

THE CITY OF CRANSTON

ORDINANCE OF THE CITY COUNCIL
IN AMENDMENT OF TITLE 5 CHAPTER 44 OF THE CODE OF THE CITY OF
CRANSTON, 2005, ENTITLED "BUSINESS LICENSES AND REGULATIONS"
(Itinerant Food Vendors)

No.

**As amended in Committee 12/2/2013*

Passed:

John E. Lanni, Jr., Council President

Approved:

Allan W. Fung, Mayor

An Ordinance Promoting Economic Development and the Food Truck Industry in the City of Cranston

WHEREAS, The food service industry is a fast growing industry, including restaurants establishments such as fast-food eateries, formal dining and mobile trucks; and,

WHEREAS, According to the U.S. Bureau of Labor Statistics, the food services and drinking places industry ranks among the Nation's leading employers with nearly 10 million wage and salary jobs; and,

WHEREAS, Recently, mobile food units have become extremely popular and profitable in urban settings such as, New York, Philadelphia, and Boston to name a few; and,

WHEREAS, The mobile food industry has the unique potential to create new employment opportunities, small business growth and favorable conditions for culinary entrepreneurs in Cranston and its neighborhoods; and,

WHEREAS, According to the National Restaurant Association, there is an increasing demand, particularly among people 18 to 44, for freshly prepared, restaurant-quality food that can be had quick and cheap; and,

WHEREAS, Research has revealed that cities around the country have, at best, made incremental strides in regulating the complexities of the mobile food vendor industry, including efforts to find solutions to problems created by the industry, such as issues around parking, traffic and waste disposal; and,

40 **WHEREAS**, Vendors in the mobile industry have faced complex rules and
41 regulations in other communities, the following language is being set forth to streamline
42 administrative processes, effectively work with the industry and secure the highest
43 quality of life for all Cranstonians ; NOW,

44 *It is ordained by the City Council of the City of Cranston as follows:*

45 *~~Section 1.~~ Chapter 5.44, entitled "Itinerant Food Vendors" is hereby amended
46 by deleting it in its entirety and substituting the following:

47 ***Permitting and Regulations of Mobile Food Trucks***

48 **5.44.010 Definitions**

49 When used in this section, unless the context otherwise requires, the following terms
50 shall have the following meanings:

- 51 a. The Health Department shall mean the State of Rhode Island Department of
52 Health Food/Victualers Licensing Unit.
- 53
- 54 b. Director shall mean the Director of Public Works of the City of Cranston or his or
55 her designee.
- 56
- 57 c. Departments shall mean the Transportation Department, Traffic Engineer, Fire
58 Department, the Inspectional Services Department, Police Department, Tax
59 Assessors, and the Clerk.
- 60
- 61 d. Food Establishment shall mean a business operation that stores, prepares,
62 packages, serves, vends or otherwise provides food for human consumption as set
63 forth in the State Health Code.
- 64
- 65 e. Mobile Food Vehicle shall mean a food establishment that is located upon a
66 vehicle, or which is pulled by a vehicle, where food or beverage is cooked,
67 prepared and served for individual portion service, such as a mobile food kitchen;
- 68
- 69 f. Mobile Food Truck shall mean a mobile food vehicle.
- 70
- 71 g. Mobile Food Commissary shall mean a licensed food establishment that a mobile
72 food truck reports to twice daily for all food and supplies and for all cleaning and
73 sanitizing of units and equipment.
- 74
- 75
- 76

77 **5.44.020 Scope**

- 78 a. The provisions of this section shall apply to mobile food operations engaged in
79 the business of cooking, preparing, and distributing food or beverage with or
80 without charge from mobile food trucks on or in public, private or restricted
81 spaces. This section shall not apply to canteen, coffee, or ice cream trucks that
82 move from place to place and are stationary in the same location for no more than
83 thirty (30) minutes at a time or food vending push carts and stands.
84
- 85 b. The provisions of this section shall not apply to mobile food operations that
86 receive a temporary event permit issued by the Public Works Department.

87 **5.44.030 Mobile Food Trucks Committee**

- 88 a. The Safety Services Committee of the City Council with assistance from the
89 Public Works Department, the Transportation Department, the Inspectional
90 Services Department, the Police Department, the Fire Department, the
91 Director of Food Initiatives and the Assessing Department for the purpose of
92 reviewing applications for mobile food truck permits and establishing rules
93 and regulations as appropriate.
94
- 95 b. The City Council will develop acceptable routes of operation throughout the
96 city and establishing industry standards, such as the use of global positioning
97 system (GPS) devices and other matters and creates Zones or areas for the
98 establishment of locations for food trucks.
99
- 100 c. The Committee may work with applicants for Mobile Food Truck permits and
101 renewals to encourage the following:
- 102 i. Sustainable and environmentally friendly practices, including the
103 use of energy-efficient vehicles,
104 ii. Charitable components to the business of operation,
105 iii. School nutrition programs or healthy food choices,
106 iv. Programs for children or the homeless,
107 v. Other socially responsible practices and programs,
108 vi. Routes that provide access to underserved neighborhoods of the
109 city, and
110 vii. The use of food commissaries within the city.
111

112 **5.44.040 Mobile Food Truck Permit Required**

- 113 a. No person or business entity, including a religious or charitable
114 organization, shall operate a mobile food truck in any public, private or
115 restricted space without a permit issued by the Committee.

116

117 b. A mobile food truck permit is required for each and every mobile food
118 truck.

119 ***5.44.050 Application for a Mobile Food Truck permit***

120 a. Single Application. There shall be made available by the City Clerk a
121 single application form to apply for each mobile food truck permit. The
122 application shall provide the following:

123 1. A description of necessary inspections and fees, ***including food**
124 **service safety certification.**

125 2. A description of areas of the City where the operation of mobile
126 food trucks are
127 limited or prohibited;

128 b. Submission of Materials. Each application shall indicate on its face, in
129 addition to other requirements as may be determined by the Committee,
130 that the following materials must be submitted by the applicant:

- 131 c.
- 132 1. The name of the business and its owner or owners and the mailing
133 address of the business,
 - 134
 - 135 2. A description of the proposed business plan for the mobile food truck
136 operation,
 - 137
 - 138 3. A proposed service route and hours of operation with a detailed
139 schedule of times and locations where the mobile food truck will be
140 stationary and serving food,
 - 141
 - 142 4. Certification that the vehicle has passed all necessary inspections
143 required by the Cranston Fire Department and RI Motor Vehicle
144 Registry ,
 - 145
 - 146 5. Proof that the Mobile Food Truck will be serviced by a mobile food
147 commissary,
 - 148
 - 149 6. Proof of access to restroom facilities with flushable toilets and access
150 to hand washing facilities for the use of the mobile food truck
151 employees within five hundred (500) feet of each location where the
152 mobile food truck will be in operation for more than one (1) hour in
153 any single day, and

154 7. A certificate of insurance providing general liability insurance listing
155 the City as additionally insured. A food truck permit shall be issued
156 only for the explicit time period covered by the effective dates of the
157 general liability insurance policy.
158

159 d. Approval Process. An application must be submitted to the City Clerk of, who
160 shall then forward the application to the Safety Services Committee for
161 review. The application must receive the approval of each of the Departments,
162 based on duly published criteria established by the Committee, prior to its
163 final approval and the issuance of a permit by the City Clerk.
164

165 1. The Committee may work with the applicant or permit holder to
166 modify a service route or location at any time (i) before the issue of a
167 permit or (ii) after the issue of a permit, if the grant of a permit or
168 approval of a service route has led to the creation of a nuisance or
169 otherwise endanger the public health, safety, or order or by request of
170 the permit holder.
171

172 2. Within sixty (60) days of the submission of a completed application,
173 the Safety Services Committee City Council shall review and either
174 approve or deny the application and send their. Recommendation to
175 the full Council.
176

177 3. If the application is denied in whole or in part, the Committee shall
178 state the specific reasons for the denial
179

180 **5.44.60 Limitation on the Number of Permits**

181 The Committee may from time to time set a limit on the number of total permits that may
182 be issued or renewed per year; provided, however, that no more than ten percent (10%) of
183 total permits or five (5) permits, whichever is greater, may be issued to a single person or
184 business entity or both. Upon receipt of application, the Commissioner or his or her
185 designee shall advise the applicant whether or not the limitation has been met.

186 **5.44.070 Permit Renewal**

187 a. Every mobile food truck permit, unless suspended or revoked by the
188 Committee for a violation of any provision of this section or other rule or
189 regulation promulgated for the implementation of this section, shall be
190 renewed annually given that a renewal fee is paid within thirty (30) days after
191 its one year expiration, at which time the permit holder shall forfeit the right

192 to renew and the permit may be made available to another applicant for new
 193 permit if the limitation on the number of permits has not been reached.

194

195 b. The renewal of a permit does not also guarantee renewal of the previously
 196 approved route. The Committee reserves the right to add, remove, and
 197 reapportion available locations among mobile food truck operations at
 198 renewal.

199 **5.44.080 Rules and Regulations**

200 a. General. The Committee members are hereby authorized to promulgate, both
 201 jointly and within their respective departments, additional rules and
 202 regulations appropriate for the implementation of this section, and, if
 203 necessary, work with other agencies and departments of the city and state to
 204 establish a streamlined process for the permitting of mobile food trucks;
 205 provided, however, that such rules and regulations are not inconsistent with
 206 the following limitations and restrictions:

207

208 1. No operator of a mobile food truck shall park, stand, or move a vehicle
 209 and conduct business within areas of the city where the permit holder
 210 has not been authorized to operate;

211

212 2. No permit holder shall possess a permit for a mobile food truck that is
 213 not in operation for a period of more than fourteen (14) days without
 214 duly notifying and obtaining approval from the Committee.

215

216 3. The issuance of a permit does not grant or entitle the exclusive use of
 217 the service route, in whole or in part, to the mobile food truck permit
 218 holder, other than the time and place as approved for the term of the
 219 permit;;

220

221 4. No mobile food truck shall provide or allow any dining area, including
 222 but not limited to tables, chairs, booths, bar stools, benches, and
 223 standup counters, unless a proposal for such seating arrangements is
 224 submitted with the permit application and approved by Committee.

225

226 5. Consumers shall be provided with single service articles, such as
 227 plastic forks and paper plates, and a waste container for their disposal.
 228 All mobile food trucks shall offer a waste container for public use that
 229 the operator shall empty at his own expense.

230

- 231 6. The permit holder must keep an accurate log indicating that the mobile
232 food truck is serviced at least twice daily by a mobile food commissary
233 for all food, water and supplies and for all cleaning and servicing
234 operations, including the emptying and cleaning of waste containers.
235
- 236 7. No mobile food truck shall make or cause to be made any
237 unreasonable or excessive noise in violation of City Code.
238
- 239 8. A mobile food truck may not operate on public property unless the
240 Safety Services Committee and the Departments have otherwise
241 granted approval on the permit application for its operation at the
242 particular location during specific times.
243
- 244 9. All mobile food trucks must be equipped with a permanently mounted
245 global positioning system (GPS) device that meets rules and
246 regulations established by the Committee or its members.
247
- 248 10. For mobile food trucks on public property, the City reserves the right
249 to temporarily move a mobile food truck to a nearby location if the
250 approved location needs to be used for emergency purposes, snow
251 removal, construction, or other public benefit.
252
- 253 b. Inspectional Services. The City Department shall ensure compliance with all
254 state and local ordinances.
255
- 256 c. Fire Department. The Cranston Fire Department shall promulgate rules and
257 regulations for the inspection of mobile food trucks and to ensure compliance
258 with all applicable federal, state, and local fire safety statutes, regulations,
259 ordinances, and codes.

260 **5.44.090 Permit Fees**

- 261 a. Application Fee. The application fee for a permit or a renewal of a permit
262 granted by the Committee for the operation of a mobile food truck shall be
263 five hundred dollars (\$250.00).
264
- 265 b. Annual Fee. An annual fee shall be required for the issuance or renewal of a
266 mobile food truck permit based on a taxable market valuation of city property
267 by the Assessing Department, including sidewalks, from which mobile food
268 trucks will stand according to a route of operation submitted with an
269 application for a mobile food truck permit. Nothing in this section shall

270 prohibit the Committee from designating zones throughout the city for the
271 purposes of establishing fees and rates.

272 **5.44.100 Prohibition Against the Transfer of a Permit.**

- 273 a. Transfers for value prohibited. No person holding a permit for a mobile food
274 truck shall sell, lend, lease or in any manner transfer a mobile food truck
275 permit for value.
276
- 277 b. Nonvalue transfers as part of the sale of a business. Notwithstanding
278 subsection 1.10(a), a permit holder may transfer a permit as part of the sale of
279 a majority of the stock in a corporation holding such permit, as part of the sale
280 of a majority of the membership interests of a limited liability company
281 holding such permit, or as part of the sale of a business or substantially all of
282 its assets; provided that there shall be no allocated or actual value for the
283 transfer of the permit.
284
- 285 1. Prior to any such transfer, the transferor shall notify the Committee in
286 writing and the transferee shall submit a food truck permit application
287 for approval to the Committee pursuant to the process set forth in
288 subsection 17-10.5 and any additional rules and regulations
289 promulgated by the Committee.
290
- 291 2. Any such transfer shall be subject to the terms and conditions of the
292 original permit.
293
- 294 c. Unauthorized transfer voids permit. Any unauthorized transfer or attempt to
295 transfer a permit shall automatically void such permit. Whoever violates this
296 provision, including both the transferor and transferee, shall be subject to a
297 fine of three hundred (\$300) dollars, pursuant to section 17-10.12(a). The
298 unauthorized transfer or attempt to transfer of each permit shall constitute a
299 separate violation.

300 **5.44.110 Operation of Mobile Food Trucks**

- 301 a. Operation without permit. Any mobile food truck being operated without a
302 valid mobile food truck permit issued by the Commissioner shall be deemed a
303 public safety hazard and may be ticketed and impounded.
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- b. Unattended Vehicles prohibited. No mobile food truck shall be parked on the street overnight, or left unattended and unsecured at any time food is kept in the mobile food truck. Any mobile food truck which is found to be unattended shall be considered a public safety hazard and may be ticketed and impounded.
- c. A mobile food truck operating outside of an approved route, at an unauthorized location, or beyond the hours for which the operation has been permitted shall be deemed operating without a permit in violation of this section and may be subject to enforcement under subsection 17-10.12.

5.44.120 Enforcement

- a. Fine for Violation. Any permit holder operating a mobile food truck or service in violation of any provision of this section or any rules and regulations promulgated by the Committee may be subject to a fine of three hundred (\$300.00) dollars per day. Each day of violation shall constitute a separate and distinct offense.

Revocation, Suspension, Modification. Once a permit has been issued it may be revoked, suspended, modified, or not renewed by the Committee for failure to comply with the provisions of this section or any rules and regulations promulgated by the Committee.
- c. Revocation, Suspension, Modification. Once a permit has been issued it may be revoked, suspended, modified, or not renewed by the Commissioner for failure to comply with the provisions of this section or any rules and regulations promulgated by the Committee.
 - 1. No permit shall be revoked, suspended, modified, or not renewed without a hearing before the Council.
- d. Removal. Any permit holder found in violation of this section or any rules and regulations promulgated by the Committee may be issued a ticket for violation and the mobile food vehicle may be impounded.
- e. Enforcement. The provisions of this section or any rules and regulations promulgated by the Committee may be enforced jointly by the Cranston Police Department and the Cranston Transportation Department.

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348 **5.44.130 Severability**

349 If any provision of this section is held to be invalid by a court of competent jurisdiction,
350 then such provision shall be considered separately and apart from the remaining
351 provisions, which shall remain in full force and effect.

352 **Section 2.** This Ordinance shall take effect upon upon thirty days followings its
353 final adoption.

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355 Positive Endorsement Negative Endorsement (attach reasons)

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357 _____

358 Christopher Rawson, City Solicitor Date Christopher Rawson, City Solicitor Date

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361 Sponsored by: Councilman Favicchio and Councilman Botts

362 Referred to Safety Services & Licenses Committee October 7, 2013