

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 73 ENTITLED "MOBILE FOOD UNITS"; 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, which shall in this ordinance and hereafter be called "Mobile Food Units", 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 Mobile Food Unit 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 Mobile Food Units within the Town to create a clear permitting and approval process for mobile food vendors operating within the Town, to ensure that Mobile Food Unit 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 73 of the Code of the Town of Mount Airy is hereby created and enacted as follows:

CHAPTER 73 – MOBILE FOOD UNITS

§73-1. Intent and purpose.

The purposes of this Chapter are to:

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

§73-2. Definitions.

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

“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.

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

“Permanent Mobile Food Unit” shall mean a Mobile Food Unit that operates on the same property for more than 30 consecutive days or more than 60 total days per year, or which requests or installs any utility connection such as for water, sewer, gas or electric other than exclusively to the Mobile Food Unit operator’s generator.

“Regular Mobile Food Unit” shall mean a Mobile Food Unit that operates at a location for one calendar day at a time, is not a part of a Special Event and does not meet the definition of a Semi-Permanent Mobile Food Unit or a Permanent Mobile Food Unit.

“Semi-Permanent Mobile Food Unit” shall mean a Mobile Food Unit that operates at the same location, whether on public or private property three or more days per week, or for multiple consecutive weeks or months, provided that the Mobile Food Unit does not otherwise meet the definition of Permanent Mobile Food Unit.

“Special Event” shall mean any Town-approved public event (e.g., festivals, markets, parades) on public or private property within the Town that is:

- (1) Time-limited for specific dates and hours; and

(2) Is expected to generate activity beyond normal site activities or conditions; and

(3) Either:

(a) Includes two or more Mobile Food Units at one location; and/or

(b) Includes operation of any Mobile Food Unit within the Town's Downtown Zone (DTZ).

“Special Event Mobile Food Unit” shall mean any Mobile Food Unit that operates as a part of a Special Event.

§73-3. Applicability and permitting requirements.

The provisions of this Chapter shall apply to:

A. All Mobile Food Units operated within the Town.

B. Operators of all Mobile Food Units must maintain all applicable valid Carroll County and/or Maryland Health Department licenses as a condition to operation within the Town, and shall at all times during operation within the Town comply with all such County and State laws and regulations related to food service facilities as they apply to Mobile Food Units, 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 Mobile Food Units located on public or private property within the Town must comply with all applicable zoning, parking, and health and safety regulations outlined herein and in Chapters 98 and 112 of this Code as they pertain to Mobile Food Units.

D. Permitting Requirements.

(1) Beginning on _____, 2026 **insert effective date of ordinance**, operation of Mobile Food Units within the Town shall require a Town Mobile Food Unit Permit. Except in the case of Special Event Mobile Food Units, each Mobile Food Unit operated within the Town shall require a Mobile Food Unit. Mobile Food Unit Permits shall be one of the following types:

(a) Regular/Semi-Permanent Mobile Food Unit Permit.

(i) A Regular Mobile Food Unit Permit shall authorize operation for only one calendar day, within Town approved hours of operation.

(ii) A Regular Mobile Food Unit Permit may be reclassified by the Town after initial issuance to a Semi-Permanent Mobile Food Unit Permit if a Regular Mobile Food Unit shall operate repeatedly or on a recurring basis at the

same location, at which time the Town may impose additional administrative conditions to the permit, including a defined schedule or range of dates for operation.

(iii) The Town may terminate, revoke, not renew or deny a Semi-Permanent Mobile Food Unit Permit, and may require a Permanent Mobile Food Unit Permit subject to the Modified Site Plan Process set forth below in Section 73-5 for the operation of the Mobile Food Unit, if in the judgment of Town Staff the duration or frequency of the operation of the Mobile Food Unit on the same property justifies, or if a utility connection becomes necessary.

(b) Special Event Mobile Food Unit Permit, which shall expire at the conclusion of the Special Event.

(i) A single Special Event Mobile Food Unit Permit may be issued of multiple Mobile Food Units, subject to the application requirements of Subsection D.(4) below.

(c) Permanent Mobile Food Unit Permit.

(2) Regular/Semi-Permanent, Permanent Mobile Food Unit Permits, and Special Event Mobile Food Unit Permits in the case of Town sponsored events shall be applied for by and issued to the operator of the Mobile Food Unit. Special Event Mobile Food Unit Permits shall be applied for by and issued to the event organizer.

(3) For Special Event Mobile Food Permit applications, the event organizer shall be required to notify affected businesses and/or residences within applicable buffer distances of the application.

(4) The application for a Town Mobile Food Unit Permit shall at a minimum include, to the extent not already on file and updated to within 12 months of the application with the Town as per Subsection E below:

(a) Identification of the type of Mobile Food Unit Permit being applied for.

(b) Whether the Mobile Food Unit is proposed to be operated on public or private property, and if on private property the exact description of the property at issue.

(c) Name, address and contact information for each operator of the Mobile Food Unit(s), the property owner(s) if on private property, and in the case of Special Event Mobile Food Unit Permits for the event organizer(s).

(d) Proof of all applicable and valid Health Department and food service license(s), which shall be kept by the permit holder(s) for the duration of the Mobile Food Unit Permit and/or the operation of the Mobile Food Unit(s).

- (e) Unless otherwise waived by the Town, proof of 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 for each Mobile Food Unit being permitted, which shall be kept by the permit holder for the duration of the Mobile Food Unit Permit and/or the operation of the Mobile Food Unit.
- (f) Written consent of the owner of private property on which the Mobile Food Unit(s) are proposed to operate, if applicable.
- (g) For Special Event Mobile Food Unit Permits, documentation of notice or consent of affected business and/or residents within applicable buffer distances.
- (h) A site layout or plot plan showing proposed location, placement, signage, seating, utilities, access, buffering, and trash handling.
- (i) A traffic and safety operations plan.
- (j) Proposed dates and hours of operation.
- (k) Any additional information requested by Town Staff or as may be applicable pursuant to Section 73-5 below, the Planning Commission.
- (5) Permits are issued per calendar day in the case of a Regular Mobile Food Unit or per Special Event in the case of any Special Event Mobile Food Unit. Semi-Permanent Food Unit Permits shall be issued for a duration to be specified in the permit, but for no longer than for a duration which would qualify the Mobile Food Unit as a Permanent Mobile Food Unit. No annual or seasonal permits shall be issued. Permanent Mobile Food Unit Permits shall expire after a year from issuance, unless renewed.
- (6) Permanent Mobile Food Units shall be subject to the Modified Site Plan process set forth in Section 73-5 below, except in the Downtown Zone (DTZ) where Permanent Mobile Food Units shall be subject to the same land use restrictions, and land use and site plan review processes, as restaurants.
- (7) Mobile Food Unit Permits shall be subject to review and approval by Town Staff. The Town may impose conditions to operation of a Mobile Food Unit such as with respect to location, hours of operation, zoning and buffering requirements, parking, circulation, noise mitigation, trash and grease management, Americans with Disabilities Act compliance and/or which promote or enhance public safety.
- E. The Town shall maintain application and permit files for Mobile Food Unit vendors containing the documents and information set forth in Subsection D(4) above, which may

be consulted by the Town when reviewing and approving Mobile Food Unit Permits, so long as said information is valid and effective within the 12 months prior to application.

§73-4. Location and operational restrictions.

A. Downtown Zone (“DTZ”)

(1) Special Event Mobile Food Units operated within the DTZ may operate on public or private property only with an approved Special Event Permit, and as respects operation on private property only with written permission from the property owner.

(2) Regular Mobile Food Units and Semi-Permanent Mobile Food Units shall not be permitted in the DTZ.

(3) Permanent Mobile Food Units proposed to operate on private property in the DTZ shall be required to undergo full site plan and other land use approvals under Chapters 98 and 112 of this Code that restaurants are required to undergo.

(4) The Town may designate specific locations within the DTZ for maintenance and operation of a Mobile Food Unit and may restrict the dates of operation and impose conditions for such use and operation.

B. Outside Downtown Zone.

(1) Mobile Food Units may operate on public or private property outside the Downtown Zone only if approved by the Town through application for and issuance of a Town Mobile Food Unit Permit, and as respects operation on private property only with written permission from the property owner.

(2) Operation of any Permanent Mobile Food Units outside the Downtown Zone (DTZ) must also apply for and obtain approval of a Modified Site Plan as set forth in Section 73-5 below.

C. Distance Restrictions

(1) Wherever located, Mobile Food Units 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) Mobile Food Units, 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) Mobile Food Units must operate on paved or otherwise improved surfaces.

(2) Mobile Food Units may not block sidewalks, fire lanes, driveways, sightlines, or required parking spaces.

(3) Customer queues and seating for Mobile Food Units must remain within the approved operating area.

§73-5. Modified site plan requirement for Permanent Mobile Food Units.

A. Permanent Mobile Food Units 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 Mobile Food Units shall meet Town standards for health, safety, and aesthetics, consistent with similar other commercial uses.

D. In addition to any conditions that Town Staff may impose pursuant to Section 73-3D(7) above, the Planning Commission may impose conditions on approval of a Modified Site Plan for a Permanent Mobile Food Unit such as with respect to location, hours of operation, zoning and buffering requirements, parking, circulation, noise mitigation, trash and grease management, Americans with Disabilities Act compliance and/or which promote or enhance public safety, which shall likewise become a condition of the Permanent Mobile Food Unit Permit.

§73-6. 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 Mobile Food Units with Modified Site Plan approval in accordance with Section 73-5 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 Mobile Food Units shall be limited to signage attached or otherwise displayed on the Mobile Food Unit. Permanent Mobile Food Units 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 Mobile Food Unit 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 Mobile Food Unit, unless otherwise specifically authorized by the Town.
- H. Mobile Food Units 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.

§73-7. Fees and revenue.

- A. Fees for Semi-Permanent and Permanent Mobile Food Unit Permits shall be set by the Town Council by resolution, as may be amended from time to time. There shall be no fees for Regular Mobile Food Unit or Special Event Mobile Unit permits.
- B. A portion of fees may be allocated to support the Mount Airy Main Street Association (MAMSA) or other designated downtown organizations.

§73-8. Enforcement.

- A. The Town is empowered to conduct inspections for compliance with the provisions of this Chapter, which shall be in addition to, and not in substitution of inspections conducted by State and County agencies related to food handling and sanitation.
- B. The Town shall be empowered to maintain documentation related to applications for and the issuance of Mobile Food Unit Permits, to track the duration, frequency and operation of any Mobile Food Unit, and to reclassify, deny, revoke or not renew any Mobile Food Unit Permit issued by the Town as set forth in this Chapter.
- C. Operation without a valid permit constitutes a municipal infraction, subject to the fines set forth in Section 112-22A.
- D. Repeated violations may result in permit revocation.
- E. Immediate suspension may occur for health or safety violations.

F. Appeals from determinations of Town Staff related to a Mobile Food Unit 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 Mobile Food Units, as defined in Section 73-2 of this Code, shall follow the Modified Site Plan review process and requirements set forth in Section 73-5 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 Mobile Food Units, 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. Due to the unique pedestrian and business considerations and the need to balance the interests of existing businesses in the Downtown Zone (DTZ), only Special Event Mobile Food Units shall be permitted within the Downtown Zone (DTZ), as a use of right, subject to the permitting, restrictions and regulations set forth in Chapter 73 of this Code. Permanent Mobile Food Units proposed to operate in the Downtown Zone (DTZ) shall only be permitted where and to the extent restaurants are permitted in the Downtown Zone (DTZ), shall be subject to the same restrictions as restaurants, and shall be subject to full site plan and land use reviews and approvals that restaurants are required to undergo. Outside the Downtown Zone, Permanent Mobile Food Units shall be permitted subject to the Modified Site Plan Review Process set forth in Section 73-5 of the Code and otherwise subject to applicable provisions of Chapter 73 of this Code. Mobile Food Units may be permitted in other zoning districts only upon the expressed authorization of the Town and subject to the permitting, restrictions and regulations set forth in Chapter 73 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 Special Event Mobile Food Units for which floor space shall be limited as set forth in Chapter 73 of this Code:

* * *

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

* * *

[11] Special Event Mobile Food Units as permitted, restricted and regulated pursuant to Chapter 73 of this Code.

* * *

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

* * *

(3) Drive-in or drive-through food establishments, which shall not include Special Event Mobile Food Units which are permitted in the Downtown Zone subject to the permitting, restrictions and regulations set forth in Chapter 73 of this Code;

Section 3. This ordinance shall operate prospectively.

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