TOWN OF WELLESLEY
COMMONWEALTH OF MASSACHUSETTS

RULES AND REGULATIONS
Governing Takeout Food
Served By Mobile Food Vendors

Effective January 1, 2013

Local Licensing Authority: Wellesley Board of Selectmen

Town of Wellesley
Rules and Regulations Governing
Takeout Food Served by Mobile Food Vendors

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Town of Wellesley
Rules and Regulations Governing
Takeout Food Served by Mobile Food Vendors

Protocol for issuing a Takeout Food License

The Town of Wellesley, through the Board of Selectmen, regulates the preparation and/or retail sale of food or beverage (Takeout Food) pursuant to Town Bylaw Article 49.2C Preparation and/or retail sale of food or beverage. Vendors of Takeout Food are required to obtain a Takeout Food License, pursuant to the Town's relevant rules and regulations. These regulations specifically relate to the service of Takeout Food by mobile food vendors. 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, food cart, ice cream truck, canteen truck, catering truck, breakfast truck, lunch truck, lunch wagon, or any other mobile food vehicle. (*These regulations do not apply to mobile food vendors who operate in the Town of Wellesley less than 4 days (any part thereof) per calendar year. However, such vendors are required to obtain a license from the Health Department.)*

Before granting a license, 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
- Sanitation arrangements and conditions (Health Department signoff required)
- Noise, odors or other disruptions to the surrounding neighborhood
- Zoning compliance (Building Department signoff required)
- Fire safety (Fire Rescue Department signoff required)
- Hawkers and Peddlers license (obtained through the Police Department)
- Any other public safety issues, as identified by the Board of Selectmen
- The number of Mobile Food Vendors

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.

Application requirements

Any person wishing to apply for a Takeout Food License shall fully complete the application form supplied by the Police Department / Board of Selectmen, including authorization for the Town to obtain a Personal Criminal Record Request Form (CORI) and a Sex Offender Registry Board (SORB) check. Upon completion of the application review process, the application shall be scheduled for a hearing by the Board of Selectmen at a public meeting.

Maintenance of order and decorum and cooperation with Town officials

Any person to whom a Takeout Food 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 of Selectmen, the Fire Rescue and Police Departments, the Building Department, and the Board of Health. 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 of Selectmen.

Operating requirements for Mobile Food Vendors other than Ice Cream and Canteen Trucks

1. Licensees may only operate at specifically approved public or private locations (hereafter, the "licensed area"), at specifically approved times. For private locations, the Licensee shall provide written evidence of the property owner's approval for use of that area.

2. Licensees shall provide evidence of comprehensive liability insurance in the amount of at least $1 million (single claim), and listing the Town of Wellesley as an additional named insured.

3. Licensees shall not be permitted to operate within 200 feet of a licensed common victualler without their written permission. Such permission shall not be required in instances where the licensee and common victualler share common ownership. The 200 feet distance shall be measured as the Board or its designee sees fit.

4. Licensees shall not deploy any free-standing sign unless specifically permitted by the Board of Selectmen.

5. Licensees shall not deploy more than one table or seating for more than 6 patrons unless specifically permitted by the Board of Selectmen.

6. Mobile food vehicles shall not be positioned so as to expose clients to vehicular traffic, or otherwise in an unsafe manner. Any directive of a Police Officer in this regard shall be immediately complied with.

7. Licensees shall make specific provisions for trash removal and ensure that the licensed area is kept clean, neat and sanitary at all times. Reliance on the use of municipal trash receptacles is not considered acceptable.

8. A licensee who offers entertainment shall obtain a license from the Board of Selectmen, pursuant to the Town's Entertainment Regulations.

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 permit a patron to bring into the licensed area any alcoholic beverage for consumption on the premises.

11. Operations are permitted between the hours of 7 a.m. and dusk, but not later than 9 p.m., unless otherwise specified. This guidance supersedes the permissible hours of operation for Hawkers and Peddlers.

12. Licensees are required to obtain a Hawkers and Peddlers License for each employee from the Wellesley Police Department. As part of this process a Personal Criminal Record Request Form (CORI), Sex Offender Registry Board (SORB) check, and fingerprints will be obtained for each such employee.

13. Licensees shall not sell non-food novelty items, noise makers or toys.

Operating requirements for Ice Cream and Canteen Truck vendors

1. Licensees shall provide evidence of comprehensive liability insurance in the amount of at least $1 million (single claim), and listing the Town of Wellesley as an additional named insured.

2. Licensees shall not provide any tables or chairs for patrons, unless specifically permitted by the Board of Selectmen.

3. Licensees shall not be positioned so as to expose clients to vehicular traffic, or otherwise in an unsafe manner. Any directive of a Police Officer in this regard shall be immediately complied with.

4. Licensees shall make specific provisions for trash removal and ensure that the surrounding area is kept clean, neat and sanitary at all times. Reliance on the use of municipal trash receptacles is not considered acceptable.

5. A licensee who offers entertainment shall obtain a license from the Board of Selectmen, pursuant to the Town's Entertainment Regulations.

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

7. No licensee or employee of the licensee shall permit a patron to bring into the surrounding area any alcoholic beverage for consumption in the area.

8. Operations are permitted between the hours of 7 a.m. (6 a.m. for canteen trucks) and dusk, but not later than 9 p.m., unless otherwise specified. This guidance supersedes the permissible hours of operation for Hawkers and Peddlers.

9. Licensees are required to obtain a Hawkers and Peddlers License for each employee from the Wellesley Police Department or from the State. As part of this process a Personal Criminal Record Request Form (CORI), Sex Offender Registry Board (SORB) check, and fingerprints will be obtained for each such employee.

10. Operations are permitted between the hours of 7 a.m. (6 a.m. for canteen trucks) and dusk, but not later than 9 p.m., unless otherwise specified. This guidance supersedes the permissible hours of operation for Hawkers and Peddlers.

11. Licensees shall not sell non-food novelty items, noise makers or toys.

Operators of Ice Cream and Canteen Trucks are not required to submit a sketch of the licensed area nor are they required to obtain approval from the Building Department or the Fire Rescue Department.

Renewals

A Takeout Food License is subject to annual renewal. When determining whether to renew a license, the Board of Selectmen will utilize the same criteria as set forth above. Renewal forms may be obtained from the Selectmen's office and must update all previously filed statements and plans, as appropriate. It is the responsibility of the licensee to file for a renewal at least 60 days prior to termination of the current license. Failure to renew prior to expiration shall result in a loss of license and any subsequent renewal request shall be treated as a completely new application.

Violation, suspension, revocation or modification of a Takeout Food 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 or removal of the Mobile Food Vendor's cart, truck or other vehicle at the owner's expense, 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 Board of Selectmen at its next public meeting. A licensee may appeal any fine to the Board of Selectmen.

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

Promulgated the ___ day of January, 2013 by the Board of Selectmen of the Town of Wellesley.

WELLESLEY BOARD OF SELECTMEN

_____	_____
Terri Tsagaris, Chairman	Ellen F. Gibbs, Vice Chairman
_____	_____
Barbara D. Searle, Secretary	Katherine L. Babson, Jr.

_____
Donald S. McCauley

Town of Wellesley
Instructions for Applying for a
Takeout Food License
(as Served by a Mobile Food Vendor)

1. Fill-out and sign the application form and attachments

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 Rescue and Police Departments, and obtain Hawkers and Peddlers Licenses for each employee before application is submitted to the Selectmen'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 check for the application fee of $200.00 payable to the Town of Wellesley, to the Selectmen's Office, on the third floor of Town Hall, 525 Washington Street, Monday – Friday, 8:00 a.m. – 4:00 p.m..

5. For private locations, the Licensee shall provide written evidence of the property owner's approval for use of that location.

6. A Personal Criminal Record Request Form (CORI) will be obtained by the Selectmen's Office from the Criminal History Systems Board. This CORI access is in regard to the screening of current and otherwise qualified applicants.

7. After the application materials are received and reviewed for completeness, an interview will be scheduled with the Executive Director to discuss the applicant's plans for operation. The applicant will then be required to appear before the Board of Selectmen during one of its regular public meetings. Staff in the Selectmen's Office will notify the applicant by telephone of the date and time of the interview.

8. The Board of Selectmen 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. Once the Board of Selectmen approves the application, the applicant will need to obtain all required Health Department, Building Department, and Fire Rescue

Department final approvals (i.e., permits, reviews and/or inspections) before the Takeout Food 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:

Selectmen's Office, 3rd Floor of Town Hall, 525 Washington Street, (781) 431-1019 x2001
Building Department, Lower Level of Town Hall, 525 Washington Street, (781) 431-1019 x2228
Health Department, Warren Building, 90 Washington Street, (781) 235-0135
Fire Rescue Department, 457 Worcester Street, (781) 235-1300
Police Department, 485 Washington Street (781) 235-1212