

Town of Poultney

Mobile Food Vendor Ordinance

Adopted: September 8, 2025

Effective: November 7, 2025

SECTION 1. AUTHORITY

This civil ordinance is adopted and enforced pursuant to the authority conferred by 24 V.S.A. Chapter 59 and §2291(9).

SECTION 2. PURPOSE

The purpose of this Ordinance is to allow for food to be made occasionally available to the general public in the Village Commercial Zoning District in a safe, respectful, and convenient manner. This benefits the general public health, safety, and welfare of Poultney citizens by establishing reasonable guidelines and standards for mobile food vendors.

SECTION 3. DEFINITIONS

Mobile Food Vendor - A mobile stand, tent, cart, licensed motorized vehicle, or trailer, manufactured or converted, equipped to refrigerate and/or prepare food where, on a temporary basis, such food items are sold to the general public at large or to individuals attending a special event.

SECTION 4. LICENSE REQUIRED

A nontransferable Mobile Food Vendor License is required to sell food in the Village Commercial Zoning District. It shall be unlawful for any individual or company to operate as a Mobile Food Vendor without first obtaining a license from the Town Manager (the "Administrative Officer" herein) pursuant to this Ordinance. All licenses shall be issued for a specified time period, not to exceed one year, and for a specified location within the Village Commercial Zoning District. Licenses must be visibly displayed during hours of operation. Appropriate locations and the number of licenses issued in the Village Commercial Zoning District for Mobile Food Vendors shall be determined by the Administrative Officer.

SECTION 5. EXEMPTIONS

The following Mobile Food Vendors are exempt from this ordinance:

1. A vendor participating in an organized farmers market.
2. A vendor invited by a Town organization to sell at a Town-organized event.
3. A volunteer Town organization fundraising during a public event.

4. A vendor catering at private events, such as private parties and wedding receptions, where such events are a one-time occurrence and do not take place as one event in a series of events at which access by the members of the public is generally assumed.
5. Lemonade, iced tea, and similar cold drink outdoor tables or stands located on private property and operated fewer than seven (7) days per month and where the total volume of unbottled beverages sold per month is less than twenty (20) gallons gross.
6. Sidewalk bake sales, farm sales, or similar outdoor tables or stands located on a commercial property and operated fewer than seven (7) days per month and where activities do not encroach on any public sidewalk or right-of-way.
7. A vendor located entirely within the private property an established restaurant and with permission from the property owner.

SECTION 6. APPLICATION

An applicant to be a Mobile Food Vendor shall file a complete application with associated application requirements and fee.

It is the applicant's responsibility to provide the information and materials necessary to prove the applicant's Mobile Food Vendor application meets the requirements of this Ordinance.

The Administrative Officer must determine whether the application is complete promptly after the applicant submits it and must inform the applicant in writing of their determination. If the application is incomplete, the Administrative Officer must inform the applicant of what additional information is required.

Once the Administrative Officer determines that the application is complete, the Administrative Officer must act within thirty (30) days to approve or deny the application; otherwise, the application shall be deemed approved. Denial of a license shall be accompanied by a written statement of grounds for such denial.

The applicant may appeal the denial of an application to the Town of Poultney Selectboard within fifteen (15) days of the Administrative Officer's decision.

SECTION 7. FEE

A Mobile Food Vendor license is valid for a specified amount of time, up to one year, and may be reapplied for on an annual basis. A license is available at an annual fee of \$250.00 or a monthly fee of \$50.00. Full payment for the time specified in the application is required at the time of application.

SECTION 8. REVIEW OF APPLICATIONS

The license shall be granted when it is determined that the use conforms to Performance Standards in the Poultney Unified Bylaws and will not adversely affect: (1) the character of the area, (2) the public good, and (3) pedestrian and/or traffic safety. Furthermore, the Administrative Officer shall review each application for compliance with the terms of this Ordinance and shall determine that the type and scale of the operation are appropriate for location in the Village Commercial Zoning District. The Administrative Officer shall have the authority to direct changes to the operation of a licensed Mobile Food Vendor, issue notices of violations, and/or revoke licenses to ensure compliance and/or protect the public's health, safety, and welfare.

SECTION 9. STANDARDS

The following standards shall apply to all Mobile Food Vendors holding a license and their employees while operating in the Town of Poultney:

1. Hours of Operation

Hours of operation are between 7:00 AM and 9:00 PM.

2. Safe Placement

A Mobile Food Vendor shall be located and operated in a safe manner that reduces the risk of injury to customers and passing pedestrians while at no time impeding the free movement of motor vehicles and/or pedestrians in the Village Commercial Zoning District.

3. Cleanliness and Waste Removal

A Mobile Food Vendor shall maintain their location in a clean state that is neat in appearance and is responsible for the provision of receptacles for and daily removal of all recyclable and non-recyclable material, including wastewater generated by or associated with their operation.

4. Location Limitations

A Mobile Food Vendor may be located on any private property within the Village Commercial Zoning District with the permission of the property owner(s) and must be a minimum of 150 feet from any established restaurant (See Exhibit A – Village Commercial Zoning District). A Mobile Food Vendor may also be located on public property within the Village Commercial Zoning District in pre-approved Selectboard Mobile Food Vendor locations (see Exhibit B – Public Property Mobile Vendor Locations). No Mobile Food Vendor licensed under this Ordinance shall be entitled to any exclusive location.

5. Signage

Signs and other similar forms of visual advertising not attached to the mobile stand shall not exceed a combined total of 25 square feet in surface display area and shall not stand more than 6 feet above ground level. A maximum of three (3) exterior signs not attached to the mobile stand are allowed. No sign shall be placed in such a manner as to obstruct or interfere with traffic and/or pedestrian safety. Furthermore, all signage shall conform to Article IV of the Poultney Unified Bylaws. Banners, flags, pennants, "feather" or "tear drop flag" signs, and other similar items are considered signs under this Ordinance. No sign shall be placed on public property without obtaining prior approval from the Administrative Officer or Town Administrator.

6. End-of-Day Removal

The Mobile Food Vendor's mobile stand, tent, cart, licensed motorized vehicle, or trailer, and all standalone signage, recyclable and non-recyclable receptacles, tables, seating, and related items shall be removed and stored off-site at the end of each business day in a secure manner, unless prior written approval for keeping such items in a certain location is granted by the Administrative Officer or Town Administrator.

7. Noise and Generators

All noise purposely created to promote business is prohibited. Music played at a reasonable volume for the purpose of entertaining customers is allowed, provided it does not disturb adjoining properties, area residents, or other activities in the Village Commercial Zoning District and conforms to the Performance Standards in the Poultney Unified Bylaws, Article V, Section 527. For areas adjoining property used for residential purposes, noise shall not exceed a one-hour average of 70 dBA or an instantaneous maximum of 80 dBA. For areas adjoining property used for commercial purposes, noise shall not exceed a one-hour average of 80 dBA or an instantaneous maximum of 90 dBA. Noise generated by equipment, including generators, shall be subject to the same decibel limits and performance standards as other forms of operational noise.

8. Performance Standards Compliance

Vendors must conform to all other subsections of Article V, Section 527.

9. Grease Containment

Vendors are required to carry a grease containment or spill kit at all times.

10. Licensing and Certification

All required licenses, certifications, etc. (e.g., proof of insurance liability policy,

State of Vermont Sales & Use Tax Certificate, Vermont Dept. of Health Temporary Food License or License to Operate a Food and Lodging Establishment, and State of Vermont DMV Registration) shall be valid while the license is in effect. Notwithstanding Sections 10 and 11 below, expiration of any required license or certification shall be grounds for revocation of the Mobile Food Vendor license.

SECTION 10. VIOLATION

A notice of violation shall be issued for a violation of any provision of this Ordinance. Each violation of this Ordinance, including operation without a license, shall be subject to a \$200.00 fine for each offense until rectification of the cited violation is approved by the Administrative Officer or Town Administrator. Each day the violation continues is a separate offense. A food truck, stand, or other similar vendor operating without a license shall be subject to the same penalty.

SECTION 11. REVOCATION

A Mobile Food Vendor License may be revoked or suspended by the Administrative Officer for misrepresentation, conviction of a federal or state law violation, Town ordinance violation, expiration of any required license or certification, or when a cited violation is not rectified in a timely manner as determined by the Administrative Officer. License revocation or suspension shall be issued in writing and may be appealed to the Selectboard within fifteen (15) days of revocation or suspension. In the event of revocation or suspension, no paid license fees will be refunded to the vendor.

For the purposes of this section, "timely manner" shall mean:

- **Forty-eight (48) hours** for violations involving safety, health, or unlicensed operation;
- **Seven (7) calendar days** for administrative or minor operational violations, such as signage, packaging, or equipment compliance.

The Administrative Officer shall determine the applicable grace period and shall have discretion to extend the period in cases of good faith effort or extenuating circumstances.

SECTION 12. ENFORCEMENT

This Ordinance may be enforced by the Town Manager, Administrative Officer, any State Police officer, or Rutland County Sheriff. Any violation may be enforceable by injunction or other action available at law or equity. In issuing a summons, the enforcing officer may enforce this Ordinance in the Vermont Judicial Bureau and may be the appearing officer at any hearing. Should the enforcing officer seek further relief,

including injunctive relief, the enforcing officer may bring an action in the name of the Town of Poultney in the Vermont Superior Court, Civil Division, Rutland Unit, to compel compliance with this Ordinance. Ordinances enforced in the Judicial Bureau shall be in accordance with 24 V.S.A. §§ 1974a and 1977, et seq.

SECTION 13. APPLICABILITY AND SEVERABILITY

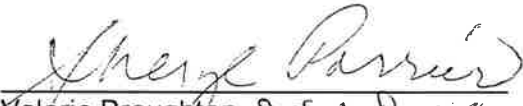
1. This Ordinance controls only those activities treated and does not supersede any state or federal law or consistent local regulation.
2. Any part or provision of this Ordinance shall be considered severable, and the invalidity of any part or section shall not invalidate any other part or provision of this Ordinance.

Adopted this 8th day of September 2025. Effective Date: November 7, 2025

POULTNEY SELECTBOARD


Sheryl Perrier, Chair Valerie Broughton


Alan-Glen Burnell, Vice-Chair

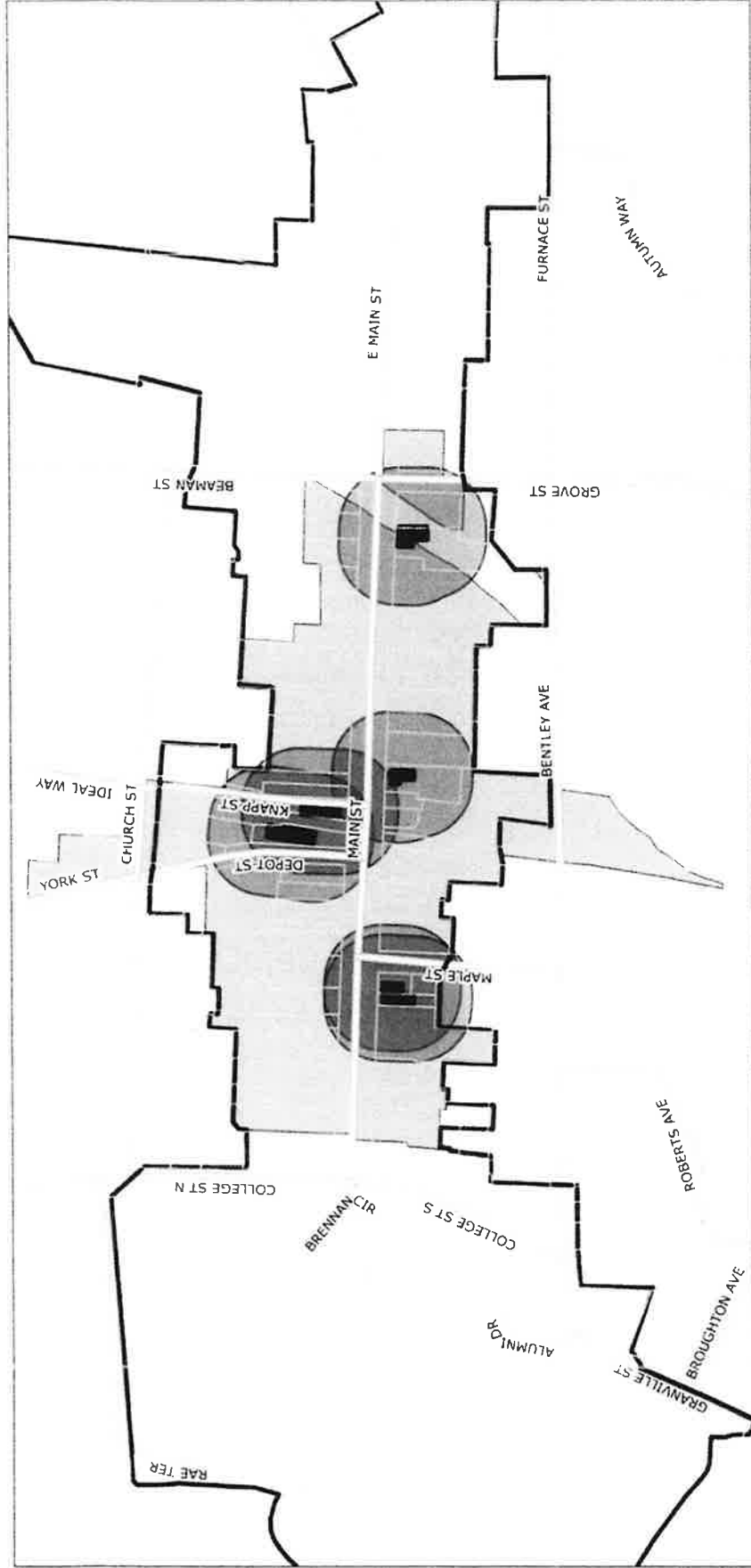

Valerie Broughton Sheryl Perrier, Chair





Mark Teetor

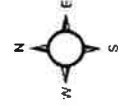

John Morgan

Mobile Food Vendor Ordinance Exhibit A — Village Commercial Zoning District

DRAFT
For Planning
Purposes Only



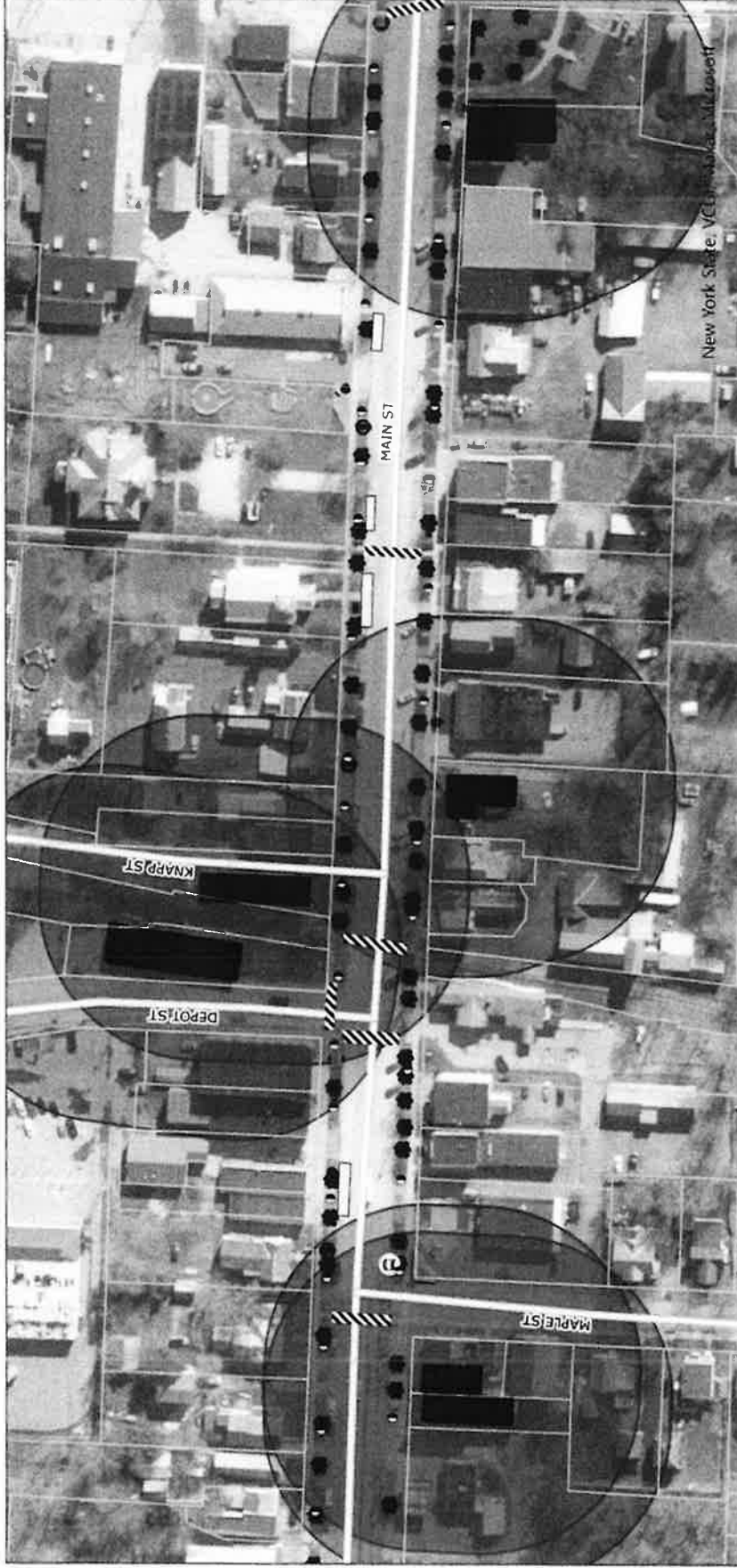
-  VC Zoning District
-  Designated Downtown
-  Restaurant
-  150' Buffer



NAD 1983 StatePlane Vermont
FIPS 4400
Credits: Poultney Planning
Commission,
PoultneyPlanning.com, June 2025

Mobile Food Vendor Ordinance Exhibit B – Public Property Mobile Vendor Locations

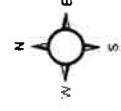
DRAFT
For Planning
Purposes Only



- Crosswalk
- Bench
- Bike Rack
- Restaurant
- 150' Buffer
- Fire Hydrant
- 6' Hydrant Buffer

- Flowerbed
- Trash Receptacle
- Main Street Tree
- PDRC Streetlight
- The Bus Stop
- Proposed Food Truck Locations

0 50 100 200 300 Feet



NAD 1983 StatePlane Vermont
FIPS 4400
Credits: Poultney Planning
Commission,
PoultneyPlanning.com, June 2025

Town of Poultney

Mobile Food Vendor Ordinance Application

LICENSE # _____ (LICENSE IS NOT TRANSFERABLE)

FOOD AND/OR SERVICES

Fully describe food and/or services to be offered for sale or otherwise distributed and the process to be followed in offering goods for sale or distribution.

APPEARANCE

Attach photographs that accurately represent the appearance of the applicant's mobile food stand, exterior signage and vehicle, trailer cart and/or tent.

REQUESTED LOCATION

Attach a hand drawn sketch showing the location and dimensions of the vehicle, trailer, tent, cart, etc. to be used as a mobile food stand, the location and dimensions of the area to be utilized by the mobile food vendor, and the location of parking, signage, recycling and non-recycling receptacles, outdoor tables, seating and all other exterior items associated with the use.

Note: Mobile Food Vendors are allowed on Private Property with the permission of the property owner(s) and must be a minimum of 150 feet from any established restaurant (See Exhibit A – Village Commercial Zoning District) or on Public Property within the areas identified and specified in Exhibit B – Public Property Mobile Vendor Locations.

OPERATIONS & EMPLOYEES

Times and dates of operation:

Number of Employees: _____

REQUIRED STATE CERTIFICATES, LICENSES, ETC.

Attach the following State certificates, licenses, etc.:

1. State of VT Sales and Use Tax Certificate
2. VT Dept. of Health Temporary Food Service Establishment License and/or VT Dept. of Health License to Operate a Food and Lodging Establishment.
3. VT Dept. of Health Inspection.
4. License Plate and Registration # of vehicle/trailer or any other means of identification, if a vehicle and/or trailer is to be used as a mobile food stand.

License Plate #: _____ Registration #: _____

INSURANCE

Attach current and active Certificate of Insurance.

Provider Company: _____ Policy # _____

Note: Proof of insurance liability policy with a minimum of \$2,000,000 general aggregate and \$1,000,000 per occurrence available to cover any injury or damage resulting from the applicant's activities in the Town of Poultney is required. If the operation will be carried out on public property, the Town of Poultney shall be named as an additional insured on the policy.

OWNER INFORMATION

Name(s): _____ Email: _____

Address: _____ Reach Phone #: _____

Signature(s) of Owner(s)

Date Signed

APPLICANT INFORMATION

Name(s): _____ Email: _____

Address: _____ Reach Phone #: _____

Signature(s) of Applicant(s)

Date Signed

Note: If the applicant is employed or sponsored, the name address and telephone number of the applicant's employer or sponsor of the applicant's Mobile Food Vendor activities, together with credentials establishing the exact relationship shall be provided.

The signer(s) agrees to observe the conditions of the license and all other provisions of the Town of Poultney's Mobile Food Vendor Ordinance, adopted by the Town of Poultney Selectboard on XX/XX/XX.

DO NOT WRITE BELOW THIS LINE – Office Use Only

Administration Decision

Completed Application Received: _____

Fee Paid: _____

Date Denied (see attached for cause): _____

Date Approved: _____

Time Period License Effective: _____

Location Approved: _____

XXXX XXXXX, Zoning Administrator: _____