



DEPARTMENT OF BUSINESS REGULATION

Memorandum Summarizing Content of Regulation Hearing

On January 24, 2019, DBR posted with SOS and sent notice to interested parties that it was proposing adoption of 230-RICR-30-35-1, Mobile Food Establishments, and that a hearing would be held on that proposal on February 14, 2019, at 1:00 p.m. At the hearing, ten (10) people signed-in, six (6) of whom provided oral comments. A few other people were in attendance who did not sign-in. No one provided written comments at the hearing.

Senior Legal Counsel Amy Stewart served as hearing officer. Other DBR staff in attendance were: Pamela Toro, Associate Director; Jason Natareno, Legal Intern; and Amy Morales, Legal Assistant.

Interested parties were called up to the microphone in the order in which they signed up to speak. The following includes the name, affiliation and comments/concerns of those who signed up to speak:

- **Kenneth Lacoste – 1st Warden town council of town of New Shoreham aka Block Island**
 - Currently, according to R.I. Gen. Laws § 5-11.1-7, cities and towns will retain authority with respect to the number of permits, location of operation, hours of operation and noise. He hopes that DBR will carry over this language to its regulations in order to reflect and coincide with the RIGL's.
 - Town clerks on Block Island currently handle registrations and licensing and they are concerned with the idea of a rolling registration date as this may not coincide with the New Shoreham annual renewal date.
 - Question whether this will include caterer vans. Although they do not operate as food trucks they do attend various events such as weddings.
 - Ice cream/lemonade trucks are mentioned in same permit as food trucks in DBR's regulation proposal. It is not clear, however, whether small refrigerated carts will fall under proposed regulation as well.
 - Having a state fire marshal assigned to do inspections of food trucks will be problematic and costly as this will require operators to take the food truck off the island for the inspection and then bring it back. Since there is a local fire marshal on the island, would he be able to perform the necessary inspections in lieu of the state fire marshal?
- **Josh Burner – Food truck owner of HG80 and on behalf of food truck owners of Rocket Fine Food truck, Patricia and Joe.**
 - The DBR proposed regulations benefit some food trucks while it harms others.

- Currently the registration and licensing process is very inefficient as a food truck owner must go to every city and town to solicit a license. There were high hopes that this would no longer be necessary, but on the contrary there's now one more hurdle to jump over. But at least DBR is requiring municipalities to accept applications electronically.
- **Nick Lafeyvre - Co-owner of Citizen Wing food truck**
 - Language regarding safety requirements and inspections is vague and unclear.
 - Agrees with previous comments regarding having one avenue for licensing/permits. Understands that each town might not be onboard with that idea. Worried about adding expenses and hardships for small operations.
- **Patricia Prew and Mike Prew – Haven Bros. Mobile**
 - Season starts in April at which time cities and towns ask that food truck owners pay fees for licenses. Ex: North Kingstown = \$225. But in July the fee will be \$75. It is unclear when we should pay in order to start the season on time. If we pay the cities and towns current fees, will we be reimbursed for the larger fee paid just 2 months before? Or can new fee date of implementation be moved up to beginning of season? This needs clarification.
- **Erick Weiner – foodtrucksin.com and PVD Food Truck Events**
 - This Regulation brings significant improvement to cost of licensing in the long run as it will be reduced almost in half with new fee structure.
 - Though ideal to have a single statewide license, with RIGL's giving municipalities jurisdiction, on the bright side paperwork will only have to be submitted once at the state level.
 - It is troubling that a food truck can get a license from the state in July but not get approved by a local city council until August 15th of September 1st. This creates a barrier for small businesses. A possible solution is to create a rule that allows food trucks to operate provisionally, once approved by the state, in cities or towns where they have a pending application.
 - There will be some issues during shoulder period from now until July 1st when rule is adopted. Since cities can continue to charge their current fees until these rules go into effect. Cities have specific dates when food trucks must renew their license, typically before the July 1st date, charging much higher fees than the proposed. There should be a way to bridge the gap to be able to have money already paid refunded, get cities and towns to agree to charge the lower rate before the July 1st date or put these rules into effect earlier so that renewals are in line with paying the new rate.
 - There is a real confusion in regard to fire inspections since state fire marshal has already held 3 public seminars telling food trucks owners that they will take over the inspections in March or April. However, latest version of proposed rules does not agree with what they are saying. It says cities and towns will continue to do local inspections until rules are finalized. After speaking to some local fire marshals, they

- have expressed that they'd gladly honor inspections done by the state fire marshals. DBR should address cities and towns and let them know that state fire marshals will begin to do "official" inspections in July but that state fire marshals' inspections will be available to do inspections in April and May and that local fire marshals can accept those as a state-wide inspection instead of having to do multiple inspections.
- Information is unclear regarding \$100 fine fire marshal can issue if a food truck does not pass inspection. It is unclear if it's a penalty when fire marshal goes out to do an inspection and sees something that was previously approved but not being maintained, or if it will be issued upon initial inspection not passing.
 - Regarding renewal date being annual vs. rolling. If it will be annual it would be best to set date for beginning or end of season, as opposed to right in the middle, in order to be able to use the license for the full season without having to pay a fee but only use it for a portion of the season. A March renewal would be much more advantageous than May or June.
- **Mario Martone – City of Providence Law Department**
- The renewal period issue is causing great consternation in the licensing office in the city of Providence since Providence deals with a significantly higher number of food truck licenses than any other city in the state. City of Providence makes all licenses uniform to renewed on a set renewal date/period. It would be difficult to keep track of and manage rolling date renewals.
 - Spoke with a Providence fire marshal. One concern on their behalf is that on local level fire checks, one fire marshal's requirements may be different than what a different fire marshal requires. Hoping these regulations would standardize across the board Fire and safety inspections. It need to be clearer that this will be housed out of the central fire marshal. The language in the regulation needs to be clearer that it is the state fire marshals who will be performing inspections and not local fire marshals who are deputized and are also known as state fire marshals for that reason.
 - Cities specifically include language that food trucks cannot serve alcohol. The state regulations should also include explicit guidance in that regard.
 - City is running into issue of what will happen come July 1st when cities licenses expire or there needs to be a renewal. The cities fee is different than what the fee will be, and Providence does not have an issue with the fee but there will be a period where we're either going to have to choose not to renew food trucks or give them some sort of grace period. It would be helpful to have directions from DBR for this issue.

Sign-in Sheet – February 14, 2019 at 1:00 pm

Do you wish
to speak?
Yes or No

✓ KENNETH LACOSTE Town of New Shoreham kencheck6@verizon.net (Yes)
✓ JOSH BERNER H680 Foodtruck H680info@gmail.com YES
- ALISON & CONROY SA Patty SAPATTYR@gmail.com NO
✓ Nick Lefebvre Citizen Wing Info@CitizenWing.com (Maybe?)
1- Pamela Toro DBR pamela.toro@dbri.gov NO
yes Patricia Fraw DMR havenbrothers mobile, etc
- THOMAS Wreghat Providence e-smail.com
✓ JASON CASE JAYANDJESSCASE@GMAIL.COM NO
✓ Eric Weiner Foodtrucks in eric@foodtrucksin.com (Yes)
✓ Mario Martone City of Prov mmartone@providence.ri.gov