



Special Young Professional

Regular Meeting

~ Agenda ~

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Susan Kacoyannakis
413-787-6170

Monday, October 3, 2016

5:00 PM

City Hall -- Room 200

I. Call to Order

5:00 PM Meeting called to order on October 3, 2016 at City Hall -- Room 200, 36 Court Street, Springfield, MA.

II. Public Portion

III. Ordinances

1. Ordinance (ID # 3654)

Article VII of Chapter 279: Mobile Food Trucks

HISTORY:

09/12/16

City Council

REFERRED TO COMMITTEE



City Council
36 Court Street
Springfield, MA 01103

Meeting: 10/03/16 05:00 PM
Department: City Clerk
Category: General
Prepared By: Anthony I. Wilson
Initiator: Anthony I. Wilson
Sponsors: At Large Councilor Hurst, Chairperson Williams
DOC ID: 3654

TABLED

ORDINANCE (ID # 3654)

Article VII of Chapter 279: Mobile Food Trucks

AN ORDINANCE (A LOCAL LAW) TO AMEND the Code of the City of Springfield, Chapter 279 thereof, by adding Article VII as follows:

Purpose.

The general goal of this ordinance is to provide designated space in downtown Springfield for food truck vendors to operate on a regular basis. Overall, food trucks would encourage greater foot traffic in the downtown area, and would benefit employees and visitors who frequent the downtown/metro center area of Springfield by providing a variety of food selections, during lunch hours. Further, food vendors with a permit would be able to operate in the designated area without utilizing existing parking or metered spaces, and all other vendors who do not purchase a permit can continue to operate on their regular route pursuant to the existing ordinances.

Definitions.

When used in this section, unless the context otherwise requires, the following terms shall have the following meanings:

Downtown Area shall mean the area of the City of Springfield whose western boundary is East Columbus Avenue, whose eastern boundary Chestnut Street, whose northern boundary is Liberty Street and whose southern boundary is Union Street.

Food establishment shall mean a business operation that stores, prepares, packages, serves, vends or otherwise provides food for human consumption as set forth in the State Sanitary Code 105 CMR 590.002.

Mobile food commissary shall mean a licensed food establishment that a mobile food truck reports to twice daily for all food and supplies and for all cleaning and sanitizing of units and equipment.

Mobile food truck shall mean a food establishment that is located upon a vehicle, or which is pulled by a vehicle, where food or beverage is cooked, prepared and served for individual portion service, such as a mobile food kitchen.

Scope.

- a. The provisions of this section shall apply to any person or other legally recognized entity engaged in the business of cooking, preparing, and distributing food or beverage with or without charge from mobile food trucks in Downtown Area between the hours 10:00 antemeridian and 6:00 postmeridian.

- b. The provisions of this section shall not apply to canteen, coffee, or ice cream trucks that move from place to place and are stationary in the same location for no more than thirty (30) minutes at a time or food vending push carts and stands.
- c. The provisions of this section shall not apply to mobile food trucks that operate outside of the Downtown Area or outside of the times of day referenced in subsection A of this Section.
- d. The provisions of this section shall not apply to mobile food operations that receive a temporary event permit issued by the Health and Human Services Department.

Mobile Food Truck Permit Required.

- a. No person or business entity, including a religious or charitable organization, shall operate a mobile food truck as described in section 40 without a permit issued by the Springfield Parking Authority.
- b. A permit shall be valid from April first (1st) to October thirtieth (30th) of a given year.

Application for a Mobile Food Truck Permit.

- a. *Single Application.* There shall be made available by the Springfield Parking Authority a single application form to apply for each mobile food truck permit. The application shall provide the following:
 - 1. A description of necessary inspections and fees;
 - 2. A description of areas of the City where the operation of mobile food trucks are limited or prohibited;
- b. *Submission of Materials.* Each application shall indicate on its face, in addition to other requirements as may be determined by the Springfield Parking Authority, that the following materials must be submitted by the applicant:
 - 1. The name of the business and its owner or owners and the mailing address of the business,
 - 2. A description of the proposed business plan for the mobile food truck operation,
 - 3. A proposed location where the mobile food truck will be stationary and serving food,
 - 4. Certification that the vehicle has passed all necessary inspections required by the Springfield Fire Department and, Health and Human Services Department,
 - 5. Proof that the mobile food truck will be serviced by a mobile food commissary,
 - 7. A certificate of insurance providing general liability insurance listing the City as additionally insured. A food truck permit shall be issued only for the explicit time period covered by the effective dates of the general liability insurance policy.

- c. *Approval Process.* An application must be submitted to the Springfield Parking Authority;
1. Within sixty (60) days of the submission of a completed application, the Springfield Parking Authority shall either issue or deny the application for a permit. Any application not acted on within sixty (60) days shall be deemed denied.
 2. If the application is denied in whole or in part, the Springfield Parking Authority shall state the specific reasons for the denial. The decision shall be final and subject only to judicial review under M.G.L. c. 30A, § 14.

Limitation on the Number of Permits.

There shall be no more than ten (10) permits granted pursuant to this chapter. The permits shall be issued in the following manner:

- a. Two (2) permits may be issued for the parking spaces located at Riverfront Park
- b. One (1) permit may be issued a parking space on Main Street between Boland Way and Bridge Street
- c. Seven (7) permits may be issued for parking spaces along Elm Street.

Permit Renewal.

- a. Every mobile food truck permit, unless suspended or revoked by the Parking Authority for a violation of any provision of this section or other rule or regulation promulgated for the implementation of this section, shall be renewed annually given that a renewal fee is paid prior to April first (1st) of a given year.
- b. The Springfield Parking Authority reserves the right to add, remove, and reapportion available locations among mobile food truck operations at renewal.

Rules and Regulations.

- a. *General.* The Springfield Parking Authority is hereby authorized to promulgate, additional rules and regulations appropriate for the implementation of this section, and, if necessary, work with other agencies and departments of the City and State to establish a streamlined process for the permitting of mobile food trucks; provided, however, that

~~such rules and regulations are not inconsistent with the following limitations and restrictions:~~

- ~~1. No operator of a mobile food truck shall park, stand, or move a vehicle and conduct business within areas of the City where the permit holder has not been authorized to operate;~~
 - ~~2. No permit holder shall possess a permit for a mobile food truck that is not in operation for a period of more than fourteen (14) days without duly notifying and obtaining approval from the Springfield Parking Authority.~~
 - ~~3. The issuance of a permit does not grant or entitle the exclusive use of the service route, in whole or in part, to the mobile food truck permit holder, other than the time and place as approved for the term of the permit;~~
 - ~~4. No mobile food truck shall provide or allow any dining area, including but not limited to tables, chairs, booths, bar stools, benches, and standup counters, unless a proposal for such seating arrangements is submitted with the permit application and approved by Springfield Parking Authority.~~
 - ~~5. Consumers shall be provided with single service articles, such as plastic forks and paper plates, and a waste container for their disposal. All mobile food trucks shall offer a waste container for public use that the operator shall empty at his own expense.~~
 - ~~6. The permit holder must keep an accurate log indicating that the mobile food truck is serviced at least twice daily by a mobile food commissary for all food, water and supplies and for all cleaning and servicing operations, including the emptying and cleaning of waste containers.~~
 - ~~7. No mobile food truck shall make or cause to be made any unreasonable or excessive noise in violation of Chapter 259 of the Revised Ordinances of the City of Springfield.~~
 - ~~8. All mobile food trucks must be equipped with a permanently mounted global positioning system (GPS) device that meets rules and regulations established by the Committee or its members.~~
 - ~~9. For mobile food trucks on public property, the City reserves the right to temporarily move a mobile food truck to a nearby location if the approved location needs to be used for emergency purposes, snow removal, construction, or other public benefit.~~
- ~~b. *Inspectional Services.* The Health and Human Services Department shall ensure compliance with the State Sanitary Code 105 CMR 590.~~

Application Fee.

- ~~a. *Application Fee.* The application fee for a permit or a renewal of a permit granted by the Committee for the operation of a mobile food truck shall be twelve hundred (\$1200.00) dollars.~~

Prohibition Against the Transfer of a Permit.

- ~~a. *Transfers for Value Prohibited.* No person holding a permit for a mobile food truck shall sell, lend, lease or in any manner transfer a mobile food truck permit for value.~~
- ~~b. *Nonvalue Transfers as Part of the Sale of a Business.* Notwithstanding subsection 279 10 a permit holder may transfer a permit as part of the sale of a majority of the stock in a corporation holding such permit, as part of the sale of a majority of the membership interests of a limited liability company holding such permit, or as part of the sale of a business or substantially all of its assets; provided that there shall be no allocated or actual value for the transfer of the permit.~~
- ~~1. Prior to any such transfer, the transferor shall notify the Springfield Parking Authority in writing and the transferee shall submit a food truck permit application for approval to the Authority pursuant to the process set forth in subsection 279 5 and any additional rules and regulations promulgated by the Authority.~~
 - ~~2. Any such transfer shall be subject to the terms and conditions of the original permit.~~
- ~~c. *Unauthorized Transfer Voids Permit.* Any unauthorized transfer or attempt to transfer a permit shall automatically void such permit. Whoever violates this provision, including both the transferor and transferee, shall be subject to a fine of three hundred (\$300.00) dollars, pursuant to section 279 5(a). The unauthorized transfer or attempt to transfer of each permit shall constitute a separate violation.~~

Operation of Mobile Food Trucks.

- ~~a. *Operation Without Permit.* Any mobile food truck being operated in the Downtown Area, during the times described in section 40, without a valid mobile food truck permit issued by the Springfield Parking Authority shall be deemed a public safety hazard and may be ticketed and impounded.~~
- ~~b. *Unattended Vehicles Prohibited.* No mobile food truck shall be parked on the street overnight, or left unattended and unsecured at any time food is kept in the mobile food truck. Any mobile food truck which is found to be unattended shall be considered a public safety hazard and may be ticketed and impounded.~~

Enforcement.

- ~~a. *Fine for Violation.* Any permit holder operating a mobile food truck or service in violation of any provision of this section or any rules and regulations promulgated by the Springfield Parking Authority may be subject to a fine of three hundred (\$300.00) dollars per day. Each day of violation shall constitute a separate and distinct offense. The provisions of G.L. c. 40, s. 21D may be used to enforce this section.~~
- ~~b. *Revocation, Suspension, Modification.* Once a permit has been issued it may be revoked, suspended, modified, or not renewed by the Springfield Parking Authority for failure to comply with the provisions of this section or any rules and regulations promulgated by the Authority.~~
- ~~c. *Removal.* Any permit holder found in violation of this section or any rules and regulations promulgated by the Springfield Parking Authority may be issued a ticket for violation and the mobile food vehicle may be impounded.~~
- ~~d. *Enforcement.* The provisions of this section or any rules and regulations promulgated by the Parking Authority may be enforced jointly by the Springfield Police Department and the Springfield Health and Human Services Department.~~

Severability.

~~If any provision of this section is held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.~~

HISTORY:**09/12/16 City Council****REFERRED TO COMMITTEE**