

For:
Introduction and referral to PC: 1/5/26
Public hearing: ___
Adoption: ___
Effective: ___ (upon expiration of 20 calendar days following approval by Mayor or passage by Council over Mayor's veto by 4/5ths of the whole Council)

THE TOWN OF MOUNT AIRY, MARYLAND

ORDINANCE NO. 2026-1

**AN ORDINANCE TO AMEND PART II
OF THE CODE OF THE TOWN OF MOUNT AIRY
ENTITLED "GENERAL LEGISLATION,"
CREATING NEW CHAPTER 15 ENTITLED "FOOD TRUCKS/MOBILE FOOD UNITS
(MFUs)"; AND AMENDING CHAPTERS 98 ENTITLED "SUBDIVISION OF LAND
AND SITE PLAN REVIEW", ARTICLE VIII ENTITLED "SITE PLAN PROCESS",
SECTION 98-30 ENTITLED "PROCEDURES FOR SITE PLAN REVIEW AND
APPROVAL"; AND CHAPTER 112 ENTITLED "ZONING", ARTICLE II ENTITLED
"GENERAL REGULATIONS", SECTION 112-5 ENTITLED "USES NOT LISTED"
AND ARTICLE V ENTITLED "PROVISIONS GOVERNING COMMERCIAL
DISTRICTS", SECTION 112-37.1 ENTITLED "DOWNTOWN ZONE (DTZ)"**

WHEREAS, the use and operation of food trucks within the Town is becoming more prevalent, often in place of, and sometimes in conjunction with, so called "brick-and-mortar" restaurants; and

WHEREAS, while certain aspects of food truck operations may be regulated by County health department standards and regulations and/or to some extent by the State of Maryland, there currently exists in the Town no clear set of guidelines or regulations related to such operations within the Town; and

WHEREAS, the Town Council has determined it necessary and desirable to regulate the use and operation of food trucks within the Town to create a clear permitting and approval process for mobile food vendors operating within the Town, to ensure that food truck operations meet the same health, safety and site standards required of permanent food service establishments (*e.g.* "brick and mortar" restaurants), balance the opportunities for mobile vendors with the needs of established businesses and residential neighborhoods, and to protect public property, ensure equitable use of Town spaces, and maintain downtown character.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF MOUNT AIRY:

Section 1. That new Chapter 15 of the Code of the Town of Mount Airy is hereby created and enacted as follows:

CHAPTER 15 – FOOD TRUCKS/MOBILE FOOD UNITS (MFUs)

§15-1. Intent and purpose.

The purposes of this Chapter are to:

- A. Establish a clear permitting and approval process for food truck vendors operating within Mount Airy.
- B. Ensure food truck operations meet the same health, safety, and site standards expected of permanent food service establishments.
- C. Balance opportunities for food truck vendors with the needs of established businesses and residential neighborhoods.
- D. Protect public property, ensure equitable use of Town spaces, and maintain downtown character.

§15-2. Definitions.

The following terms shall have the following meanings in this Chapter:

“Food Truck / Mobile Food Unit (MFU)” shall mean a motorized or towable vehicle, trailer, or cart equipped to store, prepare, and/or serve food or beverages for public sale.

“Permanent Food Truck/MFU” shall mean a Food Truck/MFU that operates on the same property for more than 30 consecutive days or more than 60 total days per year.

“Temporary Food Truck/MFU” shall mean a Food Truck/MFU operating for special events, community gatherings, or time-limited promotional purposes authorized by the Town for durations less than those which would qualify a Food Truck/MFU as a Permanent Food Truck/MFU.

“Special Event” shall mean any Town-approved public event (e.g., festivals, markets, parades).

“Downtown Zone” or “DTZ” shall mean the area designated in the Town Zoning Map as the Downtown Zone and as governed by Section 112-37.1 of this Code.

§15-3. Applicability, permitting and other requirements.

The provisions of this Chapter shall apply to:

- A. All Food Trucks/MFUs, whether temporary or Permanent Food Trucks/MFUs, which must obtain a Town-issued Food Truck/MFU Permit issued by Town planning staff prior to operation.

B. Operators of all Food Trucks/MFUs, whether temporary or Permanent Food Trucks/MFUs must maintain valid Carroll County and/or Maryland Health Department licenses as a condition of the Town permit, and shall at all times during operation within the Town comply with all County and State laws and regulations related to food service facilities as they apply to food trucks or mobile food service facilities, including but not limited to the regulations set forth in Code of Maryland Regulations, Title 10, Subtitle 15, Chapter 03 as they may apply.

C. All Food Trucks/MFUs, whether temporary or Permanent Food Trucks/MFUs, located on public or private property within the Town must comply with all zoning, parking, and health and safety regulations outlined herein and in Chapters 98 and 112 of this Code as they pertain to Food Trucks/MFUs.

§15-4. Location and operational restrictions.

A. Downtown Zone (“DTZ”)

(1) Food Trucks/MFUs operated within the DTZ may operate only with an approved Special Event Permit.

(2) The Town may designate specific locations within the DTZ for maintenance and operation of a Food Truck/MFU and may restrict the dates of operation and impose conditions for such use and operation.

B. Outside Downtown Zone.

(1) Food Trucks/MFUs may operate on public property outside the Downtown Zone if approved through a Town Food Truck/MFU Permit.

(2) Food Trucks/MFUs may otherwise operate on private property outside the DTZ only with written permission from the property owner and approval by the Town.

C. Distance Restrictions

(1) Wherever located, Food Trucks/MFUs must be at least 500 feet from the customer entrance of any brick-and-mortar restaurant unless written consent is provided by that business.

(2) Food Trucks/MFUs, including all seating, must maintain at least a 100 foot buffer from residentially zoned property lines unless otherwise specifically authorized by the Town.

D. Site and Circulation

(1) Food Trucks/MFUs must operate on paved or otherwise improved surfaces.

(2) Food Trucks/MFUs may not block sidewalks, fire lanes, driveways, sightlines, or required parking spaces.

(3) Customer queues and seating for Food Trucks/MFUs must remain within the approved operating area.

E. Permitting Process

(1) All operators must obtain a Town Food Truck/MFU Permit.

(2) The application for a Town Food Truck/MFU Permit shall include:

(a) Proof of valid Health Department license(s).

(b) Maintenance of liability insurance coverage acceptable to the Town during the period of operation within the Town naming the Town as an additional insured. Any applicant shall provide a Certificate of Insurance as proof of such coverage.

(c) Written property owner consent (if applicable).

(d) A site layout or plot plan showing placement, signage, seating, utilities, access, and trash handling.

(3) Permits are issued per operation or per special event — no annual or seasonal permits shall be permitted.

(4) Permanent Food Trucks/MFUs shall be subject to the Modified Site Plan process set forth below.

§15-5. Modified site plan requirement for Permanent Food Trucks/MFUs.

A. Permanent Food Trucks/MFUs will require Modified Site Plan approval by the Planning Commission.

B. Modified Site Plans must include:

(1) Parking layout and circulation.

(2) Pedestrian safety and ADA compliance.

(3) Screening, lighting, and trash management.

(4) Access to water, sewer, or approved alternative systems.

(5) Compliance with fire and electrical codes.

(6) Proposed signage.

(7) Proposed seating.

C. Review and approval of any site plan for Permanent Food Trucks/MFUs shall meet Town standards for health, safety, and aesthetics, consistent with similar other commercial uses.

§15-6. Operating standards.

A. Permit Duration: Each permit is valid for up to 12 hours of operation within the window of 7:00 a.m. to 9:00 p.m., unless modified or extended under a special permit.

B. Utilities: No permanent hookups are permitted except for Permanent Food Trucks/MFUs with modified site plan approval in accordance with Section 15-5 above.

C. Noise/Lighting: Must comply with Town Code on noise and light pollution.

D. Trash & Grease: Operators are responsible for daily cleanup and disposal.

E. Display: All Town and Health permits must be visibly posted on the unit.

F. Signage: Temporary Food Trucks/MFUs shall be limited to signage attached or otherwise displayed on the Food Truck/MFU. Permanent Food Trucks/MFUs must abide by the signage restrictions as set forth in Section 112-11 of the Town Code and otherwise for brick-and-mortar restaurants.

G. Seating: Seating for Food Truck/MFU customers must comply with the sidewalk seating requirements set forth in this Code, Section 112-37.1B(1)(d) as may be applicable and must comply with other applicable requirements including under the Americans with Disabilities Act. If applicable, any seating shall be limited to the square footage of the Food Truck/MFU, unless otherwise specifically authorized by the Town.

H. Food Trucks/MFUs shall be limited in size to 26 feet or less in length, and 7 feet or less in width, unless otherwise authorized by the Town.

§15-7. Fees and revenue.

A. Permit fees shall be set by the Town Council by resolution, as may be amended from time to time.

B. A portion of fees may be allocated to support the Mount Airy Main Street Association (MAMSA) or other designated downtown organizations.

§15-8. Enforcement.

A. Operation without a valid permit constitutes a municipal infraction, subject to the fines set forth in Section 112-22A.

- B. Repeated violations may result in permit revocation.
- C. Immediate suspension may occur for health or safety violations.
- D. Appeals from determinations of Town Staff related to a Town Food Truck/MFU may be made to the Board of Appeals and shall be made in writing in accordance with Section 112-59.

Section 2. That Article VIII of Chapter 98 of the Code of the Town of Mount Airy, Section 98-30 be and is hereby amended as follows:

§98-30. Procedures for site plan review and approval.

* * *

- P. Approval of site plans for Permanent Food Trucks/Mobile Food Units, as defined in Section 15-2 of this Code, shall follow the modified site plan review process and requirements set forth in Section 15-5 of the Town Code.

Section 3. That Chapter 112 of the Code of the Town of Mount Airy, Article II, Section 112-5 and Article V, 112-37.1 be and are hereby amended as follows:

§112-5. Uses not listed.

Except with respect to Food Trucks/Mobile Food Units (“MFUs”), Any use not specifically enumerated as being allowed in a given district in this chapter shall not be allowed by approval of a special exception from the Board of Appeals unless the Board of Appeals find that the use not specifically enumerated is identical in impact to a use permitted by right or allowed by special exception in the district. All such uses must meet all requirements for the identical use as well as the general requirements for a special exception (§ 112-62E). This section shall not apply to any use (or similar use) that is expressly listed in this chapter as being prohibited. Food Trucks/MFUs shall be a use of right within the Downtown Zone (DTZ) subject to the permitting, restrictions and regulations set forth in Chapter 15 of this Code. Notwithstanding the provisions above, Food Trucks/MFUs may be permitted in other zoning districts only upon the expressed permission of the Town and subject to the permitting, restrictions and regulations set forth in Chapter 15 of this Code.

§112-37.1. Downtown Zone (DTZ).

* * *

- B. Principally permitted uses. No building or structure may be erected, used or occupied except in accordance with the following principally permitted uses:

- (1) Retail and personal service establishments. The following retail and personal service establishments, up to a maximum of 15,000 square feet of floor space except as respects Food Trucks/Mobile Food Units (“MFUs”) for which floor space shall be limited as set forth in Chapter 15 of this Code:

* * *

(b) Food service and preparation for consumption on or off premises as follows:

* * *

[11] Food Trucks/MFUs as permitted, restricted and regulated pursuant to Chapter 15 of this Code.

* * *

D. Prohibited uses. The following uses shall be prohibited within the Downtown Zone:

* * *

(3) Drive-in or drive-through food establishments, which shall not include Food Trucks/MFUs which are permitted in the Downtown Zone subject to the permitting, restrictions and regulations set forth in Chapter 15 of this Code;

BE IT ENACTED AND ORDAINED BY THE AUTHORITY AFORESAID, that this Ordinance shall take effect on the ___ day of _____, 2026 (upon expiration of 20 calendar days following approval by Mayor or passage by Council over Mayor’s veto by 4/5ths of the whole Council).

Introduced this 5th day of January, 2026.

Enacted this ___ day of _____, 2026 by a vote of _____ in favor and _____ opposed.

ATTEST:

Jason Evans, Secretary

Tim Washabaugh,
President of the Town Council

Approved this ___ day of _____, 2026.

ATTEST:

Jason Evans, Secretary

Larry Hushour, Mayor

REVIEWED AND APPROVED AS TO LEGAL FORM AND SUFFICIENCY.
This ___ day of _____, 2026.

Thomas V. McCarron, Town Attorney