



**LEBANON FOOD TRUCK TASK FORCE
JANUARY 28, 2025 - 8:00 AM
MEETING ROOM 2, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE**

1. Call to Order

- A. The January 28, 2025, Food Truck Task Force Meeting is hereby called to order.

2. Approval of Minutes

- A. January 7, 2025

3. Old Business: None

4. New Business

- A. Review Draft Report and Recommendations (including proposed amendments to the Zoning Ordinance and Chapter 179) to be submitted to the City Council.

5. Other Business

6. 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.

**Agenda
Food Truck Task Force
January 28, 2025**

2. Acceptance of Minutes:

Minutes To Be Accepted

- January 7, 2025

MOVED, to approve the minutes as presented in the January 28, 2025 agenda packet.

DRAFT

**LEBANON FOOD TRUCK TASK FORCE
(LFTTF)
TUESDAY, JANUARY 7, 2025, 7:00 PM
CITY HALL CHAMBERS 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

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1. Call to Order

The January 7, 2025 Food Truck Task Force meeting was called to order at 7:09 PM by Ms. Victoria Smith, Chair

Ms. Paula Maville stated the preamble.

2. Approval of Minutes

A. December 3, 2024

December 10, 2024

Mr. Cliff Below MOVED to approve the December 3 and 10, 2024 Minutes as presented.

Seconded by Ms. Falguni Mehta

**The Vote on the MOTION was approved (3-0)*

3. OLD BUSINESS: NONE

4. NEW BUSINESS:

Ms. Smith read from a document explaining the purpose of this Food Truck Task Force (FTTF). Ms. Maville showed the FTTF proposed amendments.

She started with the Permitted Zoning Districts being proposed for food truck usage, which includes:

CB

1 LD

2 GC

3 GC-1

4 IND-L

5 MC

6 MC-2

7

8 This Food Truck Task Force is proposing amended Definitions (see Appendix A) specifically to Mobile
9 Food Service as well as Stands. These too were displayed on the screen for the public to view.

10 The FTTF is proposing a new Section 614 Mobile Food Service that gives the actual parameters of what
11 would happen for a food truck vendor to obtain a zoning permit to be permitted to vend on private
12 property.

13 *The FTTF has a number of amendments to City Code Chapter 179 and the primary amendments include
14 different vending areas limiting South Park St. to two (2) East of the crosswalk, proposing two (2) be
15 available on Campbell St. (in front of Carter House), and two (2) in the Taylor St. parking lot along the
16 river. Also, out of all these locations, only one spot on S. Park St. has electricity.

17 Next Mr. Below shared the red lined version of 179 starting top of page 2, amendments to definitions, to
18 give more context to what the City is trying to accomplish, specifically regarding food trucks, not just
19 general vending of other goods, It also distinguishes between stand vendors and mobile food trucks and
20 trailers.

21 Paragraphs were moved as needed, to improve the overall flow. For example, anything falling under a
22 permit being required is now under 179-3 **Permit Required**, which should allow for easier reading and
23 understanding.

24 Chapter 179 addresses specific locations

25 Seasons were changed (previously they were quarterly) and the new proposed season will be from April
26 1st thru October 31st each year.

27 Events were further clarified such as street fairs, farmer's markets, etc. and these are excluded from this
28 vending ordinance.

29 Many areas were contemplated, and the proposed amendments allow for clearer definitions, even for
30 those already in the existing ordinance, such as tables set up on the Lebanon Mall, sales by existing
31 businesses, etc.

32 Another important change is that if a food truck vendor is not occupying a space on any given day, that
33 parking space must be made available and unobstructed to the public.

34 Another new idea is to have an "auction" process provision for those times when the City receives
35 multiple applications and subsequent bids on a location.

1 Next, the task force showed a City map of the downtown areas recommended locations and explained
2 each location, and the number of spots, as noted above.*

3
4 **5. OPEN TO THE PUBLIC:**

5
6 Chair Smith opened the meeting for public input , and the following people came forth to give testimony
7 about their reasons for/against the proposed Food Truck Task Force recommendations. All comments by
8 citizens have been summarized.

9
10 **Kim Paige, Ward 3** She does not like the look of food truck and stated they are noisy, and dangerous
11 because many children are in the area. She suggested Lebanon charge more for these spots, in line with
12 other New Hampshire towns. She would prefer to have them for one day events only. She thinks the City
13 should charge more for each vendor.

14 She said a common sentiment among residents is that the City needs to charge more for vendors and
15 service fees in general. She said she complained about food trucks to the City Manager in 2024. Lastly,
16 she asked if this task force has considered less than 7 days each week for these food trucks.

17
18 **Chris Simon, Ward 1, Chairperson of the West Lebanon Revitalization Advisory Committee** The
19 West Lebanon Revitalization Committee would like locations in West Lebanon to be included in this
20 upcoming revision. They need to increase their foot traffic, and even though there will be street
21 construction work which would preclude street parking for now, it would still benefit West Lebanon. He
22 mentioned some possible locations for food trucks, including a vacant city-owned lot on Main Street, and
23 the park along the Connecticut River off Bridge Street that may be big enough for two (2) trucks. He also
24 supported the idea of allowing food trucks on private properties. Ms. Maville explained that city-owned
25 parcels would be subject to the same zoning rules as those for private property owners as the City is not
26 exempt from its zoning regulations. Should the City desire to have food service vendors on the West
27 Lebanon parcels, a zoning permit would be required. She further stated that designated vending locations
28 on Main Street in West Lebanon will definitely be put forth once the street scape improvements are
29 completed.

30
31 **Carson Boardman, Ward 2** He inquired if the daily permit fee is going to increase. It is not. The
32 seasonal permit fee is proposed to increase.

33 **Heath Gosselin, Ward 2, owner of Black Magic** He said the rules have changed each of the almost five
34 (5) year he has been vending in Lebanon. The State laws require them to prepare food on the truck, which
35 he does. He thinks it would also be logical to allow a food truck across from City Hall.

36 The pricing mentioned by another attendee is egregious in his opinion, and Lebanon would need to be
37 compared to a similar populated town, in any review of fees.

38
39 **Louise Clark, Ward 3 (business)** She thinks the lottery (auction) idea might not be fair to all.

1 She suggested food trucks near Village Pizza, because space has recently freed up since the casino has
2 moved. She likes the other locations proposed. She encouraged the City of Lebanon to add signage that
3 would make people aware of the spaces available in the back (Taylor Street) parking lot.

4

5 **Darla Bruno, Ward 2 (virtual)** Her biggest concern is about pedestrians, and the food trucks can cause
6 blind spots. She inquired about some other possible spaces near Lebanon downtown.

7

8 **Rebecca K. Thomas (virtual)** She missed the earlier part of this meeting and where the vendors
9 locations are being proposed. Ms. Maville reiterated the proposed zoning districts and that none of these
10 zoning districts include School Street.

11 Ms. Thomas likes having the food trucks and she and her family frequent them. She supports the food
12 trucks being on the East Side of South Park Street, and she likes the auction idea.

13 Several written comments were submitted online through Board/Committee Contact Form. They were not
14 specifically addressed by the Task Force at the meeting but all comments will be summarized and
15 presented to the City Council as part of the Task Force's final report and recommendations.

16

17 **6. FUTURE AGENDA ITEMS:**

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19 Upcoming meetings:

20 January 21, 2025 Food Truck Task Force

21 February 4, 2025 Food Truck Task Force

22 March 2025 City Council meeting (1st meet of the month)

23

24 **7. OTHER BUSINESS:**

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26 **7. ADJOURNMENT:**

27

28 *A MOTION to adjourn was made by Mr. Below*

29 *Seconded by Ms. Mehta*

30

31 **The vote on the MOTION was approved 3-0)*

32

33 *Meeting was adjourned at 8:04pm.*

34

35 Respectfully Submitted,

36 Cinda Mersel

37 Recording Secretary

**Agenda
Food Truck Task Force
January 28, 2025**

4. New Business:

4.A – Review Draft Report and Recommendations (including proposed amendments to the Zoning Ordinance and Chapter 179) to be submitted to the City Council

Lebanon Food Truck Task Force

DRAFT Report of Findings and Recommendations

The Food Truck Task Force (FTTF) was established by the City Council at its July 17, 2024, meeting with an aim to foster economic growth and community vibrancy while ensuring public safety and accessibility.

The FTTF was charged with evaluating and addressing the practical and regulatory challenges associated with the operation of food trucks within the City of Lebanon, and more specifically to:

1. Review current City Code Chapter 179 and relevant zoning regulations to identify conflicts and limitations impacting food truck operations. Provide recommendations for changes to facilitate the safe and efficient operation of food trucks city-wide.
2. Develop a comprehensive, sustainable strategy for permitting and managing food trucks on public property in downtown Lebanon and West Lebanon. This strategy should consider various aspects such as traffic and pedestrian safety, public health, parking, and fire safety.
3. Conduct public outreach to gather feedback from residents, local businesses, and other stakeholders to ensure community needs and concerns are addressed.
4. Submit a detailed report of findings, recommendations, and proposed code and zoning changes to the City Council by February 15, 2025.

OCTOBER 2024

The FTTF began meeting in October. Discussion at the initial meeting held on October 21, focused on the many challenges associated with vending operations on South Park Street. Challenges discussed included:

- Number of lost parking spaces
- Vendors not vending when spaces are reserved (lack of accountability/responsibility)
- Lack of electricity and other facilities/infrastructure
- Pedestrian safety
- Noise from generators
- Traffic flow

Other discussions that took place during the meeting included the provision of multiple vending locations in downtown Lebanon as well as downtown West Lebanon, and possibly creating a “destination” area where several trucks could gather and be provided with the infrastructure necessary for them and their patrons (adequate electricity; seating areas; portable restrooms, etc.) In

conjunction with these discussions, it was noted that a food truck is a great opportunity for anyone trying to start a small business and that should be supported here in the city. Mention was also made that it would be helpful for everyone to understand the customer base patronizing the food trucks, i.e. are they a destination, or do most people stop just because they are passing by?

NOVEMBER 2024

The meetings held in November involved review and discussion of current zoning regulations and City Code Chapter 179 - Vendors. Input by task force members at these meetings resulted in proposed amendments to both sets of regulations, each of which are attached.

CHAPTER 179:

When reviewing Chapter 179 it became apparent that regulations for vending needed to better delineate food service vending from vending of general goods. As such existing definitions were expanded to include one for “Mobile Food Service Unit” and one for “Mobile Food Service Vendor.” Also, in an effort to better define and regulate food service vending from units other than a truck or trailer, a definition for “Stand Vendor” was developed.

In trying to find a balance between resident/visitor concerns and the needs/wants of food service vendors, the task force is recommending a shift from quarterly seasons to one vending season beginning April 1st and ending October 31st. Areas for seasonal vending are recommended as follows:

- (2) on South Park Street (east of the midblock crosswalk)
- (2) on Campbell Street (parking spaces located in front of the Carter Mansion)
- (2) in the lower (Taylor Street) parking lot beginning in the spaces closest to the boundary line with the CCBA fronting on the Mascoma River.

Electrical service is only available to the vendor utilizing the area immediately east of the crosswalk on South Park Street. There are no plans to provide electricity beyond that space. For this reason (along with visibility, etc.) this space is highly desired by vendors. Currently, if there were more than one vendor applying for this space, a random drawing would be held to determine which vendor would be awarded the space. The task force is recommending that the random drawing process become an “auction” process with the minimum bid being the fee required for a seasonal permit (\$200). The vendor that bids the highest would get the space for the pending season.

Another more substantial change being recommended is requiring that all seasonal vendors be responsible for reserving/freeing their designated vending areas. Currently safety cones are provided by and placed by City staff. Under the proposed regulations, vendors will be solely responsible for placing cones when they need to reserve their area and for removing cones when they know they will not be vending. This will free up parking spaces and help to alleviate the expressed public concern.

Other changes to Chapter 179 included moving of text between relevant sections to improve the flow and clarify existing language.

ZONING:

Proposed amendments to the Zoning Ordinance include permitting mobile food service vending in multiple non-residential zoning districts, adding new definitions, and adding a new Section 614, Mobile Food Service, that outlines additional standards required for mobile food service vending.

DECEMBER 2024

The meetings held in December were a culmination of all previous discussions resulting in final drafts of proposed amendments to the zoning ordinance and Chapter 179. The proposed zoning amendments were reviewed with and further refined by staff from the Planning & Development Department. Both documents were made available to the public in advance of the January 7, 2025, public input session.

JANUARY 2025

January 7, 2025 (Public Input Session):

Public input was gathered through form submissions on the City's website, via email, and in-person through attendance on January 7. The main concerns expressed are recognized in the following themes:

- Safety & Accessibility
- Noise & Environmental Impacts
- Operational Logistics
- Community Benefits & Fairness
- Residential and Aesthetic Concerns
- Competition with Established Businesses

Summaries of comments for each particular theme can be found in the attached Public Comment Summary.

January 28

TASK FORCE RECOMMENDATIONS:

The Food Truck Task Force has worked to address all components of the charge set forth by the City Council. The proposed amendments to Chapter 179 and the Zoning Ordinance were thoughtfully crafted and provide due consideration to existing challenges and concerns expressed by the public. While solutions to the existing challenges and concerns may not be fully met through the proposed amendments, a good compromise was reached (particularly with the vending areas along South Park Street). As such, the FTTF recommends the City Council move forward with the amendments as proposed.

FUTURE CONSIDERATIONS:

- Creating a destination area for food service vendors (electricity, portable restrooms, and seating areas)
- Designated parking spaces for food service vending on Main Street, West Lebanon
- Ending license agreements with Salt hill Pub and Three Tomatoes

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.

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**.

General Public Comment Summary – Mobile Food Service Vending

Public comment was received prior to and at the January 7, 2025, public input session. The following is a summary of the questions, concerns, and ideas posed by the public:

Key Concerns:

1. Safety and Accessibility

- Current location of trucks creates blind spots for drivers making it more dangerous to cross South Park Street (especially for children).
- Suggestion to limit operations near high-traffic pedestrian areas unless safety can be improved.
- Recommendation to position food trucks on designated areas like public greens or parking lots rather than roads to reduce hazards for pedestrians and drivers.

2. Noise and Environmental Impact

- Generator noise disrupt events and park activities.
- Suggestions include providing municipal electricity to minimize noise and reduce harmful emissions near playgrounds and public areas.

3. Residential and Aesthetic Concerns

- Issues with food trucks operating outside designated hours and in residential zones, causing noise and visual disturbances.
- Suggestions include restricting hours and designating specific private parking locations.

4. Competition with Established Businesses

- Concerns from local restaurants about competition, noise, and obstructed views caused by food trucks located near their establishments.
- Suggestions to relocate trucks or enforce “good neighbor” practices were raised.

5. Zoning and Operational Logistics

- Questions about the specific application of regulations to vending and non-vending hours, music restrictions, and customer parking availability were raised, as well as consideration for raising the current fees.
- Questions about specific zoning districts, daily versus seasonal permits, and whether parking spaces would be available when vending is not taking place.
- The West Lebanon Revitalization Advisory Committee advocated for including West Lebanon locations in the places where food vending is to be permitted.

Suggestions:

1. Designated Vending Locations

- Ensure chosen vending locations have clear signage for public awareness.

2. Operational Adjustments

- Introduce municipal electricity at select sites to replace noisy generators.
- Restrict vending hours to mitigate noise and emissions, especially near residential areas or playgrounds.
- Include West Lebanon parcels in future zoning amendments, especially after planned streetscape improvements.
- Ensure clear definitions and boundaries for food truck operations in zoning regulations, including seasonal restrictions and daily parking rules.

3. Fair Competition

- Establish guidelines to protect local businesses from direct competition with food trucks while allowing for a vibrant and diverse food scene.

4. Public Engagement

- Continue gathering community input through public hearings and online submissions to refine the ordinance.