



**TOWN OF PORT DEPOSIT
SEASONAL BUSINESS AND/OR USE
MOBILE FOOD VENDOR REGULATIONS
RESOLUTION 03-2022**

A RESOLUTION BY THE MAYOR AND COUNCIL OF THE TOWN OF PORT DEPOSIT TO ESTABLISH REGULATIONS AND APPROVAL PROCESS FOR SEASONAL BUSINESSES AND USE AND MOBILE FOOD VENDOR ON PROPERTY WITHIN THE TOWN OF PORT DEPOSIT.

WHEREAS, Article IV, Section 36 of the Port Deposit Zoning Code requires the issuance of a Zoning Certificate for any building or structure that is erected, moved, added to, or structurally altered, or use of land changed;

WHEREAS, Article XI, Section 211 Occasional Festivals, Events of Public Interest or Special Events, Seasonal Business or Use establishes guidelines for occasional outdoor events and/or seasonal outdoor businesses and uses; and

WHEREAS, The Mayor and Council has the authority to regulate and adopt terms and conditions by Resolution for the application and permitting of seasonal businesses and/or uses on private property and public property within the Town of Port Deposit;

WHEREAS, Resolution 09-2020 was adopted October 10, 2020 approving conditions for Seasonal Business and/or Use;

WHEREAS, The Mayor and Council desire to amend the conditions as approved in Resolution 09-2020.

NOW, THEREFORE BE IT RESOLVED THAT, the Mayor and Council of the Town of Port Deposit amends the conditions for Outdoor Seasonal Business and/or Use as follows (revision/addition – red text and deletions strikethrough text):

1. Seasonal business and/or use shall be permitted in the MC, CBD, TR, R-2, and C-1 zoning districts;
2. The application fee for a seasonal business and/or use shall be the same as the fee for a Zoning Certificate.
3. ~~The number of days per week, hours of operation, and length of time for an annual Seasonal Business and/or Use permit shall be approved every year annually by the Mayor and Council, or their designee. for a maximum six month period per year.~~ **The number of days per week, hours of operation, and length of time for an annual Seasonal Business and/or Use permit shall be approved every year annually by the Mayor and Council, or their designee.**
- ~~3.4.~~ **4. The Mayor and Council reserves the right to establish other restrictions and conditions, including, but not limited to, establishing a rental fee for use of public space on a case-by-case basis.**
- ~~4.5.~~ **5. Applicant must be 21 years or older to apply for a seasonal business and/or use zoning certificate.**
- ~~5.6.~~ **6. Applicant must submit an application provided by the Town that shall include a site plan or drawing of outdoor seasonal business and/or use that indicates the type of business or use, location and type**

of business items, distance the items are from other structures, i.e. building, street, adjoining property/properties, other items on a sidewalk or in public park (tree, bench, trash can, light pole signs, etc.)

6-7. MOBILE FOOD VENDORS - Mobile food trucks, food service trailers, and/or food vendor where food is prepared within the confines of the vendor's food truck or trailer ("hereinafter, mobile food vendors") shall be permitted for events or as a seasonal business as follows:

- a. Mobile food vendors shall be permitted in the MC, CBD, TR, R-2, and C-1 zoning districts for public events or seasonal business and/or use;
- b. An applicant may apply for a seasonal business permit for mobile food vendor, ~~weekends only from 8:00 a.m. Friday to 8:00 p.m. Sunday, not to exceed six (6) months annually~~ **The number of days per week, hours of operation, and length of time for an annual permit shall be approved through the application process by the Mayor and Council, or their designee;**
- c. Applicant must submit an application provided by the Town;
- d. If a generator is utilized, it should be contained within the confines of the vendor's food truck or placed in a location that would not create excessive noise or disturb any activities in the surrounding area;
- e. Mobile food vendor must provide copy of current vehicle and liability insurance, health department inspection verification, and photo of the motorized or food service trailer utilized for the business;
- f. Mobile food trucks or trailers shall not be stored or parked on private or public property longer than the duration of the event and may not be stored on the property under a seasonal business zoning certificate/permit;
- g. Mobile food vendors shall not be permitted to be located closer than two-hundred fifty (250') feet from any other enclosed restaurant operation, measured from the primary customer entrance, without permission from the owner of the restaurant, or use any parking spaces or other outdoor space on the site for tables, chairs, portable restrooms, signs, or other ancillary equipment that would affect off-street parking available for primary use(s) of the site.
- h. Unless waived or partially waived in writing by the Town Administrator, Permittee shall carry and maintain at all times while a seasonal permit is in effect commercial general liability (CGL) insurance, written on an occurrence basis, in at least the amount of \$1,000,000 per occurrence, naming the Town, its officers, elected or appointed officials, representatives, agents or employees as an additional insured, said coverage being primary to the Town's insurance coverage with the Town's coverage being excess, covering claims for bodily injury, property damage, "personal injury" and "advertising injury" as those terms are typically defined under standard CGL policies available in the private market, liability for premises and operations, and shall delete any exclusions or limitations of coverage for completed operations, liability for explosion, product liability or claims arising out of the service or consumption of food or beverage. As a condition for issuance of the seasonal permit, Permittee shall supply the Town a Certificate of insurance as evidence this insurance. The certificate shall require that the Town receive thirty (30) days' written notice in advance of lapse, cancellation or non-renewal of said policy.

7-8. TOWN PROPERTY - The Town of Port Deposit is on the National Historic Register. At the discretion of the Town of Port Deposit, the Town reserves the right to require the type of tables, chairs, tent, trailer, or other outdoor items that will be placed on public property. Use of town public property

(i.e. sidewalk, promenade, public right-of-way or easements, parking lots, streets, public parks, etc) shall comply with the following:

- a. Outdoor Dining and Seating — ~~All~~ Outdoor dining equipment on **sidewalks and the promenade North and South Main Street shall be **standard** table height **matching** -bistro style tables and chairs with maximum seating for 4 people per table with an optional umbrella.**
 - b. Other items that would be used to display goods outside shall be approved on a case-by-case basis.
 - c. A distance of five feet (5') shall be maintained for pedestrians between any permanent items on a sidewalk or in a public park (tree, bench, trash can, light pole, signs, etc.) and the location of temporary seasonal items on public property.
 - d. Use of public property for your business use is AT YOUR OWN RISK. The Town is not responsible for injuries, death, or personal property which is damaged, misplaced, lost, or stolen belonging to any individual or group using the public property as permitted in the zoning certificate. Permittee waives any and all claims it may have, or its insurer may have by way of subrogation, against the Town or any of its officers, elected or appointed officials, representatives, agents or employees arising in any way out of Permittee's use of public or private property pursuant to a seasonal permit issued by the Town, unless said damage arises out of the sole negligence or fault of the Town.
 - e. Permittee shall indemnify and defend the Town and any and all of its officers, elected or appointed officials, representatives, agents or employees of and from any and all claims, demands, awards, suits, judgments, loss or liability for damage, including but not limited to claims for bodily injury, illness, death, property damage, false arrest and imprisonment, malicious prosecution, civil rights violations, and product liability arising in any way out of Permittee's use of public or private property pursuant to a seasonal permit issued by the Town, unless said damage arises out of the sole negligence or fault of the Town.
- ~~8.9.~~ Applicant and/or property owner shall be responsible for providing trash receptacles for their customers and for daily clean -up of the area. The use of public trash receptacles is prohibited.
- ~~9.10.~~ The Seasonal Zoning Certificate is issued by the authority of the Town and must be renewed annually. Any activity authorized by the Certificate shall be conducted strictly in conformance with the terms and conditions described. The area is subject to inspection by any authorized representative of the Town in order to assure proper use and compliance. The Town should be notified of any changes and changes made to the seasonal business or use after approval may require an amendment or a new application.
- ~~10.11.~~ At the discretion of the Town of Port Deposit, the Town reserves the right to require the removal, replacement or relocation of the business operation and/or any equipment or items placed on public property.
- ~~11.12.~~ The Seasonal Business or Use Zoning Certificate should be displayed or available if requested.
- ~~12.13.~~ Other regulations apply as per the Port Deposit Zoning Code, Article XI, Section 211 of the Port Deposit Zoning Code.

IN WITNESS WHEREOF, we have set our hands and seals and enacted Resolution 03-2022 on this 15th day of March, 2022.

Affirmative 4

Absent 0

Negative 0

Abstained 0

MAYOR AND COUNCIL of the TOWN of PORT DEPOSIT, MARYLAND



Robert Kuhs, Mayor



Daniel Berlin, Council



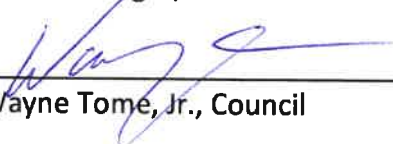
Kevin Brown, Deputy Mayor



Thomas Knight, Council

ATTEST:


Town Administrator



Wayne Tome, Jr., Council