

STATIONARY VENDOR APPLICATION

No person, on any public or private way, including any sidewalk, traffic island or similar area, or any private property within twenty yards of any such public or private way shall sell any goods, beverages or food (including fruits, nuts or berries) without first having obtained a license issued in accordance with City Ordinances.

1. Every license issued shall be in full force and effect until the date of expiration stated on such license, or the next May 1st following the date of issuance, unless sooner revoked.
2. The fee for licenses issued by the Department of Public Works and Parks shall be One Hundred Fifty Six (\$156.00) Dollars.
3. Every application shall contain the name, residential and business address of the licensee; hours of operation; location of the site where the sales will be conducted; a description of the goods, food or beverages being sold; the names and residential addresses of any persons who will be assisting the licensee with conducting business at the site; and if applicable, the vehicle identification number and description of any vehicles used by the licensee in conduction of business at the site. The licensee shall immediately report to the Commissioner of Pubic Works and Parks any changes in the information listed in this section.
4. Stationary vendor shall not be permitted to operate upon Foster Street, Commercial Street, Major Taylor Boulevard, Exchange Street, Martin Luther King Jr. Boulevard, Front Street, Mercantile Street, or on private property that is contiguous to such streets on those days when events are scheduled at the DCU Center.
5. No vendor shall operate, between the hours of midnight and five o'clock a.m.
6. Applicant must obtain written consent from all properties within fifty (50) feet of the proposed stationary location.
7. Applicant must obtain written consent from properties within Two Hundred Fifty (250) feet of the proposed stationary location that holds, or has held within the last twelve months a common victualler's license.
8. Applicant must provide scaled map of area indicating the addresses of all properties. Distance measurements shall apply to both sides of the street for the specified distance and around the corner of the intersecting street.
9. No location shall be approved unless the point of sale on the vehicle is facing the sidewalk portion of the public way.
10. No stationary location shall be approved if it is located within twenty (20) feet of any fire hydrant or within five (5) feet of any fire alarm box or other emergency communication device, including public telephones; or within five (5) feet of any marked crosswalk, curb return at any intersection with an unmarked crosswalk, any public or private driveway; or handicapped accessible curb cut.
11. No stationary location shall be approved if it is located within twenty (20) feet of any designated school crosswalks or school bus stops or on any side of a street adjacent to any private or public school property where signs are erected giving notice of prohibited vehicular parking in such areas.
12. Applicant must provide an insurance certificate in an amount not less than One Hundred Thousand (\$100,000.00) Dollars per claimant with a per occurrence maximum of Three Hundred Thousand (\$300,000.00) Dollars.

STATIONARY VENDOR APPLICATION

NAME (LICENSEE): _____

RESIDENTIAL ADDRESS: _____

_____ PHONE# _____

BUSINESS ADDRESS: _____

_____ PHONE# _____

HOURS OF OPERATION: _____

DESCRIPTION OF GOODS BEING SOLD: _____

NAME (ASSISTANT): _____

RESIDENTIAL ADDRESS: _____

VEHICLE IDENTIFICATION NUMBER (if applicable): _____

VEHICLE DESCRIPTION (if applicable): _____

THE LICENSEE SHALL IMMEDIATELY REPORT TO THE COMMISSIONER OF PUBLIC WORKS AND PARKS ANY CHANGES IN THE INFORMATION LISTED ABOVE.

SIGNATURE OF APPLICANT

DATE

Chapter Fourteen - Street Vendors And Pawnbrokers

- § 1. Transient Vendors
- § 2. Street Vendors
- § 3. Open Air Sales Vendors
- § 4. Sidewalk Food Sales
- § 5. Sidewalk Merchandise Sales§
- § 6. Temporary Charitable Events
- § 7. Pawnbrokers
- § 7A. Junk Dealers and Dealers in Second Hand Articles
- § 8. Junk Collectors
- § 9. General Provisions
- § 10. Sales of Food Items
- § 11. Restrictions on Areas of Selling
- § 11A. Stationary Vendor Licenses
- § 11B. Food Truck Permitting
- § 12. Penalties for Violations of this Chapter
- § 13. Enforcement
- § 14. Miscellaneous Regulations
- § 15. Limitation of Application

§ 1. Transient Vendors

(a) 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 city without first having obtained any license required under G.L. c. 101 and a local transient vendor license issued by the chief of police. Subject to 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 registered with the commonwealth.

(b) “Temporary or transient business” means any exhibition and sale of any goods, wares or merchandise which is carried on in any tent, booth, building or other structure, unless such location is open for business during usual business hours for a period of at least twelve consecutive months.

(c) Every license issued under this section shall be in full force and effect until the date of expiration stated on such license, and in any event, shall expire on the next January 1st following the date of issuance, unless sooner revoked.

(d) The fee for every license issued under this § 1 of this chapter shall be two hundred dollars.

§ 2. Street Vendors - (Amended September 9, 2008 – 9201)

(a) No person, either principal or agent, who, either on foot, or using any animal or vehicle located on any public or private way appearing on the official map, including any

sidewalk, traffic island or similar area located within any public street layout, or any private property within twenty yards of any such public or private way, sells or barter, or carrying for sale or barter or exposing therefor, any goods, wares, merchandise (including flowering plants and flowers), beverages, food (including fruits, nuts or berries), ice cream or frozen foods, or meals or lunches prepared for consumption by the purchaser, shall conduct such business without first having obtained a license issued by the chief of police in accordance with the provisions of this chapter.

(b) Subject to law, no license shall be granted to any person who is not a citizen of the United States unless such a person is authorized to work in the United States under federal law, nor shall a license be issued to any entity that is not duly registered with the commonwealth.

(c) Every license issued under this section shall be in full force and effect until the date of expiration stated on such license, and in any event, shall expire on the next May 1st following the date of issuance, unless sooner revoked.

(d) The fee for licenses issued under this section shall be fifty-four dollars except that, unless otherwise authorized by law, there shall be no fee for hawkers and peddlers who have obtained a license from the state under G.L. c. 101.

(e) The provisions of this section shall not apply to wholesalers or jobbers selling to dealers only, nor to commercial agents or other persons selling by sample, lists, catalogues, or otherwise for future delivery, nor to any person who peddles only fish obtained by his own labor or that of his family, or fruits, vegetables or other farm products raised or produced by himself or his family. However, such persons shall comply with all other applicable provisions of this chapter.

(f) In addition to the requirements of this chapter, the chief of police may issue regulations or adopt operating procedures, including additional license restrictions, as may in his or her discretion be necessary or advisable to reduce the threat to the physical safety of patrons, purchasers or passers-by and to promote the good and efficient administration of this chapter.

§ 3. Open Air Sales Vendors

(a) No person, either principal or agent, who sells from a fixed or temporary location and who is not required to be licensed under G.L. c. 101 as a transient vendor or a hawker and peddler, shall vend, sell, dispose of, or display any goods, wares, or merchandise upon any public or private sidewalk, street, alley, passageway, or anywhere else within the city without first having obtained a license from the commissioner of public works and parks.

(b) Subject to law, no license shall be granted to any person who is not a citizen of the United States unless such a person is authorized to work in the United States by the federal Immigration and Naturalization Service, nor shall a license be granted to any entity that is not duly registered with the commonwealth; provided, however, that this section shall not apply to the selling of goods, wares and merchandise on the Worcester Common by organizations authorized to do so in writing by the commissioner of public works and parks.

(c) Every license issued under the provisions of this section shall be in full force and effect until the date of expiration stated on such license, and in any event, shall not be valid for a period in excess of thirty days from the date of issuance, unless sooner revoked.

(d) The fee for every license issued under the provisions of this section shall be two hundred fifty dollars.

(e) At or prior to the date of the hearing on a license applied for under the provisions of this section, the vendor shall obtain an insurance policy for personal injury and property damage in the amount of \$100,000.00 per person and \$300,000.00 per incident. This insurance policy shall name the city as an additional named insured party.

(f) The issuance of a license under this section is conditioned upon the vendor's agreement to hold the city harmless from any and all causes of action which arise from the vendor's conducting of business.

(g) The provisions of this section shall not apply to any person licensed under section five of this chapter.

§ 4. Sidewalk Food Sales

(a) No person, either principal or agent, shall extend his or her restaurant sales and displays onto the public or private sidewalk adjoining said restaurant without first having obtained a license under the provisions of section three of this chapter. A restaurant may not be extended onto any street, way, alley, or other passageway.

(b) No license shall issue under this section unless the applicant shall have (1) received a permit from the director of public health authorizing the sale and display of food and beverage items on sidewalks; and (2) if applicable, has received a permit or license from the license commission allowing the sale, display, and consumption of alcoholic beverages on sidewalks.

§ 5. Sidewalk Merchandise Sales

(a) For the purpose of this section, "merchant" shall be defined as a person who operates a business out of a building located in the city which the person owns or in which he rents space. The merchant shall conduct business in the building not less than two hundred fifty days a year.

(b) No merchant shall vend, sell, dispose of, or display the goods, wares or merchandise on tables or racks placed on the sidewalk directly in front of the building in which his or her business is located without first obtaining a license from the commissioner of public works and parks. Subject to law, no license shall be granted to any person who is not a citizen of the United States unless such a person is authorized to work in the United States by the federal Immigration and Naturalization Service nor shall any license issue to any entity that is not duly registered with the commonwealth.

(c) Every license issued under this section shall be in full force and effect until the next January 1st following the date of issuance, unless sooner revoked. The license shall be in affect for a period of not more than one year.

(d) The fee for every license issued under this section shall be two hundred dollars. This fee shall be used by the Worcester Chamber of Commerce, with the approval of the city manager, for general advertising and promotion of the merchants.

(e) Every license issued under this section shall entitle a merchant to conduct a sale on a sidewalk, as described in subsection (b) above, for a maximum of thirty-three days during a calendar year. The merchant shall advise the police department of his or her intent to conduct such a sale prior to or on the day of the sale and shall have a licensing inspector at the police department check-off and initial the license in the appropriate space to indicate the number of times the merchant has conducted such sales.

(f) The issuance of a license under this section is conditional upon the merchant's agreement to hold the city harmless from any and all causes of action which arise from the merchant's conducting a sidewalk sale.

(g) At or prior to the date of the hearing on a license applied for under the provisions of this section, the merchant shall obtain an insurance policy for personal injury and property damage in the amount of \$100,000.00 per person and \$300,000.00 per incident. This insurance policy shall name the city as an additional named insured party. This subsection shall not apply to merchants who conduct the sales on sidewalks solely on their own property.

(h) Notwithstanding any provision in this section to the contrary, the commissioner of public works and parks may issue a license to any not-for-profit corporation organizing a "street fair" where vendors will sell goods, wares and merchandise, including food and non-alcoholic beverages, for a period of no more than five consecutive days on any public street in the city on such terms and conditions as the commissioner may require; provided that, the commissioner of public works and parks and chief of police approve in writing of the closure of that portion of the public street providing the location of the fair. The fee for any license granted by the commissioner of public works and parks under this section shall be two hundred dollars.

§ 6. Temporary Charitable Events

(a) The provisions of this chapter requiring licenses for transient vendors, hawkers and peddlers or open air sales vendors shall not apply to sales conducted under the control of any:

- (1) organization engaged in charitable work; or,
- (2) incorporated organization of veterans who served in the military or naval service of the United States in time of war or insurrection; or,
- (3) department, board, commission, agency, authority or officer of the city; if such charitable organization, veterans organization or city department, etc., has received a special license from the chief of police under authority of this section.

(b) Any special license issued by the chief of police under this section shall authorize any such organization described above to conduct such sales for a particular time period not to exceed a total of four days and shall state the charitable purposes for such license.

(c) For purposes of this section, an organization shall be considered as engaged in charitable work if it is:

- (1) organized for a purpose specified in § 4 of G.L. c. 180; and,

- (2) eligible for the property tax exemption found in § 5 (third) of G.L. c. 59; and,
- (3) qualified as charitable and income tax exempt under the Internal Revenue Code, 26 U.S.C. §§ 170(c) and 501(c)(3).

(d) The chief of police shall require any organization seeking a license under this section to submit not less than thirty days prior to the first day of the event the names and addresses of vendors who are to make sales under the control of the organization licensed under this section.

(e) Every organization applying for a license under this section shall identify the geographical area within which the organization proposes that its vendors are to make sales and shall demonstrate to the satisfaction of the chief that the organization will have control over said area during the proposed even either through ownership of the site, or by lease, license, permit or other authority. Every license issued under this section shall specify the geographic area within which the organization's vendors are to make sales, such area shall either be the area proposed by the organization or an area designated by the chief of police in the license.

(f) No vendor making sales under a license issued pursuant to this section shall make or attempt to make any sales outside of the area approved for such sales under this ordinance. Violation of this provision shall be punishable by a fine of two hundred dollars with each such sale or attempted sale constituting a separate offense.

(g) No otherwise licensed transient vendor, hawker and peddler or any other person not identified in the license issued by the chief of police under this section shall make or attempt to make any sales in any area subject to a license issued under this ordinance, or on any way open to the public use within 500 feet of any entrance thereto. Violation of this provision shall be punishable by a fine of two hundred dollars with each such sale or attempted sale constituting a separate offense.

(h) The chief of police may adopt and enforce such rules and regulations as he deems necessary or prudent to implement this section, or may issue such special licenses with additional conditions, as the chief deems necessary or prudent to preserve the peace and good order.

(i) Notwithstanding the provisions of section of this chapter, the fee for a special license issued under this section shall be two hundred fifty dollars regardless of the number of individual vendors operating under the control of the organization holding the special license.

§ 7. Pawnbrokers (Amended October 14, 2008 – 9217)

(a) No person shall carry on a business of a pawnbroker without a license issued by the chief of police, in accordance with G.L. c. 140, §§ 70 to 85.

(b) The fee for such license shall be one hundred dollars. No license shall be transferred without the prior consent of the chief of police and all licenses shall be posted on the licensed premises in a conspicuous place and manner.

(c) Every license issued under this section shall expire on May first following the date of issue, unless sooner revoked.

(d) No license shall be issued under this section until a bond is filed with chief of police. Said bond shall be in the sum of three hundred dollars and shall be executed by the licensee and by two good and sufficient sureties approved by the chief of police. Said bond shall be payable to the city for the benefit of any person aggrieved and shall be condition upon the faithful observation of the licensee of all applicable statues, ordinances and regulations.

(e) The chief of police may from time to time promulgate rules and regulations for the administration and enforcement of this section. Any violation of any of the rules and regulations promulgated hereunder shall constitute a violation of this section.

(f) Any person carrying on the business of a pawnbroker without a license or in violation of this section shall be assessed a fine of fifty dollars. Each day on which a violation exists shall constitute a separate offense.

(g) The number of licenses issued hereunder shall be limited to six and may, in accordance with public need, be increased or decreased by the city council. (Ordained August 15, 2017 – 420)

§7A Junk Dealers and Dealers in Second Hand Articles - (Ordained October 14, 2008 – 9217)

(a) No person shall carry on the business of being a scrap metal processor, collector of, dealer in or keeper of a shop for the purchase, sale or barter of junk, scrap metal commodities, old metals or second hand articles without a license issued by the chief of police, in accordance with G.L. c. 140, § 54.

(b) All applications for licenses under this section shall be made on a form or forms to be prescribed by the chief of police and shall set forth the name of the licensee, the nature of the business and the building or place in the city in which it is to be carried on.

(c) The fee for such license shall be one hundred dollars. Societies, associations or corporations organized solely for religious or charitable purposes shall not be required to pay a fee for such license. No licenses shall be transferred without the prior consent of the chief of police and all licenses shall be posted on the licensed premises in a conspicuous place and manner.

(d) Every license issued under this section shall expire on May first following the date of issue, unless sooner revoked.

(e) Any person who carries on the business of being a scrap metal processor, collector of, dealer in or keeper of a shop for the purchase, sale or barter of junk, scrap metal commodities, old metals or second hand articles shall keep a bound book with consecutively numbered pages in which, at the time of each transaction, shall be written or entered the following information:

- (1) name, date of birth and residence of the person with whom such transaction was made,
- (2) the date and time when such transaction occurred,

- (3) the price paid for the article,
- (4) a description of the article, including type and approximate weight and quantity,
- (5) the license plate number and state of issue of the vehicle being used by the person offering the article to transport the article to the licensee's place of business, and
- (6) a written statement from the person offering the article stating that he or she is in lawful possession of the article being offered.

The form of such book shall be prescribed or approved by the chief of police and no entry made therein shall be erased, destroyed, removed or defaced. Such book at all times shall be kept on the licensed premises and be open to the inspection of the chief of police whenever the business is operating and open. The licensee shall also keep a legible copy of a state issued identification bearing the photograph of the person with whom any transaction is made. All records required under this section shall be retained by the licensee for a period of three years from the date of the transaction.

(f) The chief of police or his designee may enter upon the licensed premises and examine all articles, books or inventories kept or stored upon said premises by the licensee whenever the business is operating and open.

(g) The chief of police may grant an exemption to any one or more of the requirements in paragraphs (e) for a particular transaction. A request for an exemption must be made by the licensee in writing to the chief of police stating the reason for the request. The chief of police shall approve or disapprove the request and send written notification of the decision to the licensee. The chief of police, in his discretion, may impose any terms, conditions or restrictions on any exemption granted under this section.

(h) Any person carrying on the business of being a collector of, dealer in or keeper of a shop for the purchase, sale or barter of junk, old metals or second hand articles without a license or in violation of this section shall be assessed a fine in the amount established by the General Laws. Each day on which a violation exists shall constitute a separate offense.

§ 8. Junk Collectors

(a) No person shall go about the city gathering, collecting or dealing in junk, secondhand articles, bottles, clothes or rags without first being licensed therefor by the chief of police. The fee for every such license shall be a fee of fifty dollars.

(b) Every person so licensed shall wear in plain sight a badge bearing the number of his or her license thereof, in figures of not less than one-half inch in height.

(c) No person licensed under the provisions of this section shall purchase any article from any minor, knowing or having reasonable cause to believe that such person is a minor.

§ 9. General Provisions

(a) Every license issued under the provisions of this chapter shall contain the name, residential address and business address of the licensee; the hours of operation; the location(s) of the site where the sales will be conducted; a description of the goods, wares,

merchandise, food, beverages or flowers being sold; the names and residential addresses of any persons who will be assisting the licensee with conducting business at the site; and if applicable, the vehicle identification number and description of any vehicles used by the licensee in conducting business at the site. The licensee shall immediately report to the appropriate chief of police any changes in the information listed in this section.*

***Amended September 9, 2008 – 9201**

(b) All licenses issued under the provisions of this chapter shall be displayed by the vendor in a conspicuous place and manner at the sales site.

(c) Any license issued under the provisions of this chapter may not be transferred or assigned to any other person, or used by any person other than the person to whom it had been issued.

(d) Any vendor required to be licensed under this chapter or hawker or peddler not required to be licensed under this chapter, shall be subject to all applicable provisions herein, regardless of whether said vendor's sales location is on public or private property.

(e) Any violation of any provision of this chapter may result in the revocation or suspension of the license by the licensing authority. A licensee may make a written request for hearing before the licensing authority on any such revocation or suspension, which shall be held by the licensing authority within fifteen days of receipt of the request.*

***Amended September 9, 2008 – 9201 and October 14, 2008 - 9217**

§ 10. Sales of Food Items

(a) No license shall issue under the provisions of this chapter to any vendor selling meat, butter, cheese, fish and fresh fruit or vegetables, or other foods and beverages, who has not received a permit from the director of public health allowing such sales.

(b) No license shall issue under the provisions of this chapter to any vendor selling meat, butter, cheese, fish, fresh fruit or vegetables, or other foods and beverages who has not received a certificate from the sealer of weights and measures of the city to the effect that all weights, scales and measures to be used by the vendor in the sale of such foods and beverages have been tested and sealed according to law.

(c) Meat, butter, cheese, fish, fresh fruit or vegetables, or other foods and beverages carried and conveyed by a vendor licensed under the provisions of this chapter shall be so carried and conveyed that they shall not tend to injure or annoy the public health or comfort, and only in vehicles or receptacles which are neat and clean.

§ 11. Restrictions on Licenses – (Amended September 9, 2008)

(a) Licenses Restricted. Every street vendor license issued under this chapter shall include the restrictions contained in this section and the chief of police may include any or all of the following restrictions on any license issued to a transient vendor, open air sales vendor (including sidewalk food sales establishments), sidewalk merchandise merchant and every

special license issued to every temporary charitable event organization (including every vendor, peddler & merchant operating under such a special license).

(b) Restriction on Areas. No sale, barter, display for sale, or carrying for sale shall be permitted and no street vendor shall operate upon Foster Street, Commercial Street, Major Taylor Boulevard, Exchange Street, M.L.K. Jr. Boulevard, Front Street, Mercantile Street, or on private property that is contiguous to such streets on those days when events are scheduled at the DCU Center.

(c) Restriction on Proximity to Other Licensed Establishments. No sale, barter, display for sale, or carrying for sale shall be permitted, and no street vendor shall operate, within five hundred feet of any location that holds, or has held within the twelve months preceding the application date, a common victualler's license issued pursuant to section two, subsection twenty-one A or subsection twenty-one E of chapter one hundred and forty of the General Laws.

(d) Threats to Safety Prohibited. No sale, barter, display for sale, or carrying for sale shall be permitted by and street vendor, transient vendor, open air sales vendor (including sidewalk food sales establishments), sidewalk merchandise merchant or special temporary charitable event licensee (including every vendor, peddler & merchant operating under such a special license) if such activities create a threat to the physical safety of patrons, purchasers or passers-by, or if the activities of patrons or purchasers create a threat to the physical safety of others. For purposes of this provision a "threat" shall include the assemblage of any number of people in the traveled portion of any public or private way within three hundred feet of the vendor, peddler or merchant.

(e) Restriction on Length of Stopping Time. Unless approved as a stationary vendor under section 11A herein, no street vendor licensed under section two of this chapter shall remain in any one location on any public or private way on the official map for more than five minutes without making a sale and must move at least five hundred feet every five minutes while actively making sales; provided however, that no licensee shall move to any place where the licensee has operated in the preceding sixty minutes.

(f) Restriction on Hours of Operation. No sale, barter, display for sale, or carrying for sale shall be permitted, and no street vendor shall operate, between the hours of midnight and five o'clock a.m.; provided, however, upon the request of any street vendor who gives written assurances as to the maintenance of public safety, the chief of police may allow such street vendor to operate between the hours of midnight and 2:30 a.m.

(g) City Park Land. No sale, barter, display for sale, or carrying for sale shall be permitted, and no street vendor shall operate, upon city park land, including the city common downtown, or any city land dedicated as a city square or any city land dedicated, but not actively in use, as a city street for the movement of vehicles and pedestrians, without a license issued under this chapter and the written permission of the commissioner of public works and parks. Notwithstanding the requirements of section two of this chapter, in granting such permission the commissioner may authorize a street vendor to operate within twenty yards of any abutting public or private way. A copy of such written permission shall be maintained in the possession of each street vendor during business operations and shall be provided to any police officer or city enforcement official upon request.

(h) Private Property. No sale, barter, display for sale, or carrying for sale shall be permitted, and no street vendor shall operate, upon private property within twenty yards of any abutting public or private way without a stationary vendor license issued under this chapter and the written permission of the owner of said property. A copy of such written permission shall be maintained in the possession of each street vendor during business operations and shall be provided to any police officer or city enforcement official upon request.

§ 11A. Stationary Vendor Licenses (Ordained September 9, 2008 – 9201)

(a) Approval of Commissioner of Public Works & Parks. Notwithstanding any of the provisions of this chapter to the contrary, a street vendor licensed by the chief of police in accordance with this chapter may conduct the activities authorized under such license at a stationary location within any public way, including the sidewalk area, traffic islands, pedestrian control areas, and the traveled portion thereof, if such person also obtains the approval of the commissioner of public works and parks (“commissioner”) under this section.

(b) Abutters’ Consent – General. The commissioner shall not approve a stationary vendor license unless the owner or owners of all properties within fifty feet of the proposed stationary location consent in writing to the location. For purposes of this subsection, “owner or owners” shall include the first floor tenants.

(c) Abutters’ Consent – Food Sales. In addition to the requirement of subsection (b) above, the commissioner shall not approve a stationary vendor license requested by any vendor proposing to sell food of any type where the proposed stationary location is within two hundred-fifty feet of any location that holds, or has held within the twelve months preceding the application date, a common victualler’s license issued pursuant to section two, subsection twenty-one A or subsection twenty-one E of chapter one hundred and forty of the General Laws unless the holder of such common victualler’s license consents in writing to the location. Where the location involves a common victualler’s license which has ceased operation within the preceding twelve months, the consent of the owner of the property may be substituted for the consent of the holder of the common victualler’s license.

(d) Distance Measurements. In determining compliance with the distance requirements contained in subsections (b) and (c) above, measurements shall be made from the proposed stationary vendor location and running on the boundary between the public street layout and the private property shown on the most recent assessing maps on both sides of the street for the specified distance. Where such measurement reaches an intersecting public street before achieving the specified distance, the measurement shall continue both along the street of the proposed stationary vendor location and around the corner of the intersecting street. Notwithstanding the above, in determining compliance with the distance requirements contained in subsection (b) above where the proposed stationary location abuts city park land, the measurement shall be limited to the side of the street containing the park.

(e) Safety Restrictions – Vehicular Traffic. In reviewing applications for stationary street vendor locations where the proposed location is within the portion of any public way traveled by motor vehicles the commissioner shall take into consideration the risk to public safety and the safe and efficient movement of traffic on the street, including emergency vehicles. No stationary street vendor location approval shall be granted for any proposed location utilizing any restricted parking space, including metered spaces on any public street and no stationary street vendor location approval shall be granted unless the point of sale on the vehicle is facing

the sidewalk portion of the public way such that patrons need not step off of any curb stone or curbing to make a sales transaction.

(f) Safety Restrictions – Pedestrians. In reviewing applications for stationary street vendor locations where the proposed location is outside of the portion of any public way traveled by motor vehicles, the commissioner shall take into consideration the danger to the safety and welfare of pedestrians using the sidewalk and public ways, including physically impaired pedestrians, school children, persons entering and leaving buildings, vehicles entering and leaving the public way and to persons performing essential utility, traffic control, and emergency services. The commissioner shall not approve a stationary vendor license where the proposed location interferes with access to any traffic control pole containing a pedestrian crosswalk button.

(g) Safety Restrictions – Emergency Communications. No stationary location shall be approved if it is located: within twenty feet of any fire hydrant; or, within five feet of any fire alarm box or other emergency communication device, including public telephones; or, within five feet of any marked crosswalk, curb return at any intersection with an unmarked crosswalk, any public or private driveway; or handicapped accessible curb cut.

(h) Safety Restrictions – Schools. No stationary location shall be approved if it is located within twenty feet of any designated school crosswalks or school bus stops or on any side of a street adjacent to any private or public school property where signs are erected giving notice of prohibited vehicular parking in such areas.

(i) Indemnity & Insurance Required. Each stationary vendor location approval shall be made upon the condition that the stationary vendor shall execute a written agreement to indemnify and hold harmless the city against all damages or cost by reason of any claim for damages, or any process, either civil or criminal, on account of said placement, installation or maintenance or any injury to any person or damage to any property occasioned thereby; provided, however, that such obligation to indemnify and hold harmless the city shall not extend to any damages, or process, either civil or criminal, or to any injury to any person or damage to any property resulting from the acts or the failure to act, of a third party. The stationary vendor shall provide a surety company bond or insurance policy in an amount not to exceed one hundred thousand dollars per claimant with a per occurrence maximum of three hundred thousand dollars in such form and with such companies as shall be reasonably and customarily acceptable to the commissioner and the city solicitor.

(j) Unrelated Advertising Prohibited. No stationary vendor location shall be used for advertising signs or publicity purposes, other than that dealing with the display, sale or purchase of the goods, merchandise or services offered for sale therein by the stationary vendor; provided that, any such sign shall not exceed twelve square feet and may not be located in such a manner as to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal or device, or obstruct or interfere with driver or pedestrian visibility.

(k) Other Restrictions Authorized. The commissioner may impose such other conditions or restrictions on the stationary vendor as he or she may deem in the public interest, but not including restrictions on the hours of operation beyond those established by the chief of police under section 11(f) hereof.

(l) The commissioner may establish a reasonable fee for the review and approval of applications for stationary street vendor location approvals.

§11B. Food Truck Permitting – (Amended May 17, 2016 – 274)

- (a) Establishment. Notwithstanding section 11A or any other provision of this chapter, or these Revised Ordinances to the contrary, the permitting for food trucks located in Food Truck Friendly Zones established in subsection (c) below shall be governed by this section. Food Truck Permits issued under this section will be coordinated and administered by the Executive Office of Economic Development (“the department”) in conjunction with the necessary city departments.
- (b) “Food Truck “means a walk-on vehicle, either motorized or pulled by a motorized vehicle, where food is prepared, cooked and served for retail sale in individual portions and which would otherwise require a stationary street vendor license under section 11A of this chapter.
- (c) Food Truck Friendly Zones – Establishment. The city manager shall have the sole authority to designate Food Truck Friendly Zones, in which the siting and operation of a food truck shall be allowed. Such zones may be located on public or private property.
- (d) Food Truck Friendly Zones – Approval. Once a new Food Truck Friendly Zone is proposed and deemed acceptable by the city manager, the department will hold a meeting, either at City Hall or in the neighborhood of the proposed Food Truck Friendly Zone, to gather feedback from the respective stakeholders. All abutters within two hundred fifty feet (250) shall receive written notification of the public meeting and such notice shall be posted on the city’s website.
- (e) Food Truck Permit – Required.
 - 1. No person or business may operate a food truck without having first obtained a permit.
 - 2. A Food Truck Permit is required for each individual food truck operating in a Food Truck Friendly Zone.
 - 3. Food Truck Permits issued by the department shall be valid from the date of issuance until the last day of the calendar year.
 - 4. Food Truck Permits shall be displayed inside the food truck, in such a manner as to be plainly visible from outside the food truck.
- (f) Food Truck Permit Application – Official Form. The department shall issue a single application form for each Food Truck Permit containing the following:
 - 1. A description of all prerequisite licenses and/or permits, including but not limited to, a hawkers and peddlers license from the chief of police or designee and a permit from the director of public health or designee;
 - 2. A list of the designated Food Truck Friendly Zones;
 - 3. A list of required documents to be attached to the application; and,
 - 4. A space for the signatures of the inspectors from Inspectional Services and the Fire Department verifying inspections were performed, even if no permit was issued.

- (g) Food Truck Permit Application – Required Submittals. Each Permit application shall contain the following information:
1. The name of the business and owner, or owners, and the mailing address of the business and the residential address of the owner or owners;
 2. A description of the proposed business plan for the food truck operation;
 3. The proposed vending location(s) and time(s);
 4. The vehicle identification number;
 5. Proof of commercial general liability insurance, naming the City of Worcester as an additional insured, in the amount of \$500,000 per occurrence / \$1,000,000 general aggregate; and
 6. Proof of commercial auto liability insurance, naming the City of Worcester as an additional insured, in the amount of \$1,000,000 combined single limit.
- (h) Permit Fee. The fee for a Food Truck Permit shall be one hundred dollars (\$100.00) annually. If the permit is issued after the first day of July, the permit fee shall be fifty dollars (\$50.00).
- (i) Days and Hours of Operation. The days and hours of operation for each Food Truck Friendly Zone shall be determined by the city manager, unless there is a lawfully permitted special event in a certain location in which case food trucks shall only operate with the permission of the special event organizer.
- (j) Restriction on the Number of Food Trucks in a Food Truck Friendly Zone.
1. The city manager shall have the sole authority to determine the maximum number of food trucks permitted in any one Food Truck Friendly Zone.
 2. No two food truck vendors in any one zone shall offer substantially similar fare unless agreed upon by the food truck vendors.
 3. In the event that the number of applications per zone exceeds the available number of vending spaces, the department will give preference to Worcester residents and existing Worcester-based restaurants that own and operate a food truck.
- (k) Vending Area Cleanliness. Each food truck shall provide a trash receptacle of sufficient capacity that shall be changed as necessary, but at least at the end of every day of operations. Prior to leaving its location, each food truck operator shall pick up, remove and dispose of all trash or refuse within twenty-five feet of the food truck which consists of materials originally dispensed from the food truck, including any packages or containers, or parts of either, used with or for dispensing its product.
- (l) Safety Restrictions. The point of sale from each food truck shall face the sidewalk portion of the public way such that patrons need not step off of any curb, stone, or curbing to make a sales transaction. No food truck shall be located within twenty feet of any fire hydrant; or, within five feet of any fire alarm box or other emergency communication device, including public telephones; or, within five feet of any marked crosswalk, curb return at any intersection with an unmarked crosswalk, any public or private driveway; or handicapped accessible curb cut.
- (m) Unrelated Advertising Prohibited. No food truck location shall be used for advertising signs or publicity purposes, other than that dealing with the display, sale or purchase of the goods, merchandise or services offered for sale therein by the food truck vendor; provided that, any such sign shall not exceed twelve square feet and may not

be located in such a manner as to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal or device, or obstruct or interfere with driver or pedestrian visibility.

- (n) Any Food Truck Permit may be suspended or revoked without prior notice in the event that the department determines that the food truck vendor is in breach of the requirements of this section 11B, or any rule or regulation of the city of Worcester, or otherwise an unreasonable risk to public health and safety.
- (o) Any person or business operating a food truck in a location other than a designated Food Truck Friendly Zone shall be governed by the other applicable sections of this chapter.

§ 12. Penalties for Violations of this Chapter - (Amended September 9, 2008 – 9201; October 24, 2008 – 9217; December 16, 2008 - 9244)

(a) Any violation of the provisions of this chapter may be enforced by civil process, criminal process, by non-criminal disposition as provided in General Laws, c. 40D, § 21D or by the revocation of any license issued under this chapter as provided herein. Except as provided in subsection (b) herein, each sales transaction conducted in violation of these provisions shall constitute a separate offense and any person in violation of the provisions of this chapter shall be penalized by a fine of two-hundred dollars for each offense. Any license issued under this chapter shall be subject to revocation upon the occurrence of any three or more violations over any three day period. Any notice of revocation shall be effective upon receipt by the licensee if it is in writing, signed by the issuing authority and delivered by police officer, constable or by regular mail and contains a statement that the licensee so notified of any such license revocation shall be entitled to a hearing before the issuing authority or his or her designee in accordance with the provisions of section 9(e) of this chapter.

(b) The penalty for selling any flowering plants and flowers, fruits, nuts or berries as are wild or uncultivated in violation of this chapter shall be twenty dollars.

§ 13. Enforcement - (Amended September 9, 2008 – 9201)

The provisions of this chapter shall be enforced by the chief of police, the commissioner of inspectional services, the commissioner of public works and parks, or their designees.

§ 14. Miscellaneous Regulations

Any vendor licensed under the provisions of this chapter or hawkers and peddlers not required to obtain a license under this chapter, shall conduct business in accordance with the following regulations:

- (a) Applications for any license required by this chapter shall be filed no later than two weeks prior to the desired sales date.
- (b) The foods, goods, wares, or merchandise being sold or displayed shall be placed upon racks or tables which are clean, sturdy, and in good condition. The tables shall be covered

with a clean linen cloth or clean plastic covering when foods or other edible goods are being sold or displayed.

(c) The total sales area shall not be larger than twenty-five square feet, unless the licensing authority approves a larger sales area.

(d) For sales occurring on sidewalks, a minimum clearance of four feet of sidewalk shall be maintained between the street and the sales area to ensure the safe passage of pedestrians.

(e) For sales occurring on sidewalks, no sales area shall occupy more than forty percent of the width of the sidewalk.

(f) No street, sidewalk, crosswalk, curb, passageway, handicap access ramp, storefront, or alley shall be blocked by any foods, goods, wares, or merchandise offered for sale or displayed hereunder. Such sales shall not be operated in any manner which would cause a nuisance, create a fire hazard, or diminish the public safety.

(g) The foods, goods, wares, or merchandise being offered for sale or displayed hereunder shall be securely and adequately placed so that they will not endanger passersby, or fall or extrude into or over any crosswalk, curb, passageway, handicap access ramp, storefront, or alley.

§ 15. Limitation of Application

The provisions of this chapter apply only to those circumstances specified hereunder and this chapter shall in no way infringe upon or affect the authority of the commissioner of public works and parks over public streets, sidewalks, and ways for all other ordinances, rules and regulations.