



Town of Sterling

Select Board

Date: ____/____/____

Name of Applicant: _____

Date of Birth: ____/____/____

Business Address: _____

Business Phone: _____ Mobile: _____

Name of Operation: _____

Fed. ID#: _____

☐ Food Cart ☐ Vehicle – Reg # _____ State: _____

Address of Operation: _____

☐ Town Owned ☐ Insurance Certificate

☐ Private: Permission Letter Required

The signature below certifies that the above statements are true and that I have read and understand Sterling's Mobile Food Vendor Regulations: _____

Signature of Applicant

Necessary Sign-Off/Permits/Licenses

State Hawkers and Peddlers Lic #: _____

Sterling Board of Health: _____

Sterling Fire Department: _____

Sterling Police Department: _____

Approved Front Line Personnel (CORI/SORI checked):

Common Victualler License: _____

Restrictions/Stipulations/Special Conditions imposed by the Select Board:

Select Board Signatures:

Date

Attach two pictures:
One showing front and
side of vehicle.
One showing rear and
opposite side of vehicle

On back of this form
sketch area where
Mobile Food Vendor
will operate. Include
location of vehicle,
roadways, tables, signs,
and bathroom facilities,
if included.

Sketch of Mobile Food Vendor Area

Include vehicle, tables, signs, roads, and any other items pertinent for this license application

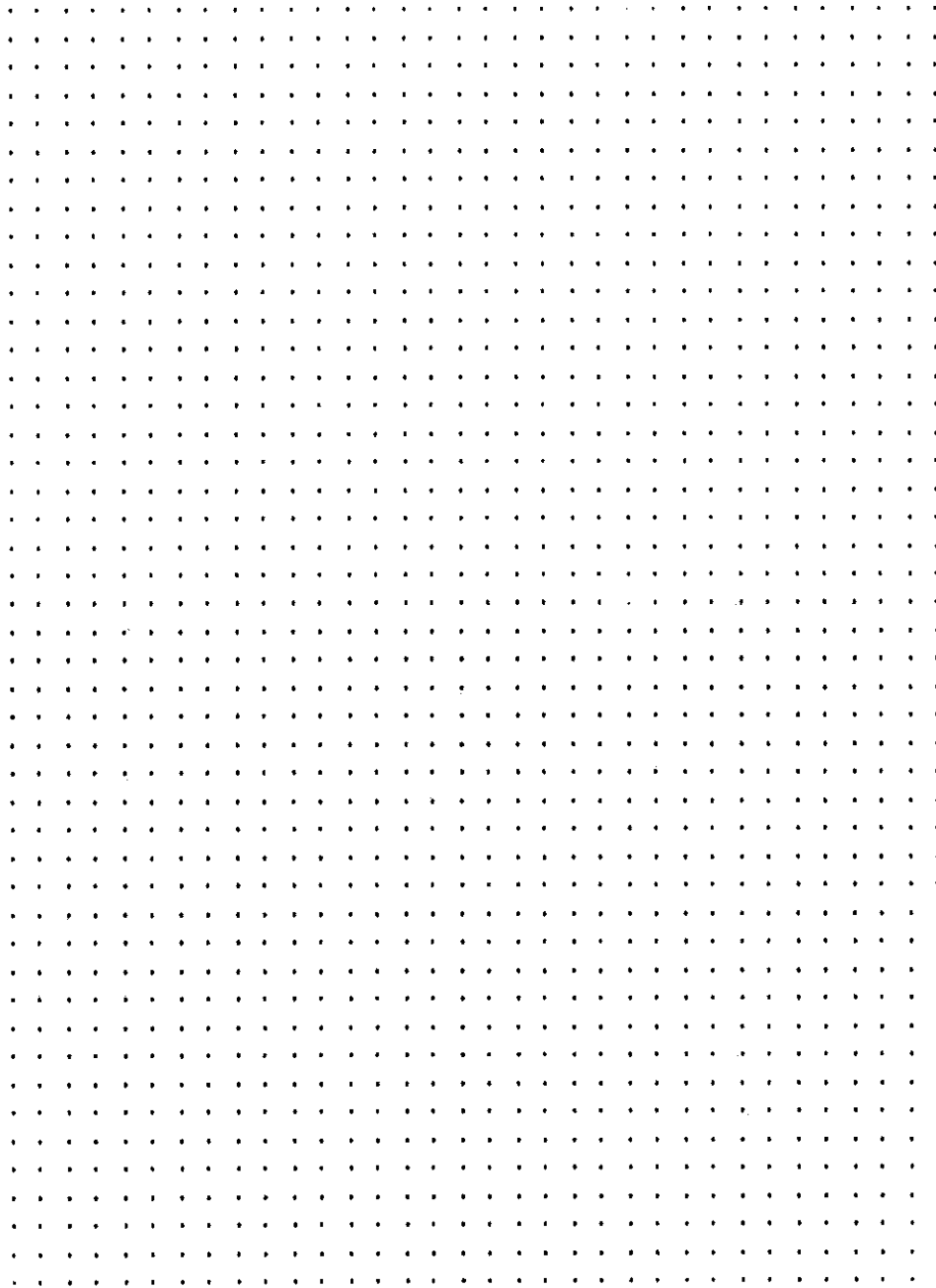


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Protocol for issuing a Mobile Food Vendor License

The Town of Sterling, through the Board of Selectmen (the Board) and serving as the Licensing Board, regulates the retail sale of food or beverage from Mobile Food Vendors pursuant to Chapter 101 of the Massachusetts General Laws that governs so-called Hawkers, Peddlers and Transient Vendors. In addition, 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 truck, trailer or pushcart. A Food Truck shall be defined as a readily movable trailer, or motorized wheeled vehicle, designed and equipped to cook, prepare or serve food and this definition shall include any, canteen truck, catering truck, breakfast truck, lunch truck, lunch wagon, or any other mobile food vehicle excepting pushcart. All Food Trucks must be currently registered for over the road use through the Massachusetts Department of Transportation, Registry of Motor Vehicles, (or an equivalent agency of another state). A Pushcart is defined as a light, wheeled vehicle, designed and equipped to cook, prepare or serve food which is moved from place to place exclusively under human power.

Before granting a license to operate as a Mobile Food Vendor, 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 (Board of Health Inspection and issuance of a permit shall be required)
- Noise, odors or other disruptions to the surrounding area
- Fire safety (Fire Department sign off is required)
- Hawkers and Peddlers license (obtained through the State and signed by the Sterling Police Department)
- CORI and SORI of all persons involved with the sale of food to customers at the point of purchase (obtained through the Sterling Police Department.)
- Any other public safety issues, as identified by the 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 into 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 or Pushcart, shall supersede and have precedence over these regulations. At their discretion the Board may at any time cap the total number of Mobile Food Vendor licenses issued.

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

Application requirements and procedure:

Any person wishing to apply for a Mobile Food Vendor License shall fully complete the application form supplied by the Board's Executive Assistant, also available on the Town's website, and follow the procedure below. Upon completion of the application review process, the applicant shall be scheduled for a Board meeting.

A Mobile Food Vendor license shall expire on December 31st of each year.

When determining whether to renew a Mobile Food Vendor license, the Board will utilize the same criteria as set forth in these regulations. Renewal forms may be obtained from the Board's Executive Assistant, or on the Town's website, and must update all previously filed statements and plans, as appropriate.

1. Submit completed Mobile Food Vendor application with all approvals from Town Departments to the Board.
2. The Town Administrator will schedule the application on an upcoming Board meeting agenda.
3. The application will be heard by the Board and a decision rendered.
4. If approved, the license will be issued by the Board.

Maintenance of order and decorum and cooperation with Town officials

Any person to whom a Mobile Food Vendor License is issued under these regulations shall ensure that order and decorum is maintained in the licensed area and immediate vicinity at all times, and shall cooperate in every respect with town officials including, but not limited to, representatives of the Board, the Fire and Police Departments, the Building Department, the Health Department, Board of Health, and Town Administrator. The licensed area including any vehicles shall be available at all times for inspection by said officials or any other department or official of the town so directed by the 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, Mobile Food Vendors 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. Licensees shall receive approval of a written sanitation plan for the maintenance of the Food Truck or Pushcart 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.
2. If operations are located on a Town owned property the Licensees shall provide evidence of comprehensive liability insurance in the amount of at least \$1 million (single claim), and listing the Town of Sterling as an additional named insured.
3. Licensees shall not deploy any free-standing sign or flags unless specifically permitted by the Board.
4. Licensees shall not deploy tables or seating unless specifically permitted by the Board with permission from the Health Agent.
5. Mobile Food Vendors shall not be positioned so as to expose clients to vehicular traffic, or otherwise in an unsafe manner. Mobile Food Vendors 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 Sterling Police Officer or Firefighter in this regard shall be immediately complied with.

6. Licensees shall make specific provisions for potable water, electricity, electric lighting if operated at night, collection and proper removal of recycling, trash and wastewater.

7. 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.

8. No licensee or employee of the licensee shall consume any alcoholic beverage, marijuana, or unlawful controlled substance during the 4 hours preceding and while on duty.

9. No licensee or employee of the licensee shall be permitted to smoke while working as per Food Code regulations.

10. Operations are permitted between the hours of 7:00 a.m. but not later than 9:00 p.m., unless otherwise specified or as such hours of operation that may be authorized by State statute.

11. Licensees are required to obtain a Hawkers, Peddlers and Transient Vendors license from the State of Massachusetts and signed by the Sterling 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 this Mobile Food Vendor license shall be void.

12. 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.

15. The State Hawkers, Peddlers and Transient Vendor's License and the Town's Mobile Food Vendor license shall be prominently displayed and available for inspection by any Town official as listed above during hours of operation.

16. In all cases Mobile Food Vendors shall demonstrate mobility a minimum of twice per year by, in fact, moving. This is to ensure the mobility of the Mobile Food Vendors and further protect holders of common victualler licenses from unfair competition. "Moving" or "move" for this regulation is defined as follows: All connections to external power, fuel, or other connections shall be disconnected, any peripheral equipment shall be disconnected, trailers shall be securely and legally connected through ball and socket, fifth wheel or pintle hook, as well as wiring and lighting approved for over the road, then connected to a registered vehicle, and shall move a distance sufficient to prove that the trailer could travel over the road. Self-contained Mobile Food Vendor trucks must also completely disconnect and move a distance sufficient to prove that the vehicle could travel over the road.

Exemptions:

- Mobile Food Vendor trailers operating on private property at the adoption of this regulation shall only be required to move once per year. This exemption shall terminate upon a change of licensee, change of business name, change in vehicle, change of vehicle ownership, change in land ownership, the inability to demonstrate mobility as required once per year, or the inability to move if so required for an emergency.
- Mobile Food Vendors hired for private events on private 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.

- Events licensed by the Town of Sterling, where the event organizer proposes to have Mobile Food Vendors, are exempt from these regulations.

Amending a Mobile Food Vendor License

Amending a Mobile Food Vendor License, for the purposes of this regulation, means to alter or change the conditions of the license at the request of the license holder. Licensees who want to amend their current Mobile Food Vendor License shall make such a request in writing to the Town Administrator who has been granted authority to amend existing Mobile Food Vendor licenses by the Board. Upon review by the Town Administrator a decision will be rendered within 14 days. If it is determined that the amendment is required to be heard by the Board of Selectmen, then the request will be posted on the next available Board of Selectmen agenda.

Violation, suspension, revocation or modification of a Mobile Food Vendor 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 or Pushcart and/or other vehicle at the owner's expense. Each day shall constitute a separate offense and if circumstances warrant it in the judgment of the Police Department or other enforcement officer, in which case such suspension shall be reviewed by the Board at its next available public meeting scheduled in accordance with open meeting law requirements. A licensee may appeal any fine to the Board.

The Board may suspend, revoke or modify a Mobile Food Vendor License if the Board finds that these regulations have been violated.

For the purposes of this regulation the term "suspension" shall mean the temporarily interruption of the licensee's privilege of conducting food sales as licensed in this regulation. The term "revoke" shall mean the permanent removal of food sales as licensed in this regulation. The term "modify" shall mean that the conditions placed on the licensee by the Board have changed.

Application Instructions

1. Fill-out and sign the application form and attachments. Applications shall expire on December 31st of each year. 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.
2. Obtain all applicable initial plan reviews and/or preliminary approvals from the Building, Health, Fire Rescue and Police Departments, and obtain Hawkers and Peddlers Licenses for each owner of a Food Truck or Pushcart from the Commonwealth of Massachusetts before application is submitted to the Town Administrator's office.
3. 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. There is no fee for the Mobile Food Vendor License itself, however applicants must have all other fees paid before a Mobile Food Vendor License is issued.
4. 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.

5. The Board requires that each person who serves food to the public be processed through a Criminal Offender Record Information (CORI) check and Sex Offender Registry Information (SORI) check through the Police Department.
6. After the application materials are received and reviewed by the Town Administrator for completeness, the application will then be considered by the Board. Staff in the Selectmen's Office will notify the applicant by telephone or e-mail of the date and time of the Board meeting at least 48 hours before the meeting.
7. The 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. 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.
8. The Board shall only approve the application once the applicant has obtained all required final approvals (i.e., permits, reviews and/or inspections) required for the Mobile Food Vendor License. If the applicant fails to obtain a required approval at any point in the process, the License will be withheld or suspended until the issue or problem is resolved to the satisfaction of the appropriate body.

Specific questions should be addressed to:

Selectmen's Office, Town Administrator,	978-422-8111 ext 2316
Building Department, Building Inspector,	978-422-8111 ext 2303
Health Department, Health Agent,	978-422-8111 ext 2306
Fire Department, Business Line,	978-422-6633
Police Department, Business Line,	978-422-8494