

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2015 Legislative Session

Bill No. CB-16-2015

Chapter No. 36

Proposed and Presented by Council Members Glaros, Lehman and Toles

Introduced by Council Members Glaros, Lehman, Toles and Davis

Co-Sponsors _____

Date of Introduction July 21, 2015

BILL

1 AN ACT concerning

2 Food Service Facilities – Mobile Units – Food Truck Hubs

3 For the purpose of providing certain limited exemptions to County licensing and health
4 requirements for Food Truck Hubs, in order to encourage economic development, increase
5 public access to healthy food options, minimize or eliminate food deserts in underserved areas of
6 the County, and promote innovative entrepreneurship and revitalization in furtherance of the
7 public safety, health, and welfare of the citizens and residents of Prince George’s County

8 BY adding:

9 SUBTITLE 5. BUSINESSES AND LICENSES.

10 Sections 5-189.01, 5-189.02, 5-189.03, 5-189.04 and 5-189.05

11 The Prince George's County Code

12 (2011 Edition, 2014 Supplement).

13 BY repealing and reenacting with amendments:

14 SUBTITLE 5. BUSINESSES AND LICENSES.

15 Sections 5-190 and 5-193.01

16 The Prince George's County Code

17 (2011 Edition, 2014 Supplement).

18 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
19 Maryland, that Sections 5-189.01, 5-189.02, 5-189.03, 5-189.04 and 5-189.05 of the Prince
20 George's County Code be and the same are hereby added:

21 **SUBTITLE 5. BUSINESSES AND LICENSES.**

1 **DIVISION 11. MOBILE UNITS-FOOD TRUCK HUBS.**

2 **Sec. 5-189.01. Definitions.**

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

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

16 **Sec. 5-189.02. Duration of license; renewal.**

17 (a) The Food Truck Hub License shall be issued on an annual basis with receipt of a
 18 completed application and payment of the license application fee of \$500 if operating 60 days or
 19 less per year or \$3500 if operating more than 60 days per year. The license may be renewed,
 20 pending receipt of a new completed application, license fee, and verification that no outstanding
 21 violations are on file for the Food Truck Hub.

22 **Sec. 5-189.03. License Application.**

23 (a) The license application for a Food Truck Hub shall be made by a coordinator and shall
 24 include:

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

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

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

9 (4) Schedule of specific operational days and hours to begin no earlier than 6:00 a.m.
 10 and end no later than 9:00 p.m.

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

12 **Section 5-189-04. Duties and Responsibilities of a Coordinator.**

13 (a) A Coordinator shall:

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

19 (2) Report a change in vendor participation to the Department of Permitting, Inspections
 20 and Enforcement through written communication within 24 hours before or after of such change,
 21 and include each new participating vendor’s Tax Identification Number, County license, Health
 22 Department certification and demonstrated proof that said vendor has no outstanding violations.

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

25 (4) Ensure that only vendors included on the Food Truck Hub participating Vendors’ List
 26 submitted to the Department of Permitting, Inspections and Enforcement are on-site selling
 27 products.

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

(6) Ensure that Food Truck Hub signage at the site shall be minimal and limited to one sign no larger than 4x6 feet. No signage advertising the food truck hub shall be permitted beyond a sign at the site.

Sec. 5-189.05. Violation and Revocation.

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

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

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

SECTION 2. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 5-190 and 5-193.01 of the Prince George's County Code be and the same are hereby repealed and reenacted with the following amendments:

SUBTITLE 5. BUSINESSES AND LICENSES.

DIVISION 12. PEDDLERS AND ITINERANT VENDORS.

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

* * * * *

(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.

SUBTITLE 5. BUSINESSES AND LICENSES.

DIVISION 12. PEDDLERS AND ITINERANT VENDORS.

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

* * * * *

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

5 * * * * *

6 (11) Mobile units that are authorized as participants of a designated Food Truck Hub
7 as defined by Section 5-189.01.

8 * * * * *

9 SECTION 3. BE IT FURTHER ENACTED that this Act will limit the number of Food
10 Truck Hub licenses to twelve (12) for the first year of implementation, which can be revisited
11 after one-year of operation to determine if additional Food Truck Hub venues need to be added
12 within the County per recommendation of the Food Truck Hub Oversight Committee to the
13 County Council. Three of the licenses are reserved for locations near metro stations at Naylor
14 Road, Suitland, and New Carrollton to ensure that food truck hubs occur throughout the County.
15 Licenses shall not be allocated within one quarter mile of the entrance of metro stations at Largo
16 Town Center, Prince George’s Plaza, Branch Avenue, and West Hyattsville.

17 SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
18 calendar days after it becomes law.

Adopted this 6th day of October, 2015.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Mel Franklin
Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Rushern L. Baker, III
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.