

# Ordinance 22-04-01

**Introduced:** April 4, 2022

**Adopted:**

## **AN ACT TO AMEND SECTION 4 IN THE TOWN OF MIDDLETOWN ZONING CODE RELATING TO MOBILE FOOD VENDORS**

**WHEREAS**, the sale of goods and foods from trailers, trucks, and other transient or temporary vehicles or structures can present public health and safety issues if not properly located and monitored, including, by way of example, interference with sight lines at intersections or along streets and creating additional pedestrian traffic in areas not necessarily designed for such traffic;

**BE IT ENACTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MIDDLETOWN** (a majority of the members elected thereto concurring therein):

**Section 1.** That the Town of Middletown, Delaware, Zoning Code Sections 4B(2), 4C(2), 4D(2), 4E(2), 4H(2), 4I(2) and 4J(2) are hereby amended by adding therein the following as an additional use permitted only by Special Event Permit or by Conditional Use:

“Sale of goods from trailers, trucks, and other transient or temporary vehicles or structures, provided that, in addition to the requirements of Section 10 of this Zoning Code, the following conditions are met:

- (1) The sale of goods from trailers, trucks and other transient or temporary vehicles or structures is conducted on private property, outside any Town of Middletown maintained public right-of-way, with written permission from the property owner.
- (2) Food vendors shall provide approved permit by the State of Delaware Division of Public Health, per Title 16 Delaware Code § 122, Plan Review and Approval for Mobile Food Units.
- (3) Mobile food units shall purchase an annual business license.
- (4) Those who request a mobile food unit for a Special Event (occurring five (5) or less times per year) must fill out a Special Event Form.
- (5) Entities requesting the presence of mobile food units, in lieu of a kitchen, for events totaling more occasions than five (5) per year, may purchase an annual permit for \$250 for unlimited food unit usage.
- (6) Trash and grease are disposed of properly in accordance with the regulations of the Town of Middletown. Illicit discharge of grease or oil is subject to criminal prosecution (See Chapter 145-13 in the Town of Middletown Code of Ordinances).

A Conditional Use permit will not be required for (i) the sale of food or goods from such vehicles or structures during festivals and celebrations approved by the Town of Middletown, and (ii) ice cream trucks which travel a daily route and shall not be subject to the requirements of this section. Except as permitted or exempted as a conditional use in all areas, no other sale of

goods or food from trailers, trucks, carts and other transient or temporary vehicles or structures shall otherwise be permitted.

**Section 2.** This ordinance shall become effective upon approval.