



**OUTDOOR SEASONAL BUSINESS and/or USE
MOBILE FOOD VENDOR
ZONING CERTIFICATE APPLICATION**

Town of Port Deposit
64 South Main Street
Port Deposit, MD 21904
410.378.2121
townhall@portdeposit.org

FEES: Zoning Certificate - \$35

REQUIRED with application: Applicant must submit 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.) A distance of five feet (5') is required for pedestrians.

Date: _____

Property Zone: _____

Private property

Property Address:

Business Name (if applicable): _____

Contact Information: _____

Property Owner: _____
(if not applicant) Name _____ Address _____ E-mail/Mobile Phone # _____

Seasonal: Business Use

Describe Seasonal Business or Use:

End Date:

Hours of Operation – Start time:

End time

PUBLIC PROPERTY LOCATION - Check all that apply:

Public Property: Sidewalk Promenade Marina Park Rice Tot Lot

Spot in the Rock **Parking Lot Location:**

Other (please explain):

_____ Tables & chairs - must be standard height matching bistro or pub type table & chairs (seating for 4)
How many? _____

Umbrella(s) – per table optional

Merchandise Display – Type: _____ How many? _____

Food Service – Type: _____ How many? _____
Generator? yes no

Live Music/Band PA Equipment Alcoholic Beverage Service

Other (please explain): _____

**Use of Marina Park that requires park boat launch, parking area, fishing area, playground, etc., to be closed to the public shall require approval from the Mayor and Council. Additional fees shall apply.*

Business or uses may require additional permits through Cecil County Government.

PRIVATE PROPERTY

front yard side yard driveway front porch

Tables – Type: standard height matching bistro or pub type table & chairs (seating for 4)

How many? _____

Umbrella per table is optional.

Merchandise Display – Type: _____ How many? _____

Food Service – Type: _____ How many? _____
Generator? yes no

Live Music/Band PA Equipment Alcoholic Beverage Service

Other (please explain): _____

Business or uses may require additional permits through Cecil County Government.

REGULATIONS AND CONDITIONS for Permit – Please Read:

1. Seasonal business and/or use shall be permitted in the MC, CBD, TR, R-2, and C-1 zoning districts.
2. The proposed site shall be of sufficient size to accommodate the use without adversely affecting adjacent land uses.
3. Outdoor activities shall be located and conducted in a manner that shall not disturb adjacent property owners and land uses, or create excessive or offensive noise, fumes, odor, lighting, or trash, etc. All outdoor activities and operations shall end by 10:00 p.m.
4. Outdoor activities, including temporary sanitary facilities and trash receptacles, may not be located within 50 feet of a residential district and shall not block an entrance or exit of an adjoining property. 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.

5. Seasonal business and/or use shall be approved annually. The number of days per week, hours of operation, and length of time for an annual Seasonal Business or Use permit shall be approved every year by the Mayor and Council, or their designee.
6. Applicant must be 21 years or older to apply for a seasonal business and/or use zoning certificate.
7. Vehicular access shall be derived only from an arterial or major collector.
8. 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.
9. 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.
10. The Seasonal Business or Use Zoning Certificate should be displayed or available if requested.
11. Applicant is solely responsible for compliance with all applicable provisions of applicable State, County and Municipal law required for the use permitted.
12. **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 - Outdoor dining on town property and the promenade shall be standard height matching bistro style or pub style tables and chairs. Maximum seating for 4 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 (i.e. bench, tree, sign, trash can, light pole, etc.) and the location of temporary seasonal items on public property.
13. **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(s). The number of days per week, hours of operation, and length of time for an annual Seasonal Business or Use permit shall be approved every year by the Mayor and Council, or their designee;
 - c. 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;
 - d. 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;
 - e. Mobile food trucks or trailers shall not be stored or parked on private or public property longer than the duration of the event or allowed time and may not be stored on the property under a seasonal business zoning certificate/permit;
 - f. Mobile food vendors shall not be permitted to be located closer than two-hundred fifty feet (250') 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.

- g. 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.

14. Seasonal Business and/or Use permits must be renewed annually.

AGREEMENT

My signature on this permit certifies that I am 21 years old or older and indicates my agreement to observe the rules and regulations listed above and accept all conditions of this permit.

I, the undersigned Applicant, or Authorized Agent of the Organization named in this application (hereinafter the "Permittee") agree to abide by the rules, regulations, and policies of the Town of Port Deposit, and all applicable laws pertaining to the issuance of this zoning certificate/permit.

I, further agree in consideration of the issuance of this zoning certificate/permit, that the 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.

I, further agree in consideration of the issuance of this zoning certificate/permit, 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.

Signature of Applicant

Printed Name

Date: _____

Signature of Property Owner (if applicable)

Printed Name

Date: _____

TOWN OF PORT DEPOSIT:

Approved by: _____

Town Administrator

Date

Council approval (if required): _____

FOR OFFICE USE ONLY

Fee: _____

Received by: _____

Seasonal Zoning Certificate/Permit No: _____

Insurance Certificate Required/Received: _____

Other: _____