



**LEBANON FOOD TRUCK TASK FORCE  
OCTOBER 28, 2024 - 8:00 AM  
MEETING ROOM 1, CITY HALL OR  
REMOTE VIA VIRTUAL PLATFORM  
LEBANONNH.GOV/LIVE**

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**1. Call to Order**

A. The October 28, 2024, Food Truck Task Force Meeting is hereby called to order.

**2. Approval of Minutes: None**

**3. Old Business: None**

**4. New Business**

A. Begin Review of City Code Chapter 179, Vendors

**5. Open to the Public**

A. Any member of the public who desires to speak on any item may do so when the item is taken up by the Commission and will be allowed to speak on the subject for not more than three minutes. (Note: Speakers are asked to state their name, ward of residence, and to use the microphone provided.)

**6. Future Agenda Items**

**7. Other Business**

**8. Adjournment**

Meetings are open for in-person and remote attendance. Members of the public who wish to attend remotely may do so by visiting [LebanonNH.gov/Live](https://LebanonNH.gov/Live) where you will find instructions on how to enter the meeting. Members of the public will be able to participate and ask questions through the City's virtual platform or by phone. Please note: Should technical difficulties occur during the meeting that disrupt virtual or phone connection(s), the meeting will continue without remote access capabilities.

**Agenda**  
**Food Truck Task**  
**Force October 28, 2024**

**4. New Business:**

**4.A – Review City Code Chapter 179 - Vendors**

## Chapter 179

### VENDORS

§ 179-1.	Declaration of purpose.	§ 179-7.	Restrictions applicable to all vendors.
§ 179-2.	Definitions.	§ 179-8.	Suspension or revocation of permit.
§ 179-3.	Permit required.	§ 179-9.	Appeals.
§ 179-4.	Permits and fees.	§ 179-10.	Penalties for offenses.
§ 179-5.	Application.		
§ 179-6.	Limitation of number and location of vending operations; nonprofit permits.		

[HISTORY: Adopted by the City Council of the City of Lebanon 8-22-1990 by Ord. No. 62. Amendments noted where applicable.]

#### GENERAL REFERENCES

Consumption of alcoholic beverages in Colburn Park and the Mall — See Ch. 14, Art. I.	Noise from sound amplification systems — See Ch. 110.
Removal of dog feces from Colburn Park and the Mall — See Ch. 18.	Driving and parking on the Mall — See Ch. 168, § 168-3.
Bicycles and skateboards on the Mall — See Ch. 27.	Vendor parking — See Ch. 168, § 168-7A.
	Vending machines — See Ch. 176.

#### § 179-1. Declaration of purpose.

The purpose of this chapter is to provide for the regulation of sales by vendors within the general area of Colburn Park and the Mall in the City of Lebanon. This is necessary to ensure the free flow of motor vehicle and pedestrian traffic and to promote the public health, safety and welfare in that area.

#### § 179-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**ABUTTING BUSINESS** — Any legitimate business located within, whether by lease, rental or ownership, a property in the central business district abutting North or West Park Streets or the Mall area.

**PUBLIC STREET OR SIDEWALK** — Include all areas legally open to public use as public streets, sidewalks, roadways, highways, parkways, alleys and any other public way.

**STAND** — Any newsstand, table, bench, booth, rack, handcart, pushcart or any other fixture or device which is not required to be licensed and registered by the Department of Motor Vehicles, used for the display, storage or transportation of articles offered for sale by a vendor.

**VENDOR** — Any person, including an employee or agent of another, who sells or offers to sell food, beverages, goods or merchandise on any public street or sidewalk from a stand, motor vehicle or from his or her person.

**§ 179-3. Permit required. [Amended 8-4-2010 by Ord. No. 2010-02; 8-19-2015 by Ord. No. 2015-01]**

Vending activity is limited to the areas described below. It shall be unlawful for any vendor or abutting business to sell, display or offer for sale any food, beverage, goods or merchandise without first obtaining a permit from the City Manager. Vending activity on private property is regulated by the Zoning Ordinance.<sup>1</sup>

- A. South Park Street: up to five parking spaces on the north side of the street between the crosswalk entrance and the easterly corner of Colburn Park.
- B. Colburn Park, which is described as the entire area bordered by North Park Street on the north, West Park Street on the west, South Park Street on the South and East Park Street on the east, excluding the sidewalks along those streets: A maximum of four "stand" vendors will be permitted to utilize Colburn Park at any given time. Permits will be issued for daily/weekly vending only.
- C. Lebanon Mall, extending from the westerly sideline of West Park Street west and south to Hanover Street, meaning and intending to include the entire area of the Mall.
- D. Vending activity shall be unlawful on all streets, sidewalks and other public property in Lebanon, other than those listed above. However, this prohibition shall not apply to mobile vendors whose vehicle, stand or cart does not remain in any single site longer than 30 minutes, including but not limited to mobile ice cream trucks.
- E. Vending which occurs as an inherent part of an event properly licensed or permitted by the Licensing Board or the City Manager, including but not limited to a farmers' market, street fair, or alumni day, shall be exempt from the provisions of this chapter.

**§ 179-4. Permits and fees. [Amended 2-20-1991; 10-2-1991; 8-4-2010 by Ord. No. 2010-02; 8-19-2015 by Ord. No. 2015-01]**

- A. Daily permits: The fee for a daily vendor permit is \$10. Applicants wishing to obtain daily permits shall apply to the City Manager prior to the desired event at a time designated by the City Manager. All applications shall include the following conditions: **[Amended 4-5-2023 by Ord. No. 2023-02]**
  - (1) Applicants must meet the requirements of the City Manager for size of vehicle/operation, noise, state permit(s), hours of operation and other conditions as may be set by the City Manager.
  - (2) When more applications are received for spaces than are available, the City Manager shall determine the allocation by lottery.
  - (3) Permits and assigned locations are nontransferable, and the fee is nonrefundable.
  - (4) The daily fee for use of electricity from a City-owned power supply is \$3.
- B. Weekly permits: The fee for a weekly vendor permit is \$50. Weekly permits shall be issued for the week beginning Monday and ending Sunday, and may run consecutively. All applications shall include the following conditions: **[Amended 4-5-2023 by Ord. No. 2023-02]**
  - (1) Applicants must apply to the City Manager for a space at least two weeks prior to the date that is needed and must meet the requirements of the City Manager for size of vehicle/operation, noise, state permit, hours of operation and other conditions as may be set by the City Manager.
  - (2) When more applications are received for spaces than are available, the City Manager shall

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1. Editor's Note: The Zoning Ordinance is on file in the office of the City Clerk.

determine the allocation by lottery.

- (3) Permits and assigned locations are nontransferable, and the fee is nonrefundable.
  - (4) The weekly fee for use of electricity from a City-owned power supply is \$15.
- C. Seasonal permits: The fee for a seasonal vendor permit is \$100. Seasonal permits shall be issued for four three-month periods of the calendar year as follows: January/February/March; April/May/June; July/August/September; and October/November/December. All applications shall include the following conditions: **[Amended 4-5-2023 by Ord. No. 2023-02]**
- (1) Applicants must apply to the City Manager for a space before the end of the preceding quarter (December 15 for first quarter; March 15 for second quarter; June 15 for third quarter; and September 15 for fourth quarter) and meet the requirements of the City Manager for size of vehicle/operation, noise, state permit, hours of operation and other conditions as may be set by the City Manager.
  - (2) When more applications are received for spaces than are available, the City Manager shall determine the allocation by lottery.
  - (3) Permits and assigned locations are nontransferable, and the fee is nonrefundable.
  - (4) Seasonal vendors must utilize their assigned space at least 15 days of each month.
  - (5) A vendor may, upon written permission from the City Manager, utilize the assigned space on less than 15 days in any month due to vacation, illness or other extenuating circumstance. However, during the entire period of time the space is vacated by the vendor due to the approved absence, the City reserves the right to rent the space on a daily permit basis.
  - (6) Noncompliance will result in the assigned vendor losing the space and disqualifying the vendor from applying for any space for the period of one year.
  - (7) The seasonal fee for use of electricity from a City-owned power supply is \$40.
- D. Abutting business permit: The annual fee for an abutting business permit shall be \$125. Abutting businesses shall be entitled to a permit for the use of an area in the vicinity of their established place of business. All applications shall include the following conditions:
- (1) Applicants must apply to the City Manager for a space at least two weeks prior to the date that is needed and must meet the requirements of the City Manager for size of vehicle/operation, noise, state permit, hours of operation and other conditions as may be set by the City Manager.
  - (2) Permits shall be for the period of time designated by the applicant in the application for a permit. Permits must be renewed annually and are subject to all other applicable state and City regulations.
  - (3) Permitted areas shall not exceed 625 square feet in area, unless specifically approved by the City Manager, and may be prescribed, mapped and modified from time to time by the City Manager, depending on the needs of the City.
  - (4) The City Manager, in his/her reasonable discretion, may waive or modify the provisions of § 179-7A, and B as they may apply to permits for abutting businesses granted under this section.
  - (5) Permits and assigned locations are nontransferable, and the fee is nonrefundable.

- E. As an alternative to the annual abutting business permit under Subsection D above, abutting businesses may also apply for daily or weekly vendor permits under Subsection A or B above. Such permits shall be subject to the same conditions as any other daily or weekly permit, except that the numerical permit limitations of this section shall not apply to abutting businesses. **[Amended 4-5-2023 by Ord. No. 2023-02]**

**§ 179-5. Application.**

The application for a vendor's permit shall contain all information relevant and necessary to determine whether a particular permit may be issued, including but not limited to:

- A. Proof of identity and business address of the applicant.
- B. A brief description of the nature, character and quality of the food, beverages, goods or merchandise to be sold.
- C. If employed by another, the name and business address of the person, firm, association, organization, company or corporation.
- D. If a motor vehicle is to be used in the vending business, a description of the vehicle, together with the motor vehicle registration number.
- E. A description of the proposed location of the vending business and the length of time during which it is proposed that the business shall be conducted.
- F. No permit shall be issued to an applicant unless the applicant assumes liability for damages, property loss, injury or death or other related liability resulting from the activities of the vending operation. **[Amended 9-20-2000 by Ord. No. 70]**

**§ 179-6. Limitation of number and location of vending operations; nonprofit permits. [Amended 10-18-1995; 8-4-2010 by Ord. No. 2010-02; 8-19-2015 by Ord. No. 2015-01]**

- A. As noted in § 179-4 above, the City Manager may limit the number and location of vending operations. Absent any other limiting factor, the City Manager shall not permit more than five vending locations on South Park Street adjacent to Colburn Park. Two of these locations shall be seasonal, one shall be weekly, and two shall be daily.
- B. Nonprofit permits. The City Manager may designate additional locations within the restricted areas for the peddling of wares, provided that the proceeds from all sales at the location are used exclusively for the benefit of civic, school, charitable, philanthropic, religious, or other not-for-profit organizations. These spaces shall be available on a daily basis for a consecutive period of time and shall be assigned without charge, at the discretion of the City Manager, and according to the above procedure for permits.

**§ 179-7. Restrictions applicable to all vendors. [Amended 10-19-2005 by Ord. No. 2005-9; 8-4-2010 by Ord. No. 2010-02; 8-19-2015 by Ord. No. 2015-01]**

The City Manager may set a limit on the number and location of permits given under the categories below:

- A. Stands/carts/vehicles stands shall not:
- (1) Exceed nine feet in width and 18 feet in length. Height should not exceed 10 feet.

- (2) Impede access to the entrance of any adjacent building or driveway.
  - (3) Occupy more than half of the available sidewalk width.
  - (4) Locate within 25 feet of a fire hydrant, fire escape, bus stop, loading zone or driveway of a fire station, police station or hospital.
- B. Hours of operation. Vendors shall be allowed to engage in the business of vending only between 7:00 a.m. and 9:00 p.m., except for abutting businesses operating under § 179-4D, which shall be allowed to operate in their permitted area during their normal business hours or as otherwise provided pursuant to § 179-4D. All vending stands must be removed from public property during nonvending hours, except for good reason and by special waiver of the City Manager.
- C. Handicapped areas. No vendor shall block access to any handicapped parking space or access ramp.
- D. Removal of trash. All trash or debris originating from the operation of the vending stand shall be collected by the vendor and removed from public property daily.
- E. The area occupied by a vendor shall be limited to that area so designated by the City Manager.
- F. No vendor shall utilize an open fire in connection with the sale or display of the vendor's wares without a permit from the Lebanon Fire Department.
- G. No vendor shall shout, make an outcry, blow a horn, ring a bell, or use any other sound device for the purpose of attracting attention to any goods which the vendor proposes to sell. Vending operations must be reasonably quiet, i.e., no vending stand or vehicle shall emit excessive mechanical or compressor noise to the detriment of the environment around Colburn Park or Mall.
- H. No vending activity shall unreasonably impede the flow of vehicular or pedestrian traffic. The City Manager may impose restrictions in addition to those listed in this section, when warranted, in order to assure at all times the public's use of streets and sidewalks for purposes of travel.
- I. It is the intent of this chapter that goods or merchandise to be offered for sale shall consist solely of items which can easily be carried away from the sales location by pedestrians, and which entail no special needs or problems pertaining to loading, handling, installation or delivery, such as might interfere with vehicular traffic or with other users of the park and mall. Heavy or bulky items such as tires, large appliances, large furniture items, motorized equipment or the like are generally not permitted. All goods or merchandise displayed shall be for immediate sale and delivery. Displays or advertising whose primary purpose is to promote future or off-site transactions are not permitted. The City Manager may deny a permit to any vendor whose stand/vehicle/cart does not meet the intent of this subsection.

**§ 179-8. Suspension or revocation of permit.**

- A. Any permit issued under this chapter may be suspended or revoked for any of the following reasons:
- (1) Fraud or misrepresentation in the application for the permit.
  - (2) Conducting the business of vending contrary to the conditions of the permit.
  - (3) Conducting the business of vending in such a manner as to create a public nuisance or constitute a danger to the public health, safety or welfare.
  - (4) Failure to pay fee.

- B. Upon suspension or revocation, the city shall deliver written notice to the permit holder stating the action taken and the reasons supporting such action. The written notice shall be delivered to the permit holder's place of business or mailed to the permit holder's last known address.

**§ 179-9. Appeals.**

Persons who are denied permits or whose permits have been suspended or revoked may appeal by filing a written notice of appeal with the Licensing Board. The appeal must be filed within three working days after receipt of the notice of denial, suspension or revocation, with the City Clerk. The Licensing Board shall hear such appeal at its next or regular meeting and shall render its decision in writing within 15 days thereafter.

**§ 179-10. Penalties for offenses.**

Any person who violates any provision of this chapter shall be punished as provided in Chapter 1, General Provisions, by suspension of the permit for a period to be determined by the Licensing Board, or both.