

# Town of Franklin

355 East Central Street  
Franklin, Massachusetts 02038-1352



Phone: (508) 520-4949  
www.franklinma.gov

OFFICE OF THE TOWN ADMINISTRATOR

## Memorandum

March 12, 2021

To: Town Council  
From: Jamie Hellen, Town Administrator  
Chrissy Whelton, Assistant to the Town Administrator

**Re: Resolution 21-871 - Municipal Service Fees, Food Trucks**

---

Before you tonight is the first reading of a proposed bylaw to add a new permit and fee to Chapter 82, Section 6, Subsection A . Administration, of the Code of the Town of Franklin.

The proposed permit and fee is for a "Food Truck Event Permit" for public events on private property. The total proposed fee will be \$25 per permit with a limit of 2 permits per week. Pursuant to Town Code Section 165-8, No person licensed under the provisions of this chapter shall sell any goods, wares or merchandise in or upon any street or sidewalk within the Town of Franklin within 500 feet of a business selling the same or similar goods, wares or merchandise. Food Trucks, and customers of food trucks, will also be prohibited from parking in the Public Right of Way, unless in a declared, striped parking space.

This proposed bylaw was unanimously approved by the EDC at their March 3, 2021 meeting. The goal of this temporary food truck permit is to help local businesses survive the COVID-19 pandemic and comply with the many new regulations in place.

It is worth noting regardless of where an event takes place, every food truck owner is required to have an inspection from the Board of Health. The Food Vendor permit is a one time fee for a full year and for as many events as they want. It's our advice that any food truck owner, especially local ones, should have their inspection on an annual basis, just like one would have their car inspected.

If you have any additional questions please feel free to ask.



Sponsor: Administration

## TOWN OF FRANKLIN

### BYLAW AMENDMENT 21-871

#### CHAPTER 82, MUNICIPAL SERVICE FEES

#### A BYLAW TO AMEND THE CODE OF THE TOWN OF FRANKLIN AT CHAPTER 82 Section 82-6, Subsection A Administration

**BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL** that Chapter 82 of the Code of the Town of Franklin is amended at Section 82-6 Schedule of Service Fees, Subsection A. Administration, by adding a new permit fee, set out below:

---

§ 82-6. **Schedule of service fees.**

A. Administration

<b>Service Fee</b>	<b>Rate</b>
Club- Wine & Malt	\$750
Liqueurs and Cordials	\$900
Package- Wine & Malt	\$1,500
Common Victualler- Wine & Malt	\$1,125
Club- All Alcohol	\$1,750
Package- All Alcohol	\$2,500
Common Victualler- All Alcohol	\$1,875
Innholder- All Alcohol	\$3,500
One-Day (All Alcohol or Wine & Malt)	\$75
Alcohol Inholder/Rooms only	\$1,300
Common Victualler	\$125
Innholders	\$125
Farmer Brewery, Winery, Distillery	\$250
Alcohol License Modification	\$500
Automatic Amusement	\$125
Weekday Amusement	\$125
Entertainment	\$125
Billiard/Bowling	\$125
Class I	\$125
Class II	\$125
Class III	\$125
Boardinghouse	\$125

Auctioneer	\$85
One-Day Auctioneer	\$85
Junk Dealer	\$85
Taxi/Limousine	\$85
Transient Vendor or Temporary Special Event Food Truck License	\$100
<b>Temporary Food Truck Event on Private Property</b>	<b>\$25</b>
Fortune Teller	\$85
Public Way Access Permit	\$150

This bylaw amendment shall be effective in accordance with the provisions of the Franklin Home Rule Charter.

---

**DATED:** \_\_\_\_\_, 2021

**VOTED:**

**UNANIMOUS:** \_\_\_\_\_

**YES:** \_\_\_\_\_ **NO:** \_\_\_\_\_

**ABSTAIN:** \_\_\_\_\_

**ABSENT:** \_\_\_\_\_

**A True Record Attest:**

**Nancy Danello**  
**Temporary Town Clerk**

---

**Glenn Jones, Clerk**  
**Franklin Town Council**

# **Temporary Food Truck Public Event Permit for Private Property**

## **Introduction**

Under section 165 Transient Vendors of the Town Code, the Town Administrator has the authority to develop special, temporary licenses for a period of time.

The Town Administrator announces the establishment of a “Temporary Food Truck Public Event Permit” for the location and operation of Food Trucks within the Town of Franklin. All applicants must adhere to the following special licensure regulations, [Town Code Chapter 165-8](#) of the Town of Franklin and [105 Code of Massachusetts Regulation \(CMR\) 590.009](#).

## **Purpose**

The purpose of these licenses is for private organizations within the Town of Franklin to receive a license to contract with food trucks for temporary public events on private property. The license will allow for food trucks to be set up for business on private property outside of the “Food Truck Friendly Zones”

## **Guidelines and Licensing Requirements**

All potential licensees must adhere to the following regulations:

1. Per Chapter 165-8 of the Town of Franklin Code, licensed food trucks shall not be permitted to operate within 500 feet of a “business selling the same or similar goods, wares or merchandise.”
2. Licensees may only operate at specifically approved times on the license.
3. Licensees shall not deploy any free-standing sign or flags unless specifically permitted and in compliance with local Zoning Bylaw. Applicability of Zoning Bylaw shall be determined by the Town Zoning Enforcement Officer.
4. Licensees may only contract with Food Trucks who are licensed by the Board of Health. The Board of Health offers annual licenses for food trucks. Licenses are a one-time inspection and are good for all special events within Franklin. The Town’s requirements are commensurate with other cities and towns such as the City of Boston. Board of Health 508-520-4905.
5. Licensees shall not deploy tables or seating, unless specifically permitted.
6. Food Trucks shall not be positioned so as to expose the general public to vehicular traffic, mechanicals, generators, or other unsafe conditions for patrons.
7. No licensee or employee of the licensee shall consume any alcoholic beverage, marijuana or unlawful controlled substances, while on duty.

8. No licensee or employee of the licensee shall be permitted to consume or smoke any tobacco products within 35 feet of the truck, while working as per Board of Health regulations and state law.
9. This license does not authorize the sale of non-food novelty items such as: t-shirts, hats, toys, etc. A separate retail license must be obtained from the Licensing Authority to receive permission to sell non-food items.

### Application Information

Applications will only be accepted online: <https://franklinma.viewpointcloud.com/>

To apply for a “Temporary Food Truck Public Event Permit”, the following information will be required:

- General information on the applicant, dates, times, and event information.
- Copies of Hawkers and Peddlers licenses from each Food Truck vendor and any other information.
- Event site plan (or sketch), if applicable, to depict the positioning of the food trucks and other information on the event.
- The local fee for a Temporary Food Truck on Private Property is \$25.00 for the licensee. Each food truck shall have a valid Mobile Food vehicle license from the Board of Health to conduct business at any special event. [See Municipal Fee Schedule in the Town Code.](#)
- A valid Hawkers, Peddlers and Transient Vendor's license from the Commonwealth of Massachusetts is required for each manager/owner of a food truck. The state license must be current for the duration of the locally permitted and licensed operation. If at any time, the state license is revoked, suspended and/or not active the local license shall be void.

## **FOOD TRUCKS FACT SHEET- PERMITS NEEDED**

### Food Truck Private Event

Food Trucks on private property for a private event: (*example - birthday party at residential home, staff party on private business property*)

- No Food Truck vehicle shall be parked within the public right of way.
- Apply for a "Food Vendor Permit" with the Health Department here (good for a full year):  
<https://franklinma.viewpointcloud.com/categories/1082/record-types/6582>

### Food Truck Public Event Permit

Food Trucks on private property for a public event: (*example- private business having a food truck event for promotional services on private property*)

- These events will be limited to 2 permits per week, per business.
- Pursuant to Town Code Section 165-8, No person licensed under the provisions of this chapter shall sell any goods, wares or merchandise in or upon any street or sidewalk within the Town of Franklin within 500 feet of a business selling the same or similar goods, wares or merchandise.
- No Food Truck vehicle shall be parked within the public right of way.
- Apply for a "Food Truck Public Event Permit" here:  
<https://franklinma.viewpointcloud.com/categories/1080/record-types/6592>
- Food Vendor Permit through the Health Department for each food truck (good for a year)  
<https://franklinma.viewpointcloud.com/categories/1082/record-types/6582>

### Temporary Special Event Food Truck License

Food Trucks in a Public Way: (*example - Taste of Art Week Festival on the Town Common*)

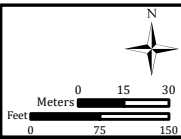
- Not permitted unless for a "Temporary Special Event Food Truck License" in Food Truck Friendly Zone
- Apply for a Temporary Special Event Food Truck License here (good for one event):  
<https://franklinma.viewpointcloud.com/categories/1080/record-types/6448>



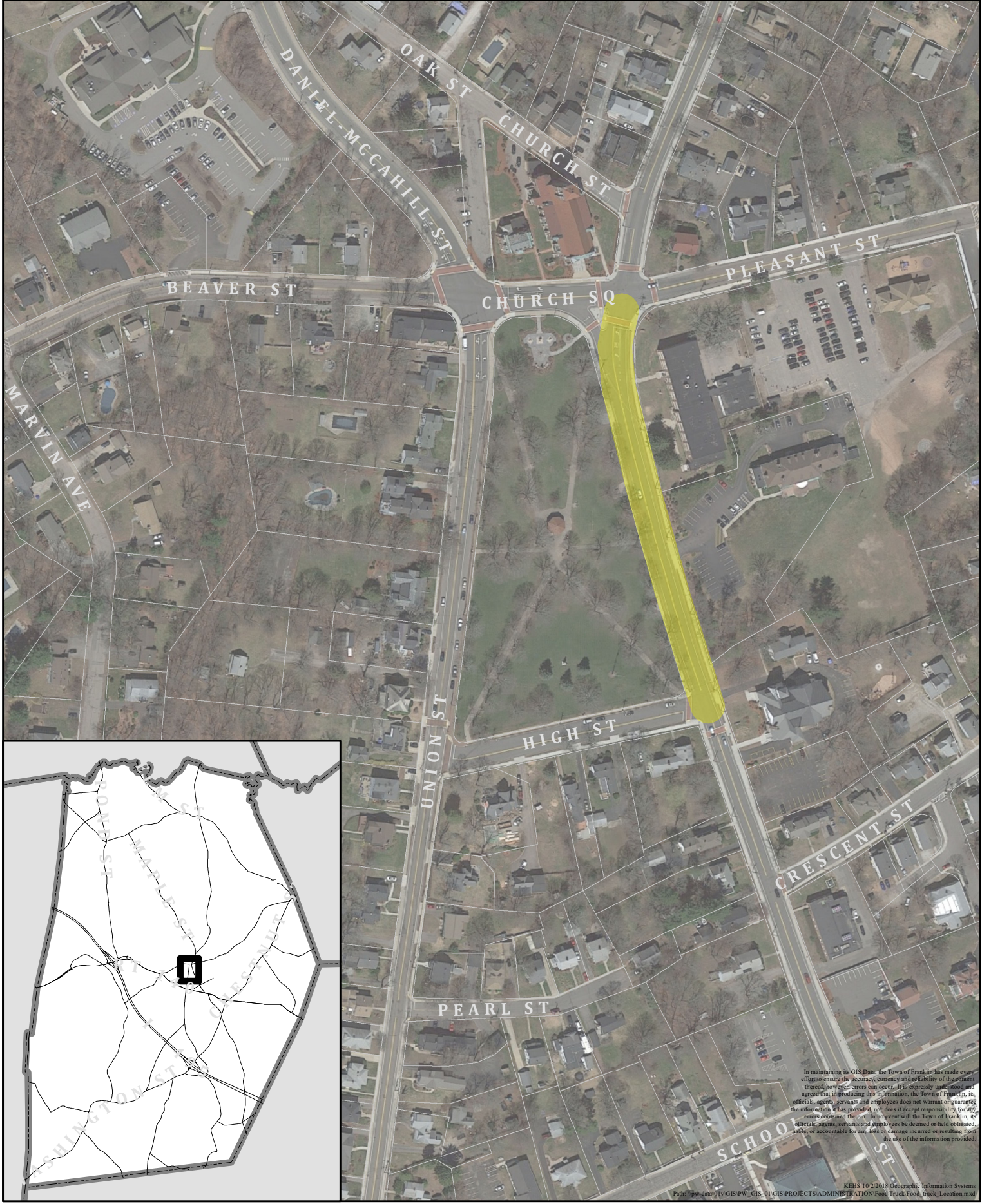
# FOOD TRUCK FRIENDLY ZONES

- Food Truck Zone
- Street
- Parcel Line
- Municipal Boundary

Imagery © Google



**Franklin**  
MASSACHUSETTS



In maintaining its GIS Data, the Town of Franklin has made every effort to ensure the accuracy, currency and reliability of the content thereof; however, errors can occur. It is expressly understood and agreed that in relying on this information, the Town of Franklin, its officials, agents, servants and employees does not warrant or guarantee the information it has provided, nor does it accept responsibility for any errors contained therein. In no event will the Town of Franklin, its officials, agents, servants and employees be deemed or held obligated, liable, or accountable for any loss of damage incurred or resulting from the use of the information provided.

*Town of Franklin, MA  
Wednesday, October 16, 2019*

## Chapter 165. Transient Vendors

### § 165-1. Scope; purpose; authority.

- A. This chapter is enacted to supplement the provisions of Chapter 101 of the Massachusetts General Laws regulating the sale of goods, wares or merchandise by transient vendors, hawkers and peddlers and is intended to cover the sale of goods, wares or merchandise by all persons who are subject to the provisions of the said Chapter 101 and by certain other persons who may, by legislative oversight, be excluded from the scope of said statute.
- B. It is the specific and express purpose of this chapter to regulate, inter alia, the sale of goods, wares or merchandise by all transient vendors, hawkers and peddlers, not only those who go from town to town or from place to place within one town, but also those who conduct their business at a single location within one town and who may do so, not only within any tent, booth, building or other structure shelter, but also in the open air on any lot of land or part thereof.
- C. In the enactment of this chapter, the Town Council of the Town of Franklin specifically relies upon powers made available to it by Section 8 of Article 89 of the amendments to the State Constitution and by MGL c. 43B, § 13.

### § 165-2. Local license requirement; general applicability of regulations.

No person, either principal or agent, who engages in a temporary or transient business selling any goods, wares or merchandise, either in one location or in traveling from place to place, shall conduct such business within the Town without first having obtained any license required under MGL c. 101 and a local transient vendor license issued by the Town Administrator. Subject to federal and state law, no license shall be granted to any person who is not a citizen of the United States unless such person is authorized to work in the United States by the Federal Immigration and Naturalization Service, nor shall a license be issued to any entity that is not duly organized and authorized to conduct business within the commonwealth.

### § 165-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

#### **TEMPORARY OR TRANSIENT BUSINESS**

Any exhibition and sale of goods, wares or merchandise which is carried on at any location within this Town, unless such place is open for business during usual business hours for a period of at least 12 consecutive months during the current year. No person shall be relieved from complying with the provisions of this chapter merely by reason of associating himself temporarily with any local dealer, trader or merchant or by conducting such temporary or transient business in connection with or as a part of the business of, or in the name of, any local dealer, trader or merchant.



## TRANSIENT VENDOR

Any person, whether principal or agent, who engages in a temporary or transient business in the Town of Franklin, whether at a single location or by going from place to place within the Town, selling or exhibiting for sale any goods, wares or merchandise.

### § 165-4. Exclusions.

- A. The provisions of this chapter shall have no application to any person, business, or activity which MGL c. 101 specifically exempts from local regulation.
- B. In those cases where MGL c. 101 provides that a person, business, or activity is exempt from local licensure or the payment of a fee therefor, the remaining provisions of this chapter shall still apply.

### § 165-5. Application information.

- A. Every person, before commencing business in this Town as a transient vendor or a locally licensed hawker or peddler, shall make written application to the Administrator on a form to be provided, stating:
  - (1) The business sought to be conducted.
  - (2) The names and residential addresses of the applicant and the owners or parties in whose interest said business is to be conducted.
  - (3) The place or places in the Town where the applicant proposes to carry on said business.
  - (4) The authority, if any, for the use of said premises.
  - (5) The proposed hours of operation for said business.
  - (6) The period of time during which it is proposed that said business shall be conducted.
- B. Each such application shall have attached thereto copies of any license which may have been issued for such business under Chapter 101 of the General Laws or otherwise.

### § 165-6. Review of application.

- A. The Town Administrator shall, forthwith upon its receipt, forward copies of all applications as are received by it to the Police Chief, the Fire Chief, the Building Commissioner and the Board of Health, unless such application shall indicate that the applicant has provided for such copies of the application to be filed with said agencies at the time of filing his application with the Town Administrator.
  - (1) The Police Chief shall examine into the character and reputation of each person named in the application to determine if said applicant shall be a person of good repute as to morals and integrity. The Police Chief shall review and examine each location proposed to be used for the sale of goods, wares or merchandise and the hours designated for such operation to determine if, in his opinion, any public safety hazard would exist by reason of the location, the hours of operation or the nature of the goods, wares or merchandise to be sold.
  - (2) The Fire Chief shall review and examine each location proposed to be used for the sale of goods, wares or merchandise and the hours designated for such operation to determine if, in his opinion, any public safety hazard would exist by reason of the location, the hours of operation or the nature of the goods, wares or merchandise to be sold.

- (3) The Building Commissioner shall examine and review each location proposed to be used, the hours designated for such operation and the nature of the goods, wares or merchandise to be sold to determine if, in his opinion, such are in conformity with the Zoning Bylaw and the Building Code.<sup>[1]</sup>

[1] *Editor's Note: See Ch. 185, Zoning, and the Massachusetts State Building Code, respectively.*

- (4) The Board of Health shall review and examine each location proposed to be used for the sale of goods, wares or merchandise, the hours designated for such operation and the nature of the goods, wares or merchandise to be sold to determine their conformity with the provisions of the State Sanitary Code and any local regulations of the Board of Health.<sup>[2]</sup>

[2] *Editor's Note: See Division 3 of this Code.*

- B. Each of said agencies shall make whatever report it deems necessary to the Town Administrator within one week of receipt of such application, recommending such measures or restrictions on the issuance of any license as may be necessary to protect the public peace, health, safety or general welfare of the community.

## § 165-7. Grounds for denial of license.

The Town Administrator may refuse to grant a license to any applicant if he finds that the applicant's character or business responsibility is unsatisfactory or that approval of a license is otherwise inconsistent with protection of the public peace, health, safety or general welfare.

## § 165-8. License conditions.

Each license issued under the provisions of this chapter is subject to the following conditions:

- A. No person licensed under the provisions of this chapter shall stand in or upon or park a motor vehicle in or upon or display his goods, wares or merchandise in or upon any street or sidewalk in the Town of Franklin or within 20 feet of the side line of any street, for more than 20 minutes, at one location. At the end of said time, said person shall move at least 500 feet and shall not return to any location where he has previously operated for at least four hours.
- B. No person licensed under the provisions of this chapter shall sell any goods, wares or merchandise in or upon any street or sidewalk within the Town of Franklin within 500 feet of a business selling the same or similar goods, wares or merchandise.
- C. Each license shall state with specificity the place or places at which it shall be valid, the hours of operation at each such place and the specific goods, wares or merchandise which are to be offered for sale at such places and during such times.
- D. No license may be transferred or assigned by the licensee, but a licensee may have the assistance of one or more persons in conducting his business, who may aid him but not act for him or without him.
- E. Public disturbance and threats to health and safety prohibited. No sale, barter, display for sale, or carrying for sale shall be permitted by any licensee, if such activities create a threat to the physical safety of patrons, purchasers or passersby, or if the activities of patrons or purchasers create a threat to the physical safety of others. No person hawking, peddling, or carrying or exposing any article for sale shall cry his wares to the disturbance of the peace and comfort of the inhabitants of the Town, nor carry or convey such articles in any manner that will tend to injure or disturb the public health or comfort nor otherwise than in vehicles and receptacles which are neat and clean and do not leak.

- F. Town land. No sale, barter, display for sale, or carrying for sale shall be permitted, and no licensee shall operate, upon any public street or way, the Town Common, or any other Town land, without a license issued under this chapter. The license shall be maintained in the possession of each licensee during business operations and shall be provided to any police officer or Town enforcement official upon request.
- G. Private property. No sale, barter, display for sale, or carrying for sale shall be permitted, and no licensee vendor shall operate, upon any private property without a license issued under this chapter and the written permission of the owner of said property. Both the license and a copy of such written permission shall be maintained in the possession of each licensee during business operations and shall be provided to any police officer or Town enforcement official upon request.
- H. Each license issued under this chapter shall expire on the first day of January next following its issuance, unless sooner surrendered or revoked.

## § 165-9. Fees.

- A. Every transient vendor, upon making application under §§ **165-5** through **165-6** above, shall pay an application fee as established in Chapter **82**, Fees, of the Code of the Town of Franklin.
- B. The Town Administrator may authorize his office, upon the payment by the applicant of a license fee as established in Chapter **82**, Fees, of the Code of the Town of Franklin, to issue to him a license authorizing the sale of such goods, wares and merchandise within the Town.
- C. Upon such payment, the Town Administrator's office shall record the "local license fees paid."

## § 165-10. Temporary licenses.

Nothing in this chapter shall prevent the Town Administrator from granting, under such conditions and upon such fees, if any, as he may deem proper, special licenses authorizing a fraternal, religious, civic, veterans or other charitable organization to conduct a temporary or transient business for a particular time period not to exceed a total of four consecutive days.

## § 165-11. Violations and penalties.

A violation of any provision of this chapter shall result in a fine of \$100 for each offense; each day that the violation continues shall constitute a separate offense, except in the case of hawkers and peddlers holding a state license under MGL c. 101, § 22, or a local license under § 17 of said statute who shall be liable for a fine of \$20 for each offense, as provided in said § 17.

## § 165-12. Enforcement.

The Town Administrator or his designee, the Franklin Police Chief and Fire Chief or their designees, the Building Commissioner and the Board of Health Agent are each authorized to enforce the provisions of this chapter.