

Michael Borg
Town Manager



TOWN OF NORTH ATTLEBOROUGH
43 South Washington Street
North Attleborough MA 02760
508-699-0100

INTEROFFICE MEMORANDUM

DATE: Monday, November 18, 2024

TO: Town Clerk Pat McNielly

FROM: Michael Borg *my 15 Nov 24*

CC: Pat McNielly Town Clerk

RE: Measure 2025-009-Approval to Accept Mobile Food Vendor Bylaw.

Town Council Meeting- President Justin Paré

Measure 2025-009-Approval to Accept Mobile Food Vendor Bylaw.

Purpose and Justification:

1. Purpose

Mobile food vendors can expand food access in areas underserved by traditional restaurants, enhance business opportunities at brick-and-mortar establishments, and add vibrancy and activity to streetscapes. This section stipulates that mobile food vendors must comply with regulations for food and fire safety, motor and pedestrian safety, and nuisances such as noise, smoke, trash, and odor. The registration process is described herein.

2. Definitions.

When used in this section, unless the context otherwise requires, the following terms shall have the following meanings:

A. "Applicant" means any person, corporation, business, company or other entity or organization that submits an application for a permit from the Town of North Attleborough Health Department to operate as a mobile food vendor in North Attleborough.

B. "Mobile food vendor" means any mobile food vehicle or operation, whether motorized or propelled by human power, or temporary food station, which cooks, prepares, stores, packages, serves, sells, or otherwise provides any food or beverages for human consumption to the general public, for a fee or free of charge. This includes but is not limited to food carts, pushcarts, and food stands.

C. "Food vendor operator" means the holder of a food vendor permit.

3. General regulations; enforcement; violations and penalties.

Each mobile food vendor shall receive a mobile food permit from the Health Department. All fees are set in the Rules and Regulations of the Health Department.

A. For the purposes of this bylaw, mobile food vending shall include the use of food trucks, food trailers, and food carts.

B. No person shall engage in mobile food vending in the Town of North Attleborough unless they have been issued a permit from the North Attleborough Health Department. Such permit shall be conspicuously displayed in or on any mobile food vendor operating anywhere in Town.

- C. For every permit approved by the Health Department, the applicant shall pay an annual fee for each mobile food vendor permit for each calendar year as set. The annual fee shall not be adjusted or prorated.
- D. To comply with the rules and regulations as may be promulgated by the Fire department.
- E. Each applicant must obtain a certificate of insurance showing adequate public commercial liability, automobile liability, property damage coverage, and worker's compensation coverage in the amounts required by Massachusetts law.
- F. Appeals to this bylaw are subject to the final decision of the Town Manager.

4. Vending on public rights-of-way.

A. Limited to all business districts, except the Downtown District from Holbrook Ave. to Fisher St.

B. Any mobile food vendor operating in a public right-of-way shall:

- (1) Be parked or located only on or within specific public rights-of-way so designated by Fire Department, Police Department and Board of Public works for such use.
 - (2) Not interfere with the passage of vehicles along the street, obstruct a sidewalk or crosswalk, or impede access to parked vehicles or the delivery of materials or goods to adjoining property.
 - (3) Be prohibited from dispensing food and beverage to patrons standing in a roadway or street.
 - (4) Provide one trash receptacle and one recycling receptacle for use by patrons.
 - (5) Remove and dispose of all litter or debris generated as a result of the business.
 - (6) Any property utilizing a mobile food vendor shall be limited to no more than 14 days per calendar month at any one location.
 - (7) Be subject to all Town regulations regarding lighting, noise, and nuisances.
 - (8) Keep all equipment associated with the business on or within the mobile food vendor.
- Exception: required trash and recycling receptacles.

5. Vending on private commercial properties.

A. Limited to all business districts.

B. The mobile food vendor shall be located entirely on the property being served.

C. Limited to no more than 14 days per calendar month at any one location.

6. Vending/catering for events on private residential properties.

A. The mobile food vendor shall be located entirely on the property being served.

B. Service shall be limited to private guests of the event host only.

C. Shall be prohibited from dispensing food and beverage to patrons standing in a roadway or street.

D. Limited to one event per month at a given location.

7. Vending on Town owned properties not considered municipal ways.

A. Use of any Town property under the jurisdiction of a particular department (i.e., Park, Schools, Conservation, etc.) shall also require the approval from said Board / Department / Commission overseeing that property. An example a mobile food vendor that wants to set up in the parking lot at WWI Memorial Park, the Park Commissioners would need to approve the use of the property and location.

The Town Council met on September 23, 2024, and on behalf of the Town Council, a motion was made by Vice-President Simmons to refer Measure 2025-009-Approval to Accept Mobile Food Vendor Bylaw to the Bylaw Sub-Committee for further review and consideration.

The motion was seconded by Councilor Donovan.

Motion carried. 5-0 UNANIMOUS

The Bylaw Sub-Committee met on September 25, 2024, and on behalf of the Town Council, a motion was made by Donovan to refer Measure 2025-009- Approval to Accept Mobile Food Vendor Bylaw back to the Full Town Council for further review and consideration.

Motion was seconded.

Motion carried.

The Town Council met on October 16, 2024, and on behalf of the Town Council, Council Shanahan reported on Measure 2025-009- Approval to Accept Mobile Food Vendor Bylaw.

The Town Council met on October 28, 2024, and on behalf of the Town Council, Vice-President Simmons made a motion to waive the First Reading of Measure 2025-013- Approval of Proposed Amendment to the Naming of Assets Bylaw that was adopted on June 7, 2023.

Councilor St. Pierre seconded the motion.

Motion carried 9-0.

The Town Council met on November 13, 2024, and a Public Meeting was held on this measure and on behalf of the Town Council, a motion was made by Vice-President Simmons to Waive the Second Reading and to approve Measure 2025-009- Approval to Accept Mobile Food Vendor Bylaw. This Bylaw will sit for 21 days and then will be passed.

The motion was seconded by Councilor Donovan.

Motion carried. 8-0. UNANIMOUS