

## Sec. 15-72. - Food trucks.

(a) *Definitions.*

*Mobile food truck or food truck:* Any business operation that stores, prepares, packages, serves, vends or otherwise provides food for human consumption as set forth in the State Sanitary Code 105 CMR 590.002 that is located upon a vehicle, or which is pulled by a vehicle. Food trucks shall include ice cream trucks used for vending prepared ice cream novelties, candy, drinks and various snacks.

*Food establishment:* Any business operation that stores, prepares, packages, serves, vends or otherwise provides food for human consumption as set forth in the State Sanitary Code 105 CMR 590.002 that is not located upon or pulled by a vehicle.

(b) *Application and permit.*(1) *General.*

- a. No person, business entity or any other organization shall be permitted to operate a food truck in any public or private space or location within the city without first obtaining a permit from the health department.
- b. Each and every food truck must be individually permitted in order to operate in any public or private space or location.
- c. Annual fee for a permit shall be six hundred dollars (\$600.00). Permit shall be renewed automatically upon payment of fee so long as the permitted truck and permit holder remain in good standing. The effective date of the permit shall be consistent with the effective date of the permit holder's general liability insurance policy.
- d. No food truck shall park, stand, or move a vehicle and conduct business within areas of the city that has not been authorized to operate under this chapter.
- e. Notwithstanding any location area designated for the operation of a food truck, no food truck shall park or stand or conduct business within three hundred (300) feet of any food establishment.

(2) *Application.*

- a. Each applicant shall be provided with an application, a copy of any rules and regulations, and a copy of the ordinance governing mobile food trucks.
- b. Upon submitting the application for a permit, the applicant must also submit the following information:
- c. A certificate of insurance providing general liability insurance listing the city as additionally insured shall be provided to the health department at the time of application and annually thereafter.
- d. Name and copy of driver's license of each and every person who will be authorized

to operate the permitted mobile food truck.

- e. The health department shall approve or deny an application for a permit within ninety (90) days of receipt of a completed application.

(c) *Violations* .

- (1) Any food truck operating in violation of any provision of this section shall be subject to a fine of one hundred dollars (\$100.00) for a first offense, one hundred dollars (\$100.00) for any second offense or suspension or revocation of the permit. Such suspension or revocation shall be at the discretion of the commissioner of the department of inspectional services and the health department.
- (2) Whenever the commissioner and health department determines that suspension or revocation is an appropriate penalty for violations of this section, the commissioner shall provide written notice to the permit holder of the penalty and provide reasons for such suspension or revocation. Upon written request, the permit holder shall be given a hearing within forty-five (45) days of such request.

- (d) *Locations* . Food trucks that have acquired the proper permits pursuant to this ordinance may operate on public property or, where applicable, on private property with permission of owner or person having control of said private property in the following areas only during the times designated for each area and three hundred (300) feet from food establishments:

Location A: Parks (paved areas of parks only, not to be established on grass covered areas), or city-owned ball fields (food trucks not operate within three hundred (300) feet of an "open" league run concession as if it were a restaurant) and in the industrial park or business park on private property with the permission of the owner or person in control of the private property so long as permitted truck is not obstructing traffic or endangering public safety.  
Permitted hours: 9:00 a.m. to 8:00 p.m.

Location B: Working Waterfront District bordered by Route 18 (except that no such trucks shall stop on Route 18) as the furthest point westerly; from Interstate 195 south to Cove Road with the shoreline as the furthest point easterly.  
Permitted hours: 6:00 a.m. to 3:00 p.m.

Location C: Historic Downtown on Barker's Lane only or anywhere in the downtown on private property with the permission of the owner or person in control of the private property so long as permitted truck is not obstructing traffic or endangering public safety.  
Permitted hours: 10:00 a.m. to 3:00 p.m.

Location D: Beaches. East Beach public lots except that said lots shall be limited to the first three (3) permitted trucks to arrive on a given day and then each truck may be replaced on a first come first served basis as one or more of the three (3) trucks exits the public lot. One

truck permitted on West Rodney French Boulevard on a first come first served basis.

Permitted hours: 9:00 a.m. to 8:00 p.m.

(e) *Rules and regulations* .

- (1) Mobile food trucks shall not provide or allow any dining area, including but not limited to tables, chairs, booths, stools, benches and standup counters.
- (2) Consumers shall be provided with single service articles, such as plastic forks and paper plates, and a waste container for their disposal. All mobile food trucks shall offer a waste container for public use that the operator shall empty at his own expense.
- (3) Mobile food truck must, at all times, comply with the state sanitary code and with any other federal, state or local statutes, regulations, ordinances and codes.
- (4) Every mobile food truck operator must submit to any inspection requested by the city's health department, department of inspectional services or fire department.
- (5) No person other than those listed on the approved application shall be permitted to operate a mobile food truck. The list of persons may be amended by submitting the names and copies of licenses to the health department.
- (6) No person, company, organization or entity shall be permitted for more than five (5) mobile food trucks.
- (7) The department of inspectional services and board of health shall be authorized to implement additional rules and regulations not in conflict with the provisions of this section. Copy of any additional rules and regulations promulgated by the department of inspectional services and board of health must be provided to each permit holder and to the city clerk.

(Ord. of 11-7-13, § 1; Ord. of 6-22-14, § 1; Ord. of 5-27-15, § 1)