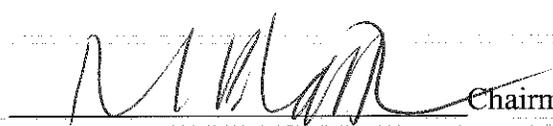




## Board of Selectmen

Office of the  
BOARD OF SELECTMEN

<b>Policy Number:</b>	BOS-LIC-013
<b>Policy:</b>	Regulation of Food Trucks
<b>Date Approved:</b>	October 8, 2013
<b>Date Revised:</b>	
<b>Approved:</b>	 Chairman, Board of Selectman

### Section 1: Definitions

**Food Truck** - A readily movable trailer or motorized wheeled vehicle, currently registered with the Massachusetts Division of Motor Vehicles, designed and equipped to cook, prepare, and serve food.

### Section 2: Authorized Locations and Restrictions for Food Truck Sales in or on Designated Public Right of Way Areas

- 2.1 Food trucks may be located in public right of way areas which are underserved by “brick and mortar” restaurant facilities (hereafter “traditional restaurant facilities”) during the period April 1 to November 30 on Mondays through Fridays from 7:00 a.m. to 8:00 p.m. A food truck may not be located in or on any portion of a designated public right of way when and where such location would prevent the safe use of the public right of way by motor vehicles, pedestrians, and/or customers. The vending location shall not otherwise interfere with the movement of motor vehicles in the area.
- 2.2 Commercial areas listed in Appendix 1 are those identified as presently underserved by traditional restaurant facilities. The Board of Selectmen, in consultation with the Planning Board, shall have authority under this Policy to review and modify the areas deemed underserved by traditional restaurant facilities. The current locations identified for use by food trucks within the public right of way are listed in Appendix 2. The Board of Selectman may authorize additional locations within the underserved areas. The Board of Selectmen reserves the right to modify any of the areas listed in Appendix 1 or locations listed in Appendix 2 as needed.
- 2.3 Food trucks shall comply with applicable provisions of the Town of Needham General By-laws with respect to locations near schools and recreation facilities.
- 2.4 Food trucks must be positioned at least 200 feet from the customer entrance of a traditional restaurant, unless the food truck vendor provides documentation that the restaurant owner supports a closer proximity.

- 2.5 Food trucks shall be positioned on designated right of way areas and shall not block drive entrances, exits, access to loading and/or service areas, or emergency access and fire lanes. Food trucks must also be positioned at least 20 feet away from fire hydrants, any fire department connection, driveway entrances, alleys, and handicapped parking spaces.
- 2.6 Each year, the Board of Selectmen shall establish an open period from December 1 to January 30 of the following year for applications to operate a food truck in public right of way areas. Should the number of applicants exceed available locations within the public right of way, then the Town Manager will create an equitable distribution of available locations among qualified applicants. If locations are available after the close of the open period and after issuance to those applicants who applied during the open period, then applicants may apply after the open period but any permits issued will be on a first come first served basis.
- 2.7 Food Truck vendors shall comply with all local, county and state tax regulations, including but not limited to retail sales applicable to food and beverages.

### **Section 3: Public Safety and Nuisance Prevention**

- 3.1 Food truck vendors must obtain requisite licenses or permits for operation from the Needham Health Department, Police Department, Fire Department, and Board of Selectmen.
- 3.2 Temporary connections to potable water are prohibited. All plumbing and electrical connections shall be accordance with the State Building Code.
- 3.3 Grease must be contained and disposed of in accordance with State Sanitary Code.
- 3.4 Grey water must be contained and disposed of in accordance with State Sanitary Code.
- 3.5 Food trucks must have the following fire extinguisher on board during hours of operation: one 15 lb. multipurpose subject to the determination of the Fire Chief or his designee.
- 3.6 Food trucks may not operate as a drive-in/drive-up/drive-through operation. All service must be walk-up by customers.
- 3.7 Trash and recycling receptacles shall be provided for customers and trash and recyclables shall be removed from the site daily.
- 3.8 If a food truck is proposed to operate after dark, the vendor must provide appropriate lighting.
- 3.9 No signage shall be allowed other than signs permanently attached to the motor vehicle and a portable menu sign no more than 9 square feet in display area on the ground in the customer waiting area.

- 3.10 No food truck shall make or cause to be made any unreasonable or excessive noise or odor.
- 3.11 No food truck shall set up tables, chairs, umbrellas or similar facilities (except standing counters and tables without chairs or stools).

#### **Section 4: Permitting**

- 4.1 A food truck will be licensed by the Town's Health Department and Fire Department before issuance or renewal of the Food Truck Permit from the Board of Selectmen, which must be prominently displayed on the truck.
- 4.2 A fee in the amount of \$1000.00 for a five day a week seasonal Permit shall be paid upon issuance of the Food Truck Permit. Such fee shall be subject to prorating based on the number of days per week licensed.
- 4.3 Food truck vendors must obtain requisite insurance, bonding and workers compensation as required from time to time by the Board of Selectmen.
- 4.4 Food Truck vendors must obtain a Massachusetts Hawker and Peddler License (issued through the Police Department).
- 4.5 The Board of Selectmen may waive any conditions or requirements of this Policy if the Board determines such to be in the best interests of the Community.
- 4.6 Violation of any of the provisions of this Section may result in revocation of the permits and licenses issued to the vendor to operate in Needham.

#### **Section 5: Exceptions (Food Truck Permits not Required)**

With the exception of food safety and hawker and peddler requirements, if applicable, this policy shall not apply to canteen or coffee trucks that move from place to place and are stationary for no more than thirty minutes at a time or ice cream trucks which move from place to place and are stationary for no more than ten minutes. Further, this policy is not applicable to special one-day events on public property authorized by the Town.

## APPENDIX 1

### Underserved Commercial Areas

1. New England Business Center
2. Mixed Use-128
3. Industrial 1

## APPENDIX 2

### Locations Presently Approved for Food Trucks

The current locations identified for use by food trucks within the public right of ways areas are: Second Avenue across the street from Charles River Landing, First Avenue across the street from 40 A Street (which location may be revisited once construction begins at 400 First Avenue), and Cabot Place once all construction projects have been completed on the street.