



Edward M. Augustus, Jr.
City Manager

CITY OF WORCESTER

cm2016mar17102641

Attachment for Item #

8.4 A

March 22, 2016

TO THE WORCESTER CITY COUNCIL

COUNCILORS:

I respectfully recommend City Council's adoption of the attached ordinance amending Chapter Fourteen of the Revised Ordinances of 2008, as received from Michael E. Traynor, Esq., Chief Development Officer, and forwarded for the consideration of your Honorable Body.

The Executive Office of Economic Development (EOED), in partnership with the other applicable city departments, has crafted an ordinance to improve the regulatory environment for food trucks in the city. The proposed ordinance has been influenced by the crowdsourcing comments from the public, feedback from the Pilot Program, discussions with the National Food Truck Association, literature from the National League of Cities, review of the City of Boston's regulatory model for food trucks, and other conversations with a diverse segment of local stakeholders. In addition to the ordinance, the EOED has also created a permitting guide to assist food truck operators in navigating the various requirements that could be triggered by their proposed operation.

The following information highlights the elements of this ordinance amendment:

- This ordinance replaces the previous section 11B, which established the temporary Pilot Program.
- The city manager has the authority to designate "Food Truck Friendly Zones."
- New zones can be proposed by vendors and will be vetted before being designated.



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- The Executive Office of Economic Development will be the primary point of contact to expedite permitting for food trucks operating in the zones.
- The number of vendors in any one zone will be determined on a case-by-case basis depending on the size and characteristics of the zone.
- If the number of applications for a particular zone exceeds the available number of vending spaces, permits will be awarded through a random lottery, giving weighted preference to Worcester residents and existing Worcester-based restaurants that own and operate a food truck.

Respectfully submitted,

A handwritten signature in cursive script that reads "Edward M. Augustus, Jr." The signature is written in black ink and is positioned above the typed name.

Edward M. Augustus, Jr.
City Manager



CITY OF WORCESTER, MASSACHUSETTS

Executive Office of Economic Development
Business & Community Development Division

Michael E. Traynor, Esq.
Chief Development Officer

Paul D. Morano, Jr.
Assistant Chief Development Officer
Business & Community Development Division

To: Edward M. Augustus, Jr., City Manager
From: Michael E. Traynor, Esq., Chief Development Officer
Date: March 22, 2016
Re: Adoption of an Ordinance Amending Chapter Fourteen of the Revised Ordinances of 2008.

I respectfully recommend City Council's review, deliberation and adoption of the attached amendment to Chapter Fourteen of the Revised Ordinances of 2008.

In the summer of 2015, the city administration utilized the newly launched citizen crowdsourcing webpage to gather feedback about the intent to improve the regulatory environment for food trucks in the city. Forty-two comments were submitted to the webpage; only one respondent was undecided and the remaining respondents were in favor of this initiative. There were an additional 108 votes submitted to the favorable comments from other visitors of the crowdsourcing webpage.

As you are aware, in the fall of 2015, the City Council adopted a temporary ordinance creating a three month Pilot Program for Food Trucks. The Pilot Program designated three Food Truck Friendly Zones in the city from September 1, 2015 until November 30, 2015. The program enabled the city administration to experiment with a new mechanism for regulating where food trucks could be parked for service before making this more permanent change.

In preparation for this season and the warmer weather, we have crafted an ordinance to create a more permanent solution to the regulatory environment for food trucks. The proposed ordinance has been influenced by the crowdsourcing comments from the public, feedback from the Pilot Program, discussions with the National Food Truck



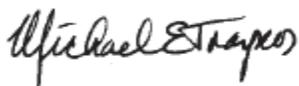
Association, literature from the National League of Cities, review of the City of Boston's regulatory model for food trucks, and other conversations with a diverse segment of local stakeholders. The proposed ordinance has a similar structure to the Pilot Program whereby the city administration will have the authority to designate Food Truck Friendly Zones. We made a conscious effort to have a balanced approach to the proposed ordinance, recognizing the varying needs and interests of different stakeholder groups.

The following information highlights the elements of this ordinance amendment:

- This ordinance replaces the previous section 11B, which established the temporary Pilot Program.
- The city manager has the authority to designate "Food Truck Friendly Zones."
- New zones can be proposed by vendors and will be vetted before being designated.
- The Executive Office of Economic Development will be the primary point of contact to expedite permitting for food trucks operating in the zones.
- The number of vendors in any one zone will be determined on a case-by-case basis depending on the size and characteristics of the zone.
- If the number of applications for a particular zone exceeds the available number of vending spaces, permits will be awarded through a random lottery, giving weighted preference to Worcester residents and existing Worcester-based restaurants that own and operate a food truck.

As a result of this process, we have also determined that a permitting guide would be a helpful tool to capture the different scenarios of where a food truck may desire to locate, and what requirements are triggered for each of those scenarios. This permitting guide is enclosed with this memorandum for reference.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael E. Traynor". The signature is written in a cursive, flowing style.

Michael E. Traynor, Esq.
Chief Development Officer

*AN ORDINANCE AMENDING CHAPTER FOURTEEN, SECTION
11B OF THE REVISED ORDINANCES RELATIVE to the MOBILE
FOOD TRUCK PILOT PROGRAM*

Be It Ordained by the City Council of the city of Worcester as follows:

Section 1. Chapter fourteen, Section 11B of the Revised Ordinances of 2008 is hereby amended by deleting the existing section 11B in its entirety and inserting in lieu thereof the following new section 11B:

§11B. Food Truck Permitting

(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 award permits through a random lottery, giving weighted 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.

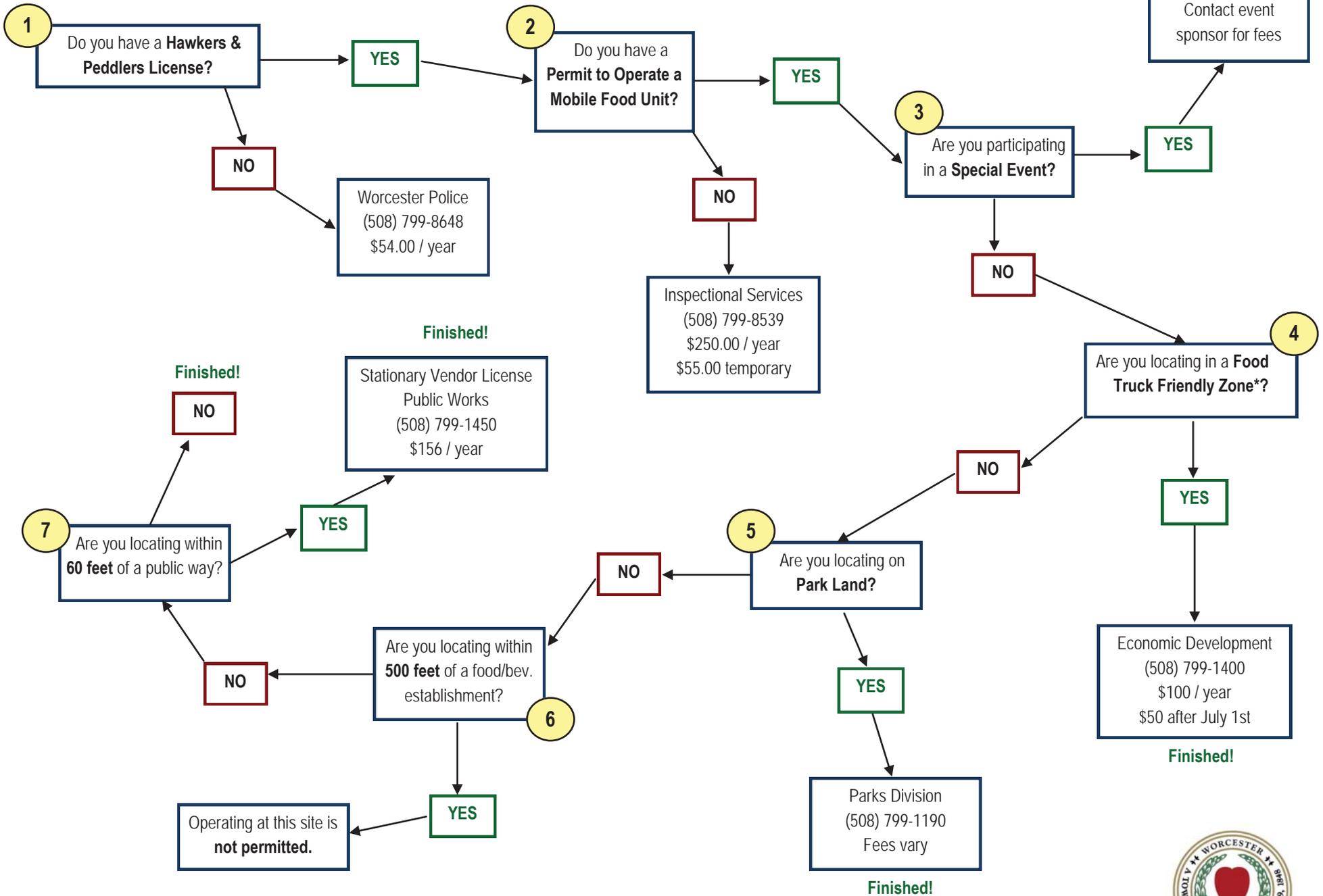
(l) Safety Restrictions. The point of sale from each food truck shall face the sidewalk portion of the public way such that patrons need not step off of any curb, stone, or curbing to make a sales transaction. No food truck shall be located within twenty feet of any fire hydrant; or, within five feet 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.

FOOD TRUCK PERMITTING GUIDE



*Do you need a list of the Food Truck Friendly Zones, or would you like to propose a new zone? Contact the Economic Development Office at 508-799-1400