

**City of Northampton**  
**MASSACHUSETTS**

**In the Year Two Thousand Thirteen**

**UPON THE RECOMMENDATION OF Mayor David J. Narkewicz**

**ORDINANCE**

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by revising section §285-4(c) of said code; providing that *Mobile Food Vehicles*

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows: That section §285-4 (c) of the Code of Ordinances of the City of Northampton, Massachusetts, be amended so that such section shall read as follows:

§285-4(c) Mobile Food Vehicle

Amended as follows:

Add subsection C:

**(1) Licenses and Permits Required**

No person or entity shall operate a Mobile Food Vehicle on any street or other public property without a Mobile Food Vehicle permit issued by the Northampton Police Department. Any person seeking such permit shall submit an Application for a Mobile Food Vehicle to the Northampton Police Department along with the following:

- a) State Hawkers and Peddlers License
- b) Form MT-1: Meals and All Beverages Sales Tax Registration Certificate
- c) Northampton Health Department Mobile Food Permit
- d) Proof of Comprehensive Liability Insurance and, where applicable, Worker's Compensation Insurance with coverage limits as determined by the Police Department
- e) Fire Department Inspection (*for compliance with commercial cooking regulations, fire suppression system, vent hood and fire extinguishers*)

Mobile Food Vehicle permits are non-transferrable.

## **(2) Definitions**

Mobile Food Vehicle: A food establishment that is located upon a vehicle, or which is pulled by a vehicle, where food or beverage is cooked, prepared or served for individual portion service, such as a mobile food kitchen

Sidewalk: Such parts of the highway, whether public or private, as are within the curbstones thereof, in all places where curbstones are set, and also such parts of such highway as have been established or used as a footwalk or sidewalk, and also such parts of any streets or highway as shall be established or used and determine as footwalks or sidewalks.

Street or Highway: The entire width between property lines of every way open to the use of the public for purposes of travel. Includes alleys, lanes, courts, public squares and public places, and it shall also be understood as including the sidewalks, unless otherwise expressed.

## **(3) Fee Schedule**

Mobile Food Vehicle Application fee from Police Department -\$50

Mobile Food Vehicle Permit from the Police Department -\$250 (*if application is approved*)

State Hawkers and Peddlers License - \$62 paid to the State

<http://www.mass.gov/ocabr/government/oca-agencies/dos-lp/dos-licensing/hawker-and-peddler-license/information.html>

Northampton Health Department Mobile Food Permit -\$100 annually

Mobile Food Vehicle Permit is non-transferrable

## **(4) Location of Mobile Food Vehicles**

a) Mobile Food Vehicles are not permitted to operate in the Central Business District or in areas of Florence zoned General Business, as delineated on the Northampton Zoning Map (§350-3.4).

b) Mobile Food Vehicles may park and operate in legal public parking spaces outside of the Central Business District or in areas not zoned General Business in Florence. Mobile Food Vehicles must not impede traffic, may not park or operate in handicap spaces, commercial loading zones or other restricted parking spaces. Mobile Food Vehicles must pay applicable parking fees. They are exempt from the time limits on the parking meters, but must pay the meter fees during all enforcement hours. No overnight parking is allowed by Mobile Food Vehicles.

c) Mobile Food Vehicles are not permitted to park or operate on sidewalks.

d) No permit issued hereunder shall authorize a Mobile Food Vehicle to operate in a public park or in a city-owned parking lot.

**(5) Space Availability**

Granting of a Mobile Food Vehicle permit does not guarantee parking or space availability.

**(6) Hours of Operation**

Mobile Food Vehicles may operate between the hours of 8am and 10pm Sunday through Thursday and between the hours of 8am and 2am Friday through Saturday.

**(7) Service of Food**

Mobile Food Vehicles may not conduct business with people in vehicles nor shall Mobile Food Vehicles serve customers who stop or park vehicles in a vehicle or bicycle travel lane near the mobile food vehicle. Business may only be conducted curbside. Mobile Food Vehicles may not provide seating of any kind. Mobile Food Vehicles shall not be left unattended.

**(8) Music and Amplification**

Mobile Food Vehicles may not play loud music or use any kind of sound amplification to attract customers. See City ordinance 245-4.

**(9) Trash and Recycling**

Mobile Food Vehicles must provide trash and/or recycling receptacles.

Mobile Food Vehicle operators must arrange for disposal of their commercial trash and recycling, and are prohibited from using public receptacles for that purpose.

**(10) Concerns and Complaints about Mobile Food Vehicle Operations**

Any violation of this Ordinance shall be cause to suspend or revoke a permit issued hereunder. Concerns and complaints received by the City about Mobile Food Vehicle operations will be handled by the appropriate enforcement officials, with permit review by the Police Department as it deems necessary.

**(11) Enforcement**

Violations of this ordinance may be enforced by the Police Department through the noncriminal disposition procedure set out in chapter 40-5.

In City Council, August 15, 2013  
Passed First Reading, As Amended, on Roll Call Vote of 9 Yes, 0 No

Attest: May L. Midura, Clerk of Council

In City Council, September 5, 2013  
Passed Second Reading, As Amended, on Roll Call Vote of 8 Yes, 0 No, , 1 Absent (Councilor Schwartz)

Attest: May L. Midura, Clerk of Council

Approved: David J. Narkewicz, Mayor

Rules suspended, passed two readings and enrolled.  
I hereby certify that the above Order passed the Northampton City Council on September 5, 2013.

David J. Narkewicz, Mayor approved the Order on September 6, 2013.

Attest: May L. Midura, Clerk of Council