

TOWN OF SOUTH KINGSTOWN TOWN CODE
CHAPTER 9 LICENSES AND MISCELLANEOUS BUSINESS REGULATIONS

Article III. Hawkers and Peddlers

Sec. 9-67. Mobile food establishments.

Mobile food establishments registered with the Rhode Island Department of Business Regulation pursuant to Title 5, Chapter 11.1 of the Rhode Island General Laws, as amended, and any regulations promulgated thereunder, are not hawkers or peddlers and are explicitly exempted from this article.

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Article VIII. Mobile Food Establishments.

Sec. 9-189. Municipal Mobile Food Establishment Permit Required.

No mobile food establishment registered with the Rhode Island Department of Business Regulation pursuant to Title 5, Chapter 11.1 of the Rhode Island General Laws, as amended, and any regulations promulgated thereunder, shall operate in the town without first having obtained a municipal mobile food establishment permit from the town clerk.

Sec. 9-190. Restrictions on Municipal Mobile Food Establishment Permit.

The qualifications for a municipal mobile food establishment permit shall not exceed the qualifications for a state mobile food establishment registration, as determined by the Rhode Island Department of Business Regulation. The fee for a municipal mobile food establishment permit shall not exceed the maximum fee set by the Rhode Island Department of Business Regulation and established by regulations. The municipal mobile food establishment permit shall expire on the same day that the state mobile food establishment registration expires. A single municipal mobile food establishment permit shall be required to operate within the town, and additional permits shall not be required for operation on more than one day and/or in more than one location in the same calendar year.

Sec. 9-191. Grounds for Denial, Suspension, or Revocation of Municipal Mobile Food Establishment Permit.

The town may deny, suspend, or revoke a municipal mobile food establishment permit if the operation of the registrant within the town violates or would violate the town's land use regulations, zoning, or other ordinances in relation to the operation of a mobile food establishment. The holder of a municipal mobile food establishment permit against whom disciplinary action is taken shall notify the Department of Business Regulation in writing and provide documentation of such discipline within three business days of the initiation of such disciplinary action.

Sec. 9-192. Number of Permits Granted.

The maximum number of municipal mobile food establishment permits that may be issued by the town shall be established by a resolution passed by a majority of the Town Council. The Town Council may limit the number of permits geographically.

Sec. 9-193. Display of Municipal Mobile Food Establishment Permit.

The municipal mobile food establishment permit shall be affixed to the mobile food establishment in a conspicuous place.

Sec. 9-194. Compliance with Other Laws and Regulations.

Mobile food establishments shall comply with all applicable statutes, rules, regulations, and policies relating to food safety, and additionally shall comply with the fire safety code, if applicable.

Sec. 9-195. Electronic Submission of Permit Applications.

An application for a municipal mobile food establishment permit shall be submitted through the town's electronic permitting system.

Sec. 9-196. Permit Fees.

Any fees associated with mobile food truck establishment permits shall be adopted by resolution and incorporated into the Town's Schedule of Fees.

Sec. 9-197. Permit for events proposed to be located on public property.

For any event where an individual has ordered or commissioned the operation of one or more mobile food establishments at a gathering proposed to be located on public property, the organizer must obtain a separate event permit prior to the event. All event permits shall be issued on the condition that the organizer of the event must leave sufficient space for emergency vehicles in compliance with the Rhode Island Fire Safety Code. Applications for an event permit must be received 90 days in advance of the proposed event.

Sec. 9-198. Temporary mass gathering permit.

For any temporary mass gathering located on private property, the organizer must obtain a separate temporary mass gathering permit prior to the event. All temporary mass gathering permits shall be issued on the condition that the organizer of the event must leave sufficient space for emergency vehicles in compliance with the Rhode Island Fire Safety Code. Applications for a temporary mass gathering permit must be received 90 days in advance of the proposed event. For the purpose of this section, a temporary mass gathering is defined as an actual or reasonably anticipated assembly of five hundred (500) or more people that continues, or reasonably can be expected to continue, for two (2) or more hours per day; or an event that requires a more extensive review to protect public health and safety because the event's nature or conditions have the potential of generating environmental or health risks. This term shall include, but shall not be limited to, 'special events' as defined in the food code regulations promulgated by the Rhode Island Department of Health, and festivals and concerts. This term shall not include an assembly of people at a location with permanent facilities designed for that specific assembly.

Sec. 9-199. Permitting authority and procedure.

The Town Clerk shall serve as the permitting authority for mobile food establishment permits. The Town Council shall serve as the permitting authority for temporary mass gathering permits and permits for

events proposed to be located on public property. For event or temporary mass gathering permits, a representative of the applicant shall be required to appear before the Town Council.

Adopted December 9, 2019