

TOWN OF GRAFTON
COMMONWEALTH OF MASSACHUSETTS

RULES AND REGULATIONS REGARDING THE OPERATION OF FOOD TRUCKS



Effective: March 15, 2022
Local Licensing Authority: Select Board

Regulations for the Operation of Food Trucks

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Regulations for the Operation of Food Trucks

Protocol for issuing a Food Truck License

The Town of Grafton, through the Select Board (the Board) and serving as the Licensing Board, regulates the retail sale of food or beverage from Food Trucks pursuant to Chapter 101 of the Massachusetts General Laws that governs so-called Hawkers, Peddlers and Transient Vendors. In addition, Food Truck Vendors (Mobile Food Vendors) are required to obtain a food service permit, pursuant to 105 CMR 590.000 State Sanitary Code – Minimum Sanitation Standards for Food Establishment and the Town Board of Health relevant regulations. For these purposes, a Mobile Food Vendor is defined as any person who travels from place to place upon public ways and dispenses food from a Food Truck. A Food Truck shall be defined as a readily movable trailer, cart or motorized wheeled vehicle, currently registered with the Mass Division of Motor Vehicles, designed, and equipped to cook, or prepare or serve food and shall include any food truck, food cart, canteen truck, catering truck, breakfast truck, lunch truck, lunch wagon, or any other mobile food vehicle.

Before granting a license to operate a Food Truck, the Board must determine if the public good requires it. In making this determination, the Board will consider the following:

- Traffic and pedestrian safety issues
- Impact on nearby parking, residences, and businesses
- Sanitation arrangements and conditions (Health Department Inspection and issuance of a permit shall be required)
- Noise, odors, or other disruptions to the surrounding area
- Zoning compliance (Building Department signoff may be required)
- Fire safety (Fire Department sign off may be required)
- Hawkers and Peddlers license (obtained through the State and signed by the Police Department)
- Any other public safety issues, as identified by the Select Board
- The number of food trucks operating within the Town
- Previous issues with compliance or performance of the food truck vendor(s)

These regulations are intended to supplement and not usurp existing state law and regulations where applicable. Should these regulations conflict with state law or regulation, state law/regulation will control. In addition, and where applicable, any Zoning Board of Appeals permit issued for private property or any contract entered and authorized by the Town through a Request for Proposal public procurement process for use of public property for the operation of a Food Truck, shall supersede and have precedence over these regulations. At their discretion the Select Board may at any time cap the total number of Food Truck licenses issued.

The use and operation of a Food Truck is not regulated by the Zoning Bylaws of the Town. Rather, these regulations promulgated by the Select Board shall govern the use and operation of Food Truck activity within the Town of Grafton and shall use the following qualifications:

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Food Trucks shall adhere to the following guidance for the use and operation within the municipality.

- **Neighborhood Business (NB) Zoning District:** Allowed when permitted and with any conditions required by the Select Board.
- **Community Business Zoning District (CB):** Allowed when permitted and with any conditions required by the Select Board.
- **Office/Light Industry Zoning District (OLI):** Allowed when permitted and with any conditions required by the Select Board.
- **Industry Zoning District (I):** Allowed when permitted and with any conditions required by the Select Board.
- **Village and Neighborhood Mixed Use (VMU):** Allowed when permitted and with any conditions required by the Select Board.
- **Agriculture Zoning District (A):** Prohibited.
- **Low Density Residential Zoning District (R-40):** Prohibited.
- **Medium Density Residential Zoning District (R-20):** Prohibited.
- **Multi-Family Residential Zoning District (RMF):** Prohibited.
- **Lawfully Pre-Existing, Non-Conforming Commercial Uses:** Allowed when permitted and with any conditions required by the Select Board.

Each application for use and operation of a Food Truck shall be permitted and conditioned on a case-by-case basis and according to these established regulations.

Application requirements and procedure:

Any person wishing to apply for a Food Truck License shall fully complete the application form supplied by the Town Administrator's office and follow the procedure below. Upon completion of the application review process, the applicant shall be scheduled for a Public Hearing before the Select Board.

A Food Truck license shall expire on December 31.

When determining whether to renew a Food Truck license, the Select Board will utilize the same criteria as set forth in these regulations. Renewal forms may be obtained from the Town Administrator's office and must update all previously filed statements and plans, as appropriate.

1. Submit completed Food Truck application with all approvals from Town Departments to the Principal Clerk in the Town Administrators Office with required fee.
2. The Town Administrators Office will schedule the application on an upcoming Select Board meeting agenda. This is a public hearing process and will require proper noticing in the newspaper.
3. The application will be heard by the Select Board and a decision rendered.
4. If approved, the permit will be issued by the Office of the Town Clerk.

Maintenance of order and decorum and cooperation with Town officials

Any person to whom a Food Truck License is issued under these regulations shall ensure that order and decorum is always maintained in the licensed area and immediate vicinity, and shall cooperate in every respect with town officials including, but not limited to, representatives of the Select Board, the Fire Department and Police Departments, the Building Department, the Health Department, Board of Health, and Town Administration. The licensed area including any vehicles shall be always available for inspection by said officials or any other department or official of the town so directed by the Select Board.

Operating requirements for Mobile Food Vendors

1. Licensees may only operate at specifically approved public or private locations (hereafter, the "licensed area"), at specifically approved times. If on Town property, Food Trucks shall be removed from the licensed area at the end of each day and are not permitted to remain overnight anywhere on Town property. For private locations, the Licensee shall provide written evidence with their application of the property owner's approval for use of that area. The license does not confer a right to operate without the written permission of the property owner. Food Trucks hired for private events on private property, or public property, do not require a license and are exempt from these regulations for the duration of the private event which shall not exceed 24 hours. Excluded from the operation of these regulations are events licensed by the Town of Grafton at which the event organizer proposes to have food trucks.
2. Licensees shall receive approval of a written sanitation plan for the maintenance of the Food Truck from the Health Agent prior to receiving a food service license. This shall include but not be limited to the identification of a certified kitchen facility for cleaning, sanitation, and food preparation.
3. If operations are located on a Town owned property, the Licensees shall provide evidence of comprehensive liability insurance in an amount to be specified by the Select Board in the conditions for the permit and listing the Town of Grafton as an additional named insured.

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4. Licensees shall not deploy any free-standing sign or flags unless specifically permitted by the Select Board and in compliance with local Zoning Bylaw including application for a sign permit. Applicability of Zoning Bylaw shall be determined by the Town Zoning Enforcement Officer.
5. Licensees shall not deploy tables or seating unless specifically permitted by the Select Board.
6. Food Trucks shall not be positioned to expose clients to vehicular traffic, or otherwise in an unsafe manner. Food Trucks on Town property shall be parked on a hardened area such as a parking lot or packed surface and shall not be permitted on lawns or on vegetation. Any directive by a Police Officer in this regard shall be immediately complied with.
7. Licensees shall make specific provisions for potable water, electricity, electric lighting if operated at night, collection and proper removal of recycling, trash, and wastewater.
8. Licensees shall ensure that the licensed area is kept clean, neat, and sanitary at all times. Reliance on the use of municipal trash receptacles is not permissible. Upon request, proof of proper trash and wastewater disposal shall be submitted to the Health Agent.
9. No licensee or employee of the licensee shall consume any alcoholic beverage or unlawful controlled substance during the 4 hours preceding and while on duty.
10. No licensee or employee of the licensee shall be permitted to smoke while working as per Food Code regulations.
11. Operations are permitted between the hours of 6:00 a.m. but not later than 11:00 p.m., unless otherwise specified or as such hours of operation that may be authorized by State statute.
12. Licensees are required to obtain a Hawkers, Peddlers and Transient Vendors license for each manager/owner from the State of Massachusetts and signed by the Grafton Police Department. The state license must be current for the duration of the locally permitted and licensed operation. If at any time, the state license is revoked, suspended and/or not active the local license shall be void.
13. Licensees shall not be authorized to sell non-food novelty items such as: t-shirts, hats, toys, etc. A separate retail license must be obtained from the Licensing Authority to receive permission to sell non-food items.

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Amending a Food Truck License

Licensees who want to amend their current Food Truck License shall make such a request in writing to the Town Administrator who has been granted authority to amend existing Food Truck licenses by the Select Board. Upon review by the Town Administrator or his/her designee a decision will be rendered within 14 days. If the amendment is determined to require to be heard by the Select Board, then the request will be posted on the next available Select Board agenda.

Violation, suspension, revocation, or modification of a Food Truck License

Any violation of these regulations will be subject to a fine of \$50 (1st offense), \$100 (2nd offense) or \$300 (3rd and subsequent offenses). In addition, any violation may result in the immediate suspension of the license and/or removal of the Mobile Food Vendor's Food Truck and/or other vehicle at the owner's expense. Each day shall constitute a separate offense and if the circumstances warrant it in the judgment of the Police Department or other enforcement officer, in which case such suspension shall be reviewed by the Select Board at its next available public meeting scheduled in accordance with open meeting law requirements. A licensee may appeal any fine to the Select Board.

The Select Board may suspend, revoke, or modify a Food Truck License if, after a public hearing, the Board finds that these regulations have been violated.

Application Instructions

1. Fill-out and sign the application form and attachments. Applications shall expire on December 31st.
2. Include a detailed list of the intended locations for operation, including a sketch for each location showing how the mobile food vehicle is to be positioned. For each location also provide the proposed times of operation.
3. Obtain all applicable initial plan reviews and/or preliminary approvals from the Building, Health, Fire Department and Police Departments, and obtain Hawkers and Peddlers Licenses for each owner of a Food Truck from the Commonwealth of Massachusetts before application is submitted to the Town Administrator's office.
4. Deliver the completed and signed application form and attachments (e.g., list of intended locations for operation, tax certification, resumes, copies of Hawkers and Peddlers licenses, etc.), along with a payment for the local fixed fee for the license. The local fee for a Food Truck License is \$50.00.
5. For private locations, the Licensee shall provide written evidence of the property owner's approval for use of that location. The license does not confer a right to operate without the written permission of the property owner.

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6. The Select Board may require the applicant(s) and their employee(s) to process a Personal Criminal Record Information (CORI) check and Sex Offender Registry Information (SORI) check through the Police Department.
7. After the application materials are received and reviewed for completeness, an interview will be scheduled with the Town Administrator or the TA's designee to discuss the applicant's plans for operation. The applicant will then be required to appear before the Select Board for a public hearing. Staff in the Selectmen's Office will notify the applicant by telephone or e-mail of the date and time of the public hearing at least 48 hours before the hearing.
8. The Select Board reserves the right to defer action on the license application until all issues and concerns raised by the Board are addressed by the applicant to the Board's satisfaction; and the Board also reserves the right to deny approval if the applicant fails to meet the application requirements or does not/cannot resolve the issues and concerns raised by the Board.
9. The Select Board shall only approve the application once the applicant has obtained all required Health Department, Building Department, Police Department and Fire Department final approvals (i.e., permits, reviews and/or inspections) before the Food Truck License will be issued. If the applicant fails to obtain a required approval at any point in the process, the issuance of the License will be withheld until the issue or problem is resolved to the satisfaction of the appropriate body.

Specific questions should be addressed to:

Town Administrator, (508)-839-5335 ext 1125
Building Department, Building Inspector, (508)-839-5335 ext 1190
Health Department, Health Agent, (508)-839-5335 ext 1119
Fire Department, Administrative Assistant, (508)-839-4606
Police Department, Chief of Police, (508)-839-2858

Approved By: Select Board

Date: 3-15-2022


Peter Carlson, Chair


Colleen Roy, Vice Chair

Mathew Often, Clerk


Doreen DeFazio, Member

Raymond Mead, Member