



**Town of Sharon
Select Board**

Mobile Food Establishments: Regulations for Operation on Public Property

POLICY NUMBER:

POLICY: MOBILE FOOD ESTABLISHMENT REGULATION

DATE:

APPROVED: _____ CHAIRPERSON, SELECT BOARD

Section 1: Definitions

Hawker/Peddler – Any person who goes from place to place within the Town selling goods, wares, or merchandise, whether on foot or in a vehicle, for profit, is a hawker or peddler (these two terms are interchangeable), unless such person is excluded from the operation of M.G.L.A., Ch. 101 by the provisions of Section 15 of said Chapter.

Mobile Food Vendor - any person who travels from place to place upon public ways and dispenses food from a food truck, food cart, beverage/coffee truck, ice cream truck, canteen truck, catering truck, breakfast truck, lunch truck, lunch wagon, or any other mobile food vehicle. This policy applies to mobile food vendors except as provided under Section 7.

Permit Granting Authority – The Board, Committee, or Commission having authority over a public park or adjacent public parking lot, including but not limited to the Department of Recreation and the Select Board.

Section 1.1: Policy

The Town of Sharon, acting through its Select Board, may authorize Mobile Food Vendors to operate in approved locations on the public right of way at parking lots and adjacent fields; public parks and adjacent parking lots; and at specified times deemed to be in the best interest of the Town.

Permitted Mobile Food Vendors must comply with all applicable hawker and peddler rules and regulations.

Permitted Mobile Food Vendors must also comply with state, local, and federal sanitation and food safety regulations including but not limited to 105 CMR 590.000 State Sanitary Code Chapter X: Minimum Sanitation Standards for Food Establishments.

Section 2. General Provisions Applicable to All Mobile Food Vendors

2.1 Mobile Food Vendors shall comply with all applicable provisions of the Town of Sharon General By-laws, and all local and state tax regulations, including but not limited to retail sales taxes applicable to food and beverages.

Date of Select Board Approval: April 25, 2023

- 2.2 Mobile Food Vendors must be positioned at least 200 feet from the customer entrance of a fixed location restaurant, unless waived by the Select Board.
- 2.3 Mobile Food Vendors shall not block drive entrances, exits, access to loading and/or service areas, or emergency access and fire lanes. Vendors must be positioned at least 20 feet away from fire hydrants, any fire department connection, driveway entrances, alleys, and handicapped parking spaces.
- 2.4 Mobile Food Vendors may not operate as a drive-in/drive-up/drive-through operation. All service must be walk-up by customers only.
- 2.5 Reliance on the use of municipal trash and recycling receptacles is not considered acceptable. Trash and recycling receptacles shall be provided by the Mobile Food Establishment for customers, and trash and recyclables shall be removed from the site daily. Permit holders shall make specific provisions for trash removal and ensure that the licensed area is kept clean, neat, and sanitary always.
- 2.6 Mobile Food Vendors are encouraged to use biodegradable packaging when appropriate.
- 2.7 The use of plastic bags is prohibited in accordance with the Town of Sharon By-law.
- 2.8 If a Mobile Food Vendor is authorized to operate after dark, the vendor must consult with the Sharon Police Department to ensure that the amount of lighting is appropriate.
- 2.9 No signage shall be allowed, other than signs permanently attached to the motor vehicle/cart and a portable menu sign no more than nine (9) square feet in display area on the ground in the customer waiting area, unless specifically authorized by the Select Board.
- 2.10 No Mobile Food Vendor shall set up tables, chairs, umbrellas, or similar facilities (standing counters and tables without chairs or stools are permitted), unless specifically authorized by the Select Board.
- 2.11 Mobile Food Vendor permits shall be issued for the period April 1st to November 30th unless specifically extended by the Select Board. Permit holders may only operate at specifically approved locations on specifically approved dates at specifically approved times.
- 2.12 Any person to whom a Mobile Food Vendor Permit is issued under these regulations shall ensure that order and decorum is maintained in the licensed area and immediate vicinity and shall cooperate in every respect with Town officials.
- 2.13 Mobile food vehicles shall not be positioned to expose customers to vehicular traffic, or otherwise in an unsafe manner. Any directive from a Police Officer in this regard shall be immediately followed.
- 2.14 Per town Bylaws, Mobile Food Vendors are prohibited from selling or distributing alcoholic beverages to patrons unless specifically authorized to do so by the Select Board.
- 2.15 No Mobile Food Vendor shall permit patrons to bring alcoholic beverages onto the designated premises for sale or consumption.
- 2.16 Mobile Food Vendors shall not distribute or sell non-food novelty items without direct approval from the Select Board.
- 2.17 Mobile Food Vendors shall comply with all local noise ordinances.
- 2.18 The Select Board may waive the requirements of this Policy if the Board determines such to be in the best interests of the Community.

Date of Select Board Approval: April 25, 2023

Section 3: Authorized Times and Locations for Mobile Food Vendors

3.1 Public Right of Way - Mobile Food Vendors may operate in the public right of way under the following conditions:

3.1.1 The Select Board shall only approve Mobile Food Vendors to operate during specific events or celebrations. The location of such events will affect the placement and eligibility of Mobile Food Vendor services. Specific areas where Mobile Food Vendors may be in the public right of way will be determined by the permit granting authority and will be documented through the application process. The Select Board shall have final authority over approval or denial of the permit and location of Mobile Food Vendors.

3.1.2 Mobile Food Vendors may not be in or on any portion of a designated public right of way when and where such location would prevent the safe use of the public right of way by motor vehicles, pedestrians, and/or customers. The vending location shall not otherwise interfere with the movement of motor vehicles in the area.

3.1.3 Mobile Food Vendors may only operate during pre-determined set hours approved by the Select Board, and may not deviate from this agreement.

3.1.4 The Mobile Food Vendor shall comply with all requirements of the permit granting authority.

3.1.5 The Mobile Food Vendor shall comply with all general regulations for Mobile Food Vendors.

3.1.6 The Mobile Food Vendor shall comply with all site-specific requirements.

3.2 Unless specifically approved by the Select Board, Mobile Food Vendors shall only operate at one of the following six locations as determined by site-specific events detailed through the application process:

- Beech Tree Park (2 Beach Street)
- Deborah Sampson Park (95 East Foxboro Street)
- Dr. Walter A. Griffin Play Area (75 Ames Street)
- Gavins' Pond Soccer Fields (165 Gavins Pond Road)
- Sharon Community Center (219 Massapoag Avenue)
- Veterans' Memorial Park Beach (82 Gunhouse Street)

Section 4. Application and Permitting Requirements

4.1 The Town Administrator shall coordinate the permit application process and may allocate available permit opportunities among qualified applicants.

4.2 All Mobile Food Vendors must obtain requisite licenses and/or permits for operation from the Public Health Division, Police Department, Fire Department, and Select Board.

4.3 Application must include a detailed geographical description of the intended location for operation, including a sketch showing how the mobile food vehicle is to be positioned, and the proposed hours of operation.

4.4 Permit holders shall provide evidence of comprehensive liability insurance in the amount of at least \$1 million (single claim) and shall list the Town of Sharon as an additional named insured for any permitted event. Mobile Food Vendors must obtain requisite insurance, bonding and workers compensation as required by the Town.

Date of Select Board Approval: April 25, 2023

4.5 A Mobile Food Vendor's permit must be prominently displayed at all times while in operation in a licensed area.

4.6 Violation of any of the provisions of this Policy may result in the revocation of the permits and licenses issued to the vendor to operate in Sharon.

Section 5. Fees

Mobile Food Vendors shall pay a flat fee of \$50 to the Town of Sharon for seasonal approval (as detailed in 2.11). Once approved for the season, Mobile Food Vendors must submit an additional application for each specific event they wish to operate. All Mobile Food Truck seasonal permits shall expire on December 31st of each calendar year. All Mobile Food Vendors must re-apply for seasonal approval each year.

Section 6. Violation, Suspension, Revocation, or Modification of a Mobile Food Vendor Permit

Any violation of this policy will be subject to a fine of \$50 (1st offense), \$100 (2nd offense) or \$300 (3rd and subsequent offenses). In addition, any violation may result in the immediate suspension of the permit and may result in the removal of the Mobile Food Vendor's cart, truck, or other vehicle at the owner's expense, if the circumstances warrant it in the judgment of the Police Department or other enforcement officer, in which case such suspension shall be reviewed by the Select Board at a public meeting.

The Select Board may suspend, revoke, or modify a Mobile Food Vendor permit if, after a public hearing, the Board finds that these regulations have been violated.

Section 7. Exceptions (Mobile Food Vendor Permit not required)

Apart from food safety, public safety, and hawker and peddler requirements, if applicable, this policy shall not apply to canteen or coffee trucks that move from place to place and are stationary for no more than thirty minutes at a time, as well as ice cream trucks which move from place to place, excluding areas prohibited by Town by-law, and are stationary for no more than thirty minutes, and any such vendor hired for private functions on private property.

Please call the Town of Sharon Fire Department at [\(781\) 784-1522](tel:7817841522) to schedule your Fire Safety Inspection for your MFE



Food Truck Permit Application Town of Sharon | Event Application

Submit completed form and required documents to the Town Administrator's Office. For more information on the application process, visit Town of Sharon MA.

BUSINESS INFORMATION	
Name of Truck:	Truck Size:
DBA Name (If Different):	Federal ID #:
Address:	Driver License #:
Phone:	Truck Registration #:
Fax:	License Place:
Email:	Truck #:
Website:	Existing Permit #:

OWNER(S) INFORMATION		
Name	Phone	Cellphone

REQUESTED LOCATION
<p>Please Select One:</p> <p><input type="checkbox"/> Beech Tree Park (2 Beach Street)</p> <p><input type="checkbox"/> Deborah Sampson Park (95 East Foxboro Street)</p> <p><input type="checkbox"/> Dr. Walter A. Griffin Play Area (75 Ames Street)</p> <p><input type="checkbox"/> Gavins Pond Soccer Fields (165 Gavins Pond Road)</p> <p><input type="checkbox"/> Sharon Community Center (219 Massapoag Avenue)</p> <p><input type="checkbox"/> Veterans' Memorial Park Beach (82 Gunhouse Street)</p>

EVENT INFORMATION	
Event Name:	
Requested Date(s) of Operation:	
Requested Location:	
Host Organization (If Any):	
Proposed Hours of Operation:	
Specified Rain Date(s):	

MENU AND PRICING

***All applicants are required to submit a proposed menu with applicable prices attached to this form.**

SUBMISSION

Submit this form and all required attachments to:
Town Administrator's Office: Town Hall, 90 South Main Street,
Sharon, MA,

TOWN OF SHARON LIABILITY DISCLAIMER FOR SPECIAL ONE-DAY LICENSES

By exercising the privileges of this Special One-Day License in serving persons with food and/or beverages, the Licensee is potentially exposed to significant liability for illness, injuries and damages to the persons served or to others who are affected by the persons served. Your acceptance and exercise of this Special One-Day License will be deemed to be acknowledgement that you are aware of this potential liability.

You are encouraged to discuss the risks associated with exercising your privileges of this Special One-Day License and the appropriate precautions to avoid illness, injuries, damage and liability to others with your legal advisor.

The Town of Sharon and the Select Board, acting as the Local Licensing Authority, shall not be liable to the Licensee or to others if illness, injury or damage shall result from the exercise of this Special One-Day License.

By signing this form, the Applicant acknowledges that he/she understands and will comply with all applicable food and beverage regulations set forth by the Federal Government, State Government and the Licensing Authority of the Town of Sharon.

*By checking this box, I hereby agree to operate in complete compliance with 105 CMR 590.000 State Sanitary Code Chapter X: Minimum Sanitation Standards for Food Establishments, and all other local ordinances.

Signature of Applicant

Today's Date