



## FOOD TRUCK PERMIT APPLICATION

*Pursuant to the requirements of Section 1, Chapter 8, Article V of the Claremont City Code, a Food Truck Vendor Permit is required to provide for the regulation of sales by food truck vendors within the city. This is necessary to ensure the free flow of motor vehicle and pedestrian traffic and to promote the public health, safety and welfare, while providing the opportunity for food truck vendors to operate within the city. The full Ordinance is attached at the end of this application.*

### VENDOR INFORMATION

DATE OF APPLICATION \_\_\_\_\_

BUSINESS NAME \_\_\_\_\_

CONTACT PERSON \_\_\_\_\_

ADDRESS \_\_\_\_\_  
STREET CITY STATE ZIP

PHONE \_\_\_\_\_ EMAIL \_\_\_\_\_

### TYPE OF PERMIT REQUESTED

DAILY: Specify days for which this permit is sought \_\_\_\_\_

WEEKLY: Specify the week(s) for which this permit is sought \_\_\_\_\_

QUARTERLY: Specify quarter for which this permit is sought:

- January – March
- April – June
- July – September
- October - December

SPECIAL EVENT: Specify date(s) of event \_\_\_\_\_

**LOCATION REQUESTED & HOURS OF OPERATION**

**Fixed Parking Spaces (18 ft x 8 ft in area):**

- Two spaces in the lower parking lot of the Visitor’s Center
- One space at the Claremont Municipal Airport
- <sup>1</sup>Two spaces adjacent to the easterly side of Broad Street Park (across from the Library)

o Hours of Operation \_\_\_\_\_

Area on City-owned property and/or public street, 18 ft x 8 ft in area, designated by the City for the operation of food trucks in connection with a special event. **Specify location:**

\_\_\_\_\_

o Hours of Operation \_\_\_\_\_

Commercial/industrial property as permitted by the City’s zoning ordinance and with owner’s permission. **Specify location** \_\_\_\_\_

Zoning Administrator’s signature of approval \_\_\_\_\_

Owner’s signature of approval \_\_\_\_\_

o Hours of Operation \_\_\_\_\_

**SIGNAGE**

Describe signage requested (other than signage on the truck itself) \_\_\_\_\_

\_\_\_\_\_

Zoning Administrator’s signature of approval \_\_\_\_\_

**OTHER**

Will external seating be offered?  Yes  No

Are there lights on the truck other than headlights?  Yes  No

**INSURANCE**

**8-118(4)** The applicant shall submit with the application a certificate of insurance from an insurance company licensed by the State of New Hampshire, naming the city as an additional assured, stating that the applicant has in-force commercial general liability coverage in an amount of at least one million dollars (\$1,000,000.00) for personal injury and five hundred thousand dollars (\$500,000.00) for property damage for all claims arising out of applicant's operations in the city. Such coverage shall also include an endorsement that the city shall receive written notice upon any reduction in coverage or upon termination or cancellation of applicant's coverage.

Insurance company \_\_\_\_\_

Amount of coverage \_\_\_\_\_

Certificate of Insurance is attached:  Yes     No

**8-130** Food truck vendors must submit with their application a certificate of insurance from an insurance company licensed by the State of New Hampshire, naming the City as an additional insured (if the permit is for operation on City-owned property or public streets) shall submit with the application a certificate of insurance from an insurance company licensed by the State of New Hampshire, naming the city as an additional assured, stating that the applicant has in-force commercial automobile insurance for owned, hired and non-owned vehicles in an amount of \$1,000,000.00 for bodily injury and property damage combined single limit per occurrence for all claims arising out of the applicant's operation in the City. Such coverage shall also include an endorsement that the City shall receive written notice upon any reduction in coverage or upon termination or cancellation of the applicant's coverage.

Insurance company \_\_\_\_\_

Amount of coverage \_\_\_\_\_

Certificate of Insurance is attached:  Yes     No

\_\_\_\_\_  
Applicant's signature

**CHECKLIST OF REQUIREMENTS**

- Licenses from the NH Secretary of State's Office (RSA 320:8 or RSA 321:4)
- Application Fee: \$100/quarter; \$50/week; \$10/day;
- Use of City Power Source: \$25/month
- Background Check
- Insurance [Sec. 8-118(4)]
- Certificate of Insurance for bodily injury and property damage
- Proof of compliant fire suppression system

**APPROVALS**

- HEALTH INSPECTOR \_\_\_\_\_
- FIRE DEPARTMENT \_\_\_\_\_
- PARKS AND RECREATION DEPARTMENT \_\_\_\_\_
- POLICE DEPARTMENT \_\_\_\_\_

FEE FOR THIS APPLICATION: \_\_\_\_\_ Paid \_\_\_\_\_

EXPIRATION DATE OF THIS PERMIT \_\_\_\_\_

<sup>1</sup> Quarterly permits for the two spaces adjacent to Broad Street Park have black-out dates every Saturday during Farmers' Market season.

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**CITY OF CLAREMONT – IN THE YEAR TWO THOUSAND NINETEEN**

**ORDINANCE #567**

**ESTABLISH FOOD TRUCK ORDINANCE**

**The City of Claremont Ordains:**

Pursuant to New Hampshire RSA 47:17, the Claremont City Code is hereby amended to revise Chapter 8, Article V, Sections 8-117 and 8-123, and to add new Sections 8-126 through 8-130, as follows:

**Section 1. Chapter 8, Article V.**

**Revise Section 8-117, License required, to read as follows:**

No person shall act as a hawker or peddler or as an itinerant vendor within the city unless a valid permit has been obtained from the city clerk. A permit for a hawker or peddler may not be issued by the city clerk until a license has first been obtained from the New Hampshire Secretary of State's office, as required by RSA 320:8 and RSA 321:4, respectively. A food truck permit under Sec. 8-128 shall satisfy the permit requirement of this section for a food truck vendor.

**Section 2. Chapter 8, Article V.**

**Revise Section 9-123, Denial, suspension and revocation, to read as follows:**

(a) A permit application for hawkers and peddlers and itinerant vendors will be denied upon a finding that any of the persons engaged in business pursuant to this article has been convicted of an offense involving activity which if repeated would pose a threat to the public safety of the citizens of the city or which involves dishonest, fraudulent or deceptive practices leading to the misappropriation or theft of property. If a permit is denied for any reason, the applicant may appeal the denial to the city council.

(b) A permit issued pursuant to this article may be suspended, with reasonable notice, based upon a determination by the police chief that public safety is compromised during a specified time.

(c) A permit issued pursuant to this article may be revoked if it is determined that any information provided by the applicant to obtain a permit is not accurate, if the permittee fails to comply with the terms and conditions of the permit or with any provision of this Article V, or if the police chief determines that it is in the interests of public safety to revoke the permit. If the permit is revoked for any reason, the permittee may appeal the revocation to the city council.

**Section 3. Chapter 8, Article V.**

**New Sections 8-126 through 8-130 are added, as follows:**

## ***Special Provisions for Food/Beverage Vendors from Motor Vehicle***

### **Sec. 8-126 – Definitions.**

As used in Sections 8-126 through 8-130, the following terms and phrases shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Food truck* means a motor vehicle that is designed to be readily movable and from which food is prepared, sold or served. The term includes, but is not limited to, a commercially manufactured vehicle, i.e., one that was originally manufactured for use as a mobile food preparation vehicle.

*Food truck vendor* means a hawker or peddler (as defined in this Article V) selling or offering for sale food and/or beverages from a food truck.

*Ice cream truck* means a motor vehicle used as the point of retail sales of commercially prepared, pre-wrapped or prepackaged or hand scooped or soft-serve ice cream, frozen yogurt, frozen custard, flavored frozen water or similar frozen products. Non-frozen items such as commercially prepared pre-packaged soft drinks, candy, chewing gum and snack food may be sold from an ice cream truck provided the principal product sold is ice cream and/or similar frozen dessert products. An ice cream truck is a type of food truck.

### **Sec. 8-127 – Statement of Purpose and Interpretation.**

The purpose of Sections 8-126 through 8-130 is to provide for the regulation of sales by food truck vendors within the city. This is necessary to ensure the free flow of motor vehicle and pedestrian traffic and to promote the public health, safety and welfare, while providing the opportunity for food truck vendors to operate within the city. Food trucks are subject to all provisions of this Article V except that where Sections 8-126 through 8-130 conflict with any other provisions of Article V, those in Sections 8-126 through 8-130 shall control.

### **Sec. 8-128 – Permit Required; Fees.**

No person shall act as a food truck vendor within the city unless he or she has obtained a valid permit from the Planning and Development Department. A food truck permit shall take the place of the permit required for hawkers, peddlers and itinerant vendors under Section 8-117, shall require the same license from the New Hampshire Secretary of State's Office under RSA 320:8 or RSA 321:4, and shall be subject to both the permit requirements under Section 8-118 and the following additional requirements:

- (1) Applicants may apply for daily, weekly, or quarterly permits, or for special event permits. Vendors to whom permits are issued have discretion about how much of the day, week or quarter they actually occupy their permitted space. When more applications are received for spaces than are available during any particular quarter, week or day, the Planning and Development Department shall determine the allocation by lottery; provided, however, that vendors who apply for a quarterly permit shall be given preference for designated spaces, and remaining spaces will be allocated to other applicants. When more applications are received for spaces than are available during any special event, the Planning and Development Department shall determine the allocation by lottery.

- (2) An applicant's original application shall remain valid for one year from the date on which it is submitted if the information provided in the application has not changed. If the applicant wishes to obtain subsequent daily, weekly, quarterly or special event permits within that year, he or she may submit a signed statement to the Planning and Development Department that nothing has changed since the original application instead of submitting a new application. However, if the subsequent permit sought requires a background check or insurance certificate that was not required as part of the original application, that step will be required as part of the subsequent application.
- (3) Daily permits: Applicants must apply for daily permits at least three business days prior to the date that is requested and shall specify the day(s) for which the permit is sought.
- (4) Weekly permits: Applicants must apply for weekly permits at least 10 business days prior to the date that is requested and shall specify the week(s) for which the permit is sought. A week as used herein is defined as Sunday through Monday.
- (5) Quarterly permits: Applicants must apply for quarterly permits at least ten business days prior to the beginning of the quarter. A quarter as used herein means January – March, April – June, July – September, and October – December.
- (6) Special event permits: Applicants must apply for special event permits at least 10 business days before the event.
- (7) In addition to specific black-out times established in this Article V, black-out dates for one or more locations may be established by the city's director of parks and recreation as he or she deems advisable to avoid interference with local special events.
- (8) Permitting fees for special event, daily, weekly and quarterly permits shall be as provided in the city's Fee Schedule, which may be amended from time to time. An increased permit fee shall be charged for any permit that includes permission to plug the food truck or any accessories thereto into a city power source, as provided in the Fee Schedule. The Fee Schedule shall also include additional fees for access to restroom facilities as applicable.

**Sec. 8-129 – Location.**

Food truck vending activity is limited to the areas described below.

- (1) The following fixed parking spaces on city-owned property and/or public streets, each of which shall be 18 feet by 8 feet in area:
  - a. Two spaces in the lower parking lot of the Visitors' Center;
  - b. One space at the Claremont Municipal Airport;
  - c. Two spaces adjacent to the easterly side of Broad Street Park (across from the Library)

Quarterly permits for the two spaces adjacent to Broad Street Park have black-out dates every Saturday during the Farmers' Market season.

- (2) Areas on city-owned property and/or public streets, 18 feet by 8 feet in area, designated by the city for the operation of food trucks in connection with a special event.
- (3) Where permitted by the city's zoning ordinance, sites on commercial/industrial property with permission from the property owner(s) (for example, parking lots at big box stores).
- (4) Food truck vending is not permitted in the historic district (except in city-designated fixed or designated spaces) or in any residential zone (except for ice cream trucks). This subsection does not apply to special events.

**Sec. 8-130 – Additional regulations applicable to food trucks.**

In addition to the requirements of Section 8-118, all food truck vendors shall meet the following requirements:

- (1) Successful completion of a state criminal background check for owner/operators operating in residential areas and/or school zones. Pursuant to RSA 31:102-b, these applicants (except for a Special Events permit) shall submit with their application a notarized criminal history records release form, as provided by the division of state police, which authorizes the release of the person's criminal records, if any. The cost of the records check shall be included with the permit application fee as provided in the city's Fee Schedule. Upon completion of the records check, the division of state police shall release copies of the criminal history records to the city's Police Department, which shall maintain the confidentiality of all criminal history records information received pursuant to this section. A permit shall be denied upon recommendation by the city's Police Chief if the background check indicates offenses related to RSA chapter(s) 318, 630, 632, 361-A, 639, 645, 649-A, 649-B, 650, 650-A, as the same may be amended from time to time, or other offenses of similar concern.
- (2) In addition to the insurance required under Section 8-118(4), food truck vendors must also submit with their application a certificate of insurance from an insurance company licensed by the State of New Hampshire, naming the city as an additional insured (if the permit is for operation on city-owned property or public streets), stating that the applicant has in-force commercial automobile insurance for owned, hired and non-owned vehicles in an amount of \$1,000,000.00 for bodily injury and property damage combined single limit per occurrence for all claims arising out of the applicant's operations in the city. Such coverage shall also include an endorsement that the city shall receive written notice upon any reduction in coverage or upon termination or cancellation of the applicant's coverage.
- (3) All food truck vendors shall comply with RSA 265:71, parking with the right-hand wheels of the vehicle parallel and adjacent to the right-hand side of the curb (i.e., with the direction of traffic); provided, however, that during special events, any food truck parked in an area specifically designated and approved by the Parks and Recreation Department may park against traffic.



- (4) Where the vendor connects with an external power source, all electrical cords shall be taped to the ground, covered, or otherwise secured so they do not create a tripping or other hazard.
- (5) If required under the New Hampshire State Fire Code, as the same may be amended from time to time, the vendor shall install and maintain a fire suppression system in the food truck for use in cooking therein. The system shall be properly installed, maintained, and inspected as required by the State Fire Code and as administered by the city's Fire Department.
- (6) Hours of operation: For fixed or designated sites on city-owned property or public streets, food trucks may operate between 7:00 a.m. and 9:00 p.m. Food trucks operating on private property may operate at times agreed to with the property owner(s).
- (7) Unless otherwise approved during the permitting process, food trucks other than ice cream trucks shall not play any amplified music.
- (8) Aside from signage on the vehicle itself, each food truck on city-owned property or public streets may have one additional sign such as a sandwich board. The additional sign must be in accordance with the zoning ordinance for signage, and may not be placed anywhere that would create a hazard or obstruction to the traveling public.
- (9) Lights are permitted on the vehicle so long as they do not create a distraction or hazard to traffic.
- (10) A food truck vendor may offer seating adjacent to the vehicle; provided, however, that in a fixed or designated space, such seating must be located entirely within that space or within an additional space for which the vendor has obtained a permit, and on private property, such seating must be placed in a manner agreed to with the property owner(s).
- (11) A food truck shall not be left unattended at any time on any city-owned property or public street, except if it is parked, secured, and not open for business. Food trucks with a permit to occupy a fixed or designated space must be moved no later than 45 minutes after closing for business for the day. No food truck will be permitted to occupy a space overnight except in conformance with generally applicable parking regulations.
- (12) All trash or refuse generated by or resulting from the operation of or sales from the food truck shall be picked up, removed and disposed of off-site by the vendor in an approved location ("carry in/carry out"). The vendor shall provide a rubbish bin or other container for use by customers.
- (13) Ice cream truck vending shall occur only as follows:
  - (a) Ice cream truck vending may occur on public streets with a speed limit of 30 miles per hour or less or on private ways with the consent of the owner(s) of the private way. No ice cream trucks

shall make any sales within 20 feet of any intersection or in any area where parking is prohibited or which is posted as a no parking zone.

(b) An ice cream truck must be completely stopped and parked before selling any products.

(c) The vendor shall sell product only from the side of the truck facing away from moving traffic and as near as possible to the curb or edge of the street.

(d) No ice cream truck may be stopped in any single location for more than 15 minutes at a time.

**Section 4. Effective Date.**

This Ordinance shall take effect and be enforced immediately upon passage.

Introduced and passed on first reading May 22, 2019

Adopted by the Claremont City Council on June 12, 2019

\_\_\_\_\_  
Claire Lessard

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Abigail Kier

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Andrew O’Hearne

\_\_\_\_\_  
Nicholas Koloski

\_\_\_\_\_  
Jonathan Stone

\_\_\_\_\_  
Scott Pope

\_\_\_\_\_  
Allen Damren

\_\_\_\_\_  
Mayor Charlene Lovett

\_\_\_\_\_  
Jeremy Zullo

Attest: \_\_\_\_\_  
Clerk to the Council