

**Town of Somerset**  
**Ordinance to Amend Park Regulations**  
**(Food Trucks)**

Resolution No.: 9-21-1  
Introduced: October 4, 2021  
Adopted: November 1, 2021  
Effective Date: December 7, 2021

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES TO  
REQUIRE A PERMIT FOR A FOOD TRUCK OPERATING WITHIN  
A TOWN PARK

WHEREAS, Maryland Code, Local Government Article, Section 5-202, as amended, grants to the legislative body of every incorporated municipality in Maryland general power to pass such ordinances not contrary to the Constitution of Maryland, or the public general law, as deemed necessary in order to assure the good government of the municipality, to protect and preserve the municipality's rights, property, and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the citizens of the municipality;

WHEREAS, Section 83-17 of the Town Charter authorizes the Town Council to pass ordinances not contrary to the Constitution and laws of the State of Maryland or the Town Charter, as it may deem necessary for the good government of the Town; for the protection and preservation the Town's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger, or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the Town and visitors thereto and sojourners therein;

WHEREAS, after proper notice to the public, the Town Council introduced the following Ordinance in an open meeting conducted on the 4<sup>th</sup> day of October, 2021;

WHEREAS, after proper notice to the public, the Town Council considered the following Ordinance in public session assembled on the 1st day of November, 2021;

WHEREAS, after receiving a recommendation from staff, and upon consideration of the testimony and evidence presented at the public hearing, the Town Council finds that the ordinance as hereinafter set forth is necessary for the good government of the Town; for the protection and preservation the Town's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger, or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the Town and visitors thereto and sojourners therein.

NOW, THEREFORE, the Town Council does hereby adopt the foregoing Ordinance.

BE IT ORDAINED AND ORDERED, this first day of November, 2021, by the Town Council, acting under and by virtue of the authority given it by the Maryland Code and the Town Charter that the Code of Ordinances is hereby amended as follows:

\* \* \*

**Chapter 149  
PARKS AND RECREATION**

\* \* \*

**ARTICLE II  
Park Regulations**

**§ 149-2. Unlawful acts.**

It shall be unlawful for any person, without approval of the Town Council, to engage in the following in any Town park:

\* \* \*

- J. To sell, or offer for sale, any merchandise, article or thing whatsoever; but this does not prohibit the sale of articles by the Swim Team or by other nonprofit organizations on the grounds of the Somerset Swimming Pool, or the sale of food products in accordance with a Town permit issued under this Article.

\* \* \*

**§ 149-5. Food Trucks.**

- A. Defined. As used herein, the term “food truck” means a motor vehicle used to sell, distribute, or offer to sell or distribute food products. This definition shall not apply to coffee, frozen dessert, or ice cream trucks that move from place to place and are stationary in the same location for no more than 15 minutes at a time.
- B. Permit Required. It shall be unlawful for any person, without a Town permit, to operate a food truck in any Town park.
- C. Permit Procedures. An applicant for a food truck permit must submit a written application on a form prepared by the Mayor. The application must be accompanied by any application fee that may be established by resolution of the Town Council, from time to time. The application must be accompanied by a copy of the operator’s Montgomery County food service license and such other information or documentation as determined necessary by the Mayor.
- D. Operating Requirements. While operating, each food truck operator must prominently display the Town permit issued under this Article and must provide sufficient trash and

recycling receptacles for use by customers. A food truck may only be parked at times and locations approved by the Mayor. Upon departing, a food truck operator must remove all trash and recycling within a 10-foot radius of the location where the food truck was parked.

- E. Terms and Conditions; Revocation. The Mayor may impose terms and conditions on a permit as determined necessary by the Mayor to protect the public health, safety, and welfare. The Mayor may suspend or revoke a permit if, in the determination of the Mayor, a permittee has made a false statement or misrepresentation in the application or has failed to operate in accordance with this Article or the terms and conditions of a permit issued hereunder.

[Note: Subsequent sections 149-5 through 149-8 are renumbered accordingly]

\* \* \*

**§ 149-8. § 149-9. Violations and penalties.**

- A. Class A misdemeanors. Any violation of the provisions of § 149-2A, B or C or § 149-4 shall constitute a Class A misdemeanor, punishable as set forth in § 1-17 of the Town Code.
- B. Class B misdemeanors. Any violation of § 149-2D shall constitute a Class B misdemeanor, punishable as set forth in § 1-17 of the Town Code.
- C. Municipal infractions. See also § 1-18 of the Town Code.

\* \* \*

(4) Any other violations of the provisions of this chapter shall be municipal infractions punishable as set forth in § 1-18 of the Town Code.

\* \* \*

**§ 195-4 Through trucks and commercial vehicles.**

No through truck, as defined by the Transportation Article of the Annotated Code of Maryland, § 11-171, or through commercial vehicles shall traverse any street within the Town. **No food truck, as defined by Section 149-5 of this Code, shall operate on any street within the Town, except in accordance with Section 149-5.**

\* \* \*


AND BE IT FURTHER ORDAINED AND ORDERED, by the Town Council, acting under and by virtue of the authority granted to it by the Maryland Code and the Town Charter, that:


1. If any part or provision of this Ordinance is declared by a court of competent jurisdiction to be invalid, the part or provision held to be invalid shall not affect the validity of the Ordinance as a whole or any remaining part thereof; and

2. This Ordinance shall take effect on the 7<sup>th</sup> day of December 2021 (36 calendar days after approval by the Mayor).

ATTEST:

TOWN OF SOMERSET

  
\_\_\_\_\_  
Matt Trollinger, Manager/Clerk-Treasurer  
Town of Somerset

  
\_\_\_\_\_  
Stephen Surko, President  
Town Council

Approved:

  
\_\_\_\_\_  
Jeffrey Slavin, Mayor  
Town of Somerset

Date: 11/1/2021

**Bold and Underline** indicates new material

~~Strikethrough~~ indicates material deleted

\* \* \* indicates material unchanged