



**LEBANON FOOD TRUCK TASK FORCE
JANUARY 7, 2025 - 7:00 PM
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE**

1. Call to Order

- A. The January 7, 2025, Food Truck Task Force Meeting is hereby called to order.

2. Approval of Minutes

- A.
 - December 3, 2024
 - December 10, 2024

3. Old Business: None

4. New Business

- A. Public Input on Proposed Amendments to the Lebanon Zoning Ordinance and City Code Chapter 179, Vendors, concerning the operation of Mobile Food Service Units (food trucks, trailers, carts, etc.) in the City

5. Future Agenda Items

6. Other Business

7. 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 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.

DRAFT

**LEBANON FOOD TRUCK TASK FORCE
(LFTTF)
MONDAY, DECEMBER 3, 2024 – 8:00AM
CITY HALL, MEETING ROOM 2, OR
REMOTE VIA VIRTUAL PLATFORM LEBANONNH.GOV/LIVE**

MINUTES

MEMBERS PRESENT: Cliff Below, Assistant Deputy Mayor, Falguni Mehta, Vice Chair, Victoria Smith, Chair

MEMBERS ABSENT: Ben Van-Vilet

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

- 1
- 2 **1. CALL TO ORDER:**
- 3 The December 3, 2024 Food Truck Task Force meeting was called to order at 8:07AM by
- 4 Victoria Smith, Chair
- 5 **2. APPROVAL OF MINUTES:**
- 6 **Mr. Cliff Below MOVED to approve the November 12, 2024 Minutes as presented.*
- 7 *Seconded by Ms. Falguni Mehta*
- 8 **The MOTION was approved (3-0)*
- 9 **3. OLD BUSINESS:**
- 10 A. Complete Review of and Recommended Updates to Proposed Amendments to City Code
- 11 Chapter 179 (as presented to the City Council on June 5, 2024)
- 12
- 13 The review today started with 179-4 D. Abutting Business Permits.
- 14
- 15 Items 1-7 are generic but does not apply to all businesses. It is repeated throughout the
- 16 document. Ms. Maville will review and adjust the wording as needed.
- 17
- 18 The question was asked who decides what the costs will be. Ms. Maville explained the
- 19 recent history and logic behind making the fee annual.
- 20
- 21 Ms. Mehta does not like the fact that Three Tomatoes blocks street parking during the
- 22 summer months. Mr. Below commented that this is not the focus of this Food Truck Task
- 23 Force. Ms. Maville agreed to check the remaining length of this agreement with Three
- 24 Tomatoes.

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Ms. Mehta (as a citizen) can take this up with the City Manager, Shaun Mulholland, which she said she will do.

Ms. Mehta thinks it unfair that Three Tomatoes pays so little for the outdoor space. Mr. Below stressed that the value of the street space impacts (increases) the taxes for leased space, for Three Tomatoes.

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

With the recommendations, the spaces would be reduced to two spaces on South Park (currently four), and the addition of two on Campbell St., and two near the River.

Ms. Mehta asked how the City decides which vendor gets which spot. Noting that Ms. Mehta was absent for the previous discussion, Ms. Maville clarified that the task force is recommending that an auction process take place if there are more vendors than spaces or if there are a number of vendors wanting the same spot.

179-6 Restrictions applicable to all vendors.

Sizes are addressed here with South Park in mind, which are 54' width and 9' in width, allowing for both the food truck and any vehicle.

Hours of operation are covered (excludes abutting businesses).

Ms. Mehta said that if the City allows the food trucks, the City needs to provide the electricity for all food trucks. Ms. Maville explained that this may be too cost prohibitive as the infrastructure does not currently exist, and may not be an option. While the recommendation will not be added to the proposed amendments in Chapter 179, it can be included in the report and recommendations to the City Council in February.

179-7 Grey water waste disposal. The Task Force discussed this section. No changes needed; this is a new section.

179-8 Suspension or revocation of permit.

This section was discussed. No changes are needed.

The Task Force completed their review and discussion of Chapter 179.

Ms. Maville will draft a new Chapter 179, and this Draft will be part of this Task Force's December 10, 2024 Agenda Packet. She will provide the Task Force with these changes along with the proposed zoning amendments for their review prior to the December 10th meeting.

1 Ms. Mehta asked about a working timeline. Ms. Maville reviewed the following future
2 dates and action items for the Food Truck Task Force:

3
4 January 7, 2025 they will hold the public input meeting. They will need to get the
5 messaging out to the public well in advance of the 7th. It will be held in Council
6 Chambers and most likely in the evening, to allow for more attendance.
7

8 On January 21, 2025, they will draft their report which will include their
9 recommendations for Chapter 179 and proposed zoning amendments, along with public
10 comments.
11

12 February 4, 2025, they will finalize their recommendations for legal review and
13 submission to the City Council.
14

15 **4. NEW BUSINESS: NONE**

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

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19 **6. FUTURE AGENDA ITEMS: NONE**

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21 **7. OTHER BUSINESS: NONE**

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23 **8. ADJOURNMENT:**

24 ** A MOTION to adjourn was made by Ms. Smith, Chair*
25 *Seconded by Ms. Mehta, Vice Chair*

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27 *Meeting was adjourned at 9:22AM.*
28

29 Respectfully Submitted,
30 Cinda Mersel
31 Recording Secretary

1 **DRAFT**

2
3 **LEBANON FOOD TRUCK TASK FORCE**
4 **(LFTTF)**
5 **MONDAY, DECEMBER 10, 2024 – 8:00AM**
6 **MEETING ROOM 2, CITY HALL OR**
7 **REMOTE VIA VIRTUAL PLATFORM LEBANONNH.GOV/LIVE**
8 **MINUTES**

9
10 **MEMBERS PRESENT:** Falguni Mehta, Vice Chair; Victoria Smith, Chair; Ben Van-Vilet;
11 Cliff Below, Assistant Mayor (joined at 8:33am)

12
13 **MEMBERS ABSENT:**

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

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17 **1. CALL TO ORDER:**

18 The December 10, 2024 Food Truck Task Force meeting was called to order at 8:06AM
19 by Victoria Smith, Chair

20 **2. APPROVAL OF MINUTES:**

21 **Ms. Mehta MOVED to approve the November 19, 2024 Minutes as presented.*

22 *Seconded by Mr. Ben Van-Vilet*

23 **The MOTION was approved (3-0)*

24 **3. NEW BUSINESS: NONE**

25 **4. OLD BUSINESS:**

26 A. Review Proposed Amendments to City Code Chapter 179

27
28 Ms. Maville showed the FTTF proposed red line amendments on the screen.
29 All task force members were provided with this document last week.

30
31 Mr. Van-Vilet asked about a vendor at a City event this past week; Ms. Maville answered.

32
33 Ms. Mehta had several questions about the document since she had missed last week's
34 meeting and had not yet reviewed the red lined document.

35
36 All agreed that West Lebanon needs to be addressed regarding Food Trucks. Ms. Maville
37 stated that she will include a recommendation regarding West Lebanon in the report to the
38 Council and specifically note that a code amendment will be brought forth once Main Street
39 construction work is completed.

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41 Ms. Mehta inquired about electricity. Ms. Maville again stated that she will address this in
42 the report to the Council.

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The “auction” idea has also been included in their recommendations.

Ms. Maville wrote out all definitions, to be clear and concise. This Food Truck Task Force reviewed these and agreed these are accurate and comprehensive.

Ms. Maville explained that she forwarded the proposed zoning amendments to Planning staff so that they can fill in any blanks, make their recommendations and overall get a head start on these. They do not approve the proposed changes, that is a function of the Council. Ms. Maville reiterated that all amendments to the City Code and the Zoning Ordinance require a legal review *prior* to being approved by the City Council.

On January 7, 2025 the FTTF will hold their public input meeting in the City Council Chambers. Ms. Maville will get this posted on the City’s site and will also establish the time of day for this meeting (most likely in the evening).

February 4, 2025 will be the last Food Truck Task Force meeting, and they will finalize the report of their findings and recommendations to be presented to the City Council.

They will then meet with the Lebanon City Council on either February 19, 2025, or March 5, 2025.

Mr. Cliff Below joined the meeting remotely at 8:33AM.

B. Review Draft Zoning Ordinance Amendments (Definition, Use Districts, and Language Proposed for New Section 614)

Ms. Maville repeated the exact definitions as included in 179, for consistency. Ms. Maville asked if this Task Force wants to add stand vendors in the definitions they do. She will include this as an amendment in this document.

Section 614 is a new section called 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 Districts provided several standards are met, starting with obtaining a Zoning Permit (A). All vendors shall follow all requirements as spelled out under B. Under C the number of

1 food service units shall be determined by the lot size and the amount of available space on
2 lot, as designated by the Planning Department. A factor of no more than 10% of parking
3 spaces usage will be added.

4 Under D, minimum setback requirements for a Mobile Food Service Unit shall be
5 determined by the Planning Department as well.

6
7 Mr. Below suggested that Ms. Maville add the wording for the property owner to apply for
8 Permits, rather than the vendor, though the Permit will be binding for both parties.

9
10 Ms. Maville has asked for feedback from Planning Dept. by no later than December 23rd.

11
12 **5. OPEN TO THE PUBLIC: Mr. Robert (Bobby) Oakes.** Mr. Oakes owns property on
13 Mechanic Street and is trying to learn more about the requirements.

14
15 **6. FUTURE AGENDA ITEMS: NONE**

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17 **7. OTHER BUSINESS: NONE**

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19 **8. ADJOURNMENT:**
20 *Mr. Van-Vilet MOVED for adjournment.*
21 *Seconded by Ms. Fal Mehta, Vice Chair*

22
23 *The meeting was adjourned at 9:00AM.*

24
25 Respectfully Submitted,
26 Cinda Mersel
27 Recording Secretary

28

**Agenda
Food Truck Task Force
January 7, 2025**

4. New Business:

**4.A – Public Input on Proposed Amendments
to the Lebanon Zoning Ordinance and
City Code Chapter 179, Vendors
concerning the operation of
Mobile Food Service Units in the City.**

Lebanon Food Truck Task Force

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

1. DEFINITIONS (Appendix A)

MOBILE FOOD SERVICE VENDING – The preparation and/or dispensation of food or beverages by a *mobile food service vendor* from a *mobile food service unit* for immediate service and/or consumption.

MOBILE FOOD SERVICE VENDOR - Any person, including an employee or agent of another, 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 (a) self-propelled or that can be pulled or pushed down a street or sidewalk and (b) utilized by a *mobile food service vendor* for the purpose of preparing and/or dispensing food or beverages for immediate service and/or consumption.

STAND VENDING – The sale of food, beverages, goods, or merchandise from a *stand* on permitted public parcels or sidewalks from a *stand*.

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 NH Department of Motor Vehicles, used for the display, storage, or transportation of articles offered for sale by a *stand vendor*.

STAND VENDOR - Any person, including an employee or agent of another, who sells or offers to sell food, beverages, goods, or merchandise on public parcels or sidewalks from a *stand* with a vendor license issued by the City.

2. PERMITTED ZONING DISTRICTS (Article III)

CB

LD

GC

GC-1

IND-L

MC

MC-2

3. STANDARDS FOR USE (Article VI)

SECTION 614 MOBILE FOOD SERVICE

The purpose of this section is to provide opportunities for **mobile food service vending** and **stand vending** within certain non-residential areas in the City.

Mobile food service vending and **stand vending** shall be a permitted use in the Central Business, Lebanon Downtown, General Commercial, General Commercial-One, Light Industrial, Medical Center and Medical Center - 2 Zoning Districts provided the following standards are met:

- A. Prior to beginning operations, property owner(s) must obtain a Zoning Permit which shall be valid for one (1) year. An application for a Zoning Permit shall include the following:
 - a. A site plan of the property identifying existing and proposed conditions including but not limited to location of the proposed **mobile food service unit**, utility connections, and setbacks, and whether any additional barriers, caution cones, or similar safety items are to be deployed.
 - b. Parking calculations that show the number of parking spaces to be used by each of the **mobile food service vendors** or **stand vendors** upon the lot.
 - i. A minimum of 4 parking spaces and a maximum of 6 parking spaces shall be provided per vendor.
 - c. Hours of operation, and days of the week and months of operation.

The property owner may reapply for a Zoning Permit on an annual basis.

- B. **Mobile food service vendors** and **stand vendors** shall not:
 - i. Be located within 25 feet of a fire hydrant, fire escape, bus stop, loading zone, driveway entrance, fire station, police station, hospital, or a residential zoning district.
 - ii. Operate without the express written permission of the property owner or without an approved zoning permit.
 - iii. Impede or create hazardous or unsafe travel conditions for pedestrians or operators of motor vehicles.
 - iv. Block access to any handicapped parking space or access ramp.
 - v. Utilize an open fire without permission of the property owner and a permit from the Lebanon Fire Department.
 - vi. 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.
 - vii. Inappropriately dispose of wastewater and garbage including but not limited to dumping in open stormwater drains.

- C. Utilities for **mobile food service units** and **stands** shall be self-contained and shall not connect to City sewer and water.

- D. The maximum number of **mobile food service units** and **stands** allowed on any one lot shall be determined by the lot size and the amount of available space on the lot. If **mobile food service unit(s)** and/or **stand(s)** are to be located in parking areas, no more than 10 percent (10%) of parking spaces may be utilized to locate **mobile food service units** and **stands**.

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 1st and ending October 31st 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 a~~Public parking reas~~spaces 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 1st and ending October 31st 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.