



City of Melrose Legal & Legislative Committee

Monday, October 20, 2025, 6:45 PM
City Council Chamber, 1st Floor
562 Main Street, Melrose, MA 02176

AGENDA

The public should take notice that the Melrose City Council may, on certain occasions, have a quorum in attendance due to standing committees of the City Council consisting of both voting and non-voting members. Members attending this duly posted meeting are participating and deliberating only in conjunction with the business of the standing committee.

I. CALL TO ORDER

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

II. MINUTES APPROVAL

1. Legal & Legislative -Committee Meeting-Sep 29, 2025 7:45 PM

III. PUBLIC COMMENT

When: Oct 20, 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/93880569381?pwd=q3HjCqA0avib7I0UcwY7sRpsxEQbVG.1> Passcode:621864 Webinar ID: 938 8056 9381

IV. ORDINANCES

Sponsored by: Vice Chair Devin Romanul, Cal Finocchiaro, Ryan Williams From: Legal & Legislative Committee HELD IN COMMITTEE

1. 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.
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§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.~~