

**TOWN OF GEORGETOWN
TOWN COUNCIL MEETING AGENDA**

Meeting Date: Wednesday, March 9, 2016
Location: Town Hall, 39 The Circle, Georgetown, DE
Time: 7:00 P.M. Regular Meeting

7:00 P.M. Regular Meeting

1. Pledge of Allegiance
2. Invocation
3. Adoption of Agenda
4. Approval of February 24, 2016 Town Council Minutes
5. 2nd Reading and adoption of Ordinance
A. Ordinance #2016-3 Food Vendors
6. Departmental Reports
A. Gene Dvornick – Town Manager
B. R L Hughes II – Police Chief
7. Public Comment
8. Executive Session
A. Mayor and Council will meet in executive session which authority is pursuant to “29 Del.C. §10004(b)(2) for preliminary discussion of sales or leases of real property.”
9. Adjournment

The agenda items as listed may not be considered in sequence. This agenda is subject to change to include additional items including executive sessions or the deletion of items including executive sessions, which arise at the time of the meeting. Persons with disabilities requiring special accommodations to attend this meeting should contact the Town Office in writing 72 hours in advance of the meeting, stating their needs in order to have them addressed under the requirements of the Americans with Disabilities Act (ADA).



ORDINANCE NO. 2016-3

AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF GEORGETOWN, CHAPTER 119, THEREOF, ENTITLED ICE CREAM PEDDLERS

WHEREAS, the Town Council recognizes the need to address Food Vendors.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF GEORGETOWN IN COUNCIL MET, HEREBY ORDAINS:

Section 1. Chapter 119, Ice Cream Peddlers, of the Code of the Town of Georgetown is hereby amended as follows:

Chapter 119. Ice Cream Peddlers **Food Vendors**

§ 119-1. Definitions.

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

PEDDLER FOOD VENDOR

Includes a person who **either has a fixed business location which is not a dwelling or building (e.g. vehicle, food cart) or who** goes from place to place or from house to house by traveling on the streets by vehicle or otherwise and who carries with him or her **food and/or beverages, including but not limited to ice cream and other frozen food products,** goods, wares and merchandise for the purpose of selling or delivering them to consumers.

§ 119-2. License required.

No peddler of ice cream, ice cream products, water ices, frozen water products or frozen confectionery products of any kind or character **food vendor** shall sell, solicit, dispose of or offer his goods, wares or merchandise **or products** for sale within the Town unless he first obtains a license issued by the Town.

§ 119-3. Application for license; contents.

- A. An application for license under this chapter shall be made by the applicant, in writing, verified under oath, on forms approved by the Town Manager.
- B. The application shall be filed in the office of the Planning and Zoning Department and shall set forth the following information:

- 1) The name and permanent home address of the applicant at the time of the application.
 - 2) The name, ~~and~~ address **and principle shareholders or owners** of the **any firm or business** represented.
 - 3) All permanent home addresses of the applicant within the past three years.
 - 4) Proof of current and satisfactory compliance with the following:
 - a) Delaware State Business License.
 - b) Delaware Department of Public Health Food Establishment Permit.
 - c) ~~State of Delaware and Federal Criminal Background Check, copies of which shall be provided by the applicant, at his/her own expense, along with the application.~~
 - 5) A description of the vehicle to be used, if a motor vehicle is to be used, including:
 - a) The name and address of the owner of the vehicle as registered with the Delaware **appropriate State** Division of Motor Vehicles, **and a copy of the current, valid registration.**
 - b) A description of the vehicle, giving the name of the manufacturer, serial number, motor number ~~and the name of the person~~ and any other insignia appearing thereon.
 - c) The date of purchase of the vehicle and the name and address of the person from whom acquired.
 - d) If the applicant is not the owner, the interest of the applicant in said vehicle.
 - e) If any person, other than the applicant, has any interest whatsoever in the vehicle, the name and address and interest of each such person, **and a signed statement by each such person authorizing use of the vehicle for food sales.**
 - 6) ~~A statement as to w~~Whether or not the applicant has been convicted of a crime or disorderly persons offense or violation of any **law or ordinance of the Town of Georgetown** ~~municipal ordinance~~ and the nature of each offense, if any, for which convicted.
 - 7) The names and addresses of persons or companies from whom the **food/beverage** products to be sold, disposed of or offered for sale under this chapter have been or are to be purchased for the purpose of resale in the applicant's business.
- C. If the applicant is an employee or representative of any person, there shall be appended to the application a letter from the employer or principal authorizing the applicant to act as his representative.
- D. **If a food vendor vehicle is to have a fixed or semi-fixed location from which sales will be conducted, a signed statement of permission from the property owner(s) (if other than the applicant) evidencing permission to conduct food vending at the location.**

§ 119-4. Investigation; issuance of license.

Upon the filing of the application, the Town Manager shall cause an investigation to be made concerning the facts therein set forth ~~and of the applicant's business and moral character as it deems necessary for the protection of the public good.~~ If, as a result of such investigation, the applicant's ~~character and~~ business responsibility is found to be satisfactory and the products proposed to be sold, disposed of or offered for sale comply with all state laws relating to food and food product, then, upon approval of the application by the Town Manager and upon payment of the fee prescribed in § 119-7, the license shall be issued by the Planning and Zoning Department.

§ 119-5. Rights conferred by license; transferability; term.

- A. The license issued shall not authorize any person, except the person designated therein, to engage in business thereunder. The license shall not be transferable from person to person.
- B. Licenses issued under this article shall be valid ~~only from the first Saturday in May through Labor Day, inclusive.~~ **for a period of one calendar year. The applicant must apply for and secure a new license from the Town each calendar year.**

§ 119-6. Display of license.

Upon the issuance of a license, the Planning and Zoning Department shall furnish the licensee with a plate, badge or other evidence bearing a number corresponding to the number of license and the year in which it is issued. The plate, badge or other evidence shall be displayed at all times on a conspicuous part of the vehicle used by the licensee in the conduct of his business.

§ 119-7. Areas restricted; hours of operation; license fees.

- A. It shall be unlawful for any peddler **food vendor** to operate on or along North Bedford Street, South Bedford Street, East Market Street or West Market Street.
- B. ~~Hours of operation: first Saturday in May to Memorial Day and shall not begin prior to 3:00 p.m. and shall cease at 8:00 p.m.; Memorial Day through Labor Day shall not begin prior to 12:00 noon and shall cease at 8:00 p.m. Days of operation are Monday through and including Saturday. Sunday sales shall be prohibited.~~
- C. The fee for a license issued under this chapter for each annual period shall be **as outlined in § 98-6.** \$25 for each wagon, pushcart, automobile, bicycle or other vehicle or receptacle in which the products are carried or from which they are sold. In addition, a fee as outlined in **§ 98-4** for background checks shall be paid by each peddler and every agent or representative working for him or her.

§ 119-8. Misrepresentation of product.

No ~~peddler~~ **food vendor** licensed under this chapter shall misrepresent the character or quality of the merchandise offered for sale.

§ 119-9. Conduct of ~~peddlers~~ **Food vendors**.

No ~~peddler~~ **food vendor** licensed under this chapter shall importune or otherwise annoy any person for the purpose of effecting a sale.

§ 119-10. Compliance with food laws.

All products sold, disposed of or offered for sale under this chapter shall comply with all laws and ordinances of the Delaware Department of Public Health relating to food and food products.

§ 119-11. Suspension or revocation of license; hearing.

In addition to the penalty prescribed in § 119-~~12~~**13**, any license issued under this chapter may be revoked by the Town Manager for the violation of any provision hereof upon notice and hearing. A license may be suspended for a period of two weeks pending hearing. No part of the license fee shall be returned upon revocation of the license.

§ 119-12. ~~Violations and penalties~~ **Ice Cream and other frozen food products, additional requirements.**

~~Any person violating any provision of this chapter shall pay such fines as set out in Chapter 1, Article III, General Penalty.~~

- A. State of Delaware and Federal Criminal Background Check, copies of which shall be provided by the applicant, at his/her own expense, along with the application. **Applicant may be subject to such additional background or character investigations as the Town Manager deems necessary for the safety of the public.**
- B. Licenses issued under this ~~article~~ **section** shall be valid only from the first Saturday in May through Labor Day, inclusive.
- C. Hours of operation: first Saturday in May to Memorial Day and shall not begin prior to 3:00 p.m. and shall cease at 8:00 p.m.; Memorial Day through Labor Day shall not begin prior to 12:00 noon and shall cease at 8:00 p.m. Days of operation are Monday through and including Saturday. Sunday sales shall be prohibited.

§ 119-13. Violations and penalties.

Any person violating any provision of this chapter shall pay such fines as set out in Chapter 1, Article III, General Penalty.

Section 2. Chapter 98, Fees, of the Code of the Town of Georgetown is hereby amended as follows:

Chapter 98. Fees

§ 98-6. Licensing and permits.

The following fee schedule is hereby adopted for licensing and permits for the Town of Georgetown:

Type	Fee
Ice cream peddler <u>Food vendor</u>	\$30.00

Section 3. This Ordinance shall become effective following its adoption by a majority vote of all members elected to the Town Council.

BE IT ENACTED by the Town Council of the Town of Georgetown, Delaware on the _____ day of _____ A.D., 2016.

William E West, Mayor

Steve M Hartstein, Secretary

1st Reading: February 24, 2016
2nd Reading: March 9, 2016
Adoption: March 9, 2016