

ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE TOWN OF WASHINGTON, TITLE XI “BUSINESS REGULATIONS”, CHAPTER 110,” FOOD SERVICE ESTABLISHMENTS”

Section 1. Authority.

This ordinance is adopted pursuant to Connecticut General Statutes 7-148(c)(7)(H)(ii), 7-148(c)(7)(H)(iv) and 7-148(c)(7)(H)(xi), and CSFPC Chapter 50.

Section 2. Amendments to Code of Ordinances.

The Code of Ordinances of the Town of Washington, Chapter 10, “Food Service Establishments” is amended as follows:

Sec. 110-14

Section 110-14, heretofore “Reserved” is amended to read as follows:

“Sec. 110-14. Food Vendor Trucks/Vehicles.

- (a) Definitions---For purposes of this section, the following definitions shall apply:
- (1) FOOD/BEVERAGE TRUCK VENDOR: Any party present in the Town of Washington, selling, bartering, vending or peddling, or carrying for sale or barter any food or drink from any vehicle.
 - (2) FOOD TRUCK: Any Department of Motor Vehicles (DMV) registered van/truck, DMV registered towed trailer or DMV registered “mobile unit” used for the preparation, serving, and sale of any type of food or drink to individual patrons.
 - (3) WASHINGTON-AFFILIATED NON - PROFIT: Any public or private school operating in Washington, any fire department or ambulance service located in Washington, or any veterans’ organization in Washington.
 - (4) PUBLIC AND/OR PRIVATE STREET(S): All areas within the Town’s Street rights-of-way or street lines, whether public or private, or within the street line or right-of-way of any state highway.
- (b) All food/beverage truck vendors and any party operating a food truck within the geographic limits of The Town of Washington shall obtain a license from the First Selectman prior to operating. It shall be unlawful for any party to so act without such license. The licensing fee shall be \$120, and the license shall be valid for **one year from the date of issuance**. The First Selectman, in his or her sole discretion, may set a shorter duration based on the circumstances presented in the license application, but the application fee shall remain \$120. An applicant who is denied a license by the First Selectman may appeal such denial to the Board of Selectman. The decision of such Board shall be final.
- (c) The application for a license shall require a copy of the vendor’s Connecticut Sales and Use Tax Permit, as well as a copy of all applicable state health department licenses and signoffs. The applicant shall also obtain the required inspection and signoff from the Washington Fire Marshal. No license shall be granted until the applicant has fulfilled and proven, through appropriate attachments and signoffs, the requirements of all state statutes, fire code compliance, and health regulations. The application shall also require adequate provisions for trash and recycling disposal

satisfactory to The First Selectman. The applicant shall provide the First Selectman and The Washington Fire Marshal with a schedule of events the food truck will be attending during the term of the license. The other content and form of the application shall otherwise be set by the Board of Selectmen. The requirements of this ordinance establish minimum requisites for the application and license, and the First Selectman and The Washington Fire Marshal may require additional information on any particular from any applicant to protect the safety of the public.

- (d) Food/beverage truck vendors operating in The Town of Washington shall obtain a Town of Washington license and comply with any applicable laws of the Town.
- (e) The food/beverage truck vendor shall not disturb the peace, create a nuisance, or violate state law or any ordinance of The Town of Washington. Food truck hours of operation shall be no earlier than 08:00 and no later than 22:00.
- (f) No food/beverage truck shall be operated or parked in violation of traffic laws or to impede traffic. No food/beverage truck shall have exclusive right to any location abutting any public or private street, be stationary on a public or private street for more than four (4) hours per day.
- (g) Any resident of the State of Connecticut who has resided within the state for two (2) years preceding the date of application for a license and who is a veteran with an honorable discharge who served in time of war as defined in the Connecticut General Statutes shall be exempt from the license application fee required under 110-14 of the Code of The Town of Washington, however a license shall still be required before operating in such cases.
- (h) No food truck shall have use of any property owned or controlled by the Town of Washington without first obtaining written consent of the First Selectman. No food truck shall have use of any property owned or controlled by the Washington Public School System, or Regional School District #12 without first obtaining written consent of the applicable school system.
- (i) Food trucks on residential property: A fully licensed and inspected food truck may operate on residential property for a specific event of not more than three (3) days in duration. No residential property shall have more than three (3) such food truck events in one year. No more than three (3) food trucks shall be present on residential property for such an event. No food truck shall operate on residential property for general business, meaning that it is operating apart from such limited duration specific event.
- (j) Food trucks on commercial property: A fully licensed and inspected food truck may operate on commercial property for a specific event of not more than three (3) days in duration. No commercial property shall have more than three (3) such food truck events in one (1) year. No more than three (3) food trucks shall be present on commercial property for such an event. No food truck shall operate on commercial property for general business, meaning that it is operating apart from such limited duration specific event.
- (k) A list of active licenses for permitted and properly inspected food trucks in the Town of Washington shall be available for review by the public in the Town Clerk's Office. The First Selectman shall provide the Washington Fire Marshal with a copy of such list as it becomes updated.
- (l) A violation of this Ordinance shall result in a fine of \$200 per offense, with each day of violation being a separate offense. The Town of Washington may also pursue any remedy at law or in equity to ensure compliance with this Ordinance, including but not limited to, injunction against anyone violating this Ordinance.

(m) The provisions of this Ordinance are severable and if any portion of this Ordinance shall be held to be invalid or unconstitutional for any reason, such determination shall not affect the remainder of this Ordinance.

Secs. 110-15 _____ 110-25

Sections 110-15 thru 110-25 remain "Reserved."

Section 3. Effective Date.

This Ordinance shall take effect fifteen (15) days after the publication of a summary of its provisions in accordance with Connecticut General Statutes 7-157(b).

Respectfully submitted,

Troy D. Kaiser

Fire Marshal