



City of Melrose Legal & Legislative Committee

Monday, November 17, 2025, 6:45 PM
City Council Chamber, 1st Floor
562 Main Street, Melrose, MA 02176

AGENDA

NOTE:

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

I. CALL TO ORDER

Devin Romanul Vice Chair
Cal Finocchiaro
Mark Garipay
Kimberly Vandiver
Leila Migliorelli President, Ex Officio Member
Maya Jamaledine Chair

II. MINUTES APPROVAL

A. Legal & Legislative Committee Meeting November 10, 2025 7:10 PM

III. PUBLIC COMMENT

When: Nov 17, 2025 06:45 PM Eastern Time (US and Canada)
Topic: Legal & Legislative Committee Meeting
Join from PC, Mac, iPad, or Android:
<https://cityofmelrose-org.zoom.us/j/98343307574?pwd=YCveZqQzuw7mBlmb2ttik8DNF9RS01.1>
Passcode:850048
Webinar ID: 983 4330 7574

IV. ORDINANCES

A. **(ID # 2025-123):** Food Truck Operations within the City of Melrose Ordinance. Proposed Ordinance relative to Food Truck Operations within the City of Melrose. (ID# 12951)

V. ADJOURNMENT

The City of Melrose does not discriminate based on disability and is committed to hosting accessible meetings and events. Individuals with disabilities who need auxiliary aids and services for effective communication, written materials in alternative formats, or reasonable modifications in policies and procedures, in order to access the programs and activities of the

City of Melrose or to attend meetings, should contact the City's ADA Coordinator, Polina Latta
platta@cityofmelrose.org.

An Ordinance Amending the Melrose Code of Ordinances to License Food Truck Operations within the City of Melrose

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:

Article III – Food Trucks

§127-13 License Required; Applicability

No person or business entity shall operate a Food Truck, also known as a Mobile Food Vendor, in any public, private, or restricted space without first obtaining a license from the City Council.

A “Food Truck” is defined as any motorized vehicle from which refreshments are cooked, carried or offered for sale for consumption to the general public.

§127-14 Issuance of License; Fee

1. To operate more than three calendar days in any approved location in one calendar year, applicants shall complete an application provided by the City Clerk and pay a \$500 application fee annually.
 - a. Applicants may also pay a \$150 application fee for a single day of operation on public or private property if they satisfy all permit requirements. An operator who wishes to upgrade from a daily to annual permit must pay the difference between their daily permits and the full annual permit cost.
 - B. If an operator upgrades to an annual permit, the permit renewal date shall be one year from the first date of operation in Melrose.
2. Applicants must obtain all necessary approvals from the Health Department, Parks Department, Public Works Department, Police Department, and Fire Department before appearing at a public hearing before the City Council.
3. In reviewing an application, the City Council shall determine whether the public good requires issuance of the license. The Council shall consider:

- Traffic and pedestrian safety;
 - Impact on nearby parking, residences, and businesses;
 - Application completeness and departmental approvals;
 - Existing number of mobile vendors;
 - History of compliance;
 - Other public safety or community concerns.
4. Upon approval, annual permit holders vendors shall operate only in designated **locations** listed below. The **Traffic Commission and Parks Commission shall confirm these general locations:** .

(1)Any city-controlled public parking locations adjacent to or within any public park or recreational field, including parking lots attached to said parks or fields, (2) Main St between Winthrop St. north to Lebanon St.. (3) Main Street between Grove & West Wyoming (4) Parking Lots owned by the city of Melrose which are attached to rail transit stations. Nothing in this section shall waive the authority of the Parks Commission or Traffic Commission to exercise their statutory responsibilities.

§127-14(d) Insurance Requirements

All applicants must provide proof of insurance prior to license issuance in accordance with all city laws and ordinances.

§127-15 Commissary and Health Oversight

1. All Mobile Food Vendors must operate from a fixed, licensed base of operation as required by 105 CMR 590.009(8)(12).
2. If the base of operation is located outside Melrose, the applicant must provide documentation that the facility is permitted and inspected by the health department of

the city or town in which it is located.

§127-16 Conditions of Operation

1. Licensees may only operate at specifically approved public or private locations at specifically approved times.
2. A Mobile Food Vendor may not operate for more than **eight (8) hours at any one location per calendar day**.
3. Operating hours on public property shall be between **8:00 AM and 9:00 PM**.
4. Vendors must comply with all ordinances and laws of the City of Melrose and the Commonwealth of Massachusetts.
5. Vendors must follow all posted parking regulations and park only in legal parking spaces, and may not for any reason park:
 - Blocking any fire department connection or fire lane, fire hydrant, crosswalk , loading zone, or within 20 feet of an intersection or blocking any driveway;
 - Within any bike lane, bus stop, or upon any sidewalk.
6. 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..
7. Licenses are non-transferable and must be clearly displayed.
8. No licensee shall have exclusive rights to a designated operating location. The City may establish rotating schedules or shared use policies for high-demand sites, in order to ensure fair access and prevent monopolization of public space.

§127-17 Enforcement

a. Enforcement Authority

This ordinance may be enforced by noncriminal disposition under M.G.L. c. 40 § 21D. The Police Department, Public Works Department, Fire Department, and Health and Human Services Director are all authorized to enforce this ordinance. Each day of noncompliance shall constitute a separate offense. Violations may be fined at \$100 per day.

b. Revocation or Suspension

The City Council may revoke, suspend, or modify a license following reasonable notice and a hearing.

c. Specific Violations

The following shall constitute specific violations subject to immediate enforcement:

1. Operating **outside of approved Council-designated zones**, or outside of an authorized event location without submission and approval of a Temporary Event Notification Form.
2. Failing to comply with time, location, or waste disposal regulations, or creating a traffic or safety hazard.

The Police Department is authorized to order any vendor in violation to cease operations and vacate the location immediately.

§127-18 Exemptions

The following uses are exempt from license fees but must still comply with all laws, ordinances and regulations of the City of Melrose and the Commonwealth.

- a. Food Trucks hired solely for **one-day events on private or public property** are exempt from obtaining a license , provided they coordinate with the Health and Human Services Department in advance for required approvals. No Food Truck shall operate under this provision more than three days in one calendar year.
- b. Beverage or snack cart services provided by the city or third party contractors at Mt. Hood Golf Course or Belvidere Golf Course are exempt.
- c. Food Trucks hired as part of fundraisers for Melrose Public Schools or PTO events are exempt.
- d. Food truck or food vendor operations that are permitted as part of the Melrose Farmers Market are exempt.
- e. This definition does not include "ice cream truck" as defined and permitted under M.G.L. c. 270, § 25.

§127-19 Renewal

Food Trucks may be renewed annually upon submission of updated application materials and departmental approvals as outlined in this ordinance.

An Ordinance Amending the Melrose Code of Ordinances to License Mobile Food Vendor~~Food Truck~~ Operations within the City of Melrose

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:

Article III – Mobile Food Vendors~~Food Trucks~~

§127-13 License Required; Applicability

No person, business, religious, or nonprofit entity~~No person or business entity~~ shall operate a mobile food vendor~~Food Truck~~, also known as a Mobile Food Vendor, in any public, private, or restricted space without first obtaining a license from the City Council.

A “Mobile Food Vendor~~Food Truck~~” is defined as any mobile operation that stores, prepares, packages, serves, sells, or otherwise provides for human consumption any prepared or packaged food or beverages from a truck or cart, excluding ice cream products.~~any motorized vehicle from which refreshments are cooked, carried or offered for sale for consumption to the general public.~~

§127-14 Issuance of License; Fee

A. Annual Permit:

1. The applicant must complete an application form prescribed by the city clerk.
2. The fee for such permit shall be \$500 annually.
3. The operator of the vehicle must provide a valid state hawker’s license issued by the Commonwealth of Massachusetts and any applicable local board of health license before a mobile food vendor license will be issued.
4. 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.
5. 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 city clerk that such license has been revoked and/or does not otherwise remain in effect.

6. Failure to notify the city clerk within ten days that such license has been revoked shall constitute a violation of this article.

B. Short-Term Permit:

1. Applicants may pay a \$150 fee for a single day of operation if they satisfy all annual permit requirements.
2. An operator who wishes to upgrade from a daily to annual permit must pay the difference between their daily permits and the full annual permit cost. ~~To operate more than three calendar days in any approved location in one calendar year, applicants shall complete an application provided by the City Clerk and pay a \$500 application fee annually.~~
3. a. ~~Applicants may also pay a \$150 application fee for a single day of operation on public or private property if they satisfy all permit requirements. An operator who wishes to upgrade from a daily to annual permit must pay the difference between their daily permits and the full annual permit cost.~~
4. The Annual permit period 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.
5. If an operator upgrades ~~from a short-term one-day permit to~~ an annual permit, the permit renewal date shall ~~follow the same permitting schedule referenced above. be one year from the first date of operation in Melrose.~~

C. Each permit shall include the following information:

- a. Vehicle/business owner information
- b. Requested hours of operation with
- c. Requested location of operation with
- d. Overall dimensions of vehicle, including all attachments and accessories
- e. Type of fuel source for the vehicle and all equipment, and volume of all fuel containers
- f. Proof of all required inspections from state and local authorities
- g. Proof of application approval requirements as listed in the next section.

D. Application Approval Requirements:

1. All applications ~~Per the application, a~~ ~~must list~~ ~~applicants must obtain all~~ must list ~~necessary~~ approvals from the Health Department, Parks Department, Public Works Department, Police Department, ~~and~~ Fire Department ~~before appearing at a public hearing before the City Council.~~
2. Applicants wishing to operate on school property or streets abutting schools must also receive permission from the School Department.

3. Applicants wishing to operate on park property must also receive permission from the Park Commission.
- E. In reviewing an application, the City Council shall determine whether the public good requires issuance of the license. The Council shall consider:
1. Traffic and pedestrian safety,
 2. Impact on nearby parking, residences, and businesses;
 3. Application completeness and departmental approvals;
 4. Existing number of mobile vendors;
 5. History of compliance;
 6. Other public safety or community concerns.
- F. Approved Locations of Operation:
1. The licensee shall not park within 50 feet of an entrance of a restaurant unless the licensee has received written consent from the owner(s) of any restaurant(s) within 50 feet of the proposed location of a mobile food vendor.
 2. ~~Upon approval, annual permit holders vendors shall operate only in designated locations. Locations in the city-owned public right of way may be established by order of the listed below, approved by the Traffic Commission, and Locations on land controlled by the Parks Commission may be established by the Parks Commission. Approved locations- Locations and hours of operation must be where a are listed in the permit application. shall confirm these general locations: .~~
~~(1) Any city-controlled public parking locations adjacent to or within any public park or recreational field, including parking lots attached to said parks or fields, (2) Main St between Winthrop St. north to Lebanon St., (3) Main Street between Grove & West Wyoming (4) Parking Lots owned by the city of Melrose which are attached to rail transit stations. Nothing in this section shall waive the authority of the Parks Commission or Traffic Commission to exercise their statutory responsibilities.~~
- G. 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.
- H. Mobile food vendor permits may be renewed upon submission including updated application materials, departmental approvals, and payment of fees as outlined in this ordinance.

§127-14(d) Insurance Requirements

- A. All applicants must provide proof of insurance prior to license issuance in accordance with all city laws and ordinances.

§127-15 Commissary and Health Oversight

- A. All Mobile Food Vendors must operate from a fixed, licensed base of operation as required by 105 CMR 590.009(8)(12).
 - B. If the base of operation is located outside Melrose, the applicant must provide documentation that the facility is permitted and inspected by the health department of the city or town in which it is located.
-

§127-16 Conditions of Operation

- A. Licensees may only operate at specifically approved public or private locations at specifically approved times.
- B. A Mobile Food Vendor may not operate for more than **eight (8) hours at any one location per calendar day**.
- C. Operating hours on public property shall ~~not exceed~~ **be between 8:00 AM and 9:00 PM**.
- D. Vendors must comply with all ordinances and laws of the City of Melrose and the Commonwealth of Massachusetts.
- E. 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. **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.
- F. Vendors must follow all posted 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.
- G. Licenses are non-transferable and must be clearly displayed.

~~No licensee shall have exclusive rights to a designated operating location. The City may establish rotating schedules or shared use policies for high demand sites, in order to ensure fair access and prevent monopolization of public space.¶~~

§127-17 Enforcement Authority

A. ~~Enforcement Authority~~

This ordinance may be enforced by noncriminal disposition under M.G.L. c. 40 § 21D. The Police Department, Public Works Department, Fire Department, and Health and Human Services Director are all authorized to enforce this ordinance. Each day of noncompliance shall constitute a separate offense.

1. Violations ~~shall be~~ ~~may be fined at~~ \$100 per day.

B. Revocation or Suspension

1. The City Council may revoke, suspend, or modify a license following reasonable notice and a hearing.
2. The City of Melrose may enforce this ordinance by temporarily suspending a license for up to 30 days for any cause that immediately endangers public health and welfare.
3. The Police Department is authorized to order any vendor in violation to cease operations and vacate the location immediately.
4. The Police Department is authorized to tow any non-compliant vehicle under § 220-95.

C. Specific Violations

1. The following shall constitute specific violations subject to immediate enforcement:
 - a. Operating **outside of permit approved** ~~Council designated~~ **locations** ~~zones~~, or outside of an authorized event location without submission and approval of a Temporary Event Notification Form.
 - b. Failing to comply with **any city of melrose regulation or ordinance**
 - c. **Failing to abide by permitted time, location, or waste disposal requirements** ~~regulations~~, or creating a traffic or safety hazard.
2. ~~The Police Department is authorized to order any vendor in violation to cease operations and vacate the location immediately.~~

§127-18 Exemptions

- A. The following uses are exempt from license fees but must still comply with all laws, ordinances and regulations of the City of Melrose and the Commonwealth, and complete a permit application with the City Clerk's office.
1. Mobile food vendor ~~Food Trucks~~ hired solely for separately permitted **one-day events** on **private or public property**, ~~are exempt from obtaining a license, provided they coordinate with the Health and Human Services Department in advance for required approvals.~~ No mobile food vendor ~~Food Truck~~ shall operate under this provision more than three days in one calendar year.
 2. Beverage or snack cart services provided by the city or third party contractors at Mt. Hood Golf Course or ~~Bellevue~~ ~~Bellevue~~ ~~videre~~ Golf Course ~~are exempt.~~
 3. Mobile food vendor ~~Food Trucks~~ hired as part of fundraisers for Melrose Public Schools or PTO events ~~are exempt.~~
 4. ~~Food truck or food vendor operations that are permitted as part of the Melrose Farmers Market are exempt.~~
 5. This ordinance does not affect "ice cream trucks" as defined and permitted under M.G.L. c. 270, § 25.

~~§127-19 Renewal~~¶¶

~~Mobile food vendor Food Trucks may be renewed annually upon submission of updated application materials and departmental approvals as outlined in this ordinance.~~¶¶

An Ordinance Amending the Melrose Code of Ordinances to License Mobile Food Vendor Operations within the City of Melrose

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:

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 DPW Engineering Division 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 appear before City Council for a public hearing.
- 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, and as applicable by the Traffic Commission.
- 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. Except as specifically allowed for by the Engineering Division Occupancy permit, mobile food vendors must follow all posted traffic and parking regulations. Under no circumstances shall a mobile food vendor park in an illegal parking space or park:
 - 1. Blocking, or within any restricted distances to, any fire department connection or fire lane, fire hydrant, crosswalk, loading zone, intersection or driveway, as specified in Chapter **220**, Vehicles and Traffic, of this Code;

- 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. Any mobile food vendor operating without a valid license as required by this ordinance shall be deemed a public safety hazard and may be ticketed and impounded.
- G. 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.

An Ordinance Amending the Melrose Code of Ordinances to License Mobile Food Vendor Operations within the City of Melrose

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:

Article III – Mobile Food Vendors

§127-13 License Required; Applicability

No person ~~or business entity, including a religious or charitable organization, business, religious, or nonprofit entity~~ shall operate as a mobile food vendor, ~~also known as a Mobile Food Vendor, in any public, private, or restricted space~~ without first obtaining a license from the City Council.

A “Mobile Food Vendor” ~~is defined as means~~ any mobile operation that stores, prepares, packages, serves, sells, or otherwise provides ~~for human consumption~~ any prepared or packaged food or beverages for human consumption to the general public from a truck or cart, ~~excluding ice cream trucks. M.G.L. c. 270, § 25.. excluding ice cream products.~~

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;
- 1.2. Hawkers and Peddlers License issued by the Commonwealth of Massachusetts;
- 2.3. Approvals from the Health Department, Parks Department, Public Works Department, Police Department, Fire Department; before appearing at a public hearing before the City Council
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 DPW Engineering Division 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;

B-C. After application materials are reviewed for completeness, the applicant will then be required to appear before City Council for a public hearing.

~~A. The fee for such permit shall be \$500 annually.~~

- ~~1. The operator of the vehicle must provide a valid state hawker's license issued by the Commonwealth of Massachusetts and any applicable local board of health license before a mobile food vendor license will be issued.~~
- ~~2. 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.~~
- ~~3. 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 city clerk that such license has been revoked and/or does not otherwise remain in effect.~~
- ~~4. Failure to notify the city clerk within ten days that such license has been revoked shall constitute a violation of this article.~~

~~B. Short Term Permit:~~

- ~~1. Applicants may pay a \$150 fee for a single day of operation if they satisfy all annual permit requirements.~~
- ~~2. An operator who wishes to upgrade from a daily to annual permit must pay the difference between their daily permits and the full annual permit cost.~~
- ~~3.1. The Annual permit period 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.~~
- ~~4. If an operator upgrades from a short term permit to an annual permit, the permit renewal date shall follow the same permitting schedule referenced above.~~

~~C. Each permit shall include the following information:~~

- ~~a. Vehicle/business owner information~~
- ~~b. Requested hours of operation with~~
- ~~c. Requested location of operation with~~
- ~~d. Overall dimensions of vehicle, including all attachments and accessories~~
- ~~e. Type of fuel source for the vehicle and all equipment, and volume of all fuel containers~~
- ~~f. Proof of all required inspections from state and local authorities~~
- ~~g. Proof of application approval requirements as listed in the next section.~~

~~D. Application Approval Requirements:~~

- ~~1. All applications must list approvals from the Health Department, Parks Department, Public Works Department, Police Department, Fire Department before appearing at a public hearing before the City Council.~~
- ~~2. Applicants wishing to operate on school property or streets abutting schools must also receive permission from the School Department.~~
- ~~3. Applicants wishing to operate on park property must also receive permission from the Park Commission.~~

~~C.D. In reviewing an application, the City Council shall determine consider the public good and general welfare and convenience of the community and shall take into account factors such as the following: whether the public good requires issuance of the license. The Council shall consider:~~

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.

D.E. Approved Locations of Operation:

1. ~~The licensee~~No applicant shall be approved to shall not park within 50 feet of an entrance of a restaurant unless ~~the licensee they have has~~ received written consent from the owner(s) of any restaurant(s) within 50 feet of the proposed location ~~of a mobile food vendor~~.
2. ~~Permit Licensees holders~~ shall operate only in designated locations approved for the days and times on the License as approved by Council, **and as applicable by the Traffic Commission**. ~~Locations in the city-owned public right of way may be established by order of the Traffic Commission. Locations on land controlled by the Parks Commission may be established by the Parks Commission. Approved locations and hours of operation must be listed in the permit application.~~

E.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.

F.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.

G.H. Mobile food vendor ~~permits/licenses~~ may be renewed by the City Clerk on an annual basis upon submission ~~including of~~ updated application materials, new departmental approvals, and payment of required fees.

~~H.~~ **§127-14(d) Insurance Requirements**

~~A.~~ All applicants must provide proof of insurance prior to license issuance in accordance with all city laws and ordinances.

§127-15 Commissary and Health Oversight

~~A.~~ All Mobile Food Vendors must operate from a fixed, licensed base of operation as required by 105 CMR 590.009(8)(12).

~~A.~~ If the base of operation is located outside Melrose, the applicant must provide documentation that the facility is permitted and inspected by the health department of the city or town in which it is located.

§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~~food vendor may not operate for more than eight (8) hours at any one location per calendar day.

~~C. Operating hours on public property shall not exceed~~Mobile food vendors may only operate between the hours of 8:00 AM and 9:00 PM on public property.

~~A. Vendors must comply with all ordinances and laws of the City of Melrose and the Commonwealth of Massachusetts.~~

~~D. Vendors~~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. Except as specifically allowed for by the Engineering Division Occupancy permit, mobile food vendors ~~Vendors~~ must follow all posted traffic and parking regulations. Under no circumstances shall a mobile food vendor park in an illegal parking space or and park only in legal parking spaces, and may not for any reason park:

1. Blocking, or within any restricted distances to, any fire department connection or fire lane, fire hydrant, crosswalk, loading zone, intersection or driveway, as specified in Chapter 220, Vehicles and Traffic, of this Code 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.

F.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.

A.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. Any mobile food vendor operating without a valid license as required by this ordinance shall be deemed a public safety hazard and may be ticketed and impounded.

G. 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.

~~B. This ordinance may be enforced by noncriminal disposition under M.G.L. c. 40 § 21D. The Police Department, Public Works Department, Fire Department, and~~

~~Health and Human Services Director are all authorized to enforce this ordinance. Each day of noncompliance shall constitute a separate offense.~~

~~C. Violations shall be \$100 per day.~~

~~**D. Revocation or Suspension**~~

~~E. The City Council may revoke, suspend, or modify a license following reasonable notice and a hearing.~~

~~The City of Melrose may enforce this ordinance by temporarily suspending a license for up to 30 days for any cause that immediately endangers public health and welfare.~~

~~1. The Police Department is authorized to order any vendor in violation to cease operations and vacate the location immediately.~~

~~**F. Specific Violations**~~

~~1. The following shall constitute specific violations subject to immediate enforcement:~~

~~a. Operating **outside of permit approved locations**, or outside of an authorized event location without submission and approval of a Temporary Event Notification Form.~~

~~b. Failing to comply with any city of melrose regulation or ordinance
Failing to abide by permitted time, location, or waste disposal requirements, or creating a traffic or safety hazard.~~

~~**§127-18 Exemptions**~~

~~A. The following uses are exempt from license fees but must still comply with all laws, ordinances and regulations of the City of Melrose and the Commonwealth, and complete a permit application with the City Clerk's office.~~

~~1. Mobile food vendors hired solely for separately permitted **one-day events on private or public property**. No mobile food vendor shall operate under this provision more than three days in one calendar year.~~

~~2. Beverage or snack cart services provided by the city or third party contractors at Mt. Hood Golf Course or Bellevue Golf Course.~~

~~3. Mobile food vendors hired as part of fundraisers for Melrose Public Schools or PTO events.~~

~~Food vendor operations that are permitted as part of the Melrose Farmers Market.~~

~~4. This ordinance does not affect "ice cream trucks" as defined and permitted under M.G.L. c. 270, § 25.~~

