(a) **Food Truck Hub** means an outdoor area (unenclosed space) with an approved application certified by the Department of Permitting, Inspections, and Enforcement as provided in [Section 5-189.03](#) in which two or more mobile units as defined by [Section 12-104\(a\)\(13\)](#) may cluster in order to primarily sell freshly prepared foods or fresh fruits and vegetables. Mobile Units primarily selling pre-packaged foods are prohibited from a Food Truck Hub. A Food Truck Hub shall only be located on the open area or parking lot or public rights-of-way of the following: parks and recreational facilities under the operation and control of the Maryland-National Capital Park and Planning Commission, or areas within a one-quarter mile radius of the station entrance of any Metro and MARC stations. Food Truck Hubs not located in these areas may be granted special authorization by resolution of the Council, upon notice and public hearing. Mobile units may not park overnight at a Food Truck Hub.

(b) **Coordinator** means the applicant for the Food Truck Hub License which may be a non-profit, governmental, or a private entity.]

[Sec. 5-189.02. - Duration of license; renewal.]

[(a) The Food Truck Hub License shall be issued on an annual basis with receipt of a completed application. The license may be renewed, pending receipt of a new completed application and verification that no outstanding violations are on file for the Food Truck Hub.]

[Sec. 5-189.03. - License Application.]

1 [(a) The license application for a Food Truck Hub shall be made by a coordinator and
2 shall include:

3 (1) A suitable site layout showing all existing improvements on the property, restroom
4 facilities for participating vendors either on location or within the immediate area, off-street
5 parking areas and driveways (including traffic control patterns), and the specific area
6 (dimensioned) of the property to be occupied by the Food Truck Hub or if located within a
7 parking lot, the Food Truck Hub application shall include a letter from the property owner
8 stating that parking is available for Food Truck Hub patrons.

9 (2) A letter of support from the municipality for the Food Truck Hub, if the property to
10 be occupied by the Food Truck Hub is located within the corporate boundaries of a
11 municipality, or if not in a municipality, a letter of support from the Prince George's County
12 Economic Development Corporation.

13 (3) Permission of the property owner where the Food Truck Hub will be located with a
14 copy of the existing site plan. If the Food Truck Hub is located on the public right-of-way, a
15 letter of permission is also required from the municipality, the County, or the State that is the
16 record property owner of the right-of-way.

17 (4) Schedule of specific operational days and hours , to begin no earlier than 6:00 a.m.
18 and end no later than 9:00 p.m., unless the applicant provides a letter of support from the
19 municipality or the Prince George's County Economic Development Corporation, as
20 appropriate, as well as a letter signed by the Council Member for the area of the Food Truck
21 Hub authorizing that Food Truck Hub to operate until, but no later than, 12:00 a.m.

22 (5) The number of mobile units on a given day.]

23 **[Sec. 5-189.04. - Duties and Responsibilities of a Coordinator.]**

24 [(a) A Coordinator shall:

25 (1) Compile and provide to the Department of Permitting, Inspections and Enforcement
26 for enforcement purposes per Subtitle a comprehensive list of licensed vendors that comprise a
27 specific Food Truck Hub to include each participating vendor's Tax Identification Number,
28 County license, Health Department certification and demonstrated proof that a participating
29 vendor has no outstanding notice of violations.

30 (2) Report a change in vendor participation to the Department of Permitting,

1 Inspections and Enforcement through written communication within 24 hours before or after of
2 such change, and include each new participating vendor's Tax Identification Number, County
3 license, Health Department certification and demonstrated proof that said vendor has no
4 outstanding violations.

5 (3) Report an unlicensed vendor to the Department of Permitting, Inspections and
6 Enforcement for appropriate enforcement action per Subtitle.

7 (4) Ensure that only vendors included on the Food Truck Hub participating Vendors'
8 List submitted to the Department of Permitting, Inspections and Enforcement are on-site
9 selling products.

10 (5) Ensure that the Food Truck Hub remains free of trash by providing adequate trash
11 receptacles, including recycling receptacles, and that said receptacles are emptied on a daily
12 basis to prevent trash build-up, rodent infestation and other health-related concerns.

13 (6) Ensure that Food Truck Hub signage at the site shall be minimal and limited to one
14 sign no larger than 4 x 6 feet. No signage advertising the food truck hub shall be permitted
15 beyond a sign at the site.]

16 **[Sec. 5-189.05. - Violation and Revocation.]**

17 [(a) The Department of Permitting, Inspections, and Enforcement may immediately
18 revoke the permit if the Food Truck Hub constitutes a nuisance because of noise, traffic,
19 physical activity, public safety, or for other good cause.

20 (b) Should the Coordinator fail to ensure the daily disposal of trash and further fail to
21 prevent trash from being strewn throughout the immediate area of the Food Truck Hub, the
22 Coordinator, as the Food Truck hub representative, shall be subject to a citation that carries
23 with it a fine of \$500 for the first offense, and a fine of \$1,000 for each subsequent citation as
24 per Subtitle 13, Section 246.

25 (c) The Department of Permitting, inspections and Enforcement has the authority to
26 revoke the license of a Food Truck Hub vendor if the vendor constitutes a nuisance because of
27 noise, traffic, physical activity, public safety or for other good cause per Subtitle 13, Section
28 246.]

29 SECTION 4. BE IT FURTHER ENACTED that the provisions of this Act are hereby declared to
30 be severable; and, in the event that any section, subsection, paragraph, subparagraph, sentence,

1 clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of competent
2 jurisdiction, such invalidity or unconstitutionality shall not affect the remaining words, phrases,
3 clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this Act, since the
4 same would have been enacted without the incorporation in this Act of any such invalid or
5 unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection, or section.

6 SECTION 5. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
7 calendar days after it becomes law.

Adopted this day of , 2021.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Calvin S. Hawkins, II
Chair

ATTEST:

Donna J. Brown
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Angela D. Alsobrooks
County Executive

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.

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