

*Town of Johnston
State of Rhode Island*

Ordinance 2024- 4

ADOPTED
DATE 4/8/24 *AS Amended*
JOHNSTON TOWN COUNCIL
ATTEST: *[Signature]*

AN ORDINANCE AMENDING ARTICLE IV OF CHAPTER 248 ENTITLED, "MOBILE FOOD ESTABLISHMENTS & CHAPTER 242 ENTITLED "PARKS AND RECREATION AREAS." OF THE TOWN OF JOHNSTON CODE OF ORDINANCES

The Town Council of the Town of Johnston hereby ordains:

Proposed additions are underlined; deletions have strike-through

An Ordinance amending Chapter 242 of the Town of Johnston Code of Ordinances by adding thereto:

§ 248-22 Definitions.

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

MOBILE FOOD ESTABLISHMENT

Pursuant to R.I.G.L., § 5-11.1-3(5), a food service operation that is operated from a movable motor-driven or propelled vehicle, portable structure, or watercraft that can change location. Mobile food establishments specifically include, but are not limited to, food trucks, food carts, ice cream trucks/carts, and lemonade trucks/carts.

MOBILE FOOD ESTABLISHMENT OPERATOR

Pursuant to R.I.G.L., § 5-11.1-3(7) a person or corporate entity who or that owns, manages, or controls, or who or that has the duty to manage or control the operation of a mobile food establishment.

MOBILE FOOD ESTABLISHMENT VENDOR

Pursuant to R.I.G.L., § 5-11.1-3(8) a person who prepares, sells, cooks, or serves food or beverages from a mobile food establishment.

MOBILE FOOD ESTABLISHMENT EVENT PERMIT

A permit issued by the Town to the organizer of a public mobile food establishment event in which three (3) or more mobile food establishments will operate on public property.

MOBILE FOOD LICENSE

Pursuant to RIGL § 5-11.1-3(9) a "municipal mobile food establishment license" issued by the Town to a mobile food establishment operator that possesses a current state mobile food establishment registration.

- A. Mobile food license issued to a mobile food establishments, that temporarily parks on a public street or private property and engages in the service, sale or distribution of food, prepared on site, to the general public directly from the vehicle.
- B. Mobile food transient license issued specifically to an ice cream/lemonade truck or catering trucks, who sell prepackaged or prepared foods, who may travel in/into residential districts and are transient in nature, moving at least every 15 minutes.

§ 248-24 License process.

- A. It shall be unlawful for any person to operate within the Town a mobile food establishment without having obtained a license from the Town Clerk for that purpose.
- B. A person desiring to operate a mobile food establishment shall apply for such license or renewal of such license to the Town Clerk. The application for a license or a renewal of license shall be provided by the Town Clerk and shall include the following:

(1) Name, phone number, email contact and business address of the applicant.

(2) If utilizing private property, any mobile food establishment licensed under the provisions of this article must have a letter in their possession from the owner of the property on which he or she is selling authorizing the establishment to sell upon the property. This authorization must be current and must state for how long the permission is granted, but in no event will same authorization be valid for a period of more than one year. If participating in a licensed special event, then the event holder may be the one to hold this letter in their possession from the property owner for use of the private property.

(3) Copy of the RI Department of Business Regulations mobile food establishment registration.

(4) Any person applying for a license under the provisions of this article shall sign a hold-harmless agreement indemnifying the Town of Johnston, its officers, agents and employees from any liability arising out of or in the course of his or her business or the granting of a license for same.

C. The license process of this provision shall not apply to mobile food establishments operating under a mobile food establishment event permit at a Town-sanctioned event.

§ 248-26 Issuance fee.

A. The fee for the issuance of a mobile food license granted pursuant to this article shall be \$75. Each mobile food or stationary food establishment shall be separately licensed, and the license fee chargeable hereunder shall be paid for each such establishment-, subject to subsection B below.

B. The fee for the issuance of a mobile food establishment event permit granted pursuant to this article shall be \$200, to be paid by the organizer. Each mobile food or stationary food establishment participating in any event operating under such permit shall not be required to be separately licensed by the Town, but shall hold a valid state mobile food establishment registration authorizing it to operate in the state of Rhode Island.

§ 248-30 Territorial limits.

The following limits further define where a mobile food establishments can and cannot operate:

- A. Not in a residential zone, unless part of a duly licensed special event or unless the operator has a peddler's license issued by the Johnston Town Council license.
- B. Not within 1,000 feet of any open brick-and-mortar restaurant.
- C. Not within 200 feet of any public or private school, ~~or municipal park,~~ without the corresponding property owner's written consent. However, nothing in this section shall be deemed or construed to be an exception to the rules and regulations of the Division of Parks and Recreation as the same pertain to vendors/concessionaires.
- D. Not within 10 feet of driveways, bus stops or crosswalks.
- E. Not in a handicap parking area or no-parking zone.
- F. Not within 500 feet of any fair, festival, special event or civic event that is licensed or sanctioned by the Town unless the vendor has obtained permission from the event sponsor and is duly licensed or has a special event license issued by the Town of Johnston.
- G. Not in an area where such operation is deemed by the Chief of Police, or his/her designee, to endanger or inconvenience the general public or where there is determined to be a disturbance of the peace.
- H. Not on private property without the written permission of the owner of the property, and such permission shall be available at all times, unless permission was granted to the holder of a special event, and the special event holder has the written permission from the owner.
- I. Not within 200 feet of any municipal park, except for any Town-sponsored events for which a mobile food establishment event permit has been issued by the Town Council or Parks Director.

§ 248-34 Mobile food establishment event permit.

In consideration of the following factors, the Parks Director and/or the Town Council has the discretion to grant a mobile food establishment event permit:

- A. Whenever possible, applications for any such permit shall be submitted to the Town Council for approval, to be considered at the Town Council meeting preceding the proposed date for the event. If timing does not allow such

submission to the Town Council, the Parks Director, at their discretion, is authorized to grant a mobile food establishment event permit.

- B. Each mobile food establishment event requires a permit which expires at the conclusion of the event.
- C. The proposed date of the event must be included in the application. A "rain date" or contingency date may also be proposed. However, once a permit has been granted for a certain date and possible contingency date, the event may not be rescheduled.
- D. The number of expected attendees shall be included in the application for a mobile food establishment event permit. Larger events may require more extensive review to protect public health and safety.
- E. An application for a permit under this section must indicate whether or not the applicant also intends to obtain a Class-P catering license to serve alcohol at the proposed event. Alcohol service shall be limited to beer, wine, sangrias, ciders, and seltzers, and shall be further limited to sale/service by a single mobile food establishment vendor per mobile food establishment event. Such indication shall be considered a condition of the permit.
- F. An application must specify a proposed start and end time for any event for which a permit is sought. The Parks Director and/or the Town Council reserves the right to amend the proposed start and end times in the granting of a permit.
- G. The proposed number and location of mobile food establishments participating in the event shall be specified in the granting of a permit.

The Town Council, the Parks Director and/or the Chief of Police reserves the right to suspend or revoke any permit issued under this section if the event poses a public health or safety risk or deviates from the established terms and conditions of the permit.

Below is a proposed amendment to Chapter 242: Parks and Recreation Areas. New Section to be added to Article III to allow for alcohol to be served in Town parks during events.

§ 242-4 Exemptions

At the discretion of the Parks Director and/or the Town Council, intoxicating beverages limited to beer, wine, sangrias, ciders, and seltzers may be sold and consumed within the limits of Town parks and recreation areas, including Johnston War Memorial Park, for Town-sanctioned events. There shall only be one (1) vendor authorized to sell any such intoxicating beverages at any mobile food establishment event where the Parks Director and/or Town Council has decided to apply this exemption. Such exemption must be granted in writing by either the Parks Director or the Town Council and shall be subject to any reasonable restrictions as determined by the Parks Director and/or Town Council, including by not limited to:

- A. Possession of a Class P Catering License
- B. Possession of a mobile food establishment event permit in accordance with Chapter 248, Article IV of the Town Ordinances.
- C. Requirement of a police detail
- D. Time limitations

Any such exemption granted under this article shall be a one-time permission with a specified date.

This Ordinance shall take effect immediately upon its passage.

A. Alfred T. Carnevale

Councilperson

Approved to form:



Town Solicitor

Ordinance 2024-4

Date of passage April 8, 2024

Aye

Linda L. Folcarelli-Councilwoman
District 1

Aye

Lauren A. Garzone - Vice-President
District 2

Aye

Alfred T. Carnevale -Councilman
District 3

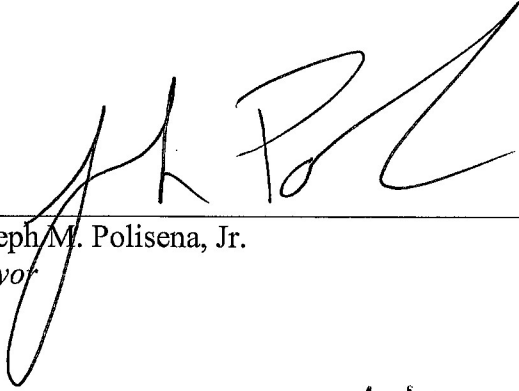
Aye

Robert J. Civetti - Councilman
District 5


Aye

Robert V. Russo -President
District 4

Approve Veto



Joseph M. Polisena, Jr.
Mayor

Attest: 

Vincent P. Baccari, Jr
Town Clerk

Date 4/11/24