

8/19/2019

To whom it may concern,

I am writing in regards of my mobile food cart located behind Starbucks. I was recently made aware that I could possibly move on to Main Street in front of the old Bartol library. If this is possible, I would like to do so as soon as possible.

The reason for my asking to move is the situation of a 2nd mobile food cart that is with in feet of mine and selling the same product.

If this is a possibility I would greatly appreciate the council approving my move.

Thank you.
Sincerely,

Adam Morse
Underdogs on the Run




TOWN OF FREEPORT, MAINE

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MEMORANDUM

TO: Freeport Town Council
FROM: Peter Joseph, Town Manager 
DATE: 08/29/19
RE: Request from Adam Morse d/b/a 'Underdogs on the Run' RE: food cart location

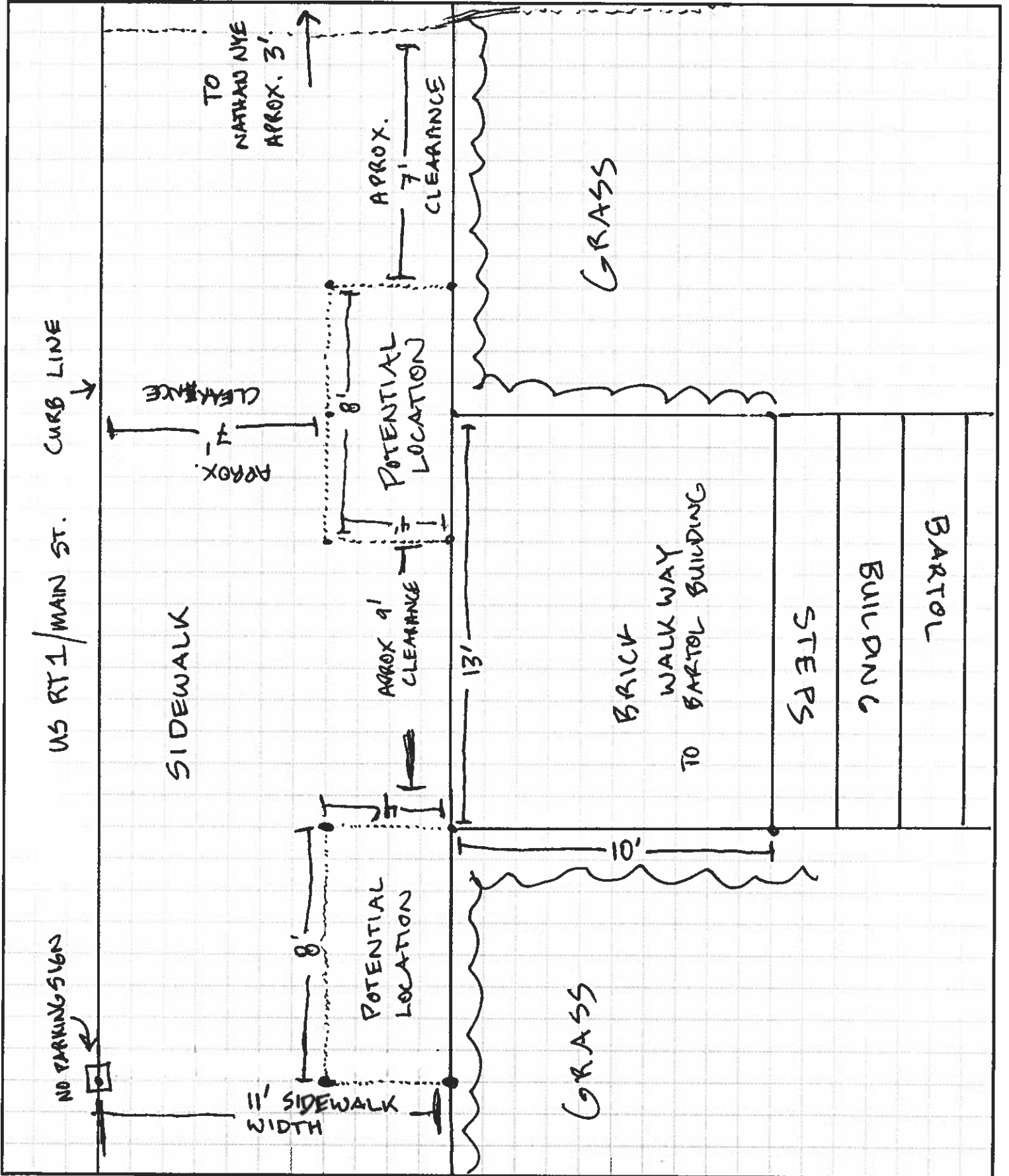
Adam Morse d/b/a Underdogs on the Run has requested a relocation of his mobile food cart from behind Starbucks to along Main Street somewhere in the vicinity of the Bartol Library building. The Town Council does have the ability to change "commercial peddler locations previously assigned by the Traffic and Parking Committee for cause shown" (Ordinance Section 43-203(1)). The correct mechanism to do this would be an order to relocate the spot previously established by the Traffic and Parking Committee. This would then make it available in priority order to the list of current vendors licensed by the Town. The practical effect of such relocation would be to give Mr. Morse first choice of locations, so it would effectively accomplish his request.

Ordinance section 43-204(1) lists the performance standards for cart locations. It states "The cart shall not be operated in a way that would restrict or interfere with ingress or egress from any building, abutting parcel, or public place or obstruct adequate access by fire, police, or sanitation vehicles. The cart shall not interfere with pedestrian flow on the sidewalk." I've included a rough site sketch, attached to this memo. As you can see, there is not an "ideal" location for a cart along Main Street in that area, however there are several passable sidewalk locations that could be utilized leaving 6-7 feet of pedestrian clearance around the cart, while not blocking access to the front entrance of the Bartol Building.

Mr. Morse has requested that he be allowed to set up a table and chairs in that location as well, however Ordinance section 43-204(12) prohibits off cart items such as tables and chairs, so my interpretation is that these would not be allowed.

I would recommend that if the Council does decide to establish this location for peddler carts, that the following conditions be considered:

- 1) Licensee shall maintain a minimum clearance of 6 feet from the curb line, sidewalk along Nathan Nye, and the "No Parking" sign along the Main Street curb line to allow adequate pedestrian circulation.
- 2) Licensee shall maintain adequate clearance so as not to obstruct the entrance to the Bartol Building, as the building is currently listed and showings may occur at any time with little to no notice.
- 3) If the Bartol Building is leased by the Town, vendor location may be relocated to the current location behind Starbucks.




Section 43-203 General Provisions

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1. The Traffic and Parking Committee or its' successor will designate the number of commercial licenses available by determining the commercial peddler locations for each calendar year no later than November 30 of the preceding year. Safety concerns shall be a major criteria when designating locations. The Town Council shall have the authority to relocate, at any time, any existing commercial peddler location previously assigned by the Traffic and Parking Committee for cause shown. The number of non-commercial peddler licenses issued annually shall not exceed two (2) as provided in Section 43-203 (2&3).
 2. The Public Safety Building site located at 4 Main Street (Map 9 Lot 16) shall be reserved for use by the Freeport Fire and Rescue Companies. The Licensee must follow all provisions of the Ordinance except no fees or proof of insurance shall be required. No cart or related items may be placed in parking spaces or the park area on the corner of Main and West Streets.
 3. The public lot (Map 11, Lot 27A) shall have one area reserved for use by the PORT Teen Center and FHS All Sports Boosters.
 4. Parking: Each licensee must provide one parking space per cart in compliance with the requirements of Section 5.14 A.5 of the Freeport Zoning Ordinance for retail trade operations. The licensee must have control and possession of the parking space for each month of operation of the cart by written lease agreement or other legal instrument. In lieu of providing one additional parking space, a peddler may pay a per-month fee to the Town based on the highest rental of the Town owned Oak Street parking lot.
 5. Peddlers shall maintain in full force and effect at all times a policy of comprehensive public liability insurance with limits of not less than \$300,000, naming the Town of Freeport as additional insured. A certificate of insurance must be provided before a peddler's license is issued.
 6. All Freeport municipal, school and public service groups using the locations described in Sections 2&3 above shall provide the Town Clerk's Office with a complete financial report of activities conducted at these locations by December 31 of each year. Failure to comply with this provision may result in forfeiture of the right to use either location during the following calendar year.
 7. Licenses for locations described in Sections 2&3 above for Memorial Day through Labor Day shall be granted by the Licensing Board at its first meeting in May of each year. Application for licenses must be submitted to the Town Clerk's Office no later than April 15. Should more than one application be received for one or both of the locations, the Licensing Board shall grant licenses based on the drawing of lots.
 8. A license issued by the State of Maine Department of Human Services for food service and a victualers license issued by the Freeport Town Council must be obtained before peddler cart

operation commences and the peddler cart may operate only while such licenses are in effect.

Section 43-204 Performance Standards

1. Location. The cart shall not be operated in a way that would restrict or interfere with ingress to or egress from any building, abutting parcel or public place or obstruct adequate access by fire, police or sanitation vehicles. The cart shall not interfere with pedestrian flow on the sidewalk.
2. All utility connections shall be secured and safe.
3. The operations area shall be kept clean and free of litter. At least one trash receptacle shall be provided. Public trash receptacles on the street shall not be used by the operation. All trash shall be disposed of in conformance with Town regulations.
4. Cart design shall conform to the following requirements:
 - a. Materials: Carts may be commercial construction or individually constructed. All carts shall be made of solid, durable materials.
 - b. Color: Neon and fluorescent colors are prohibited. Permitted colors shall be shades of the following: red, white, gray, black, yellow, maroon, green, blue, brown, beige and stainless steel.
 - c. Shape: "Theme" cards, such as one in the shape of hot dogs are prohibited.
 - d. Size: Maximum dimensions of a peddler's cart or unit shall be no greater than 38 inches in width and 8 feet in length and must be removed from sidewalks at the end of each day. Maximum height of the cart shall be six (6) feet from the top of the cart body, excluding umbrella or awning, to the bottom of the cart where it (or the wheels) touches the ground. Maximum height from the bottom of the cart (or the wheels) to the uppermost top of any umbrella or awning attached to the cart shall be eight (8) feet. The bottom of the canopy of the umbrella or awning shall be at least 80" off the ground.
5. Awnings and umbrellas shall be constructed of a non-rigid fabric such as, but not limited to, canvas, ripstop nylon or soft plastic.
6. Any hitch shall be visually identified for safety purposes with a wrapper, bicycle type flag or other similar unobtrusive identifying device which does not obstruct the clear area and which meets the requirements of the Federal Americans with Disabilities Act.
7. Cart shall not be motorized.

8. Peddler carts are allowed the following signs subject to the following requirements.
 - a. No more than two (2) signs, excluding lettering on an umbrella or awning, are permitted on each cart. Lettering on an umbrella or awning is permitted in addition to the two signs. In addition, one menu board is permitted and shall be no larger than six (6) square feet. A menu board is not considered a sign.
 - b. Each sign shall be secured to the cart at a maximum height no higher than the bottom edge of the umbrella or awning material.
 - c. The maximum size of each sign shall be four (4) square feet.
 - d. Each sign face shall be counted as one sign.
 - e. Free standing signs are prohibited.
 - f. Sign design shall meet the following requirements:
 1. One or both signs may be preprinted, movable letter signs or chalk boards;
 2. Any other type of sign shall be included as part of the approval process.
9. Cart lighting shall conform to the following requirements:
 - a. Lighting shall not increase the light level at the perimeter of the operations area by more than 5 foot candles above the ambient light level. However, total maximum lighting at the perimeter of the operations area shall not exceed fifteen (15) foot candles.
 - b. Light sources shall be aimed or shielded so that the light projects downward and in no case shall the angle be less than 20 degrees below horizontal.
10. Generators are prohibited.
11. Cart operators shall dress in a manner sufficient to meet the requirements of the current State of Maine Food Safety Code.
-  12. Off-cart items, except for ones located on the cart, are limited to the following items: one trash receptacle, one recycling receptacle, two coolers and one chair. These items shall be located immediately adjacent to or under the cart.
13. No animals shall be attached to the cart except for guide animals.