



City of Revere
City Council

City Council Order No. 20-052

Date: June 8, 2020

Offered by Revere City Council

Be it ordained by the City of Revere as follows:

AN ORDINANCE REGULATING FOOD TRUCKS

SECTION 1. Title 5 of the Revised Ordinances of the city of Revere is hereby amended by inserting the following new chapter and sections:

Chapter 5.10 - Food trucks

5.10.010 - Purpose.

The purpose of this section is to allow for food trucks to operate in certain areas in the city of Revere, to complement and enhance Revere's food service industry, to highlight the variety of food options and food cultures available in Revere, and to provide eating alternatives for persons living, working or visiting in Revere.

5.10.020 - 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 to the city of Revere License Commission to operate a food truck in Revere.
- B. "Commission" means the city of Revere License Commission.
- C. "Food truck" 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.

D. "Food truck operator" means the holder of a food truck license.

Notwithstanding Mass. Gen. Laws ch. 270, § 25 and 520 CMR 15.0 and Revere Revised Ordinance 5.04.110, this chapter shall not apply to mobilized ice cream trucks that provide already prepared or pre-packed frozen dairy or frozen water-based food products. This section shall apply to ice cream trucks that make or prepare frozen dairy or other food products, or any ice cream truck that remains stationary at the same location for longer than thirty (30) minutes.

5.10.030- Food truck license requirements.

- A. Each food truck shall be licensed by the commission.
- B. In accordance with Mass. Gen. Laws. ch. 40, § 22F, an application fee of \$125.00 will be assessed for each application.
- C. For every license approved by the commission, the applicant shall pay an annual fee of \$500.00 for each food truck for each calendar year. The annual fee shall not be adjusted or prorated.
- D. Every applicant and every food truck operator as applicable is required:
 - 1. To provide certification that the food truck has passed all necessary inspections required of the department of municipal inspections and fire department. The commission will approve no food truck license application that is not supplemented with the required certifications.
 - 2. To comply with the rules and regulations as may be promulgated by the commission, department of municipal inspections or fire department.
 - 3. To provide the department of municipal inspections with a copy of the commissary contract or service agreement as a pre-requisite to department of municipal inspections certification.
 - 4. To provide a valid state hawker's license issued by the Commonwealth of Massachusetts in accordance with M.G.L. ch. 101.
 - 5. To display its license in a conspicuous location readily visible to patrons during the time the food truck is engaged in the activity authorized by the license.
 - 6. To provide the commission with 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. Failure to provide or maintain such insurance shall be grounds to deny or revoke a food truck license.

5.10.040 - Rules and regulations.

- A. The commission, department of municipal inspections, and fire department are hereby authorized to promulgate, jointly and within their respective departments, additional rules and regulations appropriate for the implementation of this chapter; provided, however, that such rules and regulations are not inconsistent with the limitations and restrictions contained in this subsection.
- B. No operator of a food truck shall park, stand, or move a vehicle or conduct business within areas of the city where the license holder has not been authorized to operate.
- C. Each license shall designate the location and the time frame where the license may be exercised. In no event shall the license be construed to grant or entitle a license holder the exclusive use of a location or service route.
- D. No food truck operator shall provide or allow any dining area, including but not limited to tables, chairs, booths, bar stools, benches, and standup counters, unless a proposal for such seating arrangements is submitted with the license application and approved by the commission.
- E. All food truck operators shall provide a sufficient waste receptacle for public use, and it shall be the license holder's responsibility to empty said receptacle, to pay for any costs associated with disposing of such waste, and to assure sufficiency of any waste receptacle.
- F. The food truck operator shall ensure that the food truck is serviced at least twice daily by a mobile food commissary for all food, water and supplies, and cleaning and servicing operations, including the emptying and cleaning of waste containers.
- G. The food truck operator must keep an accurate daily log of services rendered, including the date and time of said services as provided above in paragraph (F) of 5.10.040.
- H. No sign on any food truck shall project from the food truck, and there shall be no free standing signs adjacent to or in the area of the food truck that advertises or otherwise announces the food truck.

- I. A food truck shall not emit or project exterior lighting in a manner so as to shine on adjacent properties or toward any street.
- J. A food truck shall not exceed 8.5 feet in width (2.6 meters); 44 feet in length (13.5 meters); or 9,920 pounds (4,500 kilograms).
- K. Food trucks shall operate only in the areas of the city provided in 5.10.050 of this chapter, or otherwise only in accord with 5.10.051 of this chapter
- L. Notwithstanding the provisions of this section, no person shall operate a food truck within 300 feet of any elementary or secondary school, or on any private, city of Revere or Commonwealth of Massachusetts property without written consent of the owner or city or state entity in charge of said property.
- M. A food truck license is not transferable, expires at the end of the calendar year in which it is issued, and must be renewed by the commission in compliance with the requirements provided in 5.10.030 of this chapter.
- N. The commission is hereby authorized to revoke, suspend, modify or deny renewal of any food truck license for failure to comply with the provisions of this chapter, or of any rules and regulations promulgated by the commission, department of municipal inspections, fire department or the Commonwealth of Massachusetts.
- O. No operator of a food truck shall park, stand, or conduct business within a radius of 250 feet of a brick-and-mortar restaurant serving the same type of cuisine.

5.10.050 - Areas and hours of operation, limitations.

- A. Food trucks are permitted to operate in the following locations:
 - 1. **Revere Beach Boulevard**, at the eastern end of the Christina and John Markey Memorial Pedestrian Bridge, north of Chester Avenue to south of the State Police Barracks, not to exceed a five (5) food trucks at this location at any one time;
 - 2. **Ocean Avenue**, either side, north of Chester Avenue and south of the entrance to the State Police barracks, not to exceed two (2) food trucks at this location at any one time;
 - 3. **Bennington Street**, east side only, at or near Jimmy Kimmerle Park, north of Crescent Avenue and south of Winthrop Avenue, not to exceed two (2) food trucks at this location at any one time;

4. **North Shore Road**, east side only, between Centennial Avenue and Dehon Street, not to exceed two food trucks at this location at any one time;
5. **Shirley Avenue**, south side only, at the city of Revere Municipal Parking Lot east of Nahant Avenue and west of Walden Street, not to exceed two (2) food trucks at this location at any one time;
6. **Broadway**, east side only, north of Cheever Street and south of Hyde Street, not to exceed two (2) food trucks at this location at any one time.
7. **Broadway**, east side only, north of Hyde Street and South of Pleasant Street, not to exceed one (1) food truck at this location at any one time;
8. Operating a food truck anywhere in the city without the authorization established in this chapter is strictly prohibited.

B. Hours of Operation.

1. The hours of operation for all food trucks are 11:00 a.m. to 8:00 p.m.
2. At the discretion of the commission, the hours of operation may be extended upon a determination that such extended hours will be in the community's best interest and without substantial detriment to the neighborhood.

5.10.51 - Special events.

- A. "Special events" means any one-time, limited, or temporary occurrence or activity that occurs in a specified place on a particular date(s) and during a fixed interval of time.
- B. The commission may approve the operation of a food truck at a Special Event in areas where food trucks are not otherwise permitted, provided:
 1. The Special Event organizer or sponsor applies for such permit and appears before the commission and states the request for a food truck(s) at said event; and

2. The Special Event organizers identifies the food truck(s) to participate in said event; and
3. The Special Event organizer presents evidence that the food truck(s) is properly licensed by the commission in accordance with the provisions of this chapter, or is licensed to operate in another city or town; and
4. In the case of a food truck that is licensed to operate in another city or town, and not otherwise licensed in accordance with the provisions of this chapter, the Special Event Organizer or sponsor shall provide the commissions a copy of said license from said city or town; and
5. A food truck licensed with another city or town shall comply with 5.10.030(D) of this chapter, and evidence of compliance with said chapter 5.10.03(D) shall be presented to the commission.
6. The fee for a special event license shall be \$100.00, plus \$50.00 for each participating food truck.

5.10.060 - Parking requirements.

- A. Food trucks shall not park overnight on public property or private lands after operating hours except on land owned, leased or rented by the operator for the storage of the vehicle in compliance with the city of Revere's Zoning Ordinances.
- B. Food trucks shall be exempt from hourly parking time limits on public property provided they are parked in legal parking spaces, actually engaged in the operation of the food truck business as permitted herein, and otherwise in compliance with this chapter.
- C. In no event shall any food truck stop or park for the purposes of selling if such a stop prevents the passage of other motor vehicles or pedestrians on the public right-of-way.

5.10.70 - Enforcement.

- A. The provisions of this chapter or any rules and regulation promulgated by the commission may be enforced by the police department, department of municipal inspections or fire department.
- B. No food truck shall operate without a license. Any food truck being operated without a valid license from the commission shall be deemed a public safety hazard and may be ticketed and impounded.

- C. No food truck shall be parked on the street overnight, or left unattended and unsecured at any time food is kept in the food truck. Any food truck that is found to be unattended shall be considered a public safety hazard and may be ticketed and impounded.
- D. Any food truck operator who violates any provisions of this chapter or any rules and regulations promulgated hereunder may be subject to the penalties set forth in chapters 1.12 and 1.16 of the Revere Revised Ordinances.
- E. Once a license has been issued it may be revoked, suspended, modified, or denied renewal by the commission for failure to comply with the provisions of this chapter or any rules and regulations promulgated hereunder.

March 16, 2020 Ordered to a first reading.

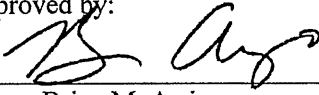
June 8, 2020 Ordered to a second reading, as amended.

June 8, 2020 Ordered on a second reading, as amended.

June 8, 2020 Ordered on a third and final reading, as amended.

In City Council, June 8, 2020: ORDERED ENGROSSED AND ORDAINED, as amended on a Roll Call: Councillors Giannino, Guinasso, McKenna, Morabito, Novoselsky, Powers, Rotondo, Serino, Visconti, Zambuto, and Council President Keefe voting "YES". Attest: Ashley E. Melnik, City Clerk

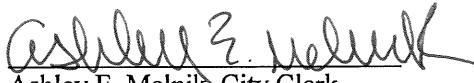
Approved by:



 Mayor Brian M. Arrigo

6.15.2020
 Date

Attest:



 Ashley E. Melnik, City Clerk

