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LUNCH WAGON LICENSING POLICY

Pursuant to 30-A §3931. License; revocation; objections

2. Conditions. No other license may be required to operate a lunch wagon. The Selectmen may set a license fee which must be paid annually before the license is issued. A license may not be issued if the lunch wagon will inconvenience public travel.

3. Revocation. For reasonable cause, the licensing authority may revoke any license issued under this section as provided in Title 30-A M.R.S.A. section 3814.

1. PURPOSE

The purpose of the Lunch Wagon licensing policy is to insure that mobile food carts used for the sale of food or drink intended for consumption by the public in part of any public way, will prepare their food and drink in a safe and sanitary environment and will not inconvenience public travel.

2. LICENSE REQUIRED

Any mobile food cart that serves food or drink prepared for consumption by the public within the corporate boundaries of the Town of Richmond, and on Town of Richmond owned land, or any public right of way maintained by the Town of Richmond; shall be required to annually apply for and be granted a Lunch Wagon License. A license shall be specific to the premises and entity which is requesting the license. For example, a facility which is owned or operated at more than one location, or in the same location and is operated by different parties or personnel or which are physically separated shall require separate permits.

3. EXEMPTIONS

A Public or Private School, Public Service Organization, Private Club, Church Organization, Fire Department, or any other non-profit organization selling food or drink on an infrequent basis to solely raise money for a charitable cause shall be

exempt from the requirements of this license. The local exemption does not relieve an organization of state requirements.

The Selectmen shall have the authority to decide if an establishment is exempt or not.

4. APPLICATIONS

A. Applicant: For the purposes of this ordinance, the applicant shall be the principal owner of the establishment. If the owner is a corporation the applicant shall be the principal stock holder of that corporation. If the principal owner of the establishment, or the principal stockholder of the corporation owning the establishment, is not the person primarily responsible for the actual operation of the establishment, then the person(s) primarily responsible for the actual operation of the establishment, as well as the owner, shall be reviewed as co-applicant(s) together with the owner.

B. Renewals: The Selectmen shall annually review all renewal applications for the purpose of determining the status of the applicant's previous conformance to this Policy and at such time make a decision as to (1) approve the renewal request, (2) table the renewal request, setting a date for the applicant to come before the Officers to answer questions affecting consideration of the renewal request, or (3) for reason(s) noted, disapprove the request. Applicants for renewal shall submit a completed application with fees annually to the Town Clerk at least 30 days prior to the expiration date.

C. New Applications: New applicants may apply to the Town Clerk at any time during the year.

D. License Term: A license, when granted, shall be valid immediately following said granting of license and the period of time shall be listed on the license. Licenses shall be granted for the following periods of time: 1 week, 6 months, 1 year.

5. ISSUANCE OR DENIAL OF A LICENSE

The Selectmen may deny the application for a license for one or more of the reasons described as follows:

1. If the applicant fails any part of a state inspection or local health inspection.
2. If the applicant is not of good moral character. In determining good moral character the Town Selectmen shall consider all evidence presented but shall, in addition, check the applicant's police record, if any. Conviction of a class D or

more serious crime may be considered as evidence that the applicant lacks good moral character.

3. Failure to pay an outstanding fine, penalty or tax owed to the Town of Richmond by the individual, corporation or principal stockholder of the corporation that is applying for the license.

6. REQUIREMENTS AND CONDITIONS

The Selectmen may place conditions and requirements on the license. These conditions and requirements must be reasonably designed to promote the health, safety or welfare of the Public. Examples of possible conditions include, but are not limited to, specific opening and closing times, and measures designed to reduce noise.

7. FEES

The fees for a License shall be as follows:

Yearly (New or Renewal)	\$200.00
Six months	\$150.00
Monthly	\$75.00
Weekly	\$50.00
Daily	\$25.00

8. REVOCAION OF LICENSE; DETERMINATION OF VIOLATIONS

If after investigation and hearing, the Selectmen conclude that the Licensee is unfit to hold a license, it may revoke the license at any time. The Selectmen, for any cause which it considers satisfactory, may suspend a license for any period of time that it considers proper. The Selectmen may determine that a mobile food cart which has not obtained a Lunch Wagon license is required to obtain a license, or that a licensed establishment has violated conditions and restrictions applicable to its Lunch Wagon license. The Selectmen shall provide the Licensee, at least three days prior to the hearing date, with notice of the time and place of the hearing at which any of these issues will be considered.

9. A. Compliance Certification: A mobile food cart requesting a Lunch Wagon License or renewal of same, shall certify to the Selectmen and prove to said Selectmen satisfaction that it is not in violation of any Municipal Ordinance, including Zoning, or State or Federal law, Statute or Regulation. The applicant shall also certify that all taxes, fines or penalty assessed by the Town of Richmond on the establishment or equipment and fixtures contained therein are fully paid, as of the date of the application. The Selectmen shall deny any application which fails to meet these requirements.

B. Inspection: A mobile food cart requesting a license for the first time shall be inspected by the Codes Enforcement Officer and Fire Chief prior to any action being taken on the license application. Any alterations or changes to a mobile food cart will require additional inspections.

C. Application Form: A mobile food cart shall apply for a Lunch Wagon License or renewal on a form designed for that purpose by the Town of Richmond. Failure of an applicant to fill out the form completely or any misstatements on said form shall result in the denial of the license.

E. Health: An establishment licensed as a Victualer, and providing for on-premises food consumption, shall provide with its renewal application a copy of its current state "Eating License" issued by the Department of Health Services. A new application shall be granted by the Selectmen only under the condition that the Lunch Wagon License becomes effective after the Department of Health Services has issued a current state "Eating License."

10. PENALTY

Penalty: Any act made unlawful by this Policy and any violation of this Policy shall be punishable by a fine of not more than \$100.00 for each offense. Each day that such unlawful act or violation continues shall be considered a separate offense.

11. SEVERABILITY

If any section, subsection, sentence, clause or phrase of this Policy is for any reason held to be unconstitutional or invalid, such decision shall not effect the validity of the remaining portions of this Policy.

Chairman, Seth Goodall

Vice Chairman, David Thompson

Burt Batty

Tracy Tuttle

Rose Beckwith

Date: _____