



# Town of Chatham

Office of the Select Board

Town Manager

549 Main Street

Chatham, MA 02633



Jill R. Goldsmith  
TOWN MANAGER

[jgoldsmith@chatham-ma.gov](mailto:jgoldsmith@chatham-ma.gov)

## Select Board

### MOBILE FOOD VENDOR REGULATIONS

Tel: (508) 945-5105

Fax: (508) 945-3550

[www.chatham-ma.gov](http://www.chatham-ma.gov)

First Reading: April 19, 2022 Second Reading: May 17, 2022 Approved: June 14, 2022
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### Section 1: Definitions

*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/cart, canteen truck, catering truck, breakfast truck, lunch truck, lunch wagon or any other mobile food vehicle in a fixed location. This policy applies to mobile food vendors except as provided under Section 7.

*Roaming Food Vendors* – any person who travels from place to place upon public ways and dispenses food/ice cream/beverages from an ice cream truck, peddle cart, push cart, or other portable container which move from place to place, excluding areas prohibited by Town by-law, and are stationary for no more than fifteen minutes.

*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.

*Permit Granting Authority* – The Select Board is the sole permitting authority of mobile food vendors in the Town of Chatham.

### Section 1. Policy

The Town of Chatham, acting through its Select Board (the “Board”) may authorize Mobile Food Vendors to operate in approved locations (the “permitted premises”) at times deemed to be in the best interest of the Community. Permitted Mobile Food Vendors must comply with all applicable State/local hawker and peddler, sanitation, and food safety statutes, rules and regulations.

### 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 Chatham General By-laws, and all local and state tax regulations, including but not limited to retail sales taxes applicable to food and beverages.

2.2 Mobile Food Vendors must be positioned at least 200 feet from the customer entrance of a fixed location food service establishment. This provision may be waived by the Select Board if written notice granting permission for a mobile food vendor to operate within 200 ft. from its customer entrance is received from the proprietor/owner of the licensed food service establishment.

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, intersections, 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.

2.5 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.

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

2.7 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.

2.8 No Mobile Food Vendor shall set up tables, chairs, umbrellas or similar facilities/ accessories unless specifically authorized by the Select Board.

2.9 Mobile Food Vendor permits shall be issued annually from January 1<sup>st</sup> to December 31<sup>st</sup>. Permit holders may only operate at approved locations at approved times.

2.10 Any person to whom a Mobile Food Vender Permit is issued under these regulations shall ensure that order and decorum is always maintained in the permitted premises and immediate vicinity and shall cooperate in every respect with Town officials.

2.11 Mobile food vehicles shall be positioned in such a manner to protect customers from vehicular traffic. Any directive from a Police Officer in this regard shall be immediately followed.

2.12 No Mobile Food Vendor shall permit a patron to bring into the permitted premises any alcoholic beverage for sale or consumption on the premises.

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

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

### **Section 3: Authorized Locations for Mobile Food Vendors**

#### **3.1 Public Right of Way**

Mobile Food Vendors may not operate in the public right of way of any street in Town.

#### **3.2 School Buildings, Parking lots and Adjacent Fields**

The authority to grant permission and regulate Mobile Food Vendors on public property leased to the Monomoy Regional School District is with the Monomoy Regional School Committee.

#### **3.3 Public Parks and Adjacent Parking Lots by Direct Permit**

The Select Board may grant up to five permits to Mobile Food Vendors to operate in approved public parking lots at identified times and days, as listed in Attachment 1, under the following conditions:

3.3.1 The Town Manager's Office shall coordinate the permit application process, and may allocate available permit opportunities among qualified applicants, including by lottery or other reasonable means. Only one vendor shall operate at a permitted premise at any given time.

3.3.2 The Mobile Food Vendor shall comply with all site-specific conditions and requirements.

3.3.3 The Mobile Food Vendor shall comply with all state and local laws, policies and regulations generally applicable to mobile food vendors.

3.3.4 The Select Board will develop the list of permitted activity locations, times, and days to be set forth in Attachment 1 after consultation with the Town board, committee, or commission, if any, having primary jurisdiction over the location. Some dates may be restricted due to special events.

#### **3.4 Public Parks and Adjacent Parking Lots by Invitation of Organizations Permitted Under §208-24. Outdoor Display of Goods D. Permit (2) of the General Bylaws.**

Mobile food vendors invited to operate at a Special Event permitted by the Select Board under §208-24. Outdoor Display of Goods D. Permit (2) of the General Bylaws (see page 5) are exempt from provisions 3.3, 3.3.1, and 3.3.4 of these regulations.

3.4.1 The Mobile Food Vendor shall comply with all conditions and requirements of the permit granting authority.

3.4.2 The Mobile Food Vendor shall comply with all state and local laws, policies and

regulations generally applicable to mobile food vendors.

### 3.5 Mobile Food Vendors Operating on Private Property

Mobile food vendors contracted to serve a private event on private property are exempted from provisions 2.2, 2.8, 2.9, 2.12, and 2.13 of these regulations.

3.5.1 The Mobile Food Vendor shall comply with all conditions and requirements of the permit granting authority.

3.5.2 The Mobile Food Vendor shall comply with all state and local laws, policies and regulations generally applicable to mobile food vendors.

3.5.3 The Mobile Food Vendor shall not serve members of the general public not associated with the private event.

3.5.4 A Mobile Food Vendor may operate and serve the general public from its fixed base of operation.

## **Section 4. Application and Permitting Requirements**

4.1 The Town Manager's Office shall coordinate the permit application process, and may allocate available permit opportunities among qualified applicants by such means as it shall determine appropriate, including by lottery or other reasonable and equitable means.

4.2 All Mobile Food Vendors must obtain requisite licenses and/or permits for operation from the State, Town Health Division, and Select Board.

4.3 Permit holders shall provide evidence of comprehensive liability insurance in the amount of at least \$1 million (single claim) and listing the Town of Chatham as an additional named insured. Mobile Food Vendors must obtain requisite liability and workers compensation insurance as required by the Town.

4.4 A Mobile Food Vendor's permit must be prominently displayed at all times while operating in the permitted premises.

4.5 Violation of any of the provisions of these Regulations may result in the revocation of the permits and licenses issued to the vendor to operate in Chatham.

## **Section 5. Fees**

5.5 The fee for direct permit mobile food vendors (Section 3.3) shall be \$500 annually. The annual fee covers vending at approved locations for up to 100 days. Additional days may be purchased in blocks of 10 for \$100

## **Section 6. Violation, suspension, revocation, or modification of a Mobile Food Vendor Permit**

Any violation of these Regulations will be subject to a fine of \$100 (1st offense), \$250 (2nd offense) or \$500 (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 so warrant 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 hearing.

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)**

With the exception of food safety, public safety, and hawker and peddler requirements, if applicable, this Regulation shall not apply to vendors contracted as Town beach concessions.

**Section 8. Roaming Food Vendors**

Roaming food vendors, with the exception of those contracted as Town beach concessions, are not permitted in the Town of Chatham.

**Section 9. Resources**

Attachment 1: Locations Approved for Direct Permit Mobile Food Vendor Permits

Attachment 2: Mobile Food Vendor Permit Application

Attachment 3: Mobile Food Vendor Permit Checklist

Hawkers and Peddlers statute:

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXV/Chapter101/Section1>

General By-laws:

**§208-24 Outdoor Display of Goods**

D. Permit.

(2) Special events such as church, library and other charitable or nonprofit outdoor displays, sales and fairs, one-day/weekend business district-wide and holiday displays and sales, or other similar limited and specific activities which include the outdoor display or outdoor sale of goods or merchandise, shall require the filing of an application with and the receipt of a permit from the Select Board. After holding a public meeting, the Board may grant or deny such application or make such permit subject to limits and conditions as the Board may determine to be in keeping with the purposes of this bylaw, including but not limited to making any such permit applicable on a year-to-year basis, unless, in the judgment of the Board, there are material changes in the scope and nature of the activities and/or display/sale involved.

**Attachment 1: Locations Approved for Direct Permit Mobile Food Vending and Site-Specific Conditions and Requirements**

Old Colony Rail Trail Parking Lot, Route 137

Daily, 11:00 a.m. – Sunset or 8 p.m., whichever is later.

January 1 – December 31

Harding’s Beach Parking Lot #1

Daily, 11:00 a.m. – Sunset or 8 p.m., whichever is later.

June 1 – September 30

Sales of ice cream and frozen desserts are prohibited.

Any advertisement of location must include notation that parking fee/beach sticker required for access.

Oyster Pond Parking Lot (Drop-Off Area)

Daily, 11:00 a.m.– Sunset or 8 p.m., whichever is later.

June 1 – September 30

Sales of ice cream and frozen desserts are prohibited.

Town Offices Parking Lot, 549 Main Street

Daily, 11:00 a.m. – Sunset or 8 p.m., whichever is later.

January 1 – December 31

Vendors must contact the Town Manager’s office at least 24 hours in advance if they are not able to vend in the lot on a permitted day.

Community Center Parking Lot

Daily, 11:00 a.m. – 4 p.m. days that the Chatham Angler’s play at Veterans Field, otherwise until Sunset or 8 p.m., whichever is later.

January 1 – December 31



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Jill R. Goldsmith  
TOWN MANAGER  
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## Mobile Food Vendor Permit Application Valid January 1<sup>st</sup> through December 31<sup>st</sup>

Tel: (508) 945-5105  
Fax: (508) 945-3550  
[www.chatham-ma.gov](http://www.chatham-ma.gov)

Legal Business Name (Corp./LLC/Etc.) \_\_\_\_\_

DBA (if different) \_\_\_\_\_

Business Address \_\_\_\_\_

Mailing Address (if different) \_\_\_\_\_

Business Phone \_\_\_\_\_ Alternate Number \_\_\_\_\_

Owner/President Name \_\_\_\_\_

Vehicle Operator Name \_\_\_\_\_ Driver License # \_\_\_\_\_

Vehicle Year/Make/Description \_\_\_\_\_

Applicant Email \_\_\_\_\_ Business Website/Social Media \_\_\_\_\_

Fixed Base of Operation \_\_\_\_\_

*Per Town of Chatham Board of Health Minimum Sanitation Standards for Food Service, Section 3(A)2 Mobile food operations shall operate from a fixed, licensed food establishment as defined by the 2013 Food Code. The Mobile food unit shall report at least daily to such location for all food, water, and supplies, and for all cleaning and servicing operations.*

Fire Department Approval (if propane or open flame is used) \_\_\_\_\_

*Call 508-945-2324 to schedule inspection. Obtain approval before submitting to Town Manager's Office.*

Pursuant to MGL Ch. 62C, §49A, I certify under penalties of perjury that I, to the best of my knowledge and belief, have filed all State tax returns and paid all State taxes required under law.

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Federal Identification or Social Security #

RECEIVED: \_\_\_\_\_ ASSIGNED: \_\_\_\_\_ MAILED: \_\_\_\_\_

**Location Preferences/Proposed Dates (Include Day of Week and Hours)**

Old Colony Rail Trail Parking Lot, Route 137, Daily, 11:00 a.m. – Sunset or 8 p.m. whichever is later.  
January 1 – December 31

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Harding’s Beach Parking Lot #1, Daily, ~~5:00 p.m.~~ 11:00 a.m. – Sunset or 8 p.m. whichever is later.  
June 1 – September 30

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Oyster Pond Parking Lot, Daily, ~~5:00 p.m.~~ 11:00 a.m. – Sunset or 8 p.m. whichever is later.  
June 1 – September 30

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Town Office Parking Lot, 549 Main Street, Daily, 11:00 a.m. – Sunset or 8 p.m. whichever is later.  
January 1 – December 31

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Community Center Parking Lot, 702 Main Street, Daily, 11:00 a.m. – 4 p.m. days that the Chatham Angler’s play at Veterans Field, otherwise until Sunset or 8 p.m. whichever is later.  
January 1 – December 31

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### **Mobile Food Vendor Application Checklist**

- Completed Mobile Food Vendor Permit Application
- Check or Money Order Payable to the Town of Chatham
- Copy of MA Hawker & Peddler License
- Copy of Vehicle Registration
- Copy of Driver's License for Each Operator
- Proof of required motor vehicle, liability, and Workers Compensation insurance
- Copy of Food Permit for Fixed Base of Operation
- Copy of Last Health Inspection Report
- Copy of Food Safety Certificate (ServSafe, etc.)
- Copy of Allergen Awareness Certificate
- Copy of Menu