

FAQs from the Comments on the Regulation

1. Will the Department set a fixed date for MFE renewals?

No. The Department has learned through the licensing of the numerous professions and businesses under its jurisdiction that setting a fixed renewal date is problematic for staff resources, which in turn can result in delays for registration holders when hundreds or thousands of registrations renew on the same date. Once the state MFE registration system is operational, each municipality will be required to electronically verify that a MFE holds a state registration. If the state registration is in effect at the time of the municipal application, the municipal permit should be granted. It is the obligation of the MFE owner to keep all registrations, permits and registration requirements current. Based on comments received, the Department is suggesting a state registration cycle to occur annually, starting in 2020, from January 1 to March 31. The Department is also requesting that municipalities synchronize their licensing cycles with the Department starting in 2020. Given the grace period, DBR anticipates that many MFEs will apply for their state registration in the beginning of 2020 so that they are registered and eligible to apply for any desired municipal permits. Note that an application can be submitted year-round.

For example, if ABC Food Truck obtains a state MFE registration on August 1, 2019, that registration would be good for a year. ABC Food Truck then applies for some municipal permits in the Spring of 2020 and it is eligible because it has an active State Registration. ABC Food Truck is required to renew its MFE registration by August 1, 2020 to continue to operate in this state. It is the responsibility of each MFE to timely renew all required MFE registrations and permits.

2. Will municipal permits issued prior to July 1, 2019, remain in effect?

Yes. Any municipal permit issued prior to July 1, 2019, will continue to remain in effect according to the terms it was granted on for the remainder of calendar year 2019. Provided however, that beginning on January 1, 2020, all MFEs must first obtain a state MFE Registration prior to operating in this state and applying for or renewing any municipal MFE permits.

3. How will the online application work for State MFE Registrations?

The Department is working with the State Division of Enterprise Technology Strategy and Services (“ETSS”) to design a MFE registration system within the Viewpoint e-Permitting platform. ETSS intends for this process to be ready for online State registrations by **July 1, 2019**. MFEs will complete the online State Registration in this system. The results of State Fire Marshal Fire Safety Inspections will be documented in this system. MFEs will be able to apply for municipal permits through this same system if the municipality to which they are applying for a permit is a current participant in the Viewpoint e-Permitting platform.

4. Can the regulation list all Mobile Food Service License Requirements?

The Department requires a Mobile Food Service License from the Rhode Island Department of Health (“RIDOH”) as a prerequisite for a state MFE. RIDOH determines the requirements for the issuance of a Mobile Food Service License and has promulgated regulations setting forth food safety requirements. Any questions regarding food safety and the Mobile Food

Service License (issuance, renewal, inspections) should be directed to RIDOH, Center for Food Protection.

5. Can the regulation list all Fire Safety Permit Requirements?

The Department requires a Fire Safety Permit from the State Fire Marshal as a prerequisite for the issuance of a state MFE registration. The State Fire Marshal enforces the Fire Code which is derived from national codes and promulgated by the state Fire Safety Code Board of Appeal and Review. Any questions regarding fire safety requirements should be directed to the Office of the State Fire Marshal.

6. Can the regulation restate all requirements of the MFE Act, R.I. Gen. Laws Chapter 5-11.1?

No. The Act authorized the Department to prepare this regulation to set forth specific procedures relevant to obtaining a state MFE registration. In order to reduce the amount of regulatory burden, the Regulation is drafted with references to the applicable sections in the MFE Act. It is preferable not to rewrite the statutes in the draft. Links to both the Act and Regulation will be available on DBR's website.

7. Why were there different fire safety requirements in different municipalities?

The Office of the State Fire Marshal enforces the state Fire Code and oversees the enforcement by all municipalities. There have been no substantive changes to fire code requirements as they relate to MFEs. However, the existing requirements were previously inconsistently enforced by municipalities. Now that the inspection of MFEs is centralized with the Office of the State Fire Marshal, trainings have been conducted for both local fire departments and for MFE operators. This should lead to more consistent enforcement of existing fire safety requirements. Moreover, any inspections fees imposed by the Office of the State Fire Marshal, as noted in § 1.9(C), are pursuant to existing laws that pre-dated the adoption of the MFE Registration Act.

8. How can I schedule an inspection with The Office of the State Fire Marshal?

Inspections are to be conducted by appointment. The request must be made seven (7) business days in advance. To schedule, call the State Fire Marshal's office at (401) 889-5555.

9. Do caterer van/trucks fall under this regulation?

It depends. Caterer vans/trucks may have to obtain a state MFE registration if they are selling and serving food directly out of their vehicle. If the vehicle is only use for transporting food from the commissary to the location of an event, then a state MFE registration may not be required. Any questions regarding registration should be directed to the Department. Any Mobile Food Service questions should be directed to RIDOH, Center for Food Protection.

10. Can the Department tell municipalities how they should approve applications for MFE municipal permits?

No. While the Department encourages all municipalities to consider streamlining the approval process as they make changes to municipal ordinances in order to comply with the Act and this regulation, the Department cannot tell municipalities how the approval process should be handled. Each municipality still retains the right to decide how permit applications are reviewed and approved, whether it is by council, committee, police chief, etc.

11. Will the municipalities be updating their ordinances to come into compliance with the MFE Act, R.I. Gen. Laws Chapter 5-11.1?

Yes. Most municipalities will need to update their ordinance to come into compliance with the statute and regulation. For example, some municipalities issue permits or licenses for MFEs under the Hawker Peddler Section of their ordinance. Under these circumstances, municipalities will need to carve out a section for MFEs only and incorporate the appropriate fees that correlate to the State Regulations.

12. Will all municipalities have the same ordinance with respect to the permitting of MFEs?

No. The Department will not be requiring that all municipalities have the same ordinance. Each municipality will have the ability to create an MFE ordinance that works best for that municipality.

13. How will an event permit be handled by each municipality?

The handling of event permits will be left to the discretion of the municipality. However, municipalities cannot charge a fee greater than what is set in the regulations (\$300). Municipalities can decide if they will issue an event permit for one (1) day or for a series of days. For example, if there are events that occur over the course of several months, on a given day, the municipality can decide if an event permit will be required for each day over the course of several months or if there will be one event permit for the entire timeframe.

14. If an event permit is issued to an event coordinator, does every MFE participating in the event under the coordinator have to obtain a municipal permit?

This depends on the municipality. Some ordinances require individual MFE municipal permits in addition to an event permit. This will be left to the municipalities to decide on what works best for their city/town.

15. Can the Department give MFEs permission to operate on land owned by the state?

No. Permits to operate on state land are handled by the State Properties Committee (401-222-1280) and the Department of Environmental Management (401-222-4700). Please refer to those government entities to inquire about obtaining a permit to operate on state land.

16. Does a MFE need a municipal permit to operate on state land.

This depends on the municipality. Some ordinances require the MFE to be permitted to operate within the municipality.

17. Are all municipalities required to charge \$300 for an event permit and \$75 for a MFE municipal permit?

No. The MFE Act, R.I. Gen. Laws Chapter 5-11.1, states that municipalities cannot charge more than these amounts. If a municipality wants to charge less, they can do this.

18. Are municipalities mandated to issue MFE permits?

No. The MFE Act, R.I. Gen. Laws Chapter 5-11.1, does not mandate that a municipality has to issue a MFE permits.

18. I obtained a State Fire Marshal Inspection earlier in the year and now want my State Registration. Do I need to start a new application?

No. When you applied for and obtained your State Fire Marshal Inspection, you were presented with a question asking you if you wanted to apply for a state registration the same day.

Please log back in to your original application and, in the general information section, when asked, “Are you applying today for your State of Rhode Island Department of Business Regulation Mobile Food Establishment Registration?” select yes.