



Measure #: 2025-009

TOWN COUNCIL MEASURE SUBMITTAL

Date: 9/23/2024

Submitted By: Town Manager

Telephone #: 508-699-0100

MEASURE DESCRIPTION:

Approval to Accept Mobile Food Vendor Bylaw.AMENDED

Signed:

Michael Borg

Digitally signed by Michael Borg
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Date: 2024.09.19 13:10:06 -0400
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PURPOSE AND JUSTIFICATION:

1. Purpose

Mobile food vendors can expand food access in areas underserved by traditional restaurants, enhance business opportunities at brick-and-mortar establishments, and add vibrancy and activity to streetscapes. This section stipulates that mobile food vendors must comply with regulations for food and fire safety, motor and pedestrian safety, and nuisances such as noise, smoke, trash, and odor. The registration process is described herein.

See attached.

SPECIAL REQUIREMENTS:

ATTACHMENTS: New Bylaw Proposal

REFER TO SUB-COMMITTEE: Bylaw Sub-Committee

MOBILE FOOD VENDORS

1. Purpose.
 2. Definitions.
 3. General regulations; enforcement; violations and penalties.
 4. Vending on public rights-of-way.
 5. Vending on private commercial properties.
 6. Vending/catering for events on private residential properties.
 7. Vending on Town owned properties not considered municipal ways.
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1. Purpose.

Mobile food vendors can expand food access in areas underserved by traditional restaurants, enhance business opportunities at brick-and-mortar establishments, and add vibrancy and activity to streetscapes. This section stipulates that mobile food vendors must comply with regulations for food and fire safety, motor and pedestrian safety, and nuisances such as noise, smoke, trash, and odor. The registration process is described herein.

2. Definitions.

When used in this section, unless the context otherwise requires, the following terms shall have the following meanings:

A. "***Applicant***" means any person, corporation, business, company or other entity or organization that submits an application for a permit from the Town of North Attleborough Health Department to operate as a mobile food vendor in North Attleborough.

B. "***Mobile food vendor***" means any mobile food vehicle or operation, whether motorized or propelled by human power, or temporary food station, which cooks, prepares, stores, packages, serves, sells, or otherwise provides any food or beverages for human consumption to the general public, for a fee or free of charge. This includes but is not limited to ice cream trucks, food carts, pushcarts, and food stands.

C. "***Food vendor operator***" means the holder of a food vendor license.

3. General regulations; enforcement; violations and penalties.

Each mobile food vendor shall receive a mobile food permit from the Health Department. All fees are set in the Rules and Regulations of the Health Department.

- A. For the purposes of this bylaw, mobile food vending shall include the use of ice cream trucks, food trucks, food trailers, and food carts.
- B. No person shall engage in mobile food vending in the Town of North Attleborough unless they have been issued a permit from the North Attleborough - Health Department. Such permit shall be

conspicuously displayed in or on any mobile food vendor operating anywhere in Town.

- C. Compliance required with Massachusetts General Law Ch.40, section 22F.
- D. For every annual - permit approved by the - Health Department, the applicant shall pay an annual fee for each mobile food vendor permit for each calendar year as set. The annual fee shall not be adjusted or prorated.
- E. For every temporary permit approved by the Health Department, the applicant shall pay a onetime fee set by the Health Department
- F. Each applicant must obtain a certificate of insurance showing adequate public commercial liability, automobile liability, property damage coverage, and worker's compensation coverage in the amounts required by Massachusetts law.
- G. Mobile food vendors must comply with all applicable regulations. as may be promulgated by the Fire department. Ice cream truck operators/servers are required to have a current CORI check on file as required by Massachusetts General Law.
- H. Non-compliance can result in penalties up to \$300 and revocation of annual permit and food vendor's license enforced by the Health Department.
- I. Appeals are subject to the Town Manager's final decision.

4. Vending on public rights-of-way.

- A. Limited to all business districts, except the Downtown District from **Richards Ave/Elm Street to Fisher Street, with no such restrictions on Sundays.**
- B. Any mobile food vendor operating in a public right-of-way shall:

- (1) Not interfere with the passage of vehicles along the street, obstruct a sidewalk or crosswalk, or impede access to parked vehicles or the delivery of materials or goods to
- (2) Be prohibited from dispensing food and beverage to patrons standing in a roadway or street.
- (3) Provide one trash receptacle and one recycling receptacle for use by patrons.
- (4) Remove and dispose of all litter or debris generated as a result of the business.
- (5) Any property utilizing a mobile food vendor shall be limited to no more than 14 days per calendar month at any one location. This does not apply to any mobile food vendor parked in an allowable location for less than one hour
- (6) Be subject to all Town regulations regarding lighting, noise, and nuisances.
- (7) Keep all equipment associated with the business on or within the mobile food vendor.
Exception: required trash and recycling receptacles.

5. Vending on private commercial properties.

- A. Limited to all business districts.
- B. The mobile food vendor shall be located entirely on the property being served.
- C. Limited to no more than 14 days per calendar month at any one location. This does not apply to any mobile food vendor parked in allowable locations for less than one hour with the consent of the property owner.

6. Vending/catering for events on private residential properties.

- A. The mobile food vendor shall be located entirely on the property being served.
- B. Service shall be limited to private guests of the event host only.
- C. Shall be prohibited from dispensing food and beverage to patrons standing in a roadway or street.
- D. Limited to one event per month at a given location. This does not apply to any mobile food vendor parked in allowable locations for less than one hour with the consent of the property owner.

7. Vending on Town owned properties not considered municipal ways.

- A. Use of any Town property under the jurisdiction of a particular department (i.e., Park, Schools, Conservation, etc.) shall also require the approval from said Board / Department / Commission overseeing that property. An example a mobile food vendor that wants to set up in the parking lot at WWI Memorial Park, the Park Commissioners would need to approve the use of the property and location.