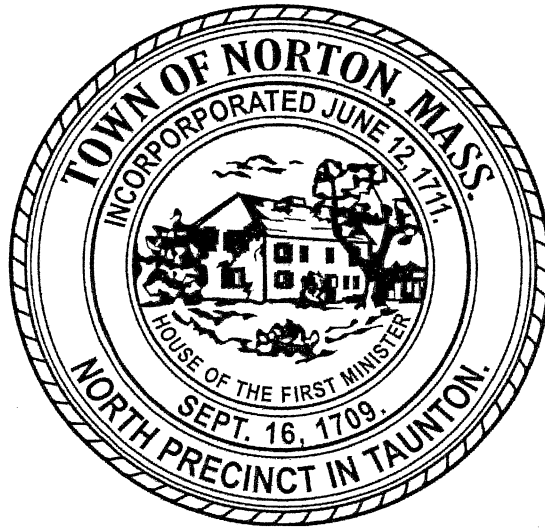


# **TOWN OF NORTON**



## **RULES AND REGULATIONS Governing Takeout Food Served By Mobile Food Vendors**

(Except Ice Cream Truck Vendor Licensing, which is separately regulated)

Effective May 19, 2016

Local Licensing Authority: Norton Board of Selectmen

## Table of Contents

	<u>Page</u>
Protocol for issuing a Takeout Food License	1
Application Requirements	1
Maintenance of Order and Decorum and Cooperation with Town Officials	1
Operating Requirements for Mobile Food Vendors and Canteen Trucks	2
Renewals	3
Violation, Suspensions, Revocation or Modification of a Takeout Food License	3
Instructions for Applying for a Takeout Food License	4
Application	6

### **Protocol for Issuing a Takeout Food License**

The Town of Norton, through the Board of Selectmen, regulates the preparation and/or retail sale of food or beverage from mobile vendors. Mobile Vendors are required to obtain a License from the Board of Selectmen. For these purposes, a Mobile Food Vendor is defined as any person who dispenses food from a food truck, food cart, canteen truck, catering truck or any other mobile vehicle. *(These regulations do not apply to mobile vendors who operate in the Town of Norton less than four [4] days [any part thereof] per calendar year. However, such vendors are required to obtain a license from the Health Department.)*

Before granting a license, the Board must determine if the public good requires it. In making this determination, the Board will consider the following:

- Traffic and pedestrian safety issues
- Impact on nearby parking
- Sanitation arrangements and conditions (Health Department signoff required)
- Obtain a Board of Health Mobile Food Service License
- Noise, odors or other disruptions to the surrounding neighborhood
- Fire safety (Fire Department signoff required)
- Hawkers and Peddlers license (obtained through the Police Department)
- Any other public safety issues as identified by the Board of Selectmen
- The number of Mobile Vendors operating in Town

These regulations are intended to supplement and not usurp existing state law and regulations where applicable. Should these regulations conflict with state law or regulation, state law/regulation will control.

### **Application requirements**

Any person wishing to apply for a Mobile Food License shall fully complete the application form supplied by the Police Department/ Board of Selectmen, including authorization for the Town to obtain a Personal Criminal Record Request Form (CORI) and a Sex Offender Registry Board check (SORB). Upon completion of the application review process, the application shall be scheduled for a hearing by the Board of Selectmen at a public meeting.

### **Maintenance of Order and Decorum and Cooperation with Town Officials**

Any person to whom a Mobile Food Vendor License is issued under these regulations shall ensure that order and decorum are maintained in the licensed area and immediate vicinity at all times, and shall cooperate in every respect with town officials including, but not limited to representatives of the Board of Selectmen, the Fire and Police Departments, the Building Department and the Board of Health. The licensed area including all vehicles shall be available at all times for inspection by said officials or any other department or official of the town.

### **Operating Requirements for Mobile Food Vendors**

1. Licensees may only operate at specifically approved public or private locations (hereafter, the "licensed area"), at specifically approved times. For private locations, the Licensee shall provide written evidence of the property owner's approval for use of that area.
2. Licensees shall provide evidence of comprehensive liability insurance in the amount of at least \$1 Million (single claim) and listing Town of Norton as an additional named insured.
3. Licensees shall not be permitted to operate within two hundred (200) feet of a licensed common victualler without their written permission. Such permission shall not be required in instances where the licensee and common victualler share common ownership.
4. Licensee shall not deploy any free-standing sign unless specifically permitted by the Board of Selectmen.
5. Licensees shall not deploy more than one table or seating for more than six (6) patrons unless specifically permitted by the Board of Selectmen.
6. Mobile food vehicles shall not be positioned as to expose clients to vehicular traffic or otherwise in an unsafe manner. Any directive by a Police Officer or Town Official in this regard shall be immediately complied with.
7. Licensees shall make specific provisions for trash removal and ensure that the licensed area is kept clean, neat and sanitary at all times.
8. No licensee or employee of the licensee shall consume any alcoholic beverage or unlawful controlled substance while on duty.
9. No licensee or employ of the licensee shall permit a patron to bring into the licensed area any alcoholic beverage for consumption on the premises.
10. Hours of operation will be those established at the time of issuance of the license but in no case before 7:00 A.M. or after 9:00 P.M.
11. Licensees are required to obtain a Hawkers and Peddlers License for each employee from the Norton Police Department. As part of this process, a CORI and SORB check and fingerprints will be obtained for each such employee.
12. Licensees shall not sell non-food items, noise makers or toys.

### Renewals

A Mobile Food License is subject to annual renewal. When determining whether to renew a license, the Board of Selectmen will utilize the same criteria as set forth above. Renewal forms may be obtained from the Selectmen's office and must update previously filed statements and plans, as appropriate. It is the responsibility of the licensee to file for a renewal at least sixty (60) days prior to termination of the current license. Failure to renew prior to expiration shall result in loss of license, and any subsequent renewal request shall be treated as a completely new application.

### Violation, Suspension, Revocation or Modification of a Mobile License

Any violations of these regulations will be subject to a fine as follows:

\$ 50.00	First Offense
\$100.00	Second Offense
\$300.00	Third and Subsequent Offenses

In addition, any violation may result in immediate suspension of the license or removal of the Mobile Food Vendor's Cart, truck or other vehicle at the owner's expense, if the circumstances warrant it in the judgement of the Police Department or other enforcement officer, in which case such suspension shall be reviewed by the Board of Selectmen at a public meeting. A licensee may appeal any fine to the Board of Selectmen.

The Board of Selectmen may suspend, revoke or modify a Mobile Food Vendors license if, after a public hearing, the Board finds that these regulations have been violated.

Promulgated the 19th day of May, 2016 by the Board of Selectmen of the Town of Norton.

### **NORTON BOARD OF SELECTMEN**

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Timothy R. Giblin, Chairman

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Robert W. Kimball, Jr., Vice-Chairman

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Robert S. Salvo, Sr., Clerk

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Mary T. Steele

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Bradford K. Bramwell

**Town of Norton**  
**Instructions for Applying for a**  
**Mobile Food License**

1. Fill-out and sign the application form and attachments.
2. Include a detailed list of the intended locations for operation, including a sketch for each location showing how the mobile food vehicle is to be positioned and location of parking spaces and any seating.
3. Provide hours of operation requested for each location.
4. Obtain all applicable initial plan reviews and/or preliminary approvals from the Board of Health, Fire and Police Departments and obtain Hawkers and Peddlers Licenses for each employee before application is submitted to the Board of Selectmen.
5. Deliver the completed and signed application form and attachments (e.g., list of intended location for operation, tax certification, resumes, copies of Hawkers and Peddlers licenses, etc.), along with a check for the application fee of Two Hundred and No Hundredths (\$200.00) Dollars payable to the Town of Norton, to the Selectmen's Office.
6. For private locations, the licensee shall provide written evidence of the property owner's approval for the use of that location.
7. For locations within two hundred (200) feet of an establishment that holds a Common Victuallers license, a letter of support from the license holder.
8. A personal CORI and SORB check will be obtained by the Selectmen's Office for each employee.

9. After the application materials are received and reviewed for completeness, an interview will be scheduled with the Town Manager to discuss the applicant's plans of operation. The applicant will then be required to appear before the Board of Selectmen during one of its regularly scheduled meetings. Staff in the Selectmen's office will notify the applicant by phone or email of the date and time of the interview.
10. The Board of Selectmen reserves the right to defer action on the license application until all issues and concerns raised by the Board are addressed by the applicant to the Board's satisfaction; and the Board also reserves the right to deny approval if the applicant fails to meet the application requirements or does not/cannot resolve the issues and concerns raised by the Board.
11. Once the Board of Selectmen approves the application, the applicant will need to obtain all required Board of Health, Fire and Police Department final approvals (i.e., permits, reviews and/or inspections) before the license will be issued. If the applicant fails to obtain a required approval at any point in the process, the issuance of the License will be withheld until the issue or problem is resolved to the satisfaction of the appropriate body.