

FOOD TRUCK LEGAL TOOLKIT

For the City of Boston

A Joint Project of the Harvard Food Law and Policy Clinic, the Community Enterprise Project of the Harvard Transactional Law Clinics, and the City of Boston Mayor's Office of Food Initiatives

Fall 2013





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INTRODUCTION

Bostonians are turning to mobile food trucks as a new way to experience the city's culinary scene. While this fast-growing industry offers a great opportunity for entrepreneurs looking to break into the food service industry, actually getting a food truck up and running can be overwhelming -- even for an experienced restaurant owner. With that in mind, the Harvard Food Law and Policy Clinic and the Community Enterprise Project of the Harvard Transactional Law Clinics have joined forces to create this Food Truck Legal Toolkit. This toolkit is intended to provide a step-by-step checklist outlining the process of starting a food truck in Boston from idea to reality and includes links and/or forms (where practical) for required permit and license applications, sample contracts and forms, explanations of the legal and practical considerations pertinent to starting a new food truck business, and much more.

The idea behind this toolkit is not to comprehensively address all of the legal issues that may arise for a prospective food truck owner. Rather, its purpose is to inform you of the steps required to get your food truck off the ground and to provide an overview of some of the main practical and legal issues you may face in doing so. When using this toolkit, please be aware of the following considerations:

- (1) This toolkit was designed to cover food truck requirements in the City of Boston, Massachusetts only.
- (2) This toolkit contains general information about the law as it might apply to food trucks. The information is not legal advice and is not meant to take the place of an attorney. For all specific questions about any legal matter, you should consult a lawyer or other professional legal services provider.
- (3) Laws may change. It is important that you make sure that the laws and regulations discussed in this toolkit are still applicable and current before acting on them.
- (4) The legal information in this toolkit is provided without any representations or warranties, express or implied.

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ACKNOWLEDGMENTS

This document would not have been possible without the assistance and support of numerous individuals, entrepreneurs, and organizations throughout Greater Boston. Conversations with the Mayor's Office of Food Initiatives (OFI) first raised the need for this type of resource, and we'd like to thank Edith Murnane, Christina DeLisio, Peter Murphy, and Valerie Oorthuys at OFI for their support and feedback throughout this process. The professionals at ADP Payroll Services, Goodwin Procter LLP, and CropCircle Kitchen were invaluable resources for testing ideas and sharing their wisdom. We would also like to thank the owners of Area Four, Benny's Crepe Café, Biryani Park, Bon Me, Bone Daddy's Burgers, and Boston's Baddest Burgers for sharing the insights and experiences gained while setting up their own trucks. We hope that some of the material here can be of continued use to them.

Finally, special thanks to (current and former) Harvard Law School students and interns involved with this project, including Rebecca Buckleystein, Duncan Farthing-Nichol, Ryan Hatten, Brett Heeger, Annika Nielsen, Jason Qu, Veronica Sauer, and Josh Wackerly. Working under the supervision of Emily Broad Leib at the Harvard Food Law and Policy Clinic and Amanda Kool and Brian Price at the Harvard Transactional Law Clinics, these individuals completed countless hours of legal research, in-person interviews, and careful writing to bring these materials together.

WE'RE HERE TO HELP

LOCAL GOVERNMENT

The City of Boston provides Boston-specific information on food trucks and mobile food vending on its website at <http://www.cityofboston.gov/business/mobile/>.

LEGAL RESOURCES

The Harvard Transactional Law Clinics are available to assist with any transactional legal needs you may encounter when starting a food truck. Specific services the Clinics provide include: advising on business formation; assisting with contract review; applying for business permits, licensing arrangements, and financing; drafting customer and contractor agreements, employee and confidentiality agreements, and partnership and shareholder agreements; and registering trademarks. The Clinics' services are available at far below market rates and on a flat fee basis, with free services available to those who qualify. You can find out more or apply for legal services at www.HarvardTLC.org or by calling 617-998-0101.

For more general food law and policy questions, you may want to reach out to the Harvard Food Law and Policy Clinic. The Food Law and Policy Clinic conducts legal and policy research for individual and organizational clients working to increase access to healthy foods, prevent diet-related diseases such as obesity and type 2 diabetes, and assist small and sustainable farmers in breaking into new commercial markets. More information about the Clinic, including a list of current projects and publications, is available at <http://blogs.law.harvard.edu/foodpolicyinitiative/>, or by emailing flpc@law.harvard.edu.

ADDITIONAL RESOURCES ARE LISTED AT THE END OF THIS TOOLKIT.

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SECTION ONE: THE IDEA

The first step in starting your food truck is to make a plan! Well, a few plans, actually.

Creating a strong business plan is an important place to start. We will give you guidance regarding specific information the City of Boston will want to see in your business plan during the permitting process, but you should keep in mind that having a detailed plan can serve a larger purpose, as well. A strong business plan can provide a roadmap for how you want your business to grow and develop in both the short- and long-term. Since we specialize in the law, we will leave much of this general business advice to those who know best. Thus, the **YOUR BUSINESS PLAN** page in this section will provide you with contact information for organizations that can help you draft and implement a strong plan.

The next step is to design and customize your food truck. It is strongly recommended that you get the City of Boston's Inspectional Service Department (ISD) to review plan drawings for your physical truck before you build, as it is easier to change things in the planning stages rather than after the truck is built. The **PRE-BUILD PLAN REVIEW** page in this section will provide you with a step-by-step explanation of how to get this accomplished.

Finally, you'll need to plan how you want to legally structure your company. The **FORMING A COMPANY** page will give you an overview of the pros and cons of the most common entity choices for a food truck entrepreneur.

It is important to remember that these three planning steps will make your later steps much easier and help protect you from problems down the road.

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YOUR BUSINESS PLAN

OVERVIEW

Developing a business plan is essential to ensuring that your food truck will be successful. Not only will it lead you to think through all of the logistical and strategic aspects of your business, but a copy of your business plan will later be required as part of your application for a site license. The City of Boston does not require a traditional business plan, but instead requires you to provide information on some details of your business that you may not have thought about or otherwise planned on including (like a statement on community engagement and a demonstrated “healthy option”), so you may want to begin familiarizing yourself with these requirements now. Details on what the City of Boston requires in your business plan can be found in **Appendix A**. In addition to the City of Boston’s requirements, remember that a strong business plan will also provide you with a roadmap for the growth and development of your business.

This toolkit focuses on the legal aspects of starting your food truck, but there are a lot of great resources available to help you with the business side, as well. The U.S. Small Business Administration (SBA) supports a number of small business support organizations, including the Massachusetts Small Business Development Center, as well as local offices of SCORE (the Service Corps Of Retired Executives) and Women’s Business Centers. These organizations offer a range of services, such as networking events, instructional workshops, and mentorship, typically for free or at a very low cost. More information about local SBA assistance providers, including contact details for each organization, is available at <http://www.sba.gov/tools/local-assistance>. Similarly, the City of Boston has created a central Business Hub website at <http://businesshub.boston.gov/> that provides additional resources for Boston-based businesses.

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PRE-BUILD PLAN REVIEW

OVERVIEW

If you have not yet built your truck or you are planning to customize a previously used truck, you should schedule a plan review with the Inspectional Services Department (ISD) to go over your plans for the physical layout of your truck. This review will ensure that your plans comply with the City of Boston's requirements on size and other specifications. For example, for public site vending, a food truck can be no larger than 8 ft x 30 ft. Also, a food truck must be a *walk-on* vehicle. Input from ISD at the pre-build stage can prevent the costly mistake of building a truck that doesn't meet the City of Boston's standards.

Department:

Inspectional Services Department (City of Boston)

1010 Massachusetts Avenue

Boston, MA 02118

Monday - Friday: 8:00am - 4:00pm

Contact: Tom McAdams | 617-961-3293 | Thomas.McAdams@cityofboston.gov

Cost: \$100 for Health Permit (annual fee)

Procedure

- Call Tom McAdams to schedule a plan review. Bring the following items to the meeting:
 - Mobile Food Establishment Plan Review (see **Appendix B**)
 - Equipment plans, including scale drawings
 - Sample menu (your menu greatly influences the layout of the kitchen and truck)
 - In-process Health Permit Application (See **HEALTH PERMIT** page)
 - Similar to the sample menu, this contains information that will affect your truck layout, such as the description of food operations.
 - You may pay the Health Permit fee (\$100) at the plan review, but your application cannot be approved until the truck is built. You will not be charged the \$100 again if you choose to pay at this point.

Follow Up

This meeting can go one of two ways – ISD may approve your plans and you can begin to build your truck, or the inspector may bring certain issues to your attention and you will have to revise the design. You may then return to ISD for an additional plan review to ensure your new plans are up to code. Fortunately, you will not be charged for further plan reviews after you have made revisions.

For those seeking additional information, Boston's requirements for health permits are based on the health standards set out in [105 Code of Massachusetts Regulations 590.000](#) (especially pages 3583-84) and the [1999 Federal Food Code](#), which is enforced in Massachusetts.

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FORMING A COMPANY

OVERVIEW

When you start your food truck business, one of the first decisions you will encounter is deciding what kind of business entity you want to form. Under U.S. law, there are various entities through which you can lawfully do business. The most common forms for food truck owners are sole proprietorships, limited liability companies, and corporations. Each of these has distinct attributes, advantages, and disadvantages.

Department:

Secretary of Commonwealth
Corporations Division
McCormack Building
One Ashburton Place, 17th Floor
Boston, MA 02108

Contact: 800-392-6090 | 617-727-9640 | corpinfo@sec.state.ma.us

TIP: This section only gives you a broad overview of entity formation. There are many additional considerations, so it is important to talk to a lawyer when deciding which entity is best for your specific situation.

Entities

Sole Proprietorship – A sole proprietorship is the simplest entity choice, as it is the default business form. This means that if you do not form an entity, you are automatically a sole proprietor. For prospective food truck owners, sole proprietorship can be an attractive option, because it is simple, reduces regulatory costs and burdens, and vests all profits and authority in the owner. Sole proprietorships, like all businesses operating in Boston under a name other than their legal name (whether a corporate name or for the sole proprietor, a name other than the individual business owner’s name), have to obtain a “doing business as” certificate. However, this is the only formation cost associated with sole proprietorships. A potential drawback of sole proprietorship is that because the business is not operated through a separate legal entity, the owner is personally responsible for any debts and obligations incurred by the business; insurance is recommended to offset this risk.

- **Cost:** \$65 “Doing Business As” (D/B/A) fee (additional \$35 if not a Massachusetts resident)
- **Procedure:** See the **BUSINESS CERTIFICATE** page.

Limited Liability Company (LLC) – An LLC is an entity that is legally distinct from its owner(s). An LLC is formed by filing a Certificate of Organization with the Commonwealth. An operating agreement, which governs how the LLC is managed, is also highly recommended, though not required. Unlike the sole proprietorship model, because an LLC is a separate entity, it offers the benefit of limited liability so long as the LLC is adequately capitalized. This means that the owner(s) might not be held financially liable beyond their investment(s) in the company, with some exceptions. In contrast to corporations, LLCs also offer this limited liability with the added benefit of significant flexibility – LLCs can be set up and managed in many configurations. Finally, an LLC can choose to be taxed as a corporation, meaning its income will be taxed at both the business and personal level, or as a partnership and therefore only taxed at the personal level.

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- **Cost:** \$65 “Doing Business As” (D/B/A) fee (additional \$35 if not a Massachusetts resident)
(See the **BUSINESS CERTIFICATE** page)
 - \$500 filing fee for Certificate of Organization
 - \$500 filing fee for Annual Report
- **Procedure:** Filing instructions and additional information are available at <http://www.sec.state.ma.us/cor/corpweb/corlim/corlim.htm>.

Corporations – Corporations typically take one of two forms: C-corporations and S-corporations. The differences between C-corporations and S-corporations are too numerous to list in this toolkit, but S-corporations are typically smaller corporations that choose to be taxed only at the shareholder level (and not at the corporate level). In all corporations, the corporation’s shareholders are the owners of the business, while the management and control resides in a board of directors who are elected by the shareholders. Like LLCs, corporations are state-created, distinct legal entities and thus can be used to limit the financial liability of the owners (so long as the entity is adequately capitalized). A distinction from LLCs is that the owner of a corporation who works on behalf of the company must pay herself as an employee and account for payroll taxes, workers compensation insurance, etc. So even if the owner is the only employee, employment law considerations may be implicated. For more information, see the **EMPLOYMENT LAW BASICS** page.

TIP: If an important component of your food truck business will be creating a material positive impact on society, you can also consider forming a Benefit Corporation. Benefit corporations must comply with certain requirements to demonstrate they are achieving or working toward a stated social mission, but may be appropriate for committed, socially-minded entrepreneurs.

While a corporation requires its members to observe specific formalities that are not required by LLCs or sole proprietorships, one benefit of choosing to form a corporation is the ease of issuing stock. This can be especially important if you are seeking outside investment in your food truck.

There are many additional considerations regarding S-corporations and C-corporations, as well as differences between the other entity choices, that are too numerous to discuss in this toolkit. Please consult with legal and/or tax experts to determine which entity form will work best for you.

- **Cost:** \$65 “Doing Business As” (D/B/A) fee (additional \$35 if not a Massachusetts resident)(See the **BUSINESS CERTIFICATE** page)
 - \$275 filing fee for Articles of Organization
 - \$125 (\$100 if filed electronically) filing fee for Annual Report
 - \$456 Massachusetts minimum corporate excise tax
- **Procedure:** Filing instructions and additional information are available at <http://www.sec.state.ma.us/cor/coridx.htm>.

TIP: Insurance can be used to offset risk for any type of entity. In addition, if you own a home, filing a Declaration of Homestead with the Registry of Deeds can serve as additional protection against personal liability for the acts of your business. A Declaration of Homestead will protect your principal residence against up to \$500,000 in claims made by unsecured creditors or other aggrieved parties.

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SECTION TWO: GETTING MOVING

Now that you have a plan, it's time to get moving! Your new entity will have to finish setting up your truck (based on your plan review), get some basic insurance, and find a kitchen out of which to operate. Some forms of insurance will be required by the government (including workers' compensation and unemployment insurance), but you should speak with an insurance agent or lawyer to determine what other types of insurance are appropriate for your business.

Building upon your work so far, we will now walk through the **EMPLOYMENT LAW BASICS** page, where we will lay out the basic legal considerations you need to be aware of if you are going to hire any employees (or structure your business as a corporation and work on behalf of the company yourself).

In addition, the **COMMISSARY KITCHENS** page will give you an overview of some of the considerations that go into selecting a kitchen that will work with you.

TIP: We would strongly encourage you to review each of the following three sections of this toolkit before beginning work on any of the specific items included within them:

- **SECTION TWO: GETTING MOVING**
- **SECTION THREE: MAKE IT OFFICIAL**
- **SECTION FOUR: PARKING AND SELLING**

Many of the requirements within each section rely on one other and should be completed in tandem.



EMPLOYMENT LAW BASICS

OVERVIEW

As a business owner, when you make the decision to hire workers, you become subject to a number of federal and state employment requirements. There is a presumption that workers hired by a company are employees and thus will trigger the legal requirements for the employer outlined below. Hiring independent contractors will not trigger the same employer obligations, but only those workers that are brought on to do specialized work outside the usual course of business of a company can be considered independent contractors. In determining whether employment law obligations apply, a court will not look at the way an employer and worker characterize their relationship, but will look at how the relationship plays out in practice. The terms used in any contract or dealings between the two are not decisive in determining an employer's obligations and there may be repercussions for an employer who improperly characterizes a relationship with a worker.

The general practice in Massachusetts is that employment is "at will." This means that either the employer or the employee can terminate the relationship for any reason or no reason at all. However, employers should have a process in place for terminating employees to protect themselves from potential legal action brought by those employees.

A full overview of the applicable Massachusetts legal requirements for hiring employees is available at <http://www.mass.gov/portal/business/employees/employer-regulations/>.

TIP: Every worker who will handle money is required to have a **HAWKER/PEDDLER LICENSE**, described later in this toolkit.

Procedure for Hiring Employees

- Obtain an Employer Identification Number (EIN) for your business.
 - More information and an online application is available at [http://www.irs.gov/Businesses/Small-Businesses-&Self-Employed/Apply-for-an-Employer-Identification-Number-\(EIN\)-Online](http://www.irs.gov/Businesses/Small-Businesses-&Self-Employed/Apply-for-an-Employer-Identification-Number-(EIN)-Online).
- Fill out Form I-9, Employment Eligibility Verification for each new employee to ensure that all employees are legally authorized to work in the United States (and retain in your records).
 - Form I-9 is available at <http://www.uscis.gov/files/form/i-9.pdf>.
- Have each employee fill out Form W-4 (and retain in your records).
 - Form W-4 is available at <http://www.irs.gov/pub/irs-pdf/fw4.pdf>.
- Report new hires to Massachusetts Department of Revenue.
 - More information is available at <http://www.mass.gov/dor/child-support/employers/new-hire-reporting/>.

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- Comply with payroll tax obligations.
 - As an employer, you are responsible for 50% of employees' Social Security and Medicare taxes, as well as withholding and remitting employees' share of payroll and withholding taxes to the IRS and state.
- Obtain unemployment insurance and worker's compensation insurance.
 - More information is available at <http://www.mass.gov/lwd/>.
- File IRS Form 940 to report federal unemployment tax in any year in which you paid at least \$1500 in a quarter or had an employee work during 20 or more weeks.
 - Federal requirements are available at [http://www.irs.gov/uac/Form-940,-Employer's-Annual-Federal-Unemployment-\(FUTA\)-Tax-Return](http://www.irs.gov/uac/Form-940,-Employer's-Annual-Federal-Unemployment-(FUTA)-Tax-Return).
- Understand and abide by all specific requirements under federal and state law for posting various legal requirements
 - Massachusetts posting requirements are available at <http://www.mass.gov/lwd/labor-standards/dls/massachusetts-workplace-poster-requirements.html>
- Understand and abide by all federal and state discrimination, sexual harassment, health insurance, and wage and hour laws.
 - Massachusetts Employment Discrimination guidelines are available at <http://www.mass.gov/mcad/forEmployers.html> and <http://www.mass.gov/mcad/regs804cmr0300.html>.
 - Massachusetts Sexual Harassment in the Workplace guidelines are available at <http://www.mass.gov/mcad/shguide.html>; an overview of federal definitions of sexual harassment are available at http://www.eeoc.gov/laws/types/sexual_harassment.cfm
 - Massachusetts wage and hour laws are available at <http://www.mass.gov/ago/doing-business-in-massachusetts/economic-development/business-resources/wage-and-hour-law-for-employers/>; and federal wage and hour laws are available at <http://www.dol.gov/whd/>.

TIP: Even if you are not providing health insurance directly to your employees, as a small business owner you may still be required to provide each employee with notice of the existence of the ACA health care exchange and additional details related to its use. If applicable, you must keep a record of such notice with each employee's I-9. More information can be found at <http://www.mahealthconnector.org> and by consulting with your attorney or payroll service provider.



Interns and Volunteers

For-profit companies are not allowed to have volunteers. For-profit companies can have interns, but any unpaid interns must satisfy a strict 6-prong test to avoid being categorized as employees. Notably, the test requires that the training for any such intern is similar to that given in an educational environment, that the intern does not do the work of a regular employee, and that the employer does not derive any immediate advantage from the intern's work. A full overview of these requirements is available at <http://www.dol.gov/whd/regs/compliance/whdfs71.htm>. If a business fails any part of the test, it may face a variety of consequences for incorrectly treating a worker as an unpaid intern.

Unpaid interns may still be paid a stipend so long as the amount does not exceed the reasonable approximation of the expenses incurred by the interns involved in the program. Interns that receive more than a stipend for reasonable expenses are considered employees and trigger the same legal responsibilities and obligations of the employer as any other employee.

Non-Disclosure Agreements

Some businesses have their employees, independent contractors, and interns sign non-disclosure agreements as a condition of employment. A non-disclosure agreement is a contract that states that the worker will not disclose confidential information about the business to people who do not work for the business during the course of employment and for some period after the employment ends. In the case of food trucks, such information might include recipes, preparation techniques, customer and supplier information, marketing and business strategies, or any other trade secrets or proprietary information that the company treats as a secret and does not want disclosed. See **Appendix C** for a Sample Non-Disclosure Agreement.

TIP: Payroll services often offer more services than simply processing paychecks. You may want to shop around for a payroll service that can assist you in complying with many of the employment laws and regulations discussed in this section, including developing hiring and firing processes, as well as other issues too numerous to mention in this toolkit.



COMMISSARY KITCHENS

OVERVIEW

A commissary kitchen is a fixed, licensed food establishment where you will report twice daily to assemble and store food as well as to clean and sanitize your truck and equipment. Possible locations include community kitchens, church kitchens, or restaurant kitchens during off-hours. All food trucks will need a written agreement with a certified commissary kitchen in order to receive a **HEALTH PERMIT** from the City of Boston. Formal commissary kitchens often have many users and will typically have a standard agreement available. Some venues, such as restaurants or church or catering company kitchens, can also serve as commissaries for your truck but may not have their own standard agreements. We have included a Sample Kitchen Rental Agreement for your reference in **Appendix D**.

TIP: Some commissary kitchens may not be willing to sign a formal agreement until they have a clear sense of your business. Discuss with them which elements of your business plan or other materials (like those described in this toolkit) they would like to see before they will formalize an agreement.

When reviewing a commissary kitchen agreement, keep in mind the following major issues and terms:

- Basic Contract Terms
 - Examples: duration of the agreement, rates for use
- Supplies
 - Examples: utilities, basic supplies, major kitchen equipment, storage space, any other alterations you might need (to layout, painting, or adding permanent fixtures)
- Responsibilities for Cleaning
 - Examples: specific levels and types of cleanliness required of commissary kitchen users
- Use and Access
 - Examples: days and times of access, how many people from your truck can access the kitchen at a time, whether a key or security code is needed to access the space, ability to access the space during off hours or for additional time

All of your employees using the commissary kitchen will be expected to know and adhere to all of the terms of your agreement with the commissary kitchen.

TIP: It's often helpful to visit a site or talk to other kitchen users to understand the realities of these questions and obligations on the ground.

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SECTION THREE: MAKE IT OFFICIAL

Now that you have your truck up and running, talks in progress with your commissary kitchen, and all of your employees waiting to clock in, you need to make sure that you have all the right permits and licenses to be able to legally run your business.

In order to operate as a food truck in the City of Boston, you'll need to submit a completed **FOOD TRUCK PERMIT** (FTP) Application. The FTP Application process has two parts: obtaining the necessary operating permits (described in this Section) and securing a license to vend on an approved site within the City of Boston (described in **SECTION FOUR: PARKING AND SELLING**). We have provided a **PERMITTING CHECKLIST** at the end of **SECTION FOUR** to help you keep the requirements for both of these sections straight.

This Section will describe the first part of the FTP Application process: collecting all of the operating permits needed to operate your truck. There are quite a few of them, but each has its own purpose and you'll need them all to sell in Boston. Note that each city has its own set of rules regarding permitting and licensing of food trucks—please consult a lawyer and/or the applicable municipality if you want to sell in another city, such as Cambridge, Somerville, or Worcester.

TIP: The second part of the FTP Application process – licensing your truck to vend in the City of Boston – will be described in Section Four of this guide. You can start the site licensing process *before* you obtain all of the operating permits described in this Section. Now is a good time to look ahead and get started on the site licensing process.



FOOD TRUCK PERMIT

OVERVIEW

The Food Truck Permit (FTP) Application Form, incorporated into the **PERMITTING CHECKLIST** in this toolkit, serves as your permitting “passport” for operating a food truck in the City of Boston. To complete this form, you will need to collect all of the operating permits and licensing materials described in this toolkit – the “stamps” in your FTP passport.

The FTP Application is included in **Appendix E**, and is also available at http://www.cityofboston.gov/Images_Documents/2013%20Food%20Truck%20Permit%20Application%20Fillable_tcm3-25641.pdf.

Department:

City of Boston Public Works Permitting Office
Boston City Hall, Room 715
Boston, MA 02201-2024
M - F: 8:30 am - 5:30 pm
Tel: 617-635-4911 | Fax: 617-635-2403

TIP: A PERMITTING CHECKLIST
for your final Food Truck Permit
Application package is provided
after Section Four of this guide.

Cost: \$500 (annual fee)

Procedure

To complete the FTP Application, you will need to obtain all of the following documents:

- A **Health Permit** from the Inspectional Services Department (see the **HEALTH PERMIT** page)
 - In addition to the Health Permit, the Health Inspector must sign the second page of your Food Truck Permit Application.
- An **Open Burning/Cooking Permit** from the Boston Fire Department (see the **FIRE PERMIT** page to determine whether this requirement applies to your food truck)
 - In addition to the Fire Permit, the Fire Inspector must sign your FTP Application.
- A **Business Certificate** from the city where your business is permanently located (see the **BUSINESS CERTIFICATE** page)
- A **GPS Navigation Contract** with Trimble (see the **GPS NAVIGATION** page)
- At least one valid **Hawker/Peddler License** for a person who will be working on your food truck (see the **HAWKER/PEDDLER LICENSE** page)
- A copy of your **Commissary Kitchen Agreement** (see the **COMMISSARY KITCHENS** page)
- All necessary **Site Licensing Materials** (see **SECTION FOUR: PARKING AND SELLING**)

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HEALTH PERMIT

OVERVIEW

You must pass a health inspection in order to receive a health permit and legally operate your truck. Your truck will be inspected to make sure it is in compliance with Massachusetts laws and the FDA's 1999 Food Code, so you should familiarize yourself with these laws. More information is available at http://www.cityofboston.gov/images_documents/ISD%20Health%20Permit%20Application%20Procedures_tcm3-18974.pdf.

Department:

Inspectional Services Department (City of Boston)
1010 Massachusetts Avenue
Boston, MA 02118

Contact: Tom McAdams | 617-961-3293 | Thomas.McAdams@cityofboston.gov

Cost: \$100 (annual fee)

Procedure

Call Tom McAdams to schedule a health inspection. These take place between 8:00 AM and 9:30 AM at 1010 Massachusetts Avenue. You must bring the following documents to your health inspection:

- Health Permit Application (**Appendix F**)
- Sample Menu
 - Because your menu influences the layout of your truck, a sample menu gives the inspector a sense of typical food handling practices and possible risks for food-borne illnesses or fire.
- Proof of Commissary Kitchen (see the **COMMISSARY KITCHENS** page)
- Proof of a Certified Food Protection Manager
 - You will need to provide proof that at least one person working on your truck is a Certified Food Protection Manager (more information available at <http://www.cityofboston.gov/isd/health/fmcert.asp>). This person will need to complete a Food Protection Manager Certification training, which is offered through several private organizations, such as ServSafe (www.servsafe.com).
- Application for Permission to Use Premises (**Appendix N**)
 - This requirement is for private site vendors only (see the **PRIVATE SITE INFORMATION** page).
- In-Progress Food Truck Permit Application
 - If your truck passes inspection, the health and fire inspectors will sign your Food Truck Permit Application.

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FIRE PERMIT

OVERVIEW

Your truck will undergo a fire inspection by the Boston Fire Department on the same day as the health inspection. If you are using an in-line generator to cook your food, you will not need an Open Burning/Cooking Permit. If you are using anything else (propane, open flame, etc.), you will need a Fire Permit, which addresses fuel usage, storage, and transportation. The application form can be found in **Appendix G**.

Your truck will be inspected to make sure a proper fire suppression system is installed and that there is a fire extinguisher on board. If you will be deep frying, you will need a class K fire extinguisher (for wet chemical fires); if not, then a 3-A:40-B:C rated (multi-purpose) extinguisher may be sufficient.

Department:

Boston Fire Department, Fire Prevention Division
1010 Massachusetts Avenue (4th floor)
Boston, MA 02118
Tel: 617-343-3447 | Fax: 617-343-2197

Contact: Lt. Stephen Cummings (BFD Special Hazards Unit) | Stephen.Cummings@cityofboston.gov

Cost: \$110 (annual fee)

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BUSINESS CERTIFICATE

OVERVIEW

Any business operating in Boston under a name other than its legal name (whether a corporate name, or for the sole proprietor, a name other than the business owner's name) has to obtain a "doing business as" certificate by registering with the City of Boston. Filing for your business certificate will register you as the person responsible for your business and will provide the public with information about who owns the business. Boston requires that your business have a business certificate from the city where your business is permanently located. You may consider the address of your commissary kitchen, office, or other permanent location as your permanent business location; this location does not have to be within the City of Boston itself.

Every city and town has its own City or Town Clerk's Office responsible for issuing business certificates. If your permanent business location is not in Boston, contact your local city or town clerk for information about applying for a business certificate. Links to business certificate application forms for neighboring cities are available at

http://www.cityofboston.gov/business/regulations/business_certificate.asp.

The rest of this page will discuss how to apply for a business certificate if your permanent location is within the City of Boston.

CITY OF BOSTON BUSINESS CERTIFICATE APPLICATION

Department:

The Office of City Clerk
Boston City Hall – Room 601
One City Hall Square
Boston, MA 02201
Attn: Business Certificates

TIP: For a food truck business certificate from the City of Boston, you will need to list the location of your commissary kitchen, restaurant, or primary place of business and *also* include a list of sites where you anticipate vending.

Cost: \$65 "Doing Business As" (D/B/A) fee (additional \$35 if not a Massachusetts resident), renewable every four years.

Procedure

A Business Certificate Application for the City of Boston can be found in **Appendix H**. After you complete this application, you may file it either in person at the City Clerk's Office, Room 601 between 8:30 AM and 4:30 PM, Monday through Friday, or you may mail it to the address listed above. If you choose to mail it, also include a self-addressed, stamped envelope so that the City of Boston can return your official copy.

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GPS NAVIGATION

OVERVIEW

In the City of Boston, all food trucks are required to have a fully functioning GPS unit leased from Trimble with a data plan from Sprint. Data from your truck's GPS is automatically shared with the City of Boston. Granting the City of Boston access to GPS data serves two purposes:

- First, the Office of Food Initiatives automatically updates their Food Truck website and can list where your business is selling food during designated vending times, making it easier for customers to find you. Customers can only view your food truck location at those times when you are vending and cannot see your truck's location during non-vending hours.
- Second, the Office of Food Initiatives can ensure that you are vending at the correct place and time and will be able to easily identify any food truck attempting to vend without permission. This gives additional protection to those vendors who follow the appropriate permitting and licensing protocol from any vendors attempting to circumvent the process and gain unfair market advantage.

Trimble Contact:

Brenda Syzonenko, Trimble Mobile Resource Management

Tel: 484-426-6743 Fax: 408-954-6743

brenda_syzonenko@trimble.com

Cost: \$299 (per GPS unit), \$89 (installation)

Sprint Contact:

Eric Hagan, Government Accounts Executive

Tel: 617-839-6817 | Fax: 617-507-6336

Eric.hagan@sprint.com

Cost: \$35/month data plan

Trimble GPS Lease Procedure

In order to obtain the correct GPS equipment, you will need to lease GPS equipment from Trimble. The process for leasing the correct GPS equipment is as follows (and is also outlined on the City of Boston's website):

- Read Trimble's Terms of Use and Sale (available at www.road.com/application/signon/core/FORM-GeoManager_Terms_of_Use.pdf).
 - It is important to fully understand your rights and responsibilities when entering into the contract with Trimble. Please contact your lawyer or legal representative if you are unsure about any aspect of the contract.

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- Fill out the following forms:
 - New Product Schedule Form (a sample form is available at http://www.cityofboston.gov/images_documents/Sample%20Completed%20Form_tcm3-26482.pdf)
 - Credit Card Authorization Form (contact Trimble to obtain this form)
 - Billing and Shipping Schedule for Product Schedule (contact Trimble to obtain this form)
 - First page of the Food Truck Permit Application
 - You will only need to provide your name and signature
 - This allows Trimble to confirm that you are a new food truck in the City of Boston; Trimble can then share GPS data with the Office of Food Initiatives

- Send the completed forms to:
Brenda Syzonenko
Email: brenda_syzonenko@trimble.com
Fax: 408-954-6743

- Do not open the package when your GPS equipment arrives (it should arrive within 30 days). Instead, call the phone number listed on your package to set up an appointment for a Trimble technician to install the equipment onto your truck.

Sprint Data Plan Process

After obtaining and installing your GPS equipment, you need to contract with Sprint for a data plan. The process for setting up a data plan is as follows:

- Fill out Sprint's New Account Set Up form (available at https://www.cityofboston.gov/images_documents/SPRINT%20New%20Vendor%20Account%20Form_tcm3-25763.pdf).
 - Include either a copy of your driver's license or your business' tax ID number (EIN)

- Send the completed form and the first page of your Food Truck Permit Application to:
Eric Hagan, Government Account Executive
Eric.hagan@sprint.com
Phone: 617-839-6817

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HAWKER/PEDDLER LICENSE

OVERVIEW

Everyone who handles money on your food truck will need a Hawker/Peddler License. If you are an owner and operator of the truck, this probably includes you! You will need to present at least one valid Hawker/Peddler License when you apply for the Food Truck Permit, but be sure to obtain licenses for everyone else who will handle money on the truck before you start operating. This license will be valid throughout Massachusetts, but the Food Truck Permit only applies to the City of Boston.

Department:

Division of Standards (Commonwealth of Massachusetts)
1 Ashburton Place, Room 1115
Boston, MA 02108
Tel: 617-727-3480

Cost: \$62 per license (annual fee)

Certificate of Character

Once the application form (See **Appendix I**) is complete, but before it is submitted it to the City of Boston, the “Certificate of Character” section at the bottom of the form must be signed by the chief of police from the current place of residence of the applicant. For example, an employee residing in Cambridge will get their application signed by the Cambridge Chief of Police.

The process for obtaining this police signature depends on your town. Be sure to check with your local police department to make sure you have all of the necessary documents to obtain the signature.

Once you obtain the signature, you must then send the completed application to the Division of Standards. Address your application to the Director of Standards.

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SECTION FOUR: PARKING AND SELLING

Now that you've started gathering all of your operating permits, you should also start thinking about finding a vending site. Choosing an appropriate site and securing the required site licensing materials is an integral part of the Food Truck Permit Application process.

In Boston, there are four general types of sites on which a food truck can vend: (1) pre-approved public sites, (2) proposed public sites, (3) special sites, and (4) private sites. To vend on any of these sites, you will need a site license, which can be obtained through the Public Works Permitting Office in Boston City Hall.

We start off this section by providing advice on some of the basic public spots on the **PRE-APPROVED PUBLIC SITES** page. From there we move on to discuss how to go about getting a new public site approved on the **PROPOSING A NEW PUBLIC SITE** page. Next, we discuss how to vend on property owned by a public organization on the **SPECIAL SITE APPLICATION** page. Finally, we give you an introduction to accessing private sites on the **PRIVATE SITE INFORMATION** page so you can think creatively about when and how to sell on private property.

At the end of this Section, the **SALES TAX** page will provide you with a brief overview of sales tax in Massachusetts.

TIP: Most parts of the site licensing process – like entering your food truck into the public site lottery or signing a lease agreement with a private site/special site landlord – can be done before you've obtained all of the operating permits described in **SECTION THREE: MAKE IT OFFICIAL**. Don't wait until you've completed all of **SECTION THREE** before looking into your site licensing requirements!



PRE-APPROVED PUBLIC SITES

OVERVIEW

In an effort to support the food truck market and prevent food truck vendors from ticketing or other legal liabilities, the City of Boston has established specific spaces and specific times when food trucks can legally vend on certain public sites. There are currently 20 public sites that have been pre-approved by the City of Boston for food truck vendors. Many of these pre-approved public sites allow for more than one truck to vend at the same time and offer up to three time slots for food truck vending (breakfast, lunch, and dinner).

The 20 pre-approved public sites are placed into three tiers based on their desirability and economic value. Tier 1 has the most valuable public sites – these are considered prime sites and can only be claimed through an annual lottery. Tier 2 and Tier 3 sites are considered non-prime sites and are easier to claim.

Department:

City of Boston Public Works Permitting Office
Boston City Hall, Room 715
Boston, MA 02201-2024
M - F: 8:30 am - 5:30 pm
Tel: 617-635-4911 | Fax: 617-635-2403

Cost: varies by site

Procedure for Prime Public Sites (Tier 1)

Prime sites are primarily won through a competitive lottery that takes place once a year in January. For more information on the City of Boston's Public Prime Site Lottery, see <http://www.cityofboston.gov/food/trucks/lottery.asp>. To enter into the lottery, vendors must submit a Food Truck Site License Application (discussed below) before the lottery takes place. You will not need to have your Food Truck Permit Application completed at the time you enter into the lottery, but you will need to show that your food truck is permitted before you are able to actually vend in the City of Boston. Practically, this means that if your truck has not yet passed health or fire inspections, you can still enter into the lottery as long as your truck passes inspection and you obtain your food truck permit before you begin vending on a public site.

Once you submit your Food Truck Site License Application, you will be placed into the lottery. The lottery gives preference to food trucks that are already vending in Boston and to food trucks that have not been cited for violations. New food trucks are lowest in the lottery, so it may be difficult to win a prime site spot your first year. However, if you vend on a non-prime site for a full year and do not violate any rules, you will be ranked top in the lottery the following year, making it far easier to obtain a prime site.

Food truck site licenses for prime sites are good for 3-month increments and can be renewed for up to one year. This means that if a food truck vendor wins a prime site in January but does not renew their

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site license after the first 3-month period, that prime site becomes open. Prime sites that are not renewed by the original winner are placed in a mini lottery. Mini lotteries happen each quarter depending on the availability of prime sites, and all permitted food truck vendors are notified of the mini lotteries.

Procedure for Non-Prime Public Sites (Tiers 2 & 3)

Non-prime sites are allocated on a first-come, first-served basis. Once a food truck is licensed to vend on a non-prime site, the license can be renewed every three months for as long as the licensee wishes to continue vending on that site. However, a food truck vendor cannot have a license to vend on two different spots for the same day and time. For example, if you have a license to vend on a non-prime site for Monday breakfast shifts and you win a prime site for Monday breakfast shifts, you must forfeit your non-prime Monday breakfast site in order to gain the prime site license. Once a non-prime site license is forfeited, the site is again available on a first-come, first-served basis. In order to gain a license to vend on a non-prime site, you must submit a Food Truck Site License Application (explained below).

Procedure for Food Truck Site License Application

A Food Truck Site License Application is necessary to enter into the prime site lottery or to gain a non-prime site license. The Food Truck Site License Application process includes the following steps:

- Complete the Food Truck Site License Application (**Appendix J**)
- Complete the first page of your Food Truck Permit Application (see the **FOOD TRUCK PERMIT** page)
 - As mentioned above, your truck does not need to be permitted at the time of applying for a site license, but your truck must be permitted by the time you begin vending.
- Complete the Food Truck Pre-Approved Site Locations Worksheet (**Appendix K**)
 - This worksheet allows you to list your four most desired sites per day, per time slot.
- Provide proof of a Commissary Kitchen (see the **COMMISSARY KITCHENS** page)
- Provide a copy of your completed Business Plan
 - Make sure to see **Appendix A** for a specific list of items the City of Boston wants to see in your business plan.

Cost

The cost of vending on a pre-approved public site is calculated by the day. Vendors pay for their site license in three-month increments. Tier 1 sites are the most expensive and Tier 3 sites are the least expensive. You pay for all days you are licensed to vend at a site, regardless of whether you use the site on a given day. For the most up-to-date per-day, per-time slot costs, see <http://www.cityofboston.gov/business/mobile/>.

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If You Win a Site License

If you win a prime or non-prime site license, you must do the following before vending:

- Provide a certificate of insurance listing the site for which you have been approved, and showing the City of Boston as an additional insured for \$1,000,000 for each event triggering coverage;
- Provide proof that a registered letter was sent to all building management/property owners that are either fronting or within 100 feet of the vending site to notify those businesses of the approval to vend; and
- Perform community outreach to notify area residents that your business will be vending at the site (hanging posters in the area is sufficient).

Submit all of above-mentioned documents to the Office of Public Works, Boston City Hall, Room 603.

After submitting the documents, wait 10 days. If the Office of Public Works has not received any complaints, you can pick up your site license. Remember to include a copy of your site license when submitting your final Food Truck Permit Application package.

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PROPOSING A NEW PUBLIC SITE

OVERVIEW

In addition to the pre-approved public sites where food trucks can vend in the City of Boston, you have the ability to propose new public sites for vending. Note, however, that even if your proposed public site is approved, you are not guaranteed the right to vend on the site. New public sites are put into the yearly lottery and are considered prime sites for the first year.

Department:

Mayor's Office of Food Initiatives
1 City Hall Square, Room 603
Boston, MA 0220
M - F: 8:30 am - 5:30 pm
Tel: 617-635-3717 | Fax: 617-635-3496

TIP: It is important to note that the process of getting a new public site approved is very difficult. It would be a good idea to contact the Office of Food Initiatives to discuss your idea for a new site prior to beginning the process.

Proposing a New Public Site

In order to propose a new public site, you will need to submit a Food Truck Proposed Site Application to the Office of Public Works Permitting Office. This Food Truck Proposed Site Application should include:

- Completed first page of the Food Truck Permit Application (see the **FOOD TRUCK PERMIT** page)
- Completed Food Truck Proposed Site Locations Worksheet (**Appendix L**)
- Business Plan (Make sure to see **Appendix A** for a specific list of items the City of Boston wants to see in your business plan)
- Proof of Commissary Kitchen (See the **COMMISSARY KITCHENS** page)
- Google Map printout indicating the proposed parking location
 - You need to show that you will have a minimum of 20 feet, or three parking spaces, of open space in front of and behind the vehicle.
 - Loading zones, bus stops, and fire hydrants cannot be included in your measurements.
 - Sidewalks around your food truck need to be a minimum of eight feet wide.
 - On your proposed site application, note the width of the sidewalk near your food truck.
 - You will also need to submit the parking meter identification numbers.
- 360 degree photos of the proposed site

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SPECIAL SITE APPLICATION

OVERVIEW

A “special site” is a vending site located on property not owned by the City of Boston, though the City of Boston has partnered with the property owner to host food trucks at that site. Some of these sites include select MBTA stations, certain Boston Parks & Recreation properties, the SoWa Open Market, and parks within the Rose Fitzgerald Kennedy Greenway. Special sites may also include vending opportunities during special events at Faneuil Hall, City Hall Plaza, and other locations.

A complete, up-to-date list of special sites is available at <http://www.cityofboston.gov/business/mobile/special.asp>.

Department:

City of Boston Public Works Permitting Office
Boston City Hall, Room 715
Boston, MA 02201-2024
M - F: 8:30 am - 5:30 pm
Tel: 617-635-4911 | Fax: 617-635-2403

Procedure

To be licensed to vend on a special site, you will need to go through two separate processes:

- The first step is to contact the site owner to inquire about the possibility of vending on their property. Contact information for each site owner is provided on the website listed above. Some site owners may have their own internal application process.
- Once you gain permission from the owner of the special site, you and the owner will need to sign a lease or letter of agreement showing that your business is approved to vend at the special site. A copy of this document will be included as part of your final Food Truck Permit Application package.

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PRIVATE SITE INFORMATION

OVERVIEW

You may also opt to vend on private property. To do so, you will need to obtain permission from the property owner. If the property owner is open to the idea, you will need to negotiate an agreement with the owner that defines the terms of your use of the property. In addition, you will need to obtain a Use of Premise permit, as well as a license from the Office of Public Works (described below).

Procedure

- Obtain permission from the property owner and draft a lease or a letter of agreement that states that the property owner is giving you permission to vend on their property (See **Appendix M** for a Sample Food Truck Private Site Agreement).
- Submit an Application for Permission to Use Premises (**Appendix N**) to Boston's Inspectional Services Department (ISD).
 - ISD will review your Application for Permission to Use Premises and approve or deny it. The cost of the application is \$50. Because vending from a food truck is not a primary use of most property within the City of Boston, your Application for Permission to Use Premises will likely be denied. This denial does not mean you will be unsuccessful; it is simply part of the current process.
 - If ISD denies the Application for Permission to Use Premises, you may appeal that decision to the Zoning Board of Appeals by filing a Zoning Appeal Application with ISD at 1010 Massachusetts Avenue (**Appendix O**). The cost of this appeal is \$150.
 - It is a good idea to first check with the Zoning Board of Appeals to determine if they require you to take any steps before filing a Zoning Appeal Application.
 - If you schedule a hearing, you will attend and explain to the Board why your food truck should be permitted to operate at this chosen location. The Board will assess the appeal under Article 6 of the Boston Zoning Code (available at www.bostonredevelopmentauthority.org/zoning/zoning-code-maps), based on the appropriateness of the location for food truck vending and the likelihood of adverse effect, hazard, or nuisance.
 - If the Board approves the location for your food truck vending after the appeal, ISD will issue you a Use of Premise permit.

TIP: An important step in winning this appeals process is to get a letter endorsing your food truck from the Office of Neighborhood Services' neighborhood coordinator of the area in which you wish to vend. To find out who this is, visit http://www.cityofboston.gov/ons/coor_list.asp. You can discuss your business plan and ways to get community support for your truck with this liaison. Providing evidence of support from the community will demonstrate to the zoning appeals board that your food truck will be a valuable addition to the neighborhood.

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SALES TAX

OVERVIEW

Meals sold from food trucks generally require the payment of a sales tax. This tax is imposed on any item prepared for human consumption that does not require additional preparation or cooking to make it edible to customers. The Massachusetts meals tax is 6.25% of the price of the meal, and many localities (including Boston) have an additional .75% local tax for a total of 7% per meal. A complete list of tax rates for meals in Massachusetts localities can be found at <https://wfb.dor.state.ma.us/Webfile/Business/Public/WebForms/localrates.aspx>.

The Massachusetts Department of Revenue (DOR) created a basic Meals Tax Guide (available at <http://www.mass.gov/dor/individuals/taxpayer-help-and-resources/tax-guides/meals-tax-guide.html>) for all food service companies (including food trucks), which is a great reference tool.

Department

Massachusetts Dept. of Revenue
436 Dwight Street
Springfield, MA 01103
617-887-6367

TIP: Some vendors build sales tax into menu price and separate the costs only on the receipt. For example, a menu might list the cost of a sandwich as \$8, but the receipt breaks the price down into \$7.48 for the meal and \$.52 for the tax.

Basic Sales Tax Responsibilities for Food Vendors:

- All companies must register with the Massachusetts DOR. This can be done online using DOR's Webfile for Business program ("Webfile"), available at <http://www.mass.gov/dor/businesses/>.
- Tax returns must be filed monthly and payment of sales tax is due with the return. All returns and payments should be done electronically. This can also be done online through Webfile. A return must be filed for all periods, even when no tax is due.
- Companies must keep complete, detailed, and accurate records of gross receipts from all sales, whether taxable or not. The "Filing and Payment Information" section of DOR's Meals Tax Guide provides detailed information on the records that are required and how long they should be kept (typically 3 years). A return must be filed for all periods, even when no tax is due.
- For vendors operating in cities that charge local taxes in addition to state taxes, the two taxes may (but are not required to) be separated into separate line items on receipts and records. For example, a vendor in Boston can describe a line item as "State & Local Meals Tax" on receipts and returns for a combined total of 7%.
- Sales to 501(c)(3) organizations (including churches and universities), to elderly or handicapped persons, or directly to state or federal governmental entities may be exempt from sales tax. In practice, this exemption may only make sense in the context of catering contracts (discussed on the **CATERING AND SPECIAL EVENTS** page). The DOR website includes forms that should be submitted with your return explaining why no tax is being paid on eligible returns.

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PERMITTING CHECKLIST

With your operating permits and your site documents in hand, it's time to submit your completed Food Truck Permit Application!

Your final FTP Application package should include all of the following documents:

- A completed **Food Truck Permit Application Form** (including Health Inspector and Fire Inspector signatures on the second page)
- A **Health Permit** from the Inspectional Services Department
- An **Open Burning/Cooking Permit (Fire Permit)** from the Boston Fire Department (if required)
- A **Business Certificate** from the city where your business is permanently located
- A **GPS Navigation Contract** from Trimble
- At least one valid **Hawker/Peddler License** for a person who will be working on your food truck
- A copy of your **Commissary Kitchen Agreement**
- Relevant **Site Licensing Materials**.

Briefly, the relevant Site Licensing Materials are:

- For *Pre-Approved Public Sites*: a Food Truck Site License
- For *Special Sites*: a copy of the lease, or letter of agreement, from the property owner of your special site
- For *Private Sites*: a copy of the Use of Premise Permit; a copy of the lease and/or letter of agreement from the property owner; a photo of the site; and a scaled drawing of the site, noting truck location and service plan

All of these documents, along with the \$500 application fee, should be submitted to:

City of Boston Public Works Permitting Office
Boston City Hall, Room 715
Boston, MA 02201-2024
M - F: 8:30 am - 5:30 pm
Tel: 617-635-4911 | Fax: 617-635-2403

At this point, you should also review all requirements related to **SALES TAX** and ensure you are properly registered with the Massachusetts Department of Revenue.

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SECTION FIVE: DOWN THE ROAD

Now that all the basics are covered and you are up and running, you can think about taking your food truck to the next level. As your popularity grows, you'll want to protect your brand. We'll give you an overview of one way that is accomplished on the **TRADEMARKING YOUR NAME OR LOGO** page. Additionally, to maximize your returns, you may want to think creatively about alternative cash flows, such as special events or catering. The **CATERING AND SPECIAL EVENTS PAGE** is a great place to start!

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TRADEMARKING YOUR NAME OR LOGO

OVERVIEW

Establishing a distinct and recognizable brand for your food truck can be important from both a business and legal perspective. A trademark can be a symbol, a word, or a group of words that a business legally registers (or establishes by use) as representing the company. Legal consequences of infringing another person's trademark – even unknowingly or unintentionally – can range from a simple “cease and desist” letter to costly court battles over damages resulting from such infringement. From a business perspective, rebranding because of a trademark dispute would cost both money and time, and such rebranding may confuse your established client base.

By researching existing trademarks before naming and branding your truck, you can eliminate much of the risk of having to face such obstacles later. Registering your own trademark can also serve as an important protection of your brand, allowing you to maintain a clear identity as a vendor and defend your business against confusingly similar names in the future.

There are two options for officially registering trademarks (both of which will be discussed in more detail below): state trademark registration and federal trademark registration. If you want to officially trademark your food truck name at either the state or federal level, the first step you will need to take is to ensure that (1) no one else has a pre-existing right to the name or a confusingly similar name that is used in a similar business, and (2) the name is capable of being trademarked. Trademark only protects non-generic words, names, or symbols, so your name cannot merely be descriptive. For example, “The New England Clam Chowder Truck” would likely not be eligible for trademark protection because it is too generic. In addition, your name can't be likely to cause confusion with any previously registered mark or trade name currently in use, nor can it improperly suggest a link to a famous person with no connection to your business.

TIP: If you want to use the name of a famous person or musician in the name of your truck, you will likely need to seek permission from that person or their estate to license the name for your intended use. This includes names or phrases that are recognizable derivations or puns on the name of famous people. Minneapolis-based truck “Twisted Sister House of Hunger” and Detroit-based hot dog truck “Franks” (formerly “Franks Anatra”) are just two examples of trucks that have either lost or are currently fighting legal battles over their names.

Procedure for Common Law Trademark

If you can establish continuous use and prove that your use predates that of others who may try to use an infringing mark later, your mark may be protected even without registration. This is called a common law trademark. Although this route has no initial registration expenses, common law trademarks may be more difficult to defend than those that have been registered.

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Procedure for State Trademark Registration

Department:

Secretary of the Commonwealth
One Ashburton Place
Boston, MA 02108

Cost: \$50 filing fee, valid for 10 years (with continued use by the trademark holder)

- Registration of a trademark at the state level is done through the Secretary of the Commonwealth's office. If your business (and the contemplated future of your business) is operating only in Massachusetts, registration at the state level is your only option, as federal registration is only available for trucks that operate in more than one state.
- You will begin the process by searching for the availability of the desired mark. It is advised that you hire a trademark lawyer or commercial search firm for this process, though you can conduct a search yourself using the tools available on the Secretary of the Commonwealth's website (<http://corp.sec.state.ma.us/corpweb/trademarksearch/trademarksearch.aspx>). You (or your attorney) will also want to conduct an internet search using multiple search engines to determine if a similar business is using the mark or a similar one, and thus has acquired common law rights to the mark through use.
- If your trademark is available, then you need to complete and submit the Trademark Application, available at <http://www.sec.state.ma.us/cor/corpweb/cortmsm/tmsmfrm.htm>.

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Procedure for Federal Trademark Registration

Department:

United States Patent and Trademark Office
600 Dulany Street
Alexandria, VA 22314-5796
www.uspto.gov/trademarks/

Contact: 800-786-9199 | TrademarkAssistanceCenter@uspto.gov

Cost: \$275 (for an online TEAS Plus filing) or \$375 (for a paper filing)

TIP: Anyone claiming rights to a certain trademark can use the “TM” designation after their mark, regardless of whether the mark has been registered. However, only once a mark is officially registered with the U.S. Patent and Trademark Office (USPTO) can you use the “R” symbol.

Though more complicated, expensive, and time-consuming, federal registration of your trademark can establish your right to use the mark in all states. No additional Massachusetts trademark registration would be needed. The process for filing for federal trademark protection is similar to that of filing for state protection. Remember, however, that in order to qualify for federal registration, your mark must be used in interstate (meaning two or more states) commerce.

- Again, you would start by searching to establish the availability of the desired mark using some combination of a trademark attorney, a commercial search firm, the federal Trademark Electronic Search System (TESS) (available at <http://www.uspto.gov/trademarks/>), legal research databases (including searches for state registrations in other states), and internet research.
- You can file your trademark application online using the Trademark Electronic Application System (TEAS), available at <http://www.uspto.gov/trademarks/>.
- Unlike state trademarks, federal trademarks are granted for an unlimited duration as long as you comply with the periodic renewal filing requirements. To receive continued protection, you must also actively defend your mark against infringement by others.

TIP: For any questions on the federal process of trademark registration, the USPTO’s website (www.uspto.gov) is a good starting point. The USPTO website has a number of guides for those new to the trademark registration process, including one titled “Trademark Basics.” Their publication “Protecting Your Trademark: Enhancing Your Rights Through Federal Registration” offers a more comprehensive overview of the process. They also have a YouTube channel (under the username USPTOvideo) with videos on a variety of aspects of the trademark process. However, please keep in mind that trademark law is very complicated. For that reason, we recommend you consult with a lawyer before pursuing trademark registration at either the state or federal level.

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CATERING AND SPECIAL EVENTS

OVERVIEW

Providing catering services for events (such as weddings or office parties) and participating in special events (including festivals, food truck meetups, and street fairs) can be great ways to diversify your revenue streams. In addition to any general business considerations (like profitability), here are some basic things to consider and address before participating in one of these events:

Catering – “They pay you to show up”

➤ Potential Fee Structures

- *Location Fee* – If you have to travel a long way to the event, a fee to compensate for travel or inconvenience might be appropriate.
- *Base Fee* – This would be a flat fee to remain on site for the requested hours of service.
- *Per Hour Fee* – This would be an hourly fee to serve until a set number of meals are distributed. Serving 100 people over one hour as opposed to over four hours is very different in terms of demand on your time (even though it’s the same amount of food).
- *Combination Fee* – You may wish to use a combination of the fees outlined above.

➤ Meal Charges

- Some clients will only pay you to show up, and customers will then buy their own meals.
- Other clients will pay for all meals ordered. Show them your standard record keeping in advance and agree to a reporting method to bill correctly at the end of the event.

Special Events – “You pay them to let you show up”

➤ Potential Fee Structures

- Many fairs have food trucks sign a contract to rent space onsite.
- Standard fee setups include percentage-of-sales rent charges, flat fee rents, or a combination of both.

➤ Meal Charges

- Typically, customers will be expected to buy their own meals at these events.
- If any type of ticketing or voucher system is being used by a festival, be sure to review the operations of that system in advance.

Both Catering and Special Events

➤ Special Requests

- You may want to agree to any special meals, items, or demonstrations ahead of time and ensure that if you have a rotating menu, your customer’s favorite is included.

➤ Taxes – For more information, see the **SALES TAX** page of this toolkit.

- You may not be required to charge a sales tax when catering to 501(c)(3) organizations or government offices. Check the tax exempt status of catering clients ahead of time and ask the organization for a letter asserting their tax-free status, which you will need when you file taxes. You may want to adjust your price per meal accordingly.

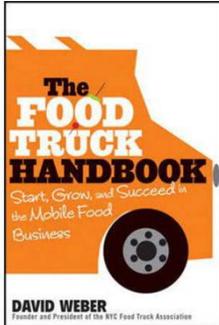
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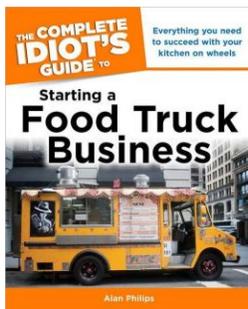
ADDITIONAL RESOURCES

For more information on starting a food truck (including information on many of the non-legal issues you may encounter), the following resources may be helpful:

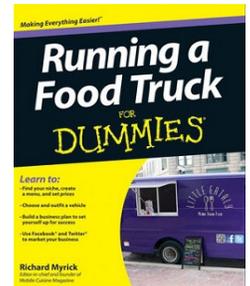
BOOKS



David Weber, The Food Truck Handbook: Start, Grow, and Succeed in the Mobile Food Business, Hoboken: John Wiley & Sons, Inc., 2012.



Alan Philips, The Complete Idiot's Guide to Starting a Food Truck Business, Alpha Books/Penguin Group, 2012.



Richard Myrick, Running a Food Truck for Dummies, Hoboken: John Wiley & Sons, Inc., 2012.

WEBSITES

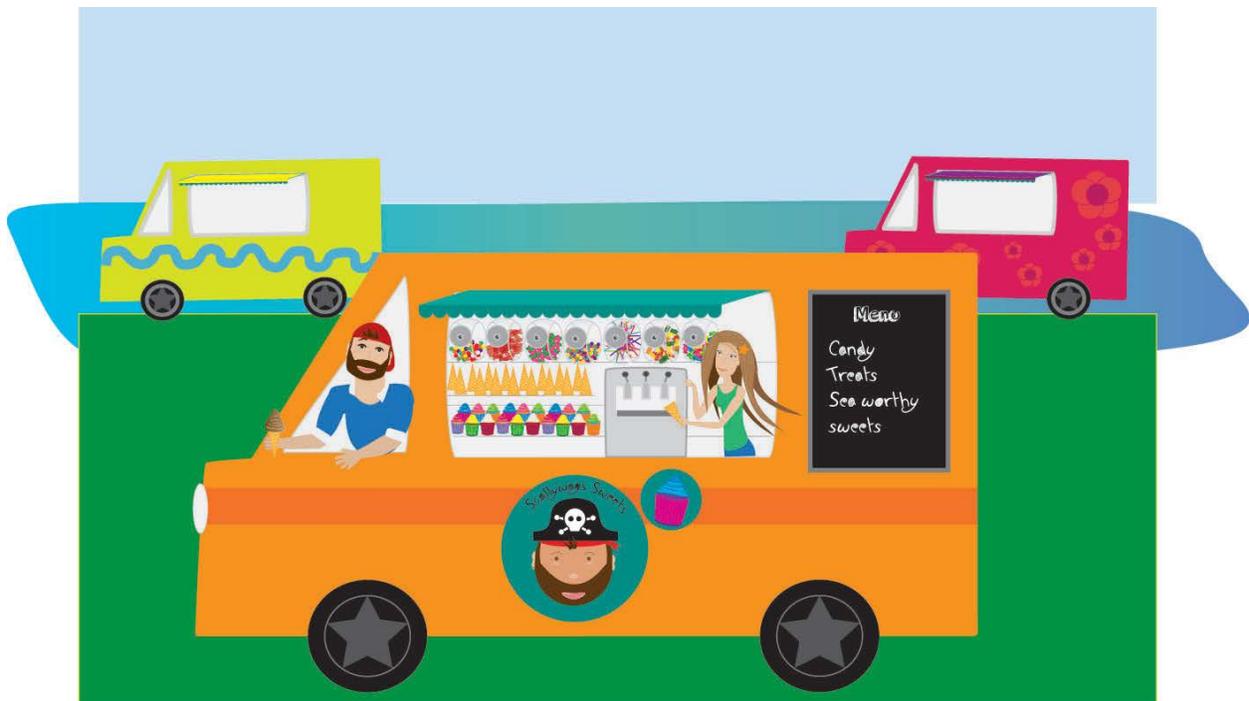
- Boston Food Truck Alliance (www.bostonmobilefood.com)
- Roaming Hunger (www.roaminghunger.com/startafoodtruck)
- Boston Food Truck Blog (www.bostonfoodtruck.wordpress.com/2012/11/27/how-to-start-a-mobile-food-business-expert-interview-1/)
- Food Trucks 101 (www.entrepreneur.com/article/220060)

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CONCLUSION

We understand that starting a food truck is no easy task. If you find yourself with additional questions or want legal assistance specific to your needs, reach out to your favorite lawyer or refer back to the **WE'RE HERE TO HELP** section at the beginning of this toolkit. Best of luck on your exciting journey!



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LIST OF APPENDICES

- A. Business Plan—City Requirements
- B. Mobile Food Establishment Plan Review
- C. Sample Non-Disclosure Agreement
- D. Sample Kitchen Rental Agreement
- E. Food Truck Permit Application
- F. Health Permit Application
- G. Application for Open Burning/Cooking Operations
- H. Business Certificate Application
- I. Hawker/Peddler Application
- J. Food Truck Site License Application
- K. Food Truck Pre-Approved Site Location Worksheet
- L. Food Truck Proposed Site Locations Worksheet
- M. Sample Food Truck Private Site Agreement
- N. Application for Permission to Use Premises
- O. Appeal under Boston Zoning Code Application

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BUSINESS PLAN – CITY REQUIREMENTS

Although the business plan required for the City site license application process is fairly informal, it does include a few components that you may not have thought about or planned to include. Your business plan *must* have all the following elements to meet the City requirements. The most current information on what the City expects in a business plan can be found at

<http://www.cityofboston.gov/business/mobile/approvedlocations.asp>.

At the time of the writing of this toolkit, the required elements are:

- **Sample Menu** (with at least one healthy menu option)
 - To be considered a qualifying “healthy option,” a menu item must include at least three of the following: 3/4 cup of fresh fruits or fruits packed in own juice with no sugar added; 3/4 cup of fresh or frozen vegetables with no salt added; 8 oz. low fat dairy option, such as yogurt; whole grains; and 2 oz. reduced-fat or lean cuts of meat that are grilled, broiled, or baked. In addition, the item cannot include any fried food, trans fats, or high fructose corn syrup.
- **“Rethink Your Drink” Participation**
 - Food truck venders are also required to participate in the City’s “Rethink Your Drink” campaign promoting healthy beverage options in Boston. Information on how you plan to participate should be included in your business plan. More information on the campaign is available at <http://www.bphc.org/programs/cib/chronicdisease/healthybeverages/Pages/Home.aspx>.
- **Statement on the Uniqueness of Product Offering**
 - Because the City anticipates competition for certain sites, your business plan should include a description of the food you will be offering and how it differs from what is available nearby (including differences in terms of cultural or ethnic offerings). In this statement, you should also address issues such as the freshness and quality of your ingredients.
 - The statement should also include your agreement that your product offerings will not compete with establishments within 100 feet of your food truck.
- **Plans for Operation at Each Location**
 - In this section, you should indicate when you plan to arrive for set-up, open for business, and depart.
 - You should also include your staffing plans for your vehicle.
 - The operating plan must also include a plan for customer queuing. Pedestrian traffic cannot be impeded by your customer queue, so you must have a plan for keeping a minimum of 4 feet of the sidewalk clear for pedestrian traffic.
 - Parking should also be addressed, including how you will keep other vehicles from parking in front of or behind your truck (for at least 20 feet). Any violation of this margin through parking or traffic is a fire hazard, so the City requires you to include a strategy to maintain the space clear.
 - This section should also address your plan to keep the surrounding area free of trash. It must include locating a trash barrel next to the truck and a cleaning plan for the end of the vending period (including a plan to sweep the site clean and, if necessary, wash down the

- site or sidewalk. You must take all trash generated with you at the end of each day (including that in your trash barrel) and you cannot dump any food product down city sewers. Violation of the rule against dumping may result in a suspension of your license for a minimum of 3 days by the licensing authority or, in the case of repeated violations, revocation of the license.
- A plan for your staff's access to a restroom at each site must also be included.

➤ **Proof of Service of a Commissary Kitchen**

➤ **Statement on Community Engagement**

- This should explain how your operation is committed to the community it serves by highlighting any local hiring and training practices, any plan you might have to source your ingredients locally, and whether or not your commissary kitchen is located in the City of Boston.

➤ **Statement on Environmental Sustainability**

- Here, you should indicate if your food truck operations include any environmentally sustainable practices, such as using locally grown and sourced ingredients; using alternative fuels, low-emissions vehicles, or bio-based food serviceware; or employing recycling and composting practices.



**BOSTON INSPECTIONAL SERVICES DEPARTMENT
DIVISION OF HEALTH INSPECTIONS
1010 MASSACHUSETTS AVENUE
BOSTON, MA. 02118
TEL. (617) 635-5326 FAX. (617) 635-5388**

MOBILE FOOD ESTABLISHMENT PLAN REVIEW (105 CMR 590.011)

NAME OF ESTABLISHMENT _____ LOCATION _____

BASE OF OPERATION _____
(ESTABLISHMENT) (ADDRESS)

MOBILE KITCHEN ___ CANTEEN TRUCK ___ ICE CREAM TRUCK ___ TRAILER ___ PUSHCART ___ OTHER ___

BUSINESS OWNER _____ HOME ADDRESS _____

NEW ___ REMODELED ___ TEL. NO. _____

BREAKFAST ___ LUNCH ___ DINNER ___ EST. MEALS ___ DAYS & HOURS OF OPERATION _____

CONSTRUCTION START DATE _____ BUSINESS OPENING DATE _____

PERMIT ISSUES

STATE SANITARY CODE (105 CMR 590.) PROVIDED YES ___ NO ___ PENDING ___

CERTIFIED FOOD MANAGER REQUIRED (590.003 B) YES ___ NO ___

ZONING/OCCUPANCY APPROVAL (BUILDING DEPT.) YES ___ NO ___ N/A ___

FIRE DEPT. APPROVAL YES ___ NO ___ N/A ___

HAWKERS & PEDDLERS LICENSE YES ___ NO ___ N/A ___

PUBLIC WORKS APPROVAL YES ___ NO ___ N/A ___

DIVISION OF MARINE FISHERIES APPROVAL YES ___ NO ___ N/A ___

MENU PROVIDED FC 8-201.12 YES ___ NO ___ N/A ___

CONSUMER ADVISORIES DEVELOPED FC 3-603.11 (FOR RAW AND UNDERCOOKED FOOD) YES ___ NO ___ N/A ___

COOK & SERVE ___ COOK & HOT HOLD ___ COOK, HOT HOLD, COOL, REHEAT ___ N/A ___

PHYSICAL FACILITIES

NAME, ADDRESS, PHONE # ON MOBILE UNIT (MIN. 3" LETTERING) YES ___ NO ___

WINDOWS & DOORS SCREENED FC 6-202.15 YES ___ NO ___ N/A ___

SNEEZE GUARDS AND OVERHEAD PROTECTION PROVIDED YES ___ NO ___ N/A ___

TYPE OF FINISH FLOOR MATERIAL FOOD PREP. AREA FC 6-201.11 QUARRY TILE ___ CERAMIC TILE ___ VCT TILE ___ OTHER ___

TYPE OF FINISH WALL MATERIAL FOOD PREP. AREA FC 6-201.11 STAINLESS STEEL ___ CERAMIC TILE ___ FRP ___ SHEETROCK ___

TYPE OF FINISH CEILING MATERIAL FOOD PREP. AREA FC 6-201. SHEETROCK ___ VINYL FACED ___ FRP ___ METAL ___

LIGHT FIXTURES SHIELDED FOOD PREP. AREA FC 6-202.11 YES ___ NO ___ N/A ___

EMPLOYEE TOILET FACILITIES PROVIDED FC 5-203.11 YES ___ NO ___ LOCATION _____

EXHAUST AND VENT SYSTEM APPROVED FC 6-304.11& (FIRE DEPT.) YES ___ NO ___ N/A ___

TYPE OF RUBBISH AND GREASE CONTAINER(S) FC5-501.13-.17 COMPACTER ___ DUMPSTER ___ VERMIN PROOF BARRELS ___

TYPE OF SURFACE LOCATED ON FC 5-501.115 CONCRETE ___ ASPHALT ___ OTHER _____

PLUMBING, HAND, WAREWASH AND WATER FACILITIES

SEPARATE HAND WASH SINK PROVIDED FC 5-203.11 YES ___ NO ___ N/A ___

COMBINATION FAUCET/MIXING VALVE (MIN 110°F) YES ___ NO ___

SIZE OF HOLDING TANK FOR POTABLE WATER _____

TANK MADE OF SAFE/FOOD GRADE MATERIALS YES ___ NO ___

SIZE OF WASTE HOLDING TANK _____

DRAIN PROVIDED FOR WASTE TANK YES ___ NO ___

FOOD PREP SINK PROVIDED FC 3-302.15 YES ___ NO ___ N/A ___

POT SINK PROVIDED WITH DRAIN BOARDS FC 4-301.12 (THREE (3) COMPARTMENTS REQUIRED) YES ___ NO ___ N/A ___

KITCHEN FACILITIES/EQUIPMENT

NATIONAL SANITATION FOUNDATION APPROVED FC 4-205.10 & FC 201 YES ___ NO ___

INSULATED CONTAINERS PROVIDED (MECHANICAL REFRIGERATOR REQUIRED BY JULY 1 2005 FOR RTE FOODS) YES ___ NO ___ N/A ___

REFRIGERATOR UNIT PROVIDED VOLUME REQUIRED= # OF MEALS x .085 FC4-301.11 _____ N/A ___
TOTAL (FT³) (HOW MANY)

41° F FOR NEW EQUIPMENT FC 3-501.16 YES ___ NO ___ N/A ___

FREEZER UNIT PROVIDED _____ N/A ___
TOTAL (FT³) (HOW MANY)

TYPE OF COOKING EQUIPMENT PROVIDED FC 4-301.11 STOVE _____ CONVECTION OVEN _____
GRILL _____ MICROWAVE OVEN _____
FRYER _____ PIZZA OVEN _____
BROILER _____ ROTISSERIE _____
RICE COOKER _____ STEAM KETTLES _____
OTHER _____

STEAM TABLE(S) PROVIDED FC 4-301.11 YES ___ NO ___ HOW MANY ___ N/A ___
HOT FOODS _____

OTHER HOT HOLDING EQUIPMENT PROVIDED _____
(TYPE) (HOW MANY)

STATEMENT: I CERTIFY THAT THE ABOVE INFORMATION IS CORRECT AND UNDERSTAND THAT IF ANY CHANGES ARE MADE TO THE PLANS OR THE ABOVE INFORMATION WITHOUT PERMISSION FROM THE DIVISION OF HEALTH INSPECTIONS MAY NULLIFY THIS APPROVAL.

SIGNATURE: _____ TITLE: _____

FOOD ESTABLISHMENT PLAN REVIEW

PRELIMINARY REVIEW BY _____ DATE _____
TITLE _____

FINAL APPROVAL BY _____ DATE _____
TITLE _____

SAMPLE NON-DISCLOSURE AGREEMENT

NOTE: This sample agreement is meant to give you an idea of some of the issues you may want to think about when drafting a non-disclosure agreement. However, it is important to think about how these provisions pertain to your specific situation and the particular confidential information that you would like protect. Please note that this sample, like all samples throughout the toolkit, is for reference only; consult an attorney to determine which revisions and modifications are appropriate for your needs.

For valuable consideration, and in consideration of my employment or continued employment by _____ (the “Company”), I, the undersigned employee, hereby agree to the terms of this Non-Disclosure Agreement (the “Agreement”):

- 1. Confidential Information.** (a) *Company Information.* I acknowledge that during the course of my employment there may be disclosed to me certain of the Company’s trade secrets and proprietary information, including but not limited to: recipes; technical information for the preparation of food items including methods, processes, formulae, compositions, and techniques; product plans; designs; drawings; marketing, financing, or other business information; sources of supply; or merchandising systems or plans (“Confidential Information”). I agree that I shall not, neither during my employment with the Company, nor for a period of _____ years thereafter, disclose or divulge to any person, firm, or corporation, whether directly or indirectly, any Confidential Information without prior written authorization of the Company. (b) *Exceptions.* Confidential Information does not include information that: (i) is now or subsequently becomes generally available to the public through no fault or breach on my part; (ii) I can demonstrate to have had rightfully in my possession prior to disclosure by the Company; or (iii) I rightfully obtained from a third party who has the right to transfer or disclose it.
- 2. Return of Information.** I agree that upon the termination of my employment from the Company, I shall return to the Company all documents and property of the Company, including but not limited to: manuals, recipes, drawings, reports, customer lists, supplier lists, correspondences, and all other materials and all copies thereof relating in any way to the Company’s business, or in any way obtained by me during the course of my employment. I further agree that I shall not retain copies, notes, or abstracts of the foregoing.
- 3. Notification of Future Employer.** I hereby grant the Company permission to notify any future or prospective employer or third party of the existence of this Agreement.
- 4. Legal and Equitable Remedies.** I recognize that the Company may be irreparably damaged by any breach of this Agreement and that the Company shall be entitled to seek an injunction, specific performance, or other equitable remedy to prevent such competition or disclosure, and that such breach may entitle the Company to other legal remedies, including attorney’s fees and costs.

- 5. **Successors and Assigns.** This Agreement shall be binding upon me and my personal representatives and successors in interest, and shall inure to the benefit of the Company, its successors, and assigns.
- 6. **Continuing Obligations.** The obligations and rights described in this Agreement shall survive the termination of my employment with the Company.
- 7. **Governing Law.** This Agreement shall be governed by the laws of the Commonwealth of Massachusetts.

Signed this ____ day of _____, 20__.

EMPLOYEE:

Name: _____

Address: _____

Accepted and Acknowledged,

COMPANY:

Name: _____

Title: _____

SAMPLE KITCHEN RENTAL AGREEMENT

NOTE: This sample agreement is meant to give you an idea of some of the issues you may want to think about when negotiating with a commissary kitchen. However, it is important to think about how these provisions pertain to your specific situation and the particular commissary kitchen with which you are negotiating. Please note that this sample, like all samples throughout the toolkit, is for reference only; consult an attorney to determine which revisions and modifications are appropriate for your needs.

This Kitchen Rental Agreement (the "Agreement") is made this ____ day of _____, 2013, by and between _____, a commissary kitchen (the "Commissary"), and _____, a food truck (the "Food Truck").

The Commissary and the Food Truck hereby agree as follows:

1. Services: The Commissary agrees to allow the Food Truck to use the commercial kitchen located at _____ (the "Kitchen").
2. Term: The term of this Agreement shall be from _____ until _____ (the "Term") and the hours of the Food Truck's use during the term shall be confined to _____ (the "Hours"). Use of the Kitchen outside the Hours requires prior written consent of the Commissary.
3. Termination: If the Food Truck wishes to renew this Agreement, the Food Truck will give 30 days' written notice prior to the end of the Term. If no such notice is given, the Food Truck agrees to vacate the Kitchen, leaving the Kitchen in substantially the same condition as it existed prior to the commencement of this Agreement, subject to the terms herein. Upon legal termination of this Agreement or the Food Truck's abandonment of the premises, whichever event occurs first, any personal or business effects of the Food Truck remaining in the Kitchen will become the property of the Commissary. At such time, the Commissary may change the locks on the Kitchen or otherwise deny the Food Truck further access thereto.
4. Payment: The Food Truck shall pay the Commissary a flat rate of \$_____ per month on or before the first of each month for use of the Kitchen during the Hours (the "Rent"). The Food Truck shall deliver the Rent in the form of a check made payable to "_____" and delivered to the Commissary's address as listed above on or before the first of each month (the "Due Date") or mailed to same.
5. Late Payments: Any Rent not received by the Commissary on or before the Due Date shall be delinquent and the Commissary may immediately terminate this Agreement at its full discretion, subject to the Termination provision herein. If the Due Date falls on a weekend or holiday, the Food Truck accepts responsibility to ensure Rent is paid on or prior to such Due Date. An additional charge of \$30.00 may be applied to cover extra costs of handling a returned check.
6. Amenities: The Commissary will provide the following amenities in the Kitchen in consideration for the Rent:
 - a. Electricity, natural gas, water/sewer, and trash removal service.

- b. Paper towels, toilet paper, bleach/sanitizer, dish soap, hand soap, surface cleaners, scrub sponges, mop, mop bucket, broom, dust pan, and ice melt (when applicable).
- c. Walk-in refrigerator (1 shelf), freezer (1 shelf), and dry storage (2 shelves).

The Food Truck may use those amenities listed in (6)(c) outside of the Hours. All other amenities can only be used during the Hours. Though the Commissary will make reasonable efforts to ensure that all listed amenities are available to the Food Truck during the Hours, the Commissary makes no representation that all amenities will be available at all times.

7. Access: The Commissary will provide the Food Truck with access codes and/or keys to the Kitchen. The Food Truck agrees that only Food Truck employees will access the Kitchen or otherwise use the access codes and/or keys provided by the Commissary under this Agreement. In addition, the Food Truck agrees that such use of access codes and/or keys shall be limited by the terms of this Agreement, including but not limited to the Hours as listed herein.
8. Insurance: The Food Truck will obtain a \$500,000 business insurance policy that names the Commissary as an additional insured. The Food Truck agrees to deliver a copy of such policy to the Commissary upon request.
9. Condition: The Food Truck will maintain the cleanliness of the Kitchen as outlined in the “Kitchen Chores,” which are prominently posted on the walls of the Kitchen. A copy of the “Kitchen Chores” is also attached as Exhibit A hereto. The Food Truck will make no alterations, installations, repairs, or redecoration (including painting) of any kind to the Kitchen without obtaining prior written consent from the Commissary. The Food Truck also hereby agrees to pay for any damage to the Kitchen caused by acts, whether intentional or accidental, committed by the Food Truck or any family, guests, customers, employees, or other agents of the Food Truck. Likewise, the Food Truck hereby agrees to accept responsibility to the fullest extent under the law for any thefts, accidents, or other sources of liability related to use of the Kitchen, unless such use was solely the result of the Commissary’s negligence. The Food Truck shall abide by any laws and regulations regarding care and occupancy of the Kitchen and give prompt notice to the Commissary of any maintenance required.
10. Destruction of the Kitchen: If the Kitchen is destroyed or otherwise made untenable by fire, natural disaster, or any other cause, either party shall have the right to terminate this Agreement immediately upon notification. Upon such termination under this Section 10, the Commissary will return any portion of any prepaid rent, as pro-rated by the Hours used during such month. Nothing herein shall be construed so as to compel the Commissary to rebuild the Kitchen in case of destruction.
11. Miscellaneous: This Agreement constitutes the entire understanding between the parties and shall be governed in accordance with the laws of the Commonwealth of Massachusetts. This Agreement may not be assigned by either party without prior written consent of the other party.

Agreed and accepted as of the date first set forth above.

 By: _____
 Title: _____

 By: _____
 Title: _____



Food Truck Permit Application 2013

City of Boston | Public Works Department

Submit completed form and required documents to Public Works. For more information on the application process, visit www.cityofboston.gov/foodtrucks.

BUSINESS INFORMATION	
Name of Truck:	Truck Size:
DBA Name: (if different)	Federal ID #:
Address:	
Phone:	
Fax:	
Email:	
Website:	

OWNER(S) INFORMATION		
Name	Phone	Cell Phone

REQUIRED DOCUMENTS (Attach to this application.)	
Required of all Applicants:	<input type="checkbox"/> Copy of Health Permit, issued by Inspectional Services Department (ISD). <input type="checkbox"/> Copy of Business Certificate (issued from town or city where business is based) <input type="checkbox"/> Copy of Hawkers / Peddlers License, issued by the State of Massachusetts. <input type="checkbox"/> Copy of GPS Contract with Trimble. <input type="checkbox"/> Proof of Service by Commissary.
Required of Applicants Needing a Fire Permit:	<input type="checkbox"/> Copy of Open Burning/Cooking Permit issued by Boston Fire Department (BFD).
Required of Applicants Planning to Vend on Private Property:	<input type="checkbox"/> Copy of Lease(s) or Letter(s) from Landlord(s). Required for each private site. <input type="checkbox"/> Copy of Use of Premise Permit(s). Required for each private site. <input type="checkbox"/> Site Plan including: photos of site and a detailed layout noting truck orientation and service plan. Required for each private site.

SIGNATURES

Inspectional Services:

ISD Health Inspector Signature

Inspector Name (Print)

Date

Boston Fire:

Signature of Fire Inspector is required for all applications to verify inspection, even if no permit was issued.

Fire Inspector Signature

Inspector Name (Print)

Date

Applicant:

I hereby consent to the collection, disclosure, and use of all data collected by the GPS unit installed under the requirements of the City of Boston Food Truck Permit Application for the purpose of monitoring the locations of food trucks throughout the City and for the purpose of providing GPS information to third parties (e.g., software developers) to develop mobile applications to provide accurate location data to customers.

Applicant Signature

Applicant Name (Print)

Date

PROPOSED VENDING LOCATION & TIMES

Location	Property Type	Days	Shift/Hours
	<input type="checkbox"/> Public <input type="checkbox"/> Private		
	<input type="checkbox"/> Public <input type="checkbox"/> Private		
	<input type="checkbox"/> Public <input type="checkbox"/> Private		
	<input type="checkbox"/> Public <input type="checkbox"/> Private		
	<input type="checkbox"/> Public <input type="checkbox"/> Private		
	<input type="checkbox"/> Public <input type="checkbox"/> Private		
	<input type="checkbox"/> Public <input type="checkbox"/> Private		

SUBMISSION

Fee: \$500 *
 Check or Money Order, payable to "City of Boston"
 *Permit fee only. Additional fees apply for vending on public way, as well as those required by ISD, BFD, The Commonwealth of Massachusetts, and Trimble Navigation Limited.

Submit this form and all required attachments in person to: City of Boston Public Works
 Boston City Hall, Room 714 | Boston, MA 02201-2024
 617-635-4911 (phone) | 617-635-2403 (fax)



THOMAS M. MENINO
Mayor

BOSTON INSPECTIONAL SERVICES DEPARTMENT

DIVISION OF HEALTH INSPECTIONS PROCEDURES FOR OBTAINING A MOBILE PERMIT (PLEASE READ CAREFULLY AND IF YOU ARE UNSURE PLEASE INQUIRE)

In order to obtain a Mobile Food Health Permit from the Inspectional Services Department the following documents must be submitted prior to the inspection. Inspections **CANNOT** be performed if information is incomplete and not submitted prior to inspection.

If you are vending in the City of Boston you may have to go to Police Headquarters, 1 Schroeder Plaza Boston, MA 02120, 617-343-4425, to verify where you can sell. (SOME AREAS ARE RESTRICTED)

If you are a mobile food walk on truck you are required to contact Edith Murane Boston City Hall, 1 City Hall Plaza, Rm. 603, Boston, MA, 02201. 617- 635-1456

If you are not at a permanent location, you must obtain a Hawkers and Peddlers license from the Division of Standards, One Ashburton Place, Rm. 1115, Boston, MA 02108. 617-727-3480

If you are vending on a public property, you must obtain a permit from the Department of Public Works, Anne McNeil, 1 City Hall Plaza, Rm. 714, Boston, MA, 02201 617-635-4911.

If you are vending on private property, you must obtain a Use of Premises permit from the Inspectional Services Department, Building Division, 1010 Mass. Ave, 5th Fl., Boston, MA 02118. 617-635-5300.

If you are vending in a city park, you must obtain a permit from the Parks & Recreational Department, 1010 Mass. Ave, 3rd Fl., Boston, MA 02118. 617-635-4505.

You are required to obtain a copy of the Massachusetts Sanitary Code 105CMR 590.000 and the 1999 Federal Food Code. These can be obtained at the State House Bookstore, RM 116, and 617-727-2834.

New mobile food units must submit plans for approval by the Health Division before you obtain a Health Permit. Plans are reviewed by appointment only. You can do this by calling Thomas Coffill at 617-961-3219.

All mobile food units or pushcarts shall operate from a fixed licensed food establishment and shall report twice daily to such location for all food and supplies and for all cleaning and sanitizing units and equipment. You must provide a letter on their letterhead stating you have permission to perform these duties from their establishment along with a copy of their permit.

If you sell potentially hazardous foods, you are required to have a full time on site certified food protection manager assigned to the mobile food operation. Please ask for course package. These courses are not offered by the City of Boston but through private consultants.

You must complete a Health Division application and provide the required documents and licenses at the time of your inspection. Inspections are performed at 1010 Massachusetts Ave, Monday – Friday from 8am – 9:30am. Mobile Food permits fees are \$100 per unit and \$30 each if you sell milk or ice cream. If you manufacture frozen dessert from a soft serve machine, the fee is \$100. You are also be required to have a lab that will test your machines once a month and submit those reports to the Health Division. **No application will be accepted if the Tax ID # is blank.**

If you are using propane, generators or open flame you are required to contact Boston Fire Department, 1010 Mass. Ave. Boston, MA 02118. Ask to speak with Lt. Martin Fernandes or Lt. Michael Kenney, Special Hazards Division, 617-343-3447, to see if a fire inspection and/or permit are needed. If you have an exhaust system you are required to contact Ross Josie, Fire Marshal's Office at 617-343-2019.

1010 MASSACHUSETTS AVENUE, BOSTON, MA 02118 • 617-635-5300



BOSTON INSPECTIONAL SERVICES DEPARTMENT

DIVISION OF HEALTH INSPECTIONS

1010 MASSACHUSETTS AVE.

BOSTON, MA 02118

Tel (617) 635-5326 Fax (617) 635-5388

FOR BOARD OF HEALTH USE ONLY

<u>Date Received</u>	<u>Date Inspected</u>	<u>Approved By</u>	<u>Permit # Issued</u>	<u>Fee</u>
_____	_____	_____	_____	_____

Food Establishment Permit Application

1) Establishment Name:	
2) Establishment Address:	
3) Establishment Mailing Address (if different):	
4) Establishment Telephone No:	
5) Applicant Name and Title:	
6) Applicant Address:	
7) Applicant Telephone No:	
8) Owner Name and Title (if different from applicant):	
9) Owner Address (if different from applicant):	
10) Establishment Owned By:	11) If a corporation or partnership, give name, title and home address of officers or partners: Name: _____ Title: _____ Address: _____ _____ _____ _____ _____
<input type="checkbox"/> An association	
<input type="checkbox"/> A corporation	
<input type="checkbox"/> An individual	
<input type="checkbox"/> A partnership	
<input type="checkbox"/> Other Legal entity _____	
12) Person Directly Responsible for Daily Operations (Owner, Person in Charge, Supervisor, Manager etc.)	
Name & Title :	
Address:	
Telephone No:	Fax:
Emergency Telephone No:	
13) District Or Regional Supervisor (if applicable)	
Name & Title :	
Address:	
Telephone No:	Fax:

ANSWER ALL QUESTIONS IF NOT APPLICABLE WRITE N/A

CIRCLE ALL WHICH APPLY TO YOUR BUSINESS:

CANTEEN TRUCK MOBILE KITCHEN PUSHCART ICE CREAM TRUCK OTHER

SELL: FROZEN DESSERT/YOGURT/ICE CREAM/ OR MILK

MANUFACTURING: FROZEN DESSERT/YOGURT/ICE CREAM (SOFT SERVE)

NAME OF VEHICLE/PUSHCART _____

BASE OF OPERATION _____

STREET CITY STATE & ZIP _____

VERIFICATION LETTER FROM LICENSED COMMISSARY OR ESTABLISHMENT YES _____ NO _____

LOCATION IN THE CITY (BE SPECIFIC)

STREET NAMES & SECTION OF THE CITY

DAYS AND TIMES

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

HANDWASHING SINK ON MOBILE UNIT Y/N

TOILET FACILITIES ARE AVAILABLE AT _____

FOOD PRODUCTS TO BE SOLD SOURCE OF FOOD PRODUCTS

HOT FOOD ITEMS (Be Specific)

COLD FOOD ITEMS (Be Specific)

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

MECHANICAL REFRIGERATION Y/N

MAKE & YEAR OF VEHICLE _____

STATE OF REGISTRATION _____

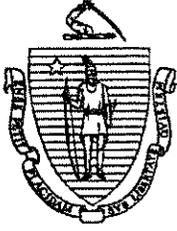
REGISTRATION # _____

IF YOU MANUFACTURE FROZEN DESSERT/ICE CREAM PLEASE COMPLETE THE FOLLOWING:

WHERE IS THE MIX PURCHASED FROM/NAME OF COMPANY _____

IS THE MIX PASTEURIZED? YES _____ NO _____ NUMBER OF REFRIGERATORS/FREEZERS _____

ARE YOU AWARE OF THE REGULATIONS REGARDING THE SUBMISSION OF MONTHLY LAB REPORTS? Y/N



The Commonwealth of Massachusetts
 Department of Industrial Accidents
 Office of Investigations
 600 Washington Street
 Boston, MA 02111
 www.mass.gov/dia

Workers' Compensation Insurance Affidavit: General Businesses

Applicant Information

Please Print Legibly

Business/Organization Name: _____

Address: _____

City/State/Zip: _____ Phone #: _____

Are you an employer? Check the appropriate box:

- 1. I am an employer with _____ employees (full and/or part-time).*
- 2. I am a sole proprietor or partnership and have no employees working for me in any capacity. [No workers' comp. insurance required]
- 3. We are a corporation and its officers have exercised their right of exemption per c. 152, §1(4), and we have no employees. [No workers' comp. insurance required]**
- 4. We are a non-profit organization, staffed by volunteers, with no employees. [No workers' comp. insurance req.]

Business Type (required):

- 5. Retail
- 6. Restaurant/Bar/Eating Establishment
- 7. Office and/or Sales (incl. real estate, auto, etc.)
- 8. Non-profit
- 9. Entertainment
- 10. Manufacturing
- 11. Health Care
- 12. Other _____

*Any applicant that checks box #1 must also fill out the section below showing their workers' compensation policy information.

**If the corporate officers have exempted themselves, but the corporation has other employees, a workers' compensation policy is required and such an organization should check box #1.

I am an employer that is providing workers' compensation insurance for my employees. Below is the policy information.

Insurance Company Name: _____

Insurer's Address: _____

City/State/Zip: _____

Policy # or Self-ins. Lic. # _____ Expiration Date: _____

Attach a copy of the workers' compensation policy declaration page (showing the policy number and expiration date).

Failure to secure coverage as required under Section 25A of MGL c. 152 can lead to the imposition of criminal penalties of a fine up to \$1,500.00 and/or one-year imprisonment, as well as civil penalties in the form of a STOP WORK ORDER and a fine of up to \$250.00 a day against the violator. Be advised that a copy of this statement may be forwarded to the Office of Investigations of the DIA for insurance coverage verification.

I do hereby certify, under the pains and penalties of perjury that the information provided above is true and correct.

Signature: _____ Date: _____

Phone #: _____

Official use only. Do not write in this area, to be completed by city or town official.

City or Town: _____ Permit/License # _____

Issuing Authority (circle one):

- 1. Board of Health 2. Building Department 3. City/Town Clerk 4. Licensing Board 5. Selectmen's Office
- 6. Other _____

Contact Person: _____ Phone #: _____



**Boston Fire Department
 Fire Prevention Division
 1010 Massachusetts Avenue – 4th Floor
 Boston, MA 02118
 Tel: 617-343-3447 Fax: 617-343-2197**

<i>For BFD Internal Use Only:</i>
Payment Received Date: _____
Payment Number: _____
Customer ID: _____
Permit Number: _____

APPLICATION FOR OPEN BURNING/COOKING OPERATIONS

Completed Permit to be: _____ Mailed _____ E-mailed _____ Picked up

STARTING DATE: _____ ENDING DATE: _____

APPLICANT'S NAME: _____

APPLICANT'S ADDRESS: _____

Number *Street*

City *State* *Zip Code* **PHONE:** _____

FAX: _____ E-MAIL ADDRESS: _____

COMPANY NAME: _____

COMPANY ADDRESS: _____

Number *Street*

City *State* *Zip Code* **PHONE:** _____

FAX: _____ E-MAIL ADDRESS: _____

Permit to be exercised at the following location:

Number *Street* *City*

Times of Burning/Cooking: From _____ To _____

Type of Fuel: _____ Amount of Fuel: _____

Storage Location of Fuel: _____

Number of cylinders: _____ Size of Cylinders: _____

Transportation of fuel:

Vehicle make, model, year: _____ Vehicle registration: _____

Applicant's Name (Print) _____ Date _____

Applicant's Signature _____

***** PAYABLE AT TIME OF APPLICATION*****



1001



City of Boston

Office of the City Clerk

Form: 1001C



BUSINESS CERTIFICATE - Filing Fee: \$50.00

New Filing Renewal

This Certificate Expires on: _____

Under the provisions of Chapter 110, Section 5 of the Massachusetts General Laws, as amended, the undersigned hereby declares that a business under the title of:

_____ is being conducted at:

(Please Print Clearly)

_____ (P. O. Box not permitted) (City) (State) (Zip Code)

By the following individual (s) or Corporation
Print Full Name (s)

Corporation or Residential Address
(P.O. Box not permitted)

Signatures: _____

Individuals MUST have their *signatures notarized* on the back of this form prior to filing in the Office of the City Clerk.

Local Telephone Number: _____ Type of Business: _____

Email Address: _____ Website: _____

IMPORTANT NOTICE

This Certificate expires four (4) years from the date of issue. If you cease conducting business before that time, the law requires that you withdraw this Certificate with the Office of the City Clerk.

City of Boston Certification

A true copy of the original document filed on the above date in the Office of the City Clerk.

_____ at _____

Attest:

City Clerk

Notarization Acknowledgement

The Commonwealth of Massachusetts – SUFFOLK COUNTY

On this ____ day of _____, 20____, before me, the undersigned Notary Public, personally appeared

_____ (name of document signer(s), proved to me through

satisfactory evidence of identification, which was/were _____

_____ to be the person who signed the preceding or attached document in my presence, and who swore or affirmed to me that the contents of this document are truthful and accurate to the best of his/her knowledge and belief.

Signature: _____
 Notary Public

Notary Seal/Stamp

My Commission expires: ____ / ____ / ____

Non-Residents ONLY doing Business in Massachusetts

Certificate and Statement

Filing Fee: \$25.00 (in addition to regular fee)

Pursuant to M.G.L. Chapter 227, Section 5A, I/We hereby appoint the City Clerk of the City of Boston, and its successors in office, as my/our true and lawful agent upon whom all lawful process may be served in any action arising out of the business described in the front hereof.

Signature(s): _____



FEE \$62.00

Office Use Only HP ___ No. _____ Issue Date _____ Issued By: _____

Application for License to Peddle

(Under the provisions of Chapter 101, General Laws, and Amendments and additions thereto.)

This form of application must be filled out as directed, duly signed, and returned to this office with the full amount of the fee, before a license will be issued.

CASH, CERTIFIED CHECK, REGISTERED CHECK OR MONEY ORDER: Make check payable to the Commonwealth of Massachusetts. Do not mail cash.

To the Director of Standards, 1 Ashburton Place, Rm 1115, Boston, MA 02108, 617-727-3480.

I, the undersigned, hereby apply for a STATE LICENSE

TYPE OF GOODS SOLD: _____

NAME: _____ SSN# OR FED ID#: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

DATE OF BIRTH: _____ PHONE NO: _____

1. Do you use a motor vehicle? ____ YES ____ NO Registration No. _____
2. Have you been convicted of any offense against the laws of this state or the ordinances or by laws of any city or town? ____ YES ____ NO if yes state fully the nature of the offense, the court where convicted, data of conviction and penalty imposed.
3. Have you had a license to peddle within the last five years? ____ YES ____ NO
If yes, License Number _____
4. **PURSUANT TO MASSACHUSETTS GENERAL LAW CHAPTER 62C SECTION 49A, I CERTIFY UNDER THE PENALTIES OF PERJURY THAT I, TO THE BEST OF MY KNOWLEDGE AND BELIEF, HAVE FILED ALL STATE TAX RETURNS AND PAID ALL STATE TAXES REQUIRED UNDER LAW.**

Signature of Applicant: _____ Date: _____

CERTIFICATE OF CHARACTER:

(Must be signed by Chief of Police of the city or town in which applicant resides.)

I, the undersigned, _____ of the City/Town of _____

hereby certify that to the best of my knowledge and belief that, _____ the above named applicant, is of good repute for morals and integrity.

SIGNED: _____ Chief of Police Date: _____

* Please check with each Community for local rules and regulation pertaining to sales from stationary or fixed locations.



Food Truck Site License Application

City of Boston | Public Works Department

Complete this form and attach required documents then submit to Public Works.

For more information on the application process, visit www.cityofboston.gov/foodtrucks

BUSINESS INFORMATION

Name of Business: _____

DBA Name:
(if different) _____

Address: _____

Federal ID #: _____

Phone: _____

Fax: _____

Email: _____

Website: _____

OWNER(S) INFORMATION

Name	Phone	Cell Phone

REQUIRED DOCUMENTS (Attach to this application.)

- Copy of Food Truck Vehicle Permit Application cover sheet.
- Completed Pre-Approved Site Location Worksheet
- Proposed Business Plan, including:
 - Sample Menu, including statements that highlight:
 - Uniqueness of product Healthy options Non-competitive food products
 - Willingness to participate in the City's "Rethink Your Drink" campaign on beverages.
 - Operational Plan, including:
 - Timing- arrival, set up, business hours, and departure
 - Vehicle Staffing Customer Queuing Trash Plan
 - Traffic/Parking Margin Strategy Staff Restroom Access Plan
- Operator Statement on Community Engagement
- Operator Statement on Environmental Sustainability

SUBMISSION

Submit this form and all required attachments in person or by fax to: City of Boston Public Works, Permitting Office, Room 715
 Boston City Hall, Room 714 | Boston, MA 02201-2024
 617-635-4911 (phone) | 617-635-7499 (fax)



Food Truck Pre-Approved Site Locations Worksheet

City of Boston | Public Works Department

For more information on the site license process, please visit www.cityofboston.gov/foodtrucks.

Monday	Please enter top four Tier I choices for location for each time period			
	6:00 AM – 10:00 AM	10:00 AM – 3:00 PM	3:00 PM – 11:00 PM	Other
1				
2				
3				
4				

Monday	Please enter top four Tier II choices for location for each time period			
	6:00 AM – 10:00 AM	10:00 AM – 3:00 PM	3:00 PM – 11:00 PM	Other
1				
2				
3				
4				

Monday	Please enter top four Tier III choices for location for each time period			
	6:00 AM – 10:00 AM	10:00 AM – 3:00 PM	3:00 PM – 11:00 PM	Other
1				
2				
3				
4				

TUESDAY	Please enter top four Tier I choices for location for each time period			
	6:00 AM – 10:00 AM	10:00 AM – 3:00 PM	3:00 PM – 11:00 PM	Other
1				
2				
3				
4				

TUESDAY	Please enter top four Tier II choices for location for each time period			
	6:00 AM – 10:00 AM	10:00 AM – 3:00 PM	3:00 PM – 11:00 PM	Other
1				
2				
3				
4				

TUESDAY	Please enter top four Tier III choices for location for each time period			
	6:00 AM – 10:00 AM	10:00 AM – 3:00 PM	3:00 PM – 11:00 PM	Other
1				
2				
3				
4				

WEDNESDAY	Please enter top four Tier I choices for location for each time period			
	6:00 AM – 10:00 AM	10:00 AM – 3:00 PM	3:00 PM – 11:00 PM	Other
1				
2				
3				
4				

WEDNESDAY	Please enter top four Tier II choices for location for each time period			
	6:00 AM – 10:00 AM	10:00 AM – 3:00 PM	3:00 PM – 11:00 PM	Other
1				
2				
3				
4				

WEDNESDAY	Please enter top four Tier III choices for location for each time period			
	6:00 AM – 10:00 AM	10:00 AM – 3:00 PM	3:00 PM – 11:00 PM	Other
1				
2				
3				
4				

THURSDAY	Please enter top four Tier I choices for location for each time period			
	6:00 AM – 10:00 AM	10:00 AM – 3:00 PM	3:00 PM – 11:00 PM	Other
1				
2				
3				
4				

THURSDAY	Please enter top four Tier II choices for location for each time period			
	6:00 AM – 10:00 AM	10:00 AM – 3:00 PM	3:00 PM – 11:00 PM	Other
1				
2				
3				
4				

THURSDAY	Please enter top four Tier III choices for location for each time period			
	6:00 AM – 10:00 AM	10:00 AM – 3:00 PM	3:00 PM – 11:00 PM	Other
1				
2				
3				
4				

FRIDAY	Please enter top four Tier I choices for location for each time period			
	6:00 AM – 10:00 AM	10:00 AM – 3:00 PM	3:00 PM – 11:00 PM	Other
1				
2				
3				
4				

FRIDAY	Please enter top four Tier II choices for location for each time period			
	6:00 AM – 10:00 AM	10:00 AM – 3:00 PM	3:00 PM – 11:00 PM	Other
1				
2				
3				
4				

FRIDAY	Please enter top four Tier III choices for location for each time period			
	6:00 AM – 10:00 AM	10:00 AM – 3:00 PM	3:00 PM – 11:00 PM	Other
1				
2				
3				
4				

SATURDAY	Please enter top four Tier I choices for location for each time period			
	6:00 AM – 10:00 AM	10:00 AM – 3:00 PM	3:00 PM – 11:00 PM	Other
1				
2				
3				
4				

SATURDAY	Please enter top four Tier II choices for location for each time period			
	6:00 AM – 10:00 AM	10:00 AM – 3:00 PM	3:00 PM – 11:00 PM	Other
1				
2				
3				
4				

SATURDAY	Please enter top four Tier III choices for location for each time period			
	6:00 AM – 10:00 AM	10:00 AM – 3:00 PM	3:00 PM – 11:00 PM	Other
1				
2				
3				
4				

SUNDAY	Please enter top four Tier I choices for location for each time period			
	6:00 AM – 10:00 AM	10:00 AM – 3:00 PM	3:00 PM – 11:00 PM	Other
1				
2				
3				
4				

SUNDAY	Please enter top four Tier II choices for location for each time period			
	6:00 AM – 10:00 AM	10:00 AM – 3:00 PM	3:00 PM – 11:00 PM	Other
1				
2				
3				
4				

SUNDAY	Please enter top four Tier III choices for location for each time period			
	6:00 AM – 10:00 AM	10:00 AM – 3:00 PM	3:00 PM – 11:00 PM	Other
1				
2				
3				
4				



Food Truck Proposed Site Locations Worksheet

City of Boston | Public Works Department

For more information on the site license process, please visit www.cityofboston.gov/foodtrucks.

Monday				
Location	Street Address	Vending Time Period	Season	Comments

TUESDAY				
Location	Street Address	Vending Time Period	Season	Comments

WEDNESDAY				
Location	Street Address	Vending Time Period	Season	Comments

THURSDAY				
Location	Street Address	Vending Time Period	Season	Comments

FRIDAY				
Location	Street Address	Vending Time Period	Season	Comments

SATURDAY				
Location	Street Address	Vending Time Period	Season	Comments

SUNDAY				
Location	Street Address	Vending Time Period	Season	Comments

SAMPLE FOOD TRUCK PRIVATE SITE AGREEMENT

NOTE: This sample agreement is meant to give you an idea of some of the issues you want to think about when negotiating with a property owner. However, it is important to think about how these provisions pertain to your specific situation and the particular property owner with whom you are negotiating. Please note that this sample, like all samples throughout the toolkit, is for reference only; consult an attorney to determine which revisions and modifications are appropriate for your needs.

This Food Truck Private Site Agreement (“Agreement”) is made by and between _____ (“Property Owner”) and _____ (“Food Truck Operator”).

Property Owner and Food Truck Operator agree as follows:

- 1. Property.** (a) Property Owner grants Food Truck Operator the permission to place ____ food truck (“Food Truck”) on the property owned, leased, or operated by Property Owner located at _____ (“Property”). (b) A detailed site plan of the Property with photos is attached to this Agreement as Exhibit A.
- 2. Use.** (a) Property Owner grants Food Truck Operator the permission to use the designated section of the Property described in Exhibit B (“Food Truck Area”) for the sole purpose of vending food. Food Truck Operator may exercise this right between the hours of ____ and ____ on the days of _____, with the following exceptions: _____ (“Hours of Operation”). (b) Property Owner grants Food Truck Operator the exclusive right to vend food on the Property during the agreed upon Hours of Operation. (c) Property Owner grants Food Truck Operator permission to erect temporary signs or postings that are in compliance with all laws and regulations within the Food Truck Area.
- 3. Term.** This Agreement shall be in force for a term commencing on _____ and expiring on _____ with an option to renew for __ weeks/months/years if agreed to by both parties.
- 4. Health and Safety Regulations.** Food Truck Operator agrees to operate the Food Truck in compliance with all applicable laws and regulations, including but not limited to health and safety regulations required by the City of Boston and the Commonwealth of Massachusetts. In accordance with this provision, Food Truck Operator agrees to submit copies of all applicable permits and certifications to Property Owner upon request.
- 5. Payment.** In consideration for the use of the Food Truck Area, Food Truck Operator agrees to pay to Property Owner ____% of net sales (gross sales, less any state and local sales tax and refunds) no later than the ____ day of each month following the month for which the sales are recorded.

TIP: As with all provisions in this sample agreement, this is only one suggested way to deal with the issue of payment. It is important to figure out what works best for both parties. Another option would be to pay the property owner a flat one-time fee, or a daily/weekly/monthly rate.

6. **Ownership/Profits.** Food Truck Operator shall have the exclusive right of ownership and use in the Food Truck, and exclusive right to all profits arising therefrom, in excess of any payment specified in Paragraph 5 of this Agreement.

7. **Insurance.** Food Truck Operator agrees to maintain general liability insurance for the duration of this Agreement. Limits of coverage for the general liability insurance shall be _____.

8. **Indemnity.** Food Truck Operator agrees to indemnify and hold Property Owner harmless from any and all claims, suits, damages, and liabilities that occur on the Property where it is alleged in such claims or suits that the services provided by the Food Truck Operator, or acts or omissions on the part of Food Truck Operator’s agents or employees, have caused damage or injury in any way to persons or property.

9. **Non-waiver.** The failure of either party to enforce any provision(s) of this Agreement or to exercise any remedy available under this Agreement shall not be construed as a waiver or limitation of such right or remedy or the party's right to subsequently enforce and compel strict compliance with every provision of this Agreement.

10. **Termination.** (a) Both Property Owner and Food Truck Operator may terminate this Agreement, for any reason or no reason, by written statement delivered to the other party either in person, via email, or at the addresses listed below. Any such statement must provide 30 days advance notice of termination to the other party. (b) Food Truck Operator agrees, upon termination or expiration of this Agreement, to bear the responsibility and cost of removing the Food Truck from the Property and, insofar as is practicable, returning the Food Truck Area to the condition it was in prior to the placement of the Food Truck thereon.

11. **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Massachusetts.

Signed this ____ day of _____, 20____,

PROPERTY OWNER

FOOD TRUCK OWNER

(Name, Title)

(Name, Title)

On behalf of _____
(Property Owner)

On behalf of _____
(Food Truck Company)

(Address)

(Address)

Location, ownership and detail must be correct, complete and legible.

Duplicate application required.

Plans must be filed with this application when required.

CERTIFIED STREET NO.



APPLICATION FOR PERMISSION TO USE PREMISES.

Boston,20

Thomas M. Menino
Mayor

Street Numbering Inspector.

To the INSPECTIONAL SERVICES COMMISSIONER:

The undersigned applies for permission to use premises:—

Location District Ward

Name of owner is? Address

What were the premises last used for?

Premises to be occupied or used for

DETAIL OF PROPOSED USE OF PREMISES.

*Signature of owner or
authorized representative*

Address



BD9 Revised 10/00

This form must be completed and signed by the owner-of-record, their attorney and/or authorized agent. If form is not signed by property owner, please attach a signed letter of authorization designating the authorized agent.

Appeal Must Be Typed

APPEAL

under Boston Zoning Code



**Thomas M. Menino
Mayor**

Boston, Massachusetts....., 20

To the Board of Appeal in the Inspectional Services Department of the City of Boston:

The undersigned, being
The Owner(s) or authorized agent

of the lot at
number street ward district

hereby appeal(s) under St. 1956, c. 665, s. 8, to the Board of Appeal in the Inspectional Services Department of the City of Boston the action taken by the Inspectional Services Commissioner as outlined in the attached refusal letter.

DESCRIBE IN DETAIL THE REASON(S) FOR THIS APPEAL

STATE REASONS FOR THIS PROPOSAL

PROVIDE REASONS WHY BOARD SHOULD GRANT RELIEF

COMMENTS

OWNER.....

AUTHORIZED AGENT.....

ADDRESS.....

TELEPHONE.....

FAX.....