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**Section 501. Temporary Activity** *{Amended, 01/06/15, 10/03/17, & 01/04/22}*

- A. An activity that is of a decidedly temporary nature and which can meet the minimum requirements of the performance standards below Sec. 501.A.2-~~54~~, may be allowed under the provisions of a Temporary Activity Permit issued by the municipal Codes Enforcement Officer. The conditions of issuance or of renewal for any such permit are:
1. The proposed activity or use will not continue beyond a maximum time period of one (1) week for no more than three times per year per property except as allowed in 501.C, ~~and~~ 501.D, and 501.E below or as allowed in this section. If additional time beyond one week is requested by the applicant, the Codes Enforcement Officer must obtain the concurrence of the ~~municipal~~ Project Review Board before such an extension is granted. Upon expiration of the Temporary Activity Permit granted by the Codes Enforcement Officer~~Special Permit~~, the activity must be immediately discontinued or brought into conformance with the minimum standards of performance or be in violation of this Ordinance.
  2. The proposed activity will not create, cause or increase any health, safety or public nuisance problems.
  3. The proposed activity will not cause immediate or future damage to adjacent properties.
  4. Reasonable provision is made to prevent or minimize harmful environmental impacts of the proposed activity.
  5. The proposed activity will not displace any required accessible parking spaces unless such accessible parking space(s) are temporarily relocated, as close as possible to the existing parking spaces and providing access to an accessible route. The temporarily relocated space(s) must comply with the dimensional and signage requirements Section 514.B.10 of the Freeport Zoning Ordinance. In addition, if needed to connect to an accessible route, a modification may be provided. If this standard of Item 5 is applicable, a sketch demonstrating that this standard has been met must be included with the application form for a Temporary Activity Permit. For this standard of ~~Item 5~~five, the term “accessible” shall refer to parking spaces, building entrances, and access routes that were designed with the intent to meet the Americans with Disabilities Act standards for Accessible Design.
- B. This section is not intended to permit uses which do not conform to the use requirements of the District in which the temporary activity is planned.

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- C. Temporary Activity Permits issued annually for outdoor retail sales, including but not limited to, rack and container sales and farmers' markets, in the Village Commercial 1-4 and Commercial 1-4 Districts issued by the Codes Enforcement Officer, shall be unlimited provided all of the sales are conducted outside of the public right-of-way and on the same property that the business requesting a temporary activity permit is located. If the applicant is not the property owner, and is located in a multi-tenant building, written authorization from the property owner will be required for the applicant to obtain a Temporary Activity Permit.
- D. Peddler activities and food trucks during special events such as concerts, festivals, and holiday festivities on private property are considered a temporary activity subject to the requirements of Subsections A.2-5 and Section 526 or Section 526.A.
- E. In Zoning Districts where food trucks are allowed as an Accessory Use per Section 526.A.1.C.2 of this Ordinance one (1) Temporary Activity Permit from the Codes Enforcement Officer can be issued per parcel per calendar year.
- F. All temporary activities require a Temporary Activity Permit from the Codes Enforcement Officer. Fees for Temporary Activity permits are established by order of the Town Council.

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## **Section 526.A Food Trucks** *{Effective 12/17/14, amended 01/04/22}*

Food trucks individually and cumulatively have an impact similar to small structures and to other businesses. The Town acknowledges that food trucks can be desirable in limited circumstances provided certain standards can be met. For businesses and zoning districts that specifically allow food trucks as an Accessory Use and for Temporary Activities which are reasonably expected to draw additional visitors to Freeport that will use food trucks, the following standards shall be met:

1. For Permitted Uses that allow the use of a food truck as an Accessory Use:
  - A. The food truck must be located on the same property as the permitted use or on an adjacent property if the owner of the land on which the permitted use is located has a legal agreement with the property owner and
  - B. Customers of the food truck must have access to restrooms on the same property that are connected to the public sewer system or a sub-surface wastewater disposal system. An agreement with the host permitting the use of restrooms on the site must be submitted.

For 03/06/24 Planning Board Public Hearing  
Proposed amendments to Section 501. Temporary Activity and Section 526.A Food Trucks of Chapter 21 –  
Town of Freeport Zoning Ordinance

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C. One food truck is allowed at any given time, except that the host permitted use may have:

1) Up to three (3) trucks, for no more than three (3) days, no more than three (3) times in any calendar year;

2) Up to eight (8) trucks, for no more than six (6) consecutive months in any calendar year contingent upon securing a Temporary Activity Permit from the Codes Enforcement Officer.

D. Site plan review is not required for the use of a food truck as an ~~A~~ accessory ~~A~~ use on a property that has already received site plan review.

E. Food trucks may only be open for business during the host Permitted Use businesses hours of operation; however, the hours of operation cannot be earlier or later than those included in Sec. 526A.2.~~KL~~. below.

F. Required accessible parking and accessible access to any accessible building(s) entrance(s) may not be displaced by the food truck and any associated appurtenances. For the purposes of this standard, the term “accessible” shall refer to parking spaces, building entrances, and access routes that were designed with the intent to meet the Americans with Disabilities Act standards for Accessible Design.

~~G. The property owner(s) must obtain a yearly permit from the Freeport Codes Enforcement Officer to permit the food truck as an accessory use and demonstrate that the standards of Section 526.A.1.A-F will be met.~~

2. All food trucks must:

A. Be registered by the Maine Department of Motor Vehicles and licensed by the Maine Department of Health and Human Services.

B. Be located on private property unless approval to locate in the right-of-way or town property is granted by the Freeport Town Council.

C. Have a valid Food Truck License issued by the Town Clerk of the Town of Freeport.

D. Not verbally solicit business from pedestrians or persons in vehicles and no sales to persons in vehicles.

E. Not have lighting except localized lighting that is used on or in the food truck for the purpose of food preparation and menu illumination.

F. Be allowed signage to identify the name of the truck and may have a menu board.

G. Provide at least one trash receptacle and one recycling receptacle for use by patrons and in a convenient location that does not impede pedestrian or vehicular traffic.

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- H. Collect and dispose of all litter or debris within a 25-foot radius of the food truck.
- I. Contain all equipment needed for the preparation of food within the food truck, except for trash and recycling receptacles.
- J. Notwithstanding food trucks permitted per Section 526.A.1.C.2 all food trucks must contain any furniture, umbrellas, generators, or other objects or structures outside of the food truck, within a 25-foot radius of the food truck and must be removed from the premises with the food truck. No appurtenances related to the food truck may be left at the property once the food truck closes. In addition, no required parking shall be displaced by such objects and/or structures, and vehicular and pedestrian access must not be obstructed.
- K. Limit operation between 8am and 10pm Sunday through Thursday and 8am and 11pm Friday and Saturday, however, in no case shall a food truck operating under a Temporary Activity Permit operate beyond the hours of operation of the permitted temporary activity.
- L. Not use any amplified customer notification system or amplified music.
- M. Meet the setback requirements of the district in which they are located and adhere to any buffer requirements of the underlying zoning district(s) and/or any overlay district(s). This includes food trucks and any appurtenances, such as furniture or other objects.
- N. Operate as an Accessory Use to businesses ~~in and Z~~ zoning ~~D~~istricts that specifically allow food trucks as an Accessory Use and/or operate any an event for which a Temporary Activity Permit has been issued.

### 3. Licensing:

In addition to any permitting requirements of this Section 526.A, the license process for food trucks will be as follows:

- A. An application for a Food Truck License must be filed with the Town Clerk's Office and such license must be issued by the Town Clerk prior to any food truck operating in the Town of Freeport.
- B. Food truck licenses may be issued in two ways:
  - 1) A license to operate for up to three consecutive days, for a maximum of six (6) of this license type per food truck per calendar year.
  - 2) An annual license to be issued by the Town Clerk.

### 4. Exceptions:

Any food truck used for private catering events when the food truck is parked entirely on private property and serves the private guests of the host and all payments are made by the host, not the guests, will not require a Food Truck License from the Town of Freeport.

– END OF SECTION –