

CHAPTER 210, ZONING, § 210-7. TERMS DEFINED, BY ADDING A NEW DEFINITION OF MOBILE FOOD VENDOR; § 210-18. HIGHWAY COMMERCIAL (HC) DISTRICT, BY REVISING SUBSECTION B. THEREOF TO ADD MOBILE FOOD VENDOR AS A PERMITTED PRINCIPAL USE; § 210-18. HIGHWAY COMMERCIAL (HC) DISTRICT, BY REVISING SUBSECTION C.(1) THEROF BY ADDING MOBILE FOOD VENDOR AS A PERMITTED ACCESSORY USE; AND § 210-18. HIGHWAY COMMERCIAL (HC) DISTRICT, BY ADDING A NEW SUBSECTION J. THERETO CONTAINING MOBILE FOOD VENDOR REQUIREMENTS.

WHEREAS, the Charter and Code Review Committee, as well as the Downtown Millsboro Committee (“Committees”), have determined that it would be beneficial to amend Town Code of the Town of Millsboro (“Town Code”) by allowing mobile food vendors (sometimes commonly referred to as food trucks) to operate in the Highway Commercial (HC) District; and

WHEREAS, to aid the Committees in their efforts, the Town’s Building & Code Official presented the Committees with proposed mobile food vendor/food truck provisions to include in the Town Code; and

WHEREAS, also to aid the Committees in their efforts, the Town Solicitor also presented the Committees with proposed mobile food vendor/food truck provisions to include in the Town Code; and

WHEREAS, the Committees have accepted the proposed revisions from both the Building & Code Official and the Town Solicitor, with the request that the Town Solicitor incorporate the Building & Code Official’s proposed revisions into her proposed provisions for one, comprehensive update and amendment to the Town Code, for presentation to the Town Council; and

WHEREAS, the Town Council finds that the comprehensive update and amendment to the Town Code to include new mobile food vendor/food truck provisions for the Highway Commercial (HC) District is reasonable and will be beneficial to the Town; and

WHEREAS, 22 Del. C. § 304 provides that any amendment to any zoning ordinance shall only be after a public hearing following fifteen (15) days notice thereof by publication in an official paper or a paper of general circulation within the municipality.

NOW THEREFORE BE IT RESOLVED that a Public Hearing shall be held on **Monday, February 2, 2026**, at 7:00PM, in Millsboro Town Center, 322 Wilson Highway, Millsboro, Sussex County, Delaware, to consider amending Chapter 210, Zoning, of the Town Code of the Town of Millsboro, as follows:

Item 1:

Amend § 210-7. **Terms Defined**, by adding a new definition for “mobile food vendor” to subsection B. thereof, which shall be inserted alphabetically between the definitions of “medical clinic” and “mobile home park” and which shall read as follows:

MOBILE FOOD VENDOR - A food service establishment located within a self-propelled vehicle or within a trailer, kiosk or cart (or something similar) that is pulled by a vehicle, used to store, prepare, display, serve or sell food/beverage, for consumption in a place other than in or on the unit. Any such mobile food vendor is deemed non-permanent and shall be fully transportable and moveable within twenty-four hours.

Item 2:

Amend § 210-18. **Highway Commercial (HC) District**, by revising subsection B. thereof by adding the following as a permitted principal use (removed language is stricken through; new language is underlined):

(16) ~~(Reserved)~~ Mobile food vendor, subject to the requirements of § 210-18.J.

Item 3:

Amend § 210-18. **Highway Commercial (HC) District**, by revising subsection C.(1) thereof by adding the following as a permitted accessory use:

(d) Mobile food vendor, subject to the requirements of § 210-18.J.

Item 4:

Amend § 210-18. **Highway Commercial (HC) District**, by adding a new subsection J. thereto, which shall read as follows:

J. Mobile food vendor requirements:

- (1) Prior to selling, soliciting, disposing of or offering food, beverages, goods or products for sale, a mobile food vendor must obtain a mobile food vendor license issued by the Town.
- (2) The application for a mobile food vendor license shall be in writing, on forms established and approved by the Town Manager. The fee for filing such an application shall be set annually by resolution of the Town Council.
- (3) The application for a mobile food vendor license shall be filed at Town Hall and shall set forth and include the following information,

as well as such other information required by the Town Manager:

- (a) The name and permanent home address of the applicant at the time of the application.
- (b) The name, address and principal shareholders or owners of any company, firm or business represented. If the applicant is not a principal shareholder or owner of the company, firm or business represented, the written consent of such principal shareholder or owner to applicant's submission of the application and authorization for applicant to act as representative for the company, firm or business.
- (c) Proof of current and satisfactory compliance with the following:
 - (i) Business license issued by the Delaware Division of Revenue;
 - (ii) Food establishment operating permit issued by the Delaware Department of Health and Social Services; and
 - (iii) If applicable, liquor license issued by the Delaware Office of the Alcoholic Beverage Control Commissioner.
- (d) If a motor vehicle is to be used, a description of the motor vehicle, including the following information:
 - (i) The name and address of the owner of the motor vehicle as registered with the appropriate Division of Motor Vehicles and a copy of the current, valid registration; and
 - (ii) If the applicant is not the owner of the motor vehicle, the interest of the applicant in said motor vehicle and a signed statement by all owners of the motor vehicles authorizing applicant to use the motor vehicle for food sales.
- (e) If the applicant is not the owner of the parcel where the mobile food vendor will be located, the written consent of the parcel owner evidencing permission to conduct food sales on

said parcel.

- (4) Upon the filing of an application, the Town Manager or his designee shall review the application for compliance with the above requirements and shall confirm that the products proposed to be sold, disposed of or offered for sale comply with all state laws relating to food and food products. Upon approval of an application by the Town Manager and, provided the annual license fee has been paid, the mobile food vendor license shall be issued by the Town Manager.
- (5) Mobile food vendor licenses issued by the Town Manager shall only authorize the person designated in the application and in the license to engage in business thereunder. The license is not transferable from person to person.
- (6) All mobile food vendors shall pay an annual license fee to the Town in such amount as shall be set annually by resolution of the Town Council.
- (7) Licensed mobile food vendors must display the Town-issued license on or within the mobile food vending unit.
- (8) The approval of a mobile food vendor license shall be valid for a period of one calendar year. A mobile food vendor must apply for and secure a new license from the Town each calendar year.
- (9) There shall be no more than one mobile food vendor on a parcel at any one time.
- (10) No mobile food vendor shall be wider than 8 feet 6 inches, nor longer than 45 feet.
- (11) No mobile food vendor shall be permanently connected to any utilities, including water, sewer, electric or gas.
- (12) No mobile food vendor shall interfere with vehicular or pedestrian movement on a parcel or adjacent rights-of-way.
- (13) No mobile food vendor shall misrepresent the character or quality of the products offered for sale, nor shall a mobile food vendor importune or otherwise annoy any person for the purpose of effecting a sale.
- (14) Any mobile food vendor who shall violate or fail to conform to any of the provisions of this § 210-18.J. shall be subject to monetary

penalties in such amount per violation as shall be set annually by resolution of the Town Council, as well as the Town's costs and expenses, including reasonable attorneys' fees, incurred to enforce the provisions of this § 210-18.J. and/or to collect the penalties or any other fees, costs or expenses imposed hereunder. Penalties assessed for a violation of this chapter shall be considered civil penalties and any action brought for the recovery of the penalties by the Town shall be brought in any civil court of competent jurisdiction.

- (15) In addition to the penalty prescribed above, any mobile food vendor license issued under this chapter may be revoked by the Town Manager for failure to conform to any of the provisions of this chapter, upon notice and after a hearing before the Town Manager. A license may be suspended for up to thirty (30) days pending the hearing before the Town Manager. No part of the license fee shall be returned upon revocation of the license. An appeal of a license revocation may be made by promptly filing with the Town Clerk a written notice setting forth grounds for such appeal. Any such written notice of appeal must be filed within five (5) days of the Town Manager's decision to revoke the license. Said appeal will be held before Town Council. The decision of Town Council regarding an appeal shall be final.

AND BE IT FURTHER RESOLVED that the Town Manager be and he is hereby authorized and directed to cause a Notice which shall consist of a true copy of this Resolution by title to be published in a newspaper of general circulation in the Town of Millsboro, at least fifteen (15) days prior to the date set forth in this Resolution for the Public Hearing.

I, Mary J. D'Silva, Secretary of the Town Council of the Town of Millsboro, do hereby certify that the foregoing is a true and correct copy of a Resolution passed by the Town Council at its Regular Meeting held on January 5, 2026, at which a quorum was present and voting throughout and that the same is still in full force and effect.

Mary J. D'Silva, Secretary