



# City of Melrose Legal & Legislative Committee

Monday, March 23, 2026, 7:00 PM  
City Council Chamber, 1st Floor  
562 Main Street, Melrose, MA 02176

## AGENDA

### NOTE:

To watch this meeting live visit [mmtv3.org](http://mmtv3.org) or local cable station MMTV (Channels 3, 15, 22 on Comcast or Channels 37, 38, 39 on Verizon)

Some Board and Commission meetings meet via zoom. Information on how to enable closed captioning for online commission meetings can be found by clicking [here](#).

### I. CALL TO ORDER

Manjula Karamcheti	Vice Chair
Cal Finocchiaro	
Elizabeth Kowal	
Kimberly Vandiver	
William Bradley Freeman	President, Ex Officio Member
Maya Jamaledine	Chair

### II. MINUTES APPROVAL

Legal & Legislative Committee Meeting January 20, 2026 7:00 PM

### III. PUBLIC COMMENT

When: Mar 23, 2026 07:00 PM Eastern Time (US and Canada)  
Topic: Legal & Legislative Committee Meeting

Join from PC, Mac, iPad, or Android:

<https://cityofmelrose->

[org.zoom.us/j/99971270256?pwd=bxamCKOO5elacPQmbXyhMf1cCVdJTc.1](https://cityofmelrose-org.zoom.us/j/99971270256?pwd=bxamCKOO5elacPQmbXyhMf1cCVdJTc.1)

Passcode:435855

Webinar ID: 999 7127 0256

### IV. ORDINANCES

- A. (ID # 2026-611): That the City of Melrose accept the paragraph of Section 12 of M.G.L. chapter 138 that any common victualler, who also holds a license to sell wine and malt beverages may, upon written approval by the Melrose Liquor Licensing Commission, also be allowed to sell liqueurs and cordials.

- B. **(ID # 2026-617):** Requesting an increase to the exemption amount of the Veterans Tax Work Off Program abatement from \$1,000 per year to \$1,500 per year, as authorized by Chapter 59, Section 5K of the Massachusetts General Laws.
- C. **(ID # 2026-475):** That the Melrose City Council vote to dissolve the Melrose Redevelopment Authority
- D. **(ID # 2026-447):** Amending Melrose Revised Ordinance 93-6 Leashing Requirements to Provide Exceptions for K-9 dogs and Service Animals.
- E. **(ID # 2026-632):** Amend the language of the Mobile Food Vendor Article III of Chapter 127 of City of Melrose Ordinance remove the requirement of public hearing prior to license issuance.

**V. ORDERS**

**VI. ADJOURNMENT**

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# CITY OF MELROSE

## OFFICE OF THE MAYOR

JENNIFER GRIGORAITIS

Mayor

City Hall, 562 Main Street  
Melrose, Massachusetts 02176  
Telephone - (781) 979-4440

### MEMORANDUM

To: Melrose City Council

From: Jen Grigoraitis, Mayor

Re: Acceptance of specific paragraph of Section 12 of M.G.L. Chapter 138

Date: March 9, 2026

Cc: Lauren Grymek, Chief of Staff  
Kerriann Golden, CFO  
Shannon Phillips, City Solicitor  
Joe Nevin, Chair, Liquor Licensing Commission

The Melrose Liquor Licensing Commission has recently received a request from one of its license holders, Table Four (*Lovergaag, LLC d/b/a Table 4*), to expand its offerings to customers to include the sale of cordials and liqueurs. Currently, their on-premises license is for wine and malt beverages only.

In certain cities and towns that vote to accept a specific state law, M.G.L. c. 138 section 12, businesses that hold a wine and malt beverages license and also a common victualler's license, may be given a permit to also sell cordials and liqueurs.

Given this, I am requesting that City Council City vote to accept this section of state law which will allow Table Four, and other on-premises wine and malt license holders to seek a permit to sell liqueurs and cordials. The relevant paragraph of this section of law states as follows:

***M.G.L. c. 138 section 12:***

*In any city or town which votes to accept the provisions of this paragraph, a common victualler, who holds a license under this section to sell wines and malt beverages may, upon written approval, also sell liqueurs and cordials pursuant to said license, subject, however, to all other licensing provisions of this chapter.*

If Council accepts this section, the Liquor Commission will then be able to consider permitting these additional sales for current licensees. Any such establishment would also then need to receive approval from the Massachusetts Alcoholic Beverage Control Commission (ABCC) to add sale of cordials and liqueurs to their license.

Thank you for your consideration.

**ORDER:** That the City of Melrose accept the paragraph of Section 12 of M.G.L. chapter 138 that any common victualler, who also holds a license to sell wine and malt beverages may, upon written approval by the Melrose Liquor Licensing Commission, also be allowed to sell liqueurs and cordials.

**WHEREAS,** Massachusetts General Law, chapter 138, section 12 includes the following paragraph stating, "In any city or town which votes to accept the provisions of this paragraph, a common victualler, who holds a license under this section to sell wines and malt beverages may, upon written approval, also sell liqueurs and cordials pursuant to said license, subject, however, to all other licensing provisions of this chapter"; and

**WHEREAS,** liqueurs and cordials are defined as flavored spirits product containing not less than 2½% by weight sugar, dextrose, levulose or a combination thereof made by mixing or redistilling any class or type of spirits with or over fruits, flowers, plants or pure juices therefrom or other natural flavoring materials or with extracts derived from infusions, percolation or maceration of such materials.; and

**WHEREAS,** the City of Melrose's acceptance of this provision will support local wine and malt license holders who wish to expand options for their customers while supporting the overall strength and vibrancy of our local economy; and

**WHEREAS,** upon acceptance of this provision any establishment seeking to serve liqueurs or cordials in Melrose would be required to obtain a permit from the License Commission and approval from the Massachusetts Alcoholic Beverages Control Commission (ABCC), and so

**NOW, THEREFORE BE IT ORDERED:**

That the City of Melrose accepts the paragraph of Section 12 of M.G.L. Chapter 138 allowing a common victualler, who holds a license under Section 12 to sell wines and malt beverages to, upon written approval by the Melrose Liquor Licensing Commission, also sell liqueurs and cordials pursuant to said license and all other licensing provisions of M.G.L. c. 138.

**Part I** ADMINISTRATION OF THE  
GOVERNMENT

**Title XX** PUBLIC SAFETY AND GOOD  
ORDER

**Chapter** ALCOHOLIC LIQUORS  
**138**

**Section** LICENSES AUTHORIZING SALE OF  
**12** BEVERAGES TO BE DRUNK ON  
PREMISES; VETERANS'  
ORGANIZATIONS,  
CORPORATIONS, ETC.;  
SUSPENSION OR REVOCATION;  
HOURS OF SALE; LIQUEURS AND  
CORDIALS; LIQUOR LEGAL  
LIABILITY INSURANCE  
REQUIREMENT

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Section 12. A common victualler duly licensed under chapter one hundred and forty to conduct a restaurant, an innholder duly licensed under said chapter to conduct a hotel, a pub brewer, a continuing care retirement

community and a keeper of a tavern as defined by this chapter, in any city or town wherein the granting of licenses under this section to sell all alcoholic beverages or only wines and malt beverages, as the case may be, is authorized by this chapter, subject however, in the case of a tavern, to the provisions of section eleven A, may be licensed by the local licensing authorities, subject to the prior approval of the commission, to sell to travelers, strangers and other patrons and customers not under twenty-one years of age, such beverages to be served and drunk, in case of a hotel or restaurant or continuing care retirement community licensee, only in the dining room or dining rooms and in such other public rooms or areas of a hotel as the local licensing authorities may deem reasonable and proper, and approve in writing; and provided further, that the limitations relative to service and consumption in a restaurant or hotel or continuing care retirement community only in the dining rooms and such other public rooms or areas deemed reasonable and proper by the local licensing authority shall not be deemed to preclude the restaurant or hotel from allowing a patron to retain and take off the premises only so much as may remain of a bottled wine purchased by the patron in conjunction with a meal and not totally consumed by the patron during such meal; provided further, that the limitations relative to service and consumption in a tavern, club or war veterans' organization licensed pursuant to this section shall

not be deemed to preclude the tavern, club or war veterans' organization from allowing a patron, member or guest, as the case may be, to retain and take off the premises only so much as may remain of a bottled wine purchased by the patron, member or guest in conjunction with a meal and not totally consumed by the patron, member or guest during such meal; provided further, that all such wine bottles shall be resealed in accordance with regulations promulgated by the commission and transported in a manner authorized in section 24I of chapter 90 when carried in a motor vehicle, as defined in section 1 of said chapter 90; provided, that no tavern license shall be granted to the holder of a hotel license hereunder. Such sales may also be made, by an innholder licensed hereunder, to registered guests occupying private rooms in his hotel, and in the dining room or dining rooms and in such other public rooms or areas of buildings on the same premises as the hotel and operated as appurtenant and contiguous to and in conjunction with such hotel, and to registered guests occupying private rooms in such buildings and in the case of condominium accommodations that are located appurtenant and contiguous to and also upon the same premises as a hotel, sales may be made by the hotel licensee as the local licensing authorities may deem reasonable and proper, and approve in writing. Such sales may also be made by a continuing care retirement community licensed hereunder, to residents or guests of

residents in rooms in a continuing care retirement community, and in the dining rooms and in such other public rooms or areas of buildings on the same premises as the continuing care retirement community and operated as appurtenant and contiguous to and in conjunction with such continuing care retirement community, and to guests of residents in such buildings; provided, however, that such sales may be made by the continuing care retirement community licensee as the local licensing authorities may deem reasonable and proper and approve in writing. Such sales may be made by a restaurant licensee at such stands or locations in a sports arena, stadium, ball park, race track, auditorium or in any one building at an airport as the local licensing authority may deem reasonable and proper, and approve in writing. A local licensing authority may grant a license for the sale of all alcoholic beverages or a license for the sale of wines and malt beverages at any location on the grounds of a golf course as it deems reasonable and proper. Upon an application for a restaurant license, the local licensing authorities may in their discretion grant such a license authorizing the sale of alcoholic beverages on all days of the week or one authorizing such sale on secular days only, and the decision of such authorities as to which of the two types may be granted upon any particular application shall be final. During such time as the sale of such alcoholic beverages is authorized in any city or town under this chapter, the authority to grant

innholders' and common victuallers' licenses therein under chapter one hundred and forty shall be vested in the local licensing authorities; provided, that if a person applies for the renewal of both a common victualler's license or an innholder's license under said chapter one hundred and forty and a hotel or a restaurant license, as the case may be, under this section and the local licensing authorities refuse to grant said common victualler's or innholder's license or fail to act on the applications therefor within a period of thirty days, such applicant may appeal therefrom to the commission in the same manner as provided in section sixty-seven and all the provisions of said section relative to licenses authorized to be issued by local licensing authorities under this chapter shall apply in the case of such common victualler's license or innholder's license.

If a license granted under this section to a person holding a license as an innholder or common victualler is suspended or revoked for any particular cause, no action shall be taken on account thereof by such authorities with respect to such innholder's or common victualler's license prior to the expiration of the period provided for an appeal under section sixty-seven in case no such appeal is taken, or prior to the disposition of any such appeal so taken, nor thereafter, except for further cause, in case such disposition is in favor of the appellant. Any club in any city or town

wherein the granting of licenses to sell alcoholic beverages, or only wines and malt beverages, as the case may be, is authorized under this chapter may be licensed by the local licensing authorities, subject to the approval of the commission, to sell such beverages to its members only, and also, subject to regulations made by the local licensing authorities, to guests introduced by members, and to no others. A member of a club licensed under this section may bring wine to be consumed on the premises with a meal purchased at the club, unless the club objects, which it may do at its sole discretion. At all times the club shall control the handling, serving and dispensing of wine in accordance with this chapter and may refuse to pour wine for any patron for any reason or for no reason, regardless of whether bottles are opened or unopened. Unopened bottles shall be returned to the patron who shall remove such bottles from the premises at the conclusion of the event, and open bottles shall be returned and resealed in accordance with regulations promulgated by the commission and transported in a manner authorized by section 24I of chapter 90 when carried in a motor vehicle, as defined in section 1 of said chapter 90. The club shall set and charge a reasonable corkage fee, which shall be added to the member's meal expense. Such fee shall be set at not less than \$30 and shall be applied to each bottle of wine that is opened.

The local licensing authorities of any city or town wherein the granting of licenses under this section to sell all alcoholic beverages or only wines and malt beverages, as the case may be, is authorized by this chapter, may, subject to the approval of the commission and irrespective of any limitation of number of licenses contained in section seventeen, issue a license to any corporation the members of which are war veterans and which owns, hires or leases in such city or town a building, or space in a building, for the use and accommodation of a post of any war veterans' organization incorporated by the Congress of the United States, to sell such beverages to the members of such post only, and also, subject to regulations made by the local licensing authorities, to guests introduced by such members and to no others.

The local licensing authorities may determine in the first instance, when originally issuing and upon each annual renewal of licenses under this section, the amount of the license fee, for a tavern license or for any other license under this section for the sale of all alcoholic beverages, or for any other license under this section for the sale of wines and malt beverages, and provided that nothing herein shall prevent such authorities from establishing license fees differing in amounts within the limitations aforesaid for restaurant licenses authorizing such sale on secular days only. If different license fees are so established the fee for licenses

authorizing the sale of alcoholic beverages on all days of the week shall not be more than twenty-five per cent higher than the fee for licensing such sale on secular days only. Before issuing a license to any applicant herefor under this section, or before a renewal of such license, the local licensing authority shall cause an examination to be made of the premises of the applicant to determine that such premises comply in all respects with the appropriate definition of section one and that the applicant is not less than twenty-one years of age and a person of good character in the city or town in which he seeks a license hereunder. No license shall be issued to any applicant who has been convicted of a violation of a federal or state narcotic drugs law.

The local licensing authorities may accept the surrender of a license issued under this section and may issue in place thereof to the same licensee any other form of license authorized under this section, and may allow as a credit on the fee for the new license the license fee paid for the license surrendered but no refund shall be authorized. Different licenses issued as aforesaid for any portion of the same license year to the same licensee shall count as one license for the purposes of section seventeen.

The hours during which sales of such alcoholic beverages may be made by any licensee as aforesaid shall be fixed by the local licensing authorities either generally or specially for each licensee; provided, however, that no

such sale shall be made on any secular day between the hours of two and eight o'clock antemeridian and that, except as provided in section thirty-three, no such licensee shall be barred from making such sales on any such day after eleven o'clock antemeridian and before eleven o'clock postmeridian, and no tavern shall be kept open on any such day between one o'clock antemeridian and eight o'clock antemeridian; provided, further, that any such licensee or his manager shall not be prohibited from being on the licensed premises at any time; provided, further, that the employees, contractors or subcontractors shall not be prohibited from being upon such premises at any time for the purpose of cleaning, making renovations, making emergency repairs to or providing security for, such premises or preparing food for the day's business or opening or closing the business in an orderly manner. The licensing authority shall not decrease the hours during which sales of such alcohol beverages may be made by a licensee until after a public hearing concerning the public need for such decrease; provided, however, that a licensee affected by any such change shall be given 2 weeks notice of the public hearing.

No license issued under this section shall be subject to any condition or requirement varying the occupancy of the licensed premises as certified by any person or state or local agency charged with the administration or enforcement of the state building code or any of its rules or regulations.

No person, firm, corporation, association or other combination of persons, directly or indirectly, or through any agent, employee, stockholder, officer or other person, or any subsidiary whatsoever, licensed under the provisions of sections eighteen or nineteen shall be granted a license under this section.

In cities and towns which vote to authorize under section eleven the granting of licenses for the sale of all alcoholic beverages, specific licenses may nevertheless be granted under this section for the sale of wines or malt beverages only, or both. The licensing authorities may refuse to grant licenses under this section in certain geographical areas of their respective cities or towns, where the character of the neighborhood may warrant such refusal.

All malt beverages sold by a licensee under this section containing not more than three and two tenths per cent of alcohol by weight shall be expressly sold as such.

No malt beverage shall be sold on draught from a tap, faucet or other draughting device, unless there shall plainly appear on or attached to such device, in legible letters, the brand or trade name of the malt beverage so sold therefrom.

In any city or town wherein the granting of licenses under this section to sell alcoholic beverages or wines and malt beverages is authorized, a person may be granted a general on-premise license by the local licensing authorities, subject to the prior approval of the commission, authorizing him to sell alcoholic beverages without food to patrons and customers subject to all other relevant provisions of this chapter, provided that such beverages shall be sold and drunk in such rooms as the licensing authorities may approve in writing. The annual license fee for such general on-premise license shall be determined by the local licensing authority. For the purposes of section eleven an affirmative vote on subdivision A or B shall be considered an authorization for the granting of general on-premise licenses in a city or town.

A common victualler who holds a license pursuant to this section may provide on premises sample wine or malt beverage tasting; provided however, that such licensee shall not solicit orders for wine or malt for off premises consumption; and provided further, that any such wine tasting shall be limited to one ounce per serving and any such malt beverage tasting shall be limited to two ounces per serving and food shall be served in conjunction with any such wine or malt beverage tasting.

In any city or town which votes to accept the provisions of this paragraph, a common victualler, who holds a license under this section to sell wines and malt beverages may, upon written approval, also sell liqueurs and cordials pursuant to said license, subject, however, to all other licensing provisions of this chapter.

A common victualler who holds a license for the sale of all alcoholic beverages or holds a license for the sale of wines and malt beverages and who also holds pursuant to this section written approval to sell liqueurs and cordials pursuant to his license may provide on-premises sample liqueurs and cordials tasting; provided however, that a licensee shall not solicit orders for liqueurs and cordials for off-premises consumption; and provided, further, that any such liqueurs and cordials tasting shall be limited to 1/4 of an ounce per serving and food shall be served in conjunction with any liqueurs and cordials tasting.

A common victualler who holds a license for the sale of all alcoholic beverages may provide on premises sample alcoholic beverages tasting; provided, however, that a licensee shall not solicit orders for alcoholic beverages for off-premises consumption; and provided further, that any tasting of alcoholic beverages, other than wines and malt beverages, shall be limited to 1/4 of an ounce per serving and food shall be served in conjunction with any alcoholic beverages tasting.

No license shall be issued or renewed under this section until the applicant or licensee provides proof of coverage under a liquor legal liability insurance policy for bodily injury or death for a minimum amount of \$250,000 on account of injury to or death of 1 person, and \$500,000 on account of any 1 accident resulting in injury to or death of more than 1 person. Proof of the insurance coverage required by this section shall be made by filing a certificate of insurance in a form acceptable to the local licensing authority. The insurance shall be subject to sections 5 and 6 of chapter 175A of the General Laws.

**Part I** ADMINISTRATION OF THE  
GOVERNMENT

**Title IX** TAXATION

**Chapter** ASSESSMENT OF LOCAL TAXES  
**59**

**Section** REDUCTION OF PROPERTY TAX  
**5N** OBLIGATION OF VETERAN IN  
EXCHANGE FOR VOLUNTEER  
SERVICES

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Section 5N. In any city or town which accepts this section, the board of selectmen of a town, or in a municipality having a town council form of government, the town council or the mayor, with the approval of the city council in a city, may establish a program to allow veterans, as defined in clause Forty-third of section 7 of chapter 4 or a spouse of a veteran in the case where the veteran is deceased or has a service-connected disability, to volunteer to provide services to that city or town. In exchange for such volunteer services, the city or town shall reduce the real property tax

obligations of that veteran on the veteran's tax bills and that reduction shall be in addition to any exemption or abatement to which that person is otherwise entitled; provided, however, that person shall not receive a rate of, or be credited with, more than the current minimum wage of the commonwealth per hour for the services provided pursuant to that reduction; and provided further, that the reduction of the real property tax bill shall not exceed \$1,500 in a given tax year. It shall be the responsibility of the city or town to maintain a record for each taxpayer including, but not limited to, the number of hours of service and the total amount by which the real property tax has been reduced and to provide a copy of that record to the assessor in order that the actual tax bill reflect the reduced rate. A copy of that record shall also be provided to the taxpayer prior to the issuance of the actual tax bill. The cities and towns shall have the power to create local rules and procedures for implementing this section in a way that is consistent with the intent of this section. Nothing in this section shall be construed to permit the reduction of workforce or otherwise replace existing staff.

The amount by which a person's property tax liability is reduced in exchange for the volunteer services shall not be considered income, wages or employment for purposes of taxation as provided in chapter 62, for the purposes of withholding taxes as provided in chapter 62B, for the purposes

of workers' compensation as provided in chapter 152 or any other applicable provisions of the General Laws. While providing such volunteer services, that person shall be considered a public employee for the purposes of chapter 258 and those services shall be deemed employment for the purposes of unemployment insurance as provided in chapter 151A.

A city or town, by vote of its legislative body, subject to its charter, may adjust the exemption in this clause by: (i) allowing an approved representative for persons physically unable to provide such services to the city or town; or (ii) allowing the maximum reduction of the real property tax bill to be based on 125 volunteer service hours in a given tax year, rather than \$1,500.



# CITY OF MELROSE

## OFFICE OF PLANNING AND COMMUNITY DEVELOPMENT

City Hall, 562 Main Street  
Melrose, Massachusetts 02176  
Telephone - (781) 979-4190

LORI MASSA, AICP  
Director & City Planner

### MEMORANDUM

**TO:** Melrose City Council

**FROM:** Lori Massa, Director & City Planner

**CC:** Mayor Jennifer Grigoraitis  
Kerriann Golden, CFO/Auditor  
Shannon Phillips, City Solicitor  
Lauren Grymek, Chief of Staff  
Maya Noviski, Senior Planner  
Jane Pitts, Accounting Manager

**DATE:** February 17, 2026

**RE:** Melrose Redevelopment Authority Vote to Dissolve

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The Melrose Redevelopment Authority (MRA) has voted to submit the question of its dissolution to the City Council. The MRA has been inactive for many years, and the Office of Planning and Community Development has initiated the housekeeping item of officially dissolving the Authority with the final use of the Authority's funds for a project within their original area of focus in the Urban Review Plan.

Massachusetts General Law requires that the City Council vote to submit its request to the State Secretary to certify a Redevelopment Authority's dissolution.

The project for which the remaining funds will be used is the restoration/beautification project at Milano Park at the corner of Main and Grove Streets, which will take place this spring. The majority of the funding for the project was obtained through an earmark that the City received from the State; however, more funds are necessary to complete the project and since the work directly relates to the goals of the MRA, it is a logical use of the funds.

### BACKGROUND

Established in 1959, the Melrose Redevelopment Authority (MRA) was created to take advantage of the federal Urban Renewal Program. Under the program, public funding was provided for the revitalization of disinvested and underutilized neighborhoods, and the redevelopment of substandard and blighted open areas for residential, commercial, industrial, business, governmental, recreational, educational, hospital or other uses. While the federal

government subsidized most of the costs of projects administered by Redevelopment Authorities, the State contributed significant financial resources, as well. Redevelopment Authorities, which could expend their funds without municipal approval, worked alongside municipal officials to achieve the goals and missions of cities and towns.

As such, in 1978, the MRA created an Urban Renewal Plan for the Friends Block in Downtown Melrose, which was bounded by Main Street, East Foster, Leonard Road, and Grove Street, after a fire created a blighted area spanning over 100,000 sf. With the State's approval of the plan, State and federal funds were dispersed to support the project. The plan had the following goals:

- Providing focus for public investment and private reinvest into downtown Melrose;
- Providing a unified combination of urban residential and commercial uses in a mix of older renovated and newly constructed buildings;
- Providing attractive off-street parking; and
- Improving the visual and aesthetic appearance by the provision of comprehensive design and landscape improvements.

One of the more visible outcomes from this effort was the renovation of the Prince Building, which is currently home to Eastern Bank. The creation of the plan, which expired in 2008, and the renovation of the Friend's Block were the MRA's last significant undertakings, and it has been largely inactive since.

## **DISSOLUTION**

With the closeout of the federal Urban Renewal Program in the 1970s, Redevelopment Authorities lost a key funding source and became obsolete. Many were absorbed by municipalities' planning departments. In Melrose, according to the City's Administrative Code Article 3, Section 310-Planning and Community Development Department, administrative control of the MRA was assumed by the Director of Planning and Community Development and all monies and assets were credited to the Planning and Community Development account.

According to Massachusetts General Laws Chapter 121B, if a Redevelopment Authority determines that there is no further need for its existence, it may submit the question of its dissolution to the City Council. If council votes to approve such dissolution, the vote is submitted to the State Secretary for certification, and the Redevelopment Authority is officially dissolved. At its meeting on February 3, 2026, Philip Kukura, Joan Cassidy, and James Oosterman, the Members of the MRA, voted to submit a request to the City Council to approve the dissolution of the Melrose Redevelopment Authority due to its purposes being realized and the lack of assets and outstanding obligations.

Thank you for your consideration.

**§ 93-6. Leashing requirements. [Amended 5-20-2002 by Ord. No. 02-324]**

- A. No person shall own or keep in the City, outside the confines of the owner's or keeper's property, any dog that is not held firmly on a leash.
- B. ~~The Animal Control Officer may, at his/her discretion, waive the provisions of Subsection A if a determination is made that the owner or keeper has a valid reason to have the dog unleashed or untethered for training, exhibition or show purposes. [Amended 8-21-2017 by Ord. No. 2018-4]~~ **The enforcing agent may, in their discretion, waive the provisions of Subsection A for service animals, if they determine that harnessing, leashing, or tethering the dog will interfere with the dog's tasks, or the handler's disability prevents using a harness or leash. In such instances, the dog is still required to remain with the handler and under their control at all times.—**
- C. ~~The leash requirements of this section shall not apply to police K-9 units when actively engaged in official duties, such as training or public exhibitions, and such activities require the dog to be off leash. In these instances, the dog must be clearly identifiable as a police K-9, and under the control of the law enforcement handler at all times.~~
- D. Violation of this section shall be punishable as follows:
- (1) First offense, unaltered or altered: fine of \$50.
  - (2) Second offense, unaltered or altered: fine of \$100.
  - (3) Third offense: \$150.
  - (4) Apprehension: \$10.
  - (5) Confinement: \$10 per day.
  - (6) Kennels: \$100.
  - (7) Seeing eye dogs: no fees.—
- E. Exemptions. Dogs will be permitted to go without leashes only within areas designated as "off-leash dog areas" as determined by the Board of Park Commissioners in accordance with § 173-17, provided that: **[Added 6-4-2012 by Ord. No. 2012-180]**
- (8) All dogs are leashed prior to entering and upon leaving the off-leash dog area.
  - (9) All dogs must be accompanied by a guardian who must remain with his/her dog(s) at all times while using the off-leash dog area.
  - (10) Guardians are legally responsible for their dog(s) and any injuries caused by their dog(s).
  - (11) Guardians may bring no more than three dogs to the off-leash dog area at one time.

(12) Guardians must dispose of their dog's fecal matter in accordance with § 93-8.

(13) The following dogs are forbidden from entry into the off-leash dog areas:

- (a) Dogs in heat.
- (b) Dogs less than six months of age.
- (c) Dogs without municipal licenses and up-to-date vaccinations.
- (d) Aggressive dogs. Any dog that engages in fighting or that does not respond to voice

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**1. Editor's Note: The line "Adoption: all fees and expenses" which immediately followed this subsection in Ord. No. 02-324 was deleted per instructions from the City as superseded by Ord. No. 02-102. See § 93-11.**

command.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MELROSE AS FOLLOWS:**

That current §152-15 Lunch carts, be deleted.

That Chapter 127 Hawkers, Peddlers and Transient Vendors be amended to reflect a new title — **Hawkers, Peddlers, Transient Vendors, and Mobile Food Vendors** — and a new **Article III Mobile Food Vendors** be added as follows:

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**Article III – Mobile Food Vendors**

**§127-13 License Required; Applicability**

No person or business entity, including a religious or charitable organization shall operate as a mobile food vendor, , without first obtaining a license from the City Council.

A “Mobile Food Vendor” means any mobile operation that stores, prepares, packages, serves, sells, or otherwise provides any prepared or packaged food or beverages for human consumption to the general public from a truck or cart, excluding ice cream trucks.

The purpose of this section is to allow for food trucks or “mobile food vendors” to be licensed to operate in certain designated locations in the City of Melrose and to streamline the process for their operation on a recurring basis within City limits.

A mobile food vendor license is not required with respect to the following mobile food vendors: a) vendors associated with the Melrose Farmers’ Market; b) vendors selling food and beverages on a one-day basis or for special events (up to three calendar days per year per vendor), including charitable and non-profit fundraisers; c) beverage or snack cart services provided at Mt. Hood Golf Course of Bellevue Golf Course; and d) to private events not open to the general public held on private or public property. All such vendors shall continue to follow necessary permitting through the Melrose Board of Health and any other required City approvals.

**§127-14 Issuance of License; Fee; Term**

- A. Every mobile food vendor wishing to conduct business in the City of Melrose, except those as indicated above, shall apply for and obtain an annual license. An application on a form prescribed by the City Clerk shall be completed on an annual basis and filed with the City Clerk. Each licensee shall pay an annual fee of \$500 for the mobile food vendor license.
- B. Along with any additional required documentation listed on the application, applicants shall submit all of the following with the application for a mobile food vendor license:
  - 1. Proof of Annual Food Service Permit issued by the Melrose Board of Health;

2. Hawkers and Peddlers License issued by the Commonwealth of Massachusetts;
  3. Approvals from the Health Department, Parks Department, Public Works Department, Police Department, Fire Department;
  4. .If requested location is on public property, a copy of the permission granted by the necessary City board, commission, agency, or department having jurisdiction over the public property (e.g. Parks Commission, Beebe Board of Trustees, School Department, etc.);
  5. If requested location is on private property, a copy of the lease or agreement from the property owner authorizing the intended use;
  6. Occupancy permit issued by the Engineering Department if parking will be along a public way;
  7. Unless operating on private property, the existence of a general liability policy in effect during the days and times for which the license is sought with coverages as required by the City; and
  8. Unless operating on private property, an agreement absolving the City, its officials, officers and employees from all liability in connection with the proposed use of City property, and indemnifying the City for any damage or expenses as required by the City;
- C. After application materials are reviewed for completeness, the applicant will then be required to obtain a license from City Council.
- D. In reviewing an application, the City Council shall consider the public good and general welfare and convenience of the community and shall take into account factors such as the following:
1. Traffic and pedestrian safety,
  2. Impact on nearby parking, residences, and businesses;
  3. Application completeness and departmental approvals;
  4. Existing number of mobile food vendors;
  5. History of compliance;
  6. Other public safety or community concerns.
- E. Approved Locations of Operation:
1. No applicant shall be approved to park within 50 feet of an entrance of a restaurant unless they have received written consent from the owner(s) of any restaurant(s) within 50 feet of the proposed location.
  2. Licensees shall operate only in designated locations approved for the days and times on the License as approved by Council.
- F. The issuance of a mobile food vendor license does not grant to, or entitle, the licensee the exclusive use of any service route or location, in whole or in part, other than the time and place specified in the license or permit for the term of the license or permit.

- G. Annual licenses issued shall begin on May 1st and expire on April 30th the following year. All renewal applications shall be submitted to the City Clerk's office by April 1st.
- H. Mobile food vendor licenses may be renewed by the City Clerk on an annual basis upon submission of updated application materials, new departmental approvals, and payment of required fees.

### **§127-15 Conditions of Operation**

- A. Mobile food vendors may only operate at specifically approved public or private locations at specifically approved times.
- B. Mobile food vendor may not operate for more than eight (8) hours at any one location per calendar day.
- C. Mobile food vendors may only operate between the hours of 8:00 AM and 9:00 PM on public property.
- D. Mobile food vendors must maintain a clean site and provide trash/recycling receptacles, and remove all trash and recycling generated by their operation upon departing the site each day. Additionally:
  - 1. All vendors are encouraged to provide consumers with compostable single-service articles, such as compostable forks, and paper plates.
  - 2. No single-use plastic bags are permitted. All bags must follow requirements established in Chapter 198 Article V of the Melrose City Code.
  - 3. Single-use plastic straws are only to be provided upon request as established in Chapter 198 Article VI Melrose City Code.
  - 4. No styrofoam or polystyrene products are permitted as established in Chapter 198 Article VII Melrose City Code..
  - 5. All mobile food vendors shall inspect adjacent streets, sidewalks and alleys within 50 feet regularly for purposes of removing any litter found.
- E. Mobile food vendors must follow all posted traffic and parking regulations and park only in legal parking spaces, and may not for any reason park:
  - 1. Blocking any fire department connection or fire lane, fire hydrant, crosswalk, loading zone, or within 20 feet of an intersection or blocking any driveway;
  - 2. Within any bike lane, bus stop, or upon any sidewalk.
- F. Mobile food vendors may not conduct business with people in vehicles nor shall they serve customers who stop or park vehicles in a vehicle or bicycle travel lane near the mobile food vendor.
- G. Mobile food vendors may not provide or allow any dining area, including but not limited to tables, chairs, booths, bar stools, benches, and standup counters.
- H. Mobile food vendors shall comply with all applicable federal, state, and local laws, regulations and ordinances, and any conditions on the License. Mobile food vendors shall maintain for the term of their License all necessary underlying licenses such as the food establishment permit, state hawker and peddlers' license, and all necessary approvals and insurance coverages for use of the designated location.

I. Licenses are non-transferable and must be clearly displayed.

**§127-16 Enforcement; Modifications; Fines**

- A. City Council may modify a mobile food vendor license after the issuance of such license,,i) 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, or ii) at the request of the Licensee, subject to Council approval.
- B. In regards to trucks or carts on public property or along the public way, the City reserves the right to temporarily move a truck or cart to a nearby location if there is a need by the City to use the approved location for emergency purposes, snow removal, construction, or other public benefit.
- C. The City Council may suspend, revoke, or decline to renew a mobile food vendor license for cause, after reasonable notice to the licensee of the grounds for the proposed action and the time and place of the hearing regarding such action.
- D. The Police Department, Public Works Department, Fire Department, and Health and Human Services Director are all authorized to enforce this ordinance.
- E. In cases involving an immediate public safety or health hazard, the local health director or other enforcing authority may order an immediate, temporary suspension of the license for 14 days without a prior hearing. A public hearing will be held within that timeframe to review the action.
- F. In addition, this ordinance may be enforced by non-criminal disposition under M.G.L. c. 40 § 21D. Any mobile food vendor who refuses, neglects, or fails to comply with any laws, regulations, ordinances, or codes applicable to the license shall be subject to a fine of \$100 per day. Failure to comply with any provision of this Ordinance, or retain the required licenses, permits, and approvals necessary for operation will constitute grounds for violation. Each day of non-compliance shall constitute a separate offense.