

**Request for the Town Council to Amend Chapter XX of the  
General Ordinances of the Town of Randolph  
Concerning Mobile Food Vendors**

To see if the Randolph Town Council will vote to amend Chapter 143 of the General Ordinances of the Town of Randolph concerning Mobile Food Vendors as follows:

1. Add a new article **Article IV Mobile Food Vendors** as follows:

**Article IV MOBILE FOOD VENDORS**

**§ 143.20. Definitions.**

**MOBILE FOOD VENDOR**

*A licensed motorized, mobile operation that travels from place to place upon public ways and dispenses food on private property. Mobile food vendor does not include licensed Ice Cream Truck.*

**MOBILE FOOD VENDOR LICENSE**

*The annual license to sell food issued under the authority of Article IV of the General Ordinances of the Town of Randolph.*

**MOBILE FOOD VENDOR LICENSEE**

*The holder of a mobile food vendor license.*

**§ 143-21. Mobile food vendor license required.**

*No person or business entity shall operate as a mobile food vendor without first obtaining a Mobile Food Vendor license from the Licensing Board. Said license shall be conspicuously posted in a place that is visible to all customers. This provision shall not apply to mobile food operations that receive a temporary event permit from the Board of Health.*

**§ 143-22. Application for a mobile food vendor license.**

*An application, on a form prescribed by the Town Manager shall be submitted to the Licensing Board. The fee for such permit shall be set in accordance with § 300-2. Licenses – annual fees. The applicant shall provide*

- A. *A valid state hawker's license issued by the Commonwealth of Massachusetts;*

- B. A proposed service route and hours of operation with a detailed schedule of times and locations where the mobile food vendor will be stationary and serving food. If an applicant seeks approval for more than one location, the start and end times for each location is required;**
- C. Canteen trucks, which move between construction sites, can apply for a maximum number of stops per day, with no more than 30 minutes per stop allowed. All stops must be on private property and not on the public right-of-way. Parking in a public right-of-way can result in revocation of a food vendor license;**
- D. A proposed menu to indicate the general type of cuisine to be provided;**
- E. Written approval from the property owner(s) that the application may be submitted for the location(s) under consideration;**
- F. Certification that the vehicle has passed all necessary inspections required by the Randolph Fire Department and Randolph Health Department; and,**
- G. If applicable, a copy of an existing open burning/cooking permit.**

**Consideration of the application shall take place at a duly noticed public meeting of the Licensing Board. Notice shall be sent to all owners of land within three hundred (300) feet of the land affected, including land in adjoining towns, if any, all as they appear on the most recent applicable tax list at least fourteen (14) days in advance of the meeting. The cost of the mailing shall be borne by the applicant.**

**Future changes to the approved route and/or schedule will require amendment to the license.**

**The applicant shall submit evidence of an approved license from the Randolph Board of Health before the final mobile food vendor license will be issued.**

#### **§ 143-23. Renewal.**

**Mobile food vendor licenses shall expire on December 31st of each year. Every mobile food vendor license may be renewed annually upon payment of a renewal fee prior to the date of license expiration, provided that the mobile food licensee remains in compliance with applicable requirements of this article. The fee for such renewal license shall be set in accordance with § 300-2. Licenses – annual fees. The renewal of a license does not guarantee renewal of previously approved route or location.**

#### **§ 143-24. Criteria for issuance of license.**

**When evaluating an application for a mobile food license, the License Board shall consider the public good and general welfare and convenience of the community, and shall take into account factors such as the sort of operation proposed (including the proposed menu, days and hours of operation, and location), any impact on the community with respect to such matters as noise, traffic, congestion, odors, sanitary and waste disposal facilities, parking,**

**dust and fumes, the impact of the character of the neighborhood and city, and whether any articulable harm would follow from granting the license. Also, the Board shall consider whether a public benefit would flow from the proposed location and use, and any competitive or other impact on existing restaurants.**

**Criteria for issuance and continued operation of a mobile food vendor license shall include, but are not limited to:**

- A. The vehicle must be located more than one hundred fifty (150) feet from an existing restaurant located within the Town of Randolph (defined as a place where people pay to sit and eat meals that are cooked and served on the premises) unless written approval of restaurant owner is submitted with the application;**
- B. Signage is only allowed on the vehicle itself; no temporary sandwich signs or other forms or signage are permitted on site;**
- C. No licensee shall provide or allow any dining area, including but not limited to tables, chairs, booths, bar stools, benches, and standup counters, unless a proposal for such seating arrangements is submitted with the permit application and approved by Board in advance;**
- D. All mobile food vendors shall be required to obtain and show proof of general liability insurance naming the Town of Randolph as an additional insured in the amount of five hundred thousand dollars (\$500,000.00) per occurrence/one million dollars (\$1,000,000.00) general aggregate;**
- E. No mobile food vendor shall make or cause to be made any unreasonable or excessive noise in violation of Chapter 141 Unreasonable Noise; and,**
- F. No operations shall be permitted between 9:00 p.m. and 7:00 a.m.**

**§ 143-25. Conditions of operation.**

**In addition to the criteria specified above:**

- A. No mobile food vendor shall park, stand, or move a vehicle and conduct business within areas of the town where the licensee has not been authorized to operate; and,**
- B. Consumers shall be provided with single service articles with their order, such napkins, utensils, and plates. The provision of compostable materials and an appropriate waste container for their disposal is encouraged.**
- C. The licensees shall provide at least one waste container for public use that the operator shall empty at his own expense. The trash receptacle must be removed at the end of each day business is conducted. The licensee must pick up trash within 100 feet of site during the scheduled time period**
- D. Unless otherwise provided, no mobile food vendor licensee may operate outside of the hours indicated in its approved application.**

- E. *The mobile food licensee shall comply with all applicable local rules, ordinances, and regulations, including but not limited to the board of health regulations, traffic and parking regulations, and noise ordinance.*
- F. *No materials of any kind may be placed on the public right-of-way.*
- G. *No licensee shall possess a license for a mobile food truck that is not in operation for a period of more than **sixty (60)** days without duly notifying and obtaining approval from the License Board.*

*The Licensing Board may add additional conditions depending upon unique attributes of the operation and the site(s) proposed.*

**§ 143-26. Transfers.**

- A. *Transfers for value prohibited. A license issued under this article shall be personal to the applicant. No mobile food vendor licensee may transfer a mobile food vendor license, nor shall they sell, lend, lease or in any manner transfer a license for value. A transfer by merger, acquisition, or consolidation, or operation of law is prohibited.*
- B. *Unauthorized transfers. Any unauthorized transfers or attempt to transfer a license shall automatically void such license.*

**§ 143-27. Revocation or Modification.**

*The License Board may revoke or modify a mobile food vendor license, including an approved location, if after the issuance of such license, for cause, after reasonable notice to the licensee of the grounds for the proposed modification and the time and place of the hearing regarding such proposed modification. Notification shall be provided to the licensee at least ten (10) days in advance of the meeting that the license may be subject to revocation at the meeting.*

*In the event a state hawker's license and/or an applicable board of health license is revoked and/or does not otherwise remain in effect, the mobile food vendor license shall automatically become void. If a state hawker's license and/or applicable board of health license is revoked and/or does not otherwise remain in effect, the licensee shall notify the License Board that such license has been revoked and/or does not otherwise remain in effect. Failure to notify the License Board within ten days that such license has been revoked shall constitute a violation of this article.*

*If a subject property is rezoned and Mobile Food Vendor is no longer an authorized use within that zone, the Mobile Food Vendor License shall be revoked at the next annual renewal date, i.e., December 31<sup>st</sup>.*

*The provisions of this section or any rules and regulations promulgated by License Board may be enforced by the police department, health department, and/or Building Department.*

**§ 143-28. Board of Health Permit.**

***Separate and apart from the regulations promulgated by the License Board, the Randolph Board of Health shall establish regulations and procedures for operations of mobile food vendors operating under the mobile food vendor license, with the same being published on the town's website and available through the board of health. Criteria shall include, but not be limited to:***

- A. Proof of access to restroom facilities with flushable toilets and access to hand washing facilities for the use of the mobile food truck employees within five hundred (500) feet of each location where the mobile food truck will be in operation for more than one (1) hour in any single day.***
- B. The permit holder must keep an accurate log indicating that the mobile food truck is serviced at least twice daily by a mobile food commissary for all food, water and supplies and for all cleaning and servicing operations, including the emptying and cleaning of waste containers.***

**§ 143-29. Board of Health Permit Violation.**

***Any violation of the Board of Health's regulations on mobile food trucks shall be subject to a fine in accordance with § 301 Fines. Each day shall constitute a separate offense. Any violation may result in immediate suspension of the permit and removal of the food truck from premises at the owner's expense. The Board of Health may suspend, revoke, or modify a mobile food vendor permit if the board of health finds that the regulations have been violated.***

- 2. Amend Chapter 300-2. Licenses – annual fees as follows (additions are identified as **bold/italics**, deletions are identified as ~~strike-throughs~~):

**§ 300-2. Licenses – annual fees.**

Type of License or Fee	Fee Amount
Other Types of Licenses	See below. Must pay all applicable fees.
<b><i>Mobile Food Vendor</i></b>	<b><i>\$500</i></b>