



**LEBANON FOOD TRUCK TASK FORCE  
DECEMBER 10, 2024 - 8:00 AM  
MEETING ROOM 2, CITY HALL OR  
REMOTE VIA VIRTUAL PLATFORM  
LEBANONNH.GOV/LIVE**

---

**1. Call to Order**

- A. The December 10, 2024, Food Truck Task Force Meeting is hereby called to order.

**2. Approval of Minutes**

- A. November 19, 2024

**3. Old Business: None**

**4. New Business**

- A. Review Proposed Amendments to City Code Chapter 179  
B. Review Draft Zoning Ordinance Amendments (Definition, Use Districts, and Language Proposed for New Section 614)

**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  
December 10, 2024**

**2. Acceptance of Minutes:**

**Minutes To Be Accepted**

- November 19, 2024

**MOVED, to approve the minutes as presented in the December 10, 2024 agenda packet.**

**DRAFT**

**LEBANON FOOD TRUCK TASK FORCE  
(LFTTF)  
NOVEMBER 19, 2024 – 8:00AM  
COUNCIL CHAMBERS, CITY HALL OR  
REMOTE VIA VIRTUAL PLATFORM LEBANONNH.GOV/LIVE**

**MINUTES**

**MEMBERS PRESENT:** Cliff Below, Assistant Mayor; Victoria Smith, Chair;  
Ben Van-Vilet

**MEMBERS ABSENT:** Falguni Metha, Vice Chair

**STAFF PRESENT:** Paula Maville, Deputy City Manager for Special Projects

---

1 The November 19, 2024 Food Truck Task Force Meeting was called to order at 8:00AM by  
2 Victoria Smith, Chair

3

4 **1. APPROVAL OF MINUTES: NONE**

5

6 **2.. OLD BUSINESS:**

7

8 This task force continued their review of proposed amendments to City Code 179, as presented  
9 to the City Council on June 5, 2024, starting with 179-3. It was reformatted to make it easier to  
10 read.

11

12 Ms. Maville shared a City map with this team, for reference.

13

14 Paragraph A –update include: there are currently 5 vending areas limited to the North side of  
15 South Park Street. As proposed, four areas on either side of South Park would be permitted for  
16 seasonal vendors only.

17

18 Mr. Below suggested that food trucks to be limited to a specific area on South Park Street (if still  
19 allowed) to the area East of the mid-block crosswalk. That would leave much of South Park  
20 open. This could allow up to three trucks without their vehicles. This Task Force will also need  
21 to include the criteria for safety cones, advance up to date notice on the City Calendar, etc.

22

23 They discussed the possibility of requiring the food trucks to remove all cones when they leave  
24 for the day, but this is not feasible. This has happened in the past, and then the City is forced to  
25 call the Police to remove vehicles from reserved spots, when food trucks are blocked from their  
26 reserved spaces.

1  
2 Several other possible food truck locations were discussed, including on Campbell St. near  
3 Lucky's, near or in front of Carter House, North Park Street, stands only (i.e. jewelry stand), W.  
4 Park Street, Lebanon Mall (maximum of two stand vendors), and along the retaining wall near  
5 the river. Chair Smith has observed that this spot is typically vacant during events. Also, the  
6 Senior Citizen building might consider allowing food trucks in the evenings, since they typically  
7 do not have meetings during these hours. Mr. Below noted that about 10' of this parking lot is a  
8 City right of way. The Task Force viewed this area on the map and agreed that this could be a  
9 viable option.

10  
11 They considered all options A-F and have some possibilities. This Task Force will make  
12 suggestions for both food truck and vendor stand locations in Lebanon as well as West Lebanon.  
13 They also discussed a food court, but the City would not approve unless it was a private venture.  
14

15 Mr. Below cautioned that the season needs to be extended to December 25<sup>th</sup>, so as not to exclude  
16 the sale of Christmas trees by Boy Scouts. They will address this in their recommendations under  
17 seasonal permits. Perhaps "the vending season for seasonal permits will be"...specific to  
18 seasonal permits only, a solution proposed by Mr. Below.

19  
20 Ms. Maville reminded them that this task force needs to focus only on food trucks and vendors,  
21 and that special events cover some topics that were brought up in today's meeting.

22  
23 The requirement of assumed liability has been added to the recommendations and needs to stay.

24  
25 Daily permits will be for stand vendors only, any day of the week, at \$10 per day. Number 4 can  
26 be removed under both A, Daily Permits and B, Weekly Permits, because a stand is not a motor  
27 vehicle.

28  
29 Future discussions will also focus on who they are trying to attract, and again, what they are  
30 trying to accomplish.

31  
32 Mr. Below advocated that they consider adding language with an option for bidding for the  
33 spaces and the task force agreed to include this in their suggestions.

34  
35 He added that they should add a new requirement that addressed each food truck having and  
36 putting out safety cones, and possibly a barrier connecting these cones.

37  
38 Ms. Maville suggested they move #6 under seasonal to the top of the recommendations at the  
39 beginning of 179-3, so that it stands out. This task force agreed with her logic.

40  
41 **4. NEW BUSINESS:**

42  
43 **5. OPEN TO THE PUBLIC: No One came forth.**

44  
45 **6. FUTURE AGENDA ITEMS: NONE**

46  
47 **7. OTHER BUSINESS: NONE**

1  
2  
3  
4  
5  
6  
7  
8

**8. ADJOURNMENT:**

*Meeting was adjourned at 9:30AM.*

Respectfully Submitted,  
Cinda Mersel  
Recording Secretary

**Agenda  
Food Truck Task Force  
December 10, 2024**

**4. New Business:**

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

**CITY OF LEBANON**  
**ORDINANCE #2025-XX**

AN ORDINANCE TO AMEND the Code of the City of Lebanon by deleting and repealing Chapter 179 thereof, Vendors, and replacing it with a new Chapter 179, to be entitled Vendors, which chapter provides for the regulation of sales by vendors within the general area of Colburn Park, the Lebanon Mall, and the area of Hanover Street formerly known as “Hough Square” in the City of Lebanon.

BE IT ORDAINED, by the City Council of the City of Lebanon, as follows:

**Section 1:**

The Code of the City of Lebanon is hereby amended by deleting and repealing Chapter 179, Vendors.

**Section 2:**

The Code of the City of Lebanon is hereby amended by adding thereto a new chapter, to replace Chapter 179 hereinabove repealed, to be Chapter 179, Vendors, to read as follows:

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

**§ 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, the Lebanon Mall, and the area of Hanover Street formerly known as “Hough Square” 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 directly abutting North Park Street, West Park Street, the Lebanon Mall, and those businesses located on Hanover Street within the area formerly known as “Hough Square” (shown on the map attached as Appendix A).

**Food Waste** (also referred to as food scraps) - Waste that has the potential of being composted and thereby diverted from disposal in the landfill. Examples include, but are not limited to: coffee grounds, eggshells, meat, dairy, fruit and vegetable scraps/peelings.

**Grey Water Waste** - Any wash water that has been used in a home or business, except water from toilets.

**Mobile Food Service Unit** – Any vehicle that is self-propelled or can be pulled down a street, the purpose for which is to prepare and/or dispense food or beverages for immediate service and/or consumption.

**Mobile Food Service Vendor** – Any person who prepares and/or dispenses food or beverages from a mobile food service unit for immediate service and/or consumption.

**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.

**Stand Vendor** - Any person, including an employee or agent of another, who sells or offers to sell food, beverages, goods, or merchandise on permitted public parcels or sidewalks from a stand as defined herein.

**Vending Area** - Public parking spaces designated for seasonal vendors during the established vending season only. All vehicles associated with the vending operation (truck & trailer combined) must be contained within their permitted vending area. Vending areas are as shown on the map attached as Appendix B.

**Vending Hours** - Vending is permitted for daily, weekly, and seasonal vendors between the hours of 7:00am-9:00pm, Monday through Sunday during the vending season only.

**Vending Season** - The vending season for seasonal vendors shall be April 1 through October 31. The vending season for daily or weekly vendors shall be year round.

**§ 179-3 Permit required.**

Vending which occurs as an inherent part of an event properly licensed or permitted by 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.

Vending activity shall be unlawful on all streets, sidewalks, and other public property in Lebanon, other than those listed below. 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.

No vending permit shall be issued to a Mobile Food Service Vendor without an inspection by the Lebanon Fire Department, or an authorized agency as designated by the Lebanon Fire Department. Should inspection be unfavorable, a permit will not be issued until the food service unit is found to be compliant with required regulations.

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.

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.

- A. South Park Street: up to two designated vending areas east of the mid-block crosswalk on the north side of the street. These vending areas are for seasonal vending only.
- B. North Park Street: vending shall be permitted within the sidewalk area directly in front of a legally established business or place of residence that is physically located on North Park Street. Vending shall be by means of a “stand” as defined above and shall be placed in a location that does not impede pedestrian travel. If a stand cannot be placed in such a manner as to allow a minimum five-foot width for pedestrian movement, vending will not be permitted.
- C. West Park Street: vending shall be permitted within the sidewalk area directly in front of a legally established business or place of residence that is physically located on West Park Street. Vending shall be by means of a “stand” as defined above and shall be placed in a location that does not impede pedestrian travel. If a stand cannot be placed in such a manner as to allow a minimum five-foot width for pedestrian movement, vending will not be permitted.
- D. Colburn Park: described as the entire area bordered by North, West, South, and East Park Streets, 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 and will not be issued on Thursdays from May 1 through September 30 so as not to conflict with the weekly farmers’ market.
- E. Campbell Street: up to two designated vending areas between the intersection of North Park Street (in front of the Carter Mansion) and the driveway entrance between 1 & 3 Campbell Street.
- F. Taylor Street (Lower Level) Parking Lot: up to two designated vending areas in the parking spaces fronting the Mascoma River beginning at the eastern most corner of the parking lot (closest to the playing fields for the CCBA)
- G. Lebanon Mall: described as extending from the westerly sideline of West Park Street west and north to Hanover Street, meaning and intending to include the entire area of the pedestrian mall. A maximum of two “stand” vendors will be permitted to utilize Lebanon Mall at any given time. Permits will be issued for daily/weekly vending only. Permits for seated outdoor dining will only be issued to businesses physically located within or abutting the bounds of the pedestrian mall.
- H. Hanover Street “Hough Square”: vending shall be permitted within the sidewalk area directly in front of a legally established business or place of residence that is physically located on Hanover Street within the area formerly known as “Hough Square” (properties include 55, 57 & 59 Hanover Street). Vending shall be by means of a “stand” as defined above and shall be placed in a location that does not impede pedestrian travel. If a stand cannot be placed in such a manner as to allow a minimum five-foot width for pedestrian movement, vending will not be permitted.

## § 179-4 Permits and fees.

### A. Daily Permits:

Daily Permits are issued for “Stand” vendors only. They are issued for any day of the week to include weekend days. Consecutive daily permits may not exceed three days. If a permit is requested for 4 or more days, the permit shall be considered a Weekly Permit. The fee for a daily vendor permit is \$10. Applicants wishing to obtain daily permits shall apply to the City Manager at least 24 hours prior to the desired start date. All applications shall include the following:

- (1) Proof of identity and business address of the applicant.
- (2) A brief description of the nature, character and quality of the food, beverages, goods, or merchandise to be sold.
- (3) If employed by another, the name and business address of the person, firm, association, organization, company, or corporation.
- (4) 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.

Applicants must meet the requirements of the City Manager for size of vending stand, noise, state permit(s), hours of operation and other conditions as may be set by the City Manager.

When more completed applications are received for vending areas than are available, the City Manager shall determine the allocation of vending areas by a random drawing.

Permits and assigned locations are non-transferable, and the fee is non-refundable.

Use of city-owned electricity requires an inspection and approval by the City Electrician. If authorized, the daily fee for use of electricity from a City-owned power supply is \$3.

### B. Weekly Permits:

Weekly permits are issued for “Stand” vendors only. Permits are issued for the week beginning Monday and ending Sunday and may run consecutively. The fee for a weekly vendor permit is \$50. Applicants wishing to obtain a weekly permit shall apply to the City Manager at least 5 days prior to the desired start date. All applications shall include the following:

- (1) Proof of identity and business address of the applicant.
- (2) A brief description of the nature, character and quality of the food, beverages, goods, or merchandise to be sold.
- (3) If employed by another, the name and business address of the person, firm, association, organization, company, or corporation.
- (4) 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.

Applicants must meet the requirements of the City Manager for size of vending stand, noise, state permit(s), hours of operation and other conditions as may be set by the City Manager.

When more completed applications are received for vending areas than are available, the City Manager shall determine the allocation of vending areas by a random drawing.

Permits and assigned locations are non-transferable, and the fee is non-refundable.

Use of city-owned electricity requires an inspection and approval by the City Electrician. If authorized, the daily fee for use of electricity from a City-owned power supply is \$15.

### C. Seasonal Permits:

Seasonal Permits are issued for the time beginning April 1<sup>st</sup> and ending October 31<sup>st</sup> for specified vending areas as defined above and depicted on the map attached as Appendix B. The fee for a seasonal vendor permit is \$200. Applicants wishing to obtain a seasonal permit shall apply to the City Manager between January 1 and March 14 for the vending season. All applications shall include the following:

- (1) Proof of identity and business address of the applicant.
- (2) A brief description of the nature, character and quality of the food, beverages, goods, or merchandise to be sold.
- (3) If employed by another, the name and business address of the person, firm, association, organization, company, or corporation.
- (4) A description and size (length and width) of the vehicle, together with the motor vehicle registration number.
- (5) Desired Vending Area Location.

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.

Permits and assigned locations are non-transferable, and the fee is non-refundable.

To retain a permit for assigned vending area, seasonal vendors must utilize their assigned vending area at least 15 days of each month.

A vendor may, upon written permission from the City Manager, utilize the assigned vending area on less than 15 days in any month due to vacation, illness, or other extenuating circumstance. Noncompliance will result in the assigned vendor losing the vending area and disqualifying the vendor from applying for any vending area for the period of one year.

For any day that a vending area is not to be occupied, the vendor is responsible to ensure that the parking spaces are available for use by the public. This includes the removal of all barriers that impede access to the spaces.

Vending area #2 (north side of the South Park Street east of the crosswalk entering Colburn Park) is the only vending area that has access to electricity. Use of city-owned electricity requires an inspection and approval by the City Electrician. If authorized, the seasonal fee for use of this power source is \$350 which is payable in monthly installments of \$50 each or as one lump sum at time of permit issuance.

When more completed applications are received for vending areas than are available, or when more than one completed application has been submitted for one specific vending area location, the City Manager shall determine the allocation of the vending area(s) through an auction process. On a date chosen by the City Manager sometime between the close of applications (March 14) and the beginning of the vending season (April 1) the City Manager shall accept verbal bids from all applicants wanting to be a part of the process. The applicant that bids the greatest amount for the desired area will be awarded that area for the vending season. Remaining vending areas will be awarded using the same process unless or until no further auction is required.

### D. Abutting Business Permits:

Abutting businesses shall be entitled to a permit for the use of an area in the vicinity of their established place of business. Permitted areas shall not be situated as to impede pedestrian travel. Areas may not exceed 250 square feet, 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.

Permits must be renewed annually and are subject to all other applicable state and City regulations.

The annual fee for an abutting business permit shall be \$125.

**§ 179-5 Limitation of number and location of vending operations; nonprofit permits.**

- A. As noted in § **179-6** below, 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 two seasonal vending areas on South Park Street.
- B. Nonprofit permits. The City Manager may designate additional vending locations within the designated areas, 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.

**§ 179-6 Restrictions applicable to all vendors.**

The following restrictions shall apply to all vendors obtaining permits to operate under this Code. In addition, the City Manager may limit the number and location of permits issued based on the criteria below or for other conditions as may be set by the City Manager.

- A. Stands/carts/vehicles shall not:
  - (1) Exceed nine feet in width and 54 feet in length (including towing vehicle and trailer). Height should not exceed 13 feet.
  - (2) Impede access to the entrance of Colburn Park or any adjacent building or driveway.
  - (3) 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 7:00am and 9:00pm, 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 vendors must leave public property during non-vending hours, except for good reason and by special waiver from 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. Food waste disposal – Beginning February 1, 2025, state law requires that any person generating one ton of food waste per week or greater shall not dispose of such waste in a landfill or incinerator provided that an alternative facility authorized to manage food waste is located within 20 miles. Food truck vendors are advised that the City of Lebanon solid waste facility has adequate capacity to accept food waste for purposes of compliance with the provisions of NH RSA 147-M:27, V.

- F. The area occupied by a vendor shall be limited to that area so designated by the City Manager.
- G. 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.
- H. 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 surrounding environment.
- I. 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 ensure at all times the public's use of streets and sidewalks for purposes of travel.
- J. 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 customers, 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 surrounding areas. 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.
- K. No banners associated with vending operations may be displayed on the Colburn Park fence.
- L. LED signs are allowed as long as the sign stays static and is non-changeable. It cannot change colors or flash on and off, or otherwise become a nuisance or distraction to vehicular or pedestrian traffic.

**§ 179-7 Grey water waste disposal.**

- A. Vendors shall not dispose of grey water waste into city storm drains. Such actions are a violation of City Code Chapter 124-3 and the Code of Federal Regulations Title 4. Food service vendors are required to sign and submit a "City of Lebanon Grey Water Waste Disposal Agreement" as part of their application for a vending permit.
- B. Waiver of disposal: Any vendor who does not utilize the Lebanon Wastewater Treatment Facility as a grey water waste disposal site shall provide proof of an alternative disposal location.
- C. Grey water waste disposal is available at the Wastewater Treatment Plant. The disposal fee for seasonal vendors with grey water waste tanks, if utilized, is \$200; for daily permits is \$5; weekly permits is \$25.

**§ 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 applicable fees.
  - (5) Unauthorized disposal of grey water waste into the City's storm drain system.
- 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 to the City Manager's Office. The appeal must be filed with the City Clerk within three working days after receipt of the notice of denial, suspension, or revocation. The City Manager shall render its decision in writing within 15 days thereafter.

#### **§ 179-10 Penalties for offenses.**

- A. Any person who violates any provision of this chapter shall be punished as provided in City Code Chapter 1, General Provisions, or by suspension of the permit for a period to be determined by the City Manager, or both.
- B. Any person who discharges grey water waste in an unapproved location shall be subject to a fine of \$600.

#### **Section 3: Severability.**

The provisions of this ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or parts of this ordinance.

#### **Section 4: Effective Date.**

The Ordinance shall become effective upon passage.

CITY OF LEBANON

ORDINANCE #~~2024-04~~2025-XX

AN ORDINANCE TO AMEND the Code of the City of Lebanon by deleting and repealing Chapter 179 thereof, Vendors, and replacing it with a new Chapter 179, to be entitled Vendors, which chapter provides for the regulation of sales by vendors within the general area of Colburn Park, the Lebanon Mall, and the area of Hanover Street formerly known as “Hough Square” in the City of Lebanon.

BE IT ORDAINED, by the City Council of the City of Lebanon, as follows:

**Section 1:**

The Code of the City of Lebanon is hereby amended by deleting and repealing Chapter 179, Vendors.

**Section 2:**

The Code of the City of Lebanon is hereby amended by adding thereto a new chapter, to replace Chapter 179 hereinabove repealed, to be Chapter 179, Vendors, to read as follows:

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

**§ 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, the Lebanon Mall, and the area of Hanover Street formerly known as “Hough Square” 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 directly abutting North Park Street, West Park Street, the Lebanon Mall, and those businesses located on Hanover Street within the area formerly known as “Hough Square” (shown on the map attached as Appendix A).

**Food Waste** (also referred to as food scraps) - Waste that has the potential of being composted and thereby diverted from disposal in the landfill. Examples include, but are not limited to: coffee grounds, eggshells, meat, dairy, fruit and vegetable scraps/peelings.

**Grey Water Waste** - Any wash water that has been used in a home or business, except water from toilets.

**Mobile Food Service Unit** – Any vehicle that is self-propelled or can be pulled down a street, the purpose for which is to prepare and/or dispense food or beverages for immediate service and/or consumption.

**Mobile Food Service Vendor** – Any person who prepares and/or dispenses food or beverages from a mobile food service unit for immediate service and/or consumption.

**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.

**Stand Vendor** - Any person, including an employee or agent of another, who sells or offers to sell food, beverages, goods, or merchandise on any permitted public street parcels or sidewalks from a stand as defined herein, motor vehicle, or from his or her person.

**Vending Area** - One of four designated aPublic parking reaspaces designated for seasonal vendors during the established vending season only, encompassing not more than 6 parking spaces each along South Park Street. Boundary of vending areas will be clearly marked, and all All vehicles associated with the vending operation (truck & trailer combined) must be contained within their permitted vending area. Vending areas are as shown on the map attached as Appendix B.

**Vending Hours** - Vending is permitted for daily, weekly, and seasonal vendors between the hours of 7:00am-9:00pm, Monday through Sunday during the vending season only.

**Vending Season** - The vending season for all-seasonal vendors shall be April 1 through October 31. The vending season for daily or weekly vendors shall be year round.

#### § 179-3 Permit required.

Vending which occurs as an inherent part of an event properly licensed or permitted by 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.

Vending activity shall be unlawful on all streets, sidewalks, and other public property in Lebanon, other than those listed below. 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.

No vending permit shall be issued to a Mobile Food Service Vendor without an inspection by the Lebanon Fire Department, or an authorized agency as designated by the Lebanon Fire Department. Should inspection be unfavorable, a permit will not be issued until the food service unit is found to be compliant with required regulations.

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.

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.

- A. South Park Street: up to ~~four~~ two designated vending areas east of the mid-block crosswalk on the north side of the street. on either side of the street. Permits will be issued. These vending areas are for seasonal vending only.
- B. North Park Street: vending shall be permitted within the sidewalk area directly in front of a legally established business/ or place of residence that is physically located on North Park Street. Vending shall be by means of a “stand” as defined above and shall be placed in a location that does not impede pedestrian travel. If a stand cannot be placed in such a manner as to allow a minimum five-foot width for pedestrian movement, vending will not be permitted.
- C. West Park Street: vending shall be permitted within the sidewalk area directly in front of a legally established business/ or place of residence that is physically located on West Park Street. Vending shall be by means of a “stand” as defined above and shall be placed in a location that does not impede pedestrian travel. If a stand cannot be placed in such a manner as to allow a minimum five-foot width for pedestrian movement, vending will not be permitted.
- D. Colburn Park: described as the entire area bordered by North, West, South, and East Park Streets, 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 and will not be issued on Thursdays from May 1 through September 30 so as not to conflict with the weekly farmers’ market.
- E. Campbell Street: up to two designated vending areas between the intersection of North Park Street (in front of the Carter Mansion) and the driveway entrance between 1 & 3 Campbell Street.
- ~~D.~~F. Taylor Street (Lower Level) Parking Lot: up to two designated vending areas in the parking spaces fronting the Mascoma River beginning at the eastern most corner of the parking lot (closest to the playing fields for the CCBA)
- E.~~G.~~ Lebanon Mall: described as extending from the westerly sideline of West Park Street west and north to Hanover Street, meaning and intending to include the entire area of the pedestrian mall. A maximum of two “stand” vendors will be permitted to utilize Lebanon Mall at any given time. Permits will be issued for daily/weekly vending only. Permits for seated outdoor dining will only be issued to businesses physically located within or abutting the bounds of the pedestrian mall.
- F.~~H.~~ Hanover Street “Hough Square”: vending shall be permitted within the sidewalk area directly in front of a legally established business/ or place of residence that is physically located on Hanover Street within the area formerly known as “Hough Square” (properties include 55, 57 & 59 Hanover Street). Vending shall be by means of a “stand” as defined above and shall be placed in a location that does not impede pedestrian travel. If a stand cannot be placed in such a manner as to allow a minimum five-foot width for pedestrian movement, vending will not be permitted.

~~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.~~

#### § 179-4 Permits and fees.

##### A. Daily Permits:

Daily Permits are issued for "Stand" vendors only. They are issued for any day of the week to include weekend days. Consecutive daily permits may not exceed three days. If a permit is requested for 4 or more days, the permit shall be considered a Weekly Permit. The fee for a daily vendor permit is \$10. Applicants wishing to obtain daily permits shall apply to the City Manager at least 24 hours prior to the desired start date. All applications shall include the following:

- (1) Proof of identity and business address of the applicant.
- (2) A brief description of the nature, character and quality of the food, beverages, goods, or merchandise to be sold.
- (3) If employed by another, the name and business address of the person, firm, association, organization, company, or corporation.
- ~~(4) If a motor vehicle is to be used in the vending business, a description and size (length and width) of the vehicle, together with the motor vehicle registration number.~~
- (5) 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.
- ~~(6) —~~

Applicants must meet the requirements of the City Manager for size of vending stand, noise, state permit(s), hours of operation and other conditions as may be set by the City Manager.

~~(7) —~~

When more completed applications are received for vending areas than are available, the City Manager shall determine the allocation of vending areas by a random drawing.

~~(8) —~~ Permits and assigned locations are non-transferable, and the fee is non-refundable.

~~(9) —~~ Use of city-owned electricity requires an inspection and approval by the City Electrician. If authorized, the daily fee for use of electricity from a City-owned power supply is \$3.

##### B. Weekly Permits:

Weekly permits are issued for "Stand" vendors only. Permits are issued for the week beginning Monday and ending Sunday and may run consecutively. The fee for a weekly vendor permit is \$50. Applicants wishing to obtain a weekly permit shall apply to the City Manager at least 5 days prior to the desired start date. All applications shall include the following:

- (1) Proof of identity and business address of the applicant.
- (2) A brief description of the nature, character and quality of the food, beverages, goods, or merchandise to be sold.
- (3) If employed by another, the name and business address of the person, firm, association, organization, company, or corporation.
- ~~(4) — If a motor vehicle is to be used in the vending business, a description and size (length and width) of the vehicle, together with the motor vehicle registration number.~~

- (54) 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.

Applicants must meet the requirements of the City Manager for size of vending stand, noise, state permit(s), hours of operation and other conditions as may be set by the City Manager.

When more completed applications are received for vending areas than are available, the City Manager shall determine the allocation of vending areas by a random drawing.

Permits and assigned locations are non-transferable, and the fee is non-refundable.

Use of city-owned electricity requires an inspection and approval by the City Electrician. If authorized, the daily fee for use of electricity from a City-owned power supply is

~~(6) — Applicants must meet the requirements of the City Manager for size of vending stand, noise, state permit(s), hours of operation and other conditions as may be set by the City Manager.~~

~~(7) — When more completed applications are received for vending areas than are available, the City Manager shall determine the allocation of vending areas by a random drawing.~~

~~(8) — Permits and assigned locations are non-transferable, and the fee is non-refundable.~~

~~(9) — Use of city owned electricity requires an inspection and approval by the City Electrician. If authorized, the weekly fee for use of electricity from a city owned power supply is \$15.~~

#### C. Seasonal Permits:

Seasonal Permits are issued for the time beginning April 1<sup>st</sup> and ending October 31<sup>st</sup> for specified vending areas as defined above and depicted on the map attached as Appendix B. The fee for a seasonal vendor permit is \$200. Applicants wishing to obtain a seasonal permit shall apply to the City Manager between January 1 and March 14 for the vending season. All applications shall include the following:

- (1) Proof of identity and business address of the applicant.
- (2) A brief description of the nature, character and quality of the food, beverages, goods, or merchandise to be sold.
- (3) If employed by another, the name and business address of the person, firm, association, organization, company, or corporation.
- (4) ~~If a motor vehicle is to be used in the vending business, a~~ A description and size (length and width) of the vehicle, together with the motor vehicle registration number.
- (5) Desired Vending Area Location. ~~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.~~
- ~~(6) — For food trucks and trailers, in addition to required State permits, no vending permit shall be issued without a food truck inspection by the Lebanon Fire Department, or an authorized agency as designated by the Lebanon Fire Department. Should inspection be unfavorable, a permit will not be issued until truck/trailer is found to be compliant with required regulations.~~

~~(7) — 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.~~

~~(8) — When more completed applications are received for vending areas than are available, the City Manager shall determine the allocation of vending areas by a random drawing. The drawing shall be held as soon as March 15 or first business day immediately following (for example, if March 15 falls on a Saturday or Sunday, the drawing will take place on the following Monday).~~

~~(9) —~~

Permits and assigned locations are non-transferable, and the fee is non-refundable.

~~(10) — To retain a permit for assigned vending area, seasonal vendors must utilize their assigned vending area at least 15 days of each month.~~

~~(11) — A vendor may, upon written permission from the City Manager, utilize the assigned vending area on less than 15 days in any month due to vacation, illness, or other extenuating circumstance. Noncompliance will result in the assigned vendor losing the vending area and disqualifying the vendor from applying for any vending area for the period of one year.~~

~~For any day that a vending area is not to be occupied, the vendor is responsible to ensure that the parking spaces are available for use by the public. This includes the removal of all barriers that impede access to the spaces.~~

~~(12) — Vending area #2 (north side of the South Park Street east of the crosswalk entering Colburn Park) is the only vending area that has access to electricity. Use of city-owned electricity requires an inspection and approval by the City Electrician. If authorized, the seasonal fee for use of this power source is \$350 which is payable in monthly installments of \$50 each or as one lump sum at time of permit issuance.~~

~~When more completed applications are received for vending areas than are available, or when more than one completed application has been submitted for one specific vending area location, the City Manager shall determine the allocation of the vending area(s) through an auction process. On a date chosen by the City Manager sometime between the close of applications (March 14) and the beginning of the vending season (April 1) the City Manager shall accept verbal bids from all applicants wanting to be a part of the process. The applicant that bids the greatest amount for the desired area will be awarded that area for the vending season. Remaining vending areas will be awarded using the same process unless or until no further auction is required.~~

#### D. Abutting Business Permits:

~~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. Permitted areas shall not be situated as to impede pedestrian travel. Areas may not exceed 250 square feet, 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. All applications shall include the following:~~

- ~~(1) — Proof of identity and business address of the applicant.~~
- ~~(2) — A brief description of the nature, character and quality of the food, beverages, goods, or merchandise to be sold.~~
- ~~(3) — 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.~~
- ~~(4) — Applicants must meet the requirements of the City Manager for noise, state permit(s), hours of operation and other conditions as may be set by the City Manager.~~
- ~~(5) — Permits shall be for the period of time designated by the applicant in the application for a permit, but in no case shall extend for more than one year.~~

Permits must be renewed annually and are subject to all other applicable state and City regulations.

~~(6) Permitted areas shall not be situated as to impede pedestrian travel. Areas may not exceed 250 square feet, 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.~~

~~(7) Permits and assigned locations are non-transferable, and the fee is non-refundable.~~

The annual fee for an abutting business permit shall be \$125.

#### § 179-5 Limitation of number and location of vending operations; nonprofit permits.

- A. As noted in § **179-6** below, 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 ~~four~~two seasonal vending areas on South Park Street.
- B. Nonprofit permits. The City Manager may designate additional vending locations within the designated areas, 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.

#### § 179-6 Restrictions applicable to all vendors.

The following restrictions shall apply to all vendors obtaining permits to operate under this Code. In addition, the City Manager may limit the number and location of permits issued based on the criteria below or for other conditions as may be set by the City Manager.

- A. Stands/carts/vehicles shall not:
  - (1) Exceed nine feet in width and 54 feet in length (including towing vehicle and trailer). Height should not exceed 13 feet.
  - (2) Impede access to the entrance of Colburn Park or any adjacent building or driveway.
  - (3) 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 7:00am and 9:00pm, 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 vendors must leave public property during non-vending hours, except for good reason and by special waiver from 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. Food waste disposal – Beginning February 1, 2025, state law requires that any person generating one ton of food waste per week or greater shall not dispose of such waste in a landfill or incinerator provided that an alternative facility authorized to manage food waste is located within 20 miles. Food truck vendors are advised that the City of Lebanon solid waste

facility has adequate capacity to accept food waste for purposes of compliance with the provisions of NH RSA 147-M:27, V.

- F. The area occupied by a vendor shall be limited to that area so designated by the City Manager.
- G. 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.
- H. 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 surrounding environment, ~~around Colburn Park, the Lebanon Mall, or along Hanover Street in the area formerly known as "Hough Square"~~.
- I. 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 ensure at all times the public's use of streets and sidewalks for purposes of travel.
- J. 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 customers, 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 surrounding areas, ~~Colburn Park, the Lebanon Mall, or the area along Hanover Street formerly known as "Hough Square"~~. 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.
- K. No banners associated with vending operations may be displayed on the Colburn Park fence.
- L. LED signs are allowed as long as the sign stays static and is non-changeable. It cannot change colors or flash on and off, or otherwise become a nuisance or distraction to vehicular or pedestrian traffic.

#### § 179-7 Grey water waste disposal.

- A. Vendors shall not dispose of grey water waste into city storm drains. Such actions are a violation of City Code Chapter 124-3 and the Code of Federal Regulations Title 4. Food service vendors are required to sign and submit a "City of Lebanon Grey Water Waste Disposal Agreement" as part of their application for a vending permit.
- B. Waiver of disposal: Any vendor who does not utilize the Lebanon Wastewater Treatment Facility as a grey water waste disposal site shall provide proof of an alternative disposal location.
- C. Grey water waste disposal is available at the Wastewater Treatment Plant. The disposal fee for seasonal vendors with grey water waste tanks, if utilized, is \$200; for daily permits is \$5; weekly permits is \$25.

**§ 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 applicable fees.
  - (5) Unauthorized disposal of grey water waste into the City's storm drain system.
- 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 to the City Manager's Office. The appeal must be filed with the City Clerk within three working days after receipt of the notice of denial, suspension, or revocation. The City Manager shall render its decision in writing within 15 days thereafter.

**§ 179-10 Penalties for offenses.**

- A. Any person who violates any provision of this chapter shall be punished as provided in City Code Chapter 1, General Provisions, or by suspension of the permit for a period to be determined by the City Manager, or both.
- B. Any person who discharges grey water waste in an unapproved location shall be subject to a fine of \$600.

**Section 3: Severability.**

The provisions of this ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or parts of this ordinance.

**Section 4: Effective Date.**

The Ordinance shall become effective upon passage.

**Agenda  
Food Truck Task Force  
December 10, 2024**

**4. New Business:**

**4.B – Review Draft Proposed  
Zoning Ordinance Amendments**

Recommended Amendments to Lebanon Zoning Ordinance to incorporate opportunities for Mobile Food Service Vending

DEFINITIONS

**MOBILE FOOD SERVICE VENDOR** - Any person who prepares and/or dispenses food or beverages from a mobile food service unit for immediate service and/or consumption.

**MOBILE FOOD SERVICE UNIT** – Any vehicle that is self-propelled or can be pulled down a street, the purpose for which is to prepare and/or dispense food or beverages for immediate service and/or consumption.

PERMITTED ZONING DISTRICTS

- CB
- LD
- GC
- GC-1
- L-IND
- MC

STANDARDS FOR USE

SECTION 614 MOBILE FOOD SERVICE

The purpose of this section is to provide opportunities for Mobile Food Service Vending within specific non-residential areas in the city.

Mobile Food Service Vending shall be permitted in the Central Business, Lebanon Downtown, General Commercial, General Commercial-1, Light Industrial, and Medical Center Zoning Districts provided the following standards are met:

- A. Prior to beginning operations, Mobile Food Service Vendors must obtain a Zoning Permit.
- B. Mobile Food Service Vendors shall not
  - i. Impede or create hazardous or unsafe travel conditions for pedestrians or operators of motor vehicles.
  - ii. Be located within 25 feet of a fire hydrant, fire escape, bus stop, loading zone or driveway, of a fire station, police station, or hospital.
  - iii. Block access to any handicapped parking space or access ramp.
  - iv. Utilize an open fire without permission of the property owner and a permit from the Lebanon Fire Department.
  - v. 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.
- C. The number of Mobile Food Service Units allowed on any one lot shall be determined by the lot size and the amount of available space on the lot. No more than (\_\_\_\_\_) parking spaces may be utilized to house Mobile Food Service Unit(s) unless adequate excess parking exists and is adequately demonstrated.
- D. Minimum setback requirements for a Mobile Food Service Unit shall be (\_\_\_\_\_).