



# TOWN OF PLYMOUTH

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|                                |                                       |
|--------------------------------|---------------------------------------|
| <b>Policy Number</b>           | <b>SB-052324</b>                      |
| <b>Title</b>                   | <b>Mobile Food Vending Operations</b> |
| <b>Established</b>             | <b>May 21, 2024</b>                   |
| <b>Revision Approval Dates</b> |                                       |

## I. PURPOSE

To protect public health and safety by ensuring Mobile Food Vendors follow clear, narrowly tailored regulations that address health and safety risks.

## II. POLICY GUIDELINES

### Section 1. Definitions.

**Mobile Food Vendor** - any person who travels from place to place upon public property or ways open to the public and dispenses food from a food truck, food cart, beverage/coffee truck/cart, canteen truck, catering truck, breakfast truck, lunch truck, lunch wagon or any other mobile food vehicle. This policy applies to Mobile Food Vendors who serve the public.

**Section 2. Policy.** Massachusetts General Law Chapter 101 sets out the rules and licensing requirements for mobile vendors. Mobile Food Vendors are required to have a Hawkers and Pedler's license and a license from the Board of Health.

**Section 3. Prohibited Areas.** The sale of goods and food by Mobile Food Vendors is prohibited in the Town of Plymouth in the following locations:

Samoset Street/Carver Road from Court Street to Route 80,

Waterfront Area from Nelson Park to Stephens Field including North and South Park Avenue, Water Street, Union Street, Lothrop Street, Memorial Drive, Chilton Street,

Howland Street, Middle Street, Leyden Street, Bradford Street, Brewster Street, North Street, Lincoln Street, Freemont Street and all public parking lots.

Recreation Areas: Forges Field, Manomet Recreation Area, Haskell Field, Emerson Park, Full Sail Boat Ramp on Taylor Avenue, Plymouth Beach

From the Kingston/Plymouth town line to Court Street, south to Main Street, Main Street Extension and Sandwich Street ending at South Street

Exceptions to this policy may be granted by the Town Manager through the public procurement process. Mobile food vending license agreements for Nelson Park, Morton Park, Fresh Pond, Hedges Pond and Stephens Field shall be awarded through the procurement process in accordance with the RFP, bid documents and contracts. The Mobile Food Vendor shall comply with all site-specific conditions and requirements, including any contracts pursuant to the procurement process.

#### **Section 4. Provisions Applicable to All Mobile Food Vendors**

4.1 Mobile Food Vendors shall comply with all applicable provisions of the Town of Plymouth General By-laws, Plymouth Police Department Policies, Plymouth Fire Department Policies, Plymouth Board of Health Regulations, Inspectional Services Permits and licensing requirements and all local and state tax regulations, including but not limited to retail sales taxes applicable to food and beverages.

4.2 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, intersections, and handicapped parking spaces.

4.3 Mobile Food Vendors must adhere to 527 CMR 1, the Massachusetts Comprehensive Fire Code, including but not limited to Chapter 50.8 regarding mobile and temporary cooking operations. The Mobile Food Vendor is responsible for providing a clearly legible copy of the most recent cooking hood system semiannual certification record and cleaning as required by the Fire Code and the Plymouth Fire Department. The vehicle must be properly insured, registered with the DMV, and in good mobile working order.

4.4 Mobile Food Vendors may not operate as a drive-in/drive-up/drive-through operation. All service must be walk-up by customers.

4.5 Trash and recycling receptacles shall be provided 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 at all times. Reliance on the use of municipal trash and recycling receptacles is not acceptable.

4.6 If a Mobile Food Vendor is authorized to operate after sunset, the vendor must consult with the Plymouth Police Department to ensure that the amount of lighting is appropriate.

4.7 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.

4.8 Mobile Food Vendors shall not set up tables, chairs, umbrellas or similar facilities/ accessories unless specifically authorized by the Select Board.

4.9 Mobile food vehicles shall be positioned in such a manner to protect customers from vehicular traffic. Any directive from a Police Officer, Town of Plymouth staff including but not limited to beach employees and Recreation Department staff, in this regard shall be immediately followed.

4.10 Pursuant to the Town of Plymouth Bylaw 18-1, no Mobile Food Vendor shall permit a patron to bring into the permitted premises any alcoholic beverage for sale or consumption on the premises. All Mobile Food Vendors acknowledge that the Town of Plymouth bylaws prohibit alcohol consumption on public property.

4.11 Mobile Food Vendors shall not distribute or sell non-food items not associated with the service of food/beverages.

4.12 Mobile Food Vendors shall not play music or use loudspeakers to amplify music outside of their truck while they are stationary.

4.13 The Select Board may waive the conditions or requirements of these Regulations if the Board determines such a waiver to be in the best interests of the community.

**Section 5: School Buildings, Parking lots and Adjacent Fields.** The authority to grant permission for Mobile Food Vendors on the property of Plymouth Public Schools lies with the Plymouth Public Schools.

#### **Section 6. Penalties for Violation**

Any violation of this policy 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 so warrant in the judgment of the Police Department or other enforcement officer, in which case such suspension shall be reviewed by the licensing authority. The licensing authority may suspend, revoke or modify a Mobile Food Vendor permit if, after a public hearing, the licensing authority finds that these Regulations have been violated.

**Section 7. Mobile Food Vendors Operating on Private Property.** Mobile Food Vendors contracted to serve a private event on private property are exempt from this policy.

### III. QUESTIONS

Please direct technical questions to the Plymouth Board of Health.

Signed By:



Chairman, Select Board

Date

5/21/24



Town Manager

Date

5/21/24