
SECTION 4(A) TRANSIENT VENDORS / FESTIVAL VENDORS / TEMPORARY VENDORS

2.4.001 Any hawker, peddler, or transient vendor who offers food or drink for sale as defined by Chapter X of the Massachusetts Sanitary Code shall obtain a permit from the Board of Health and said permit shall identify the food items allowed for sale and shall identify the person as defined in Chapter 1 Section 1.006 responsible for preparation of food items allowed for sale. All applicable regulations shall be complied with.

Any hawker, peddler, or transient vendor who fails to obtain a valid permit from the Board of Health shall be ordered to immediately cease and desist the operation of food sales. Failure to comply with a valid order by the Health Department could necessitate police assistance to terminate the non-permitted vendor activities, and may cause further legal action, as deemed appropriate.

Massachusetts issued Hawker and Peddlers permits do not supersede any required city permits including but not limited to Board of Health permits. It is the responsibility of the person obtaining a permit to comply with any applicable laws, rules, and regulations in force from the City of Newburyport.

Health permits must be obtained by the vendor prior to any vendor activity at least 10 days in advance. Payment of the required fees must be by check to the City of Newburyport.

2.4.001 (A) Any policies, guidelines, or other requirements adopted by the Board of Health or implemented pursuant to Chapter 1 Section, 1.2001, or Chapter 1 Section 1.6.001 shall be applicable to all vendors.

2.4.002 **PLAN REQUIREMENTS FOR TRANSIENT VENDORS / FESTIVAL VENDORS / TEMPORARY VENDORS OF:**

NON CITY PROPERTY/COMMERCIAL PROPERTY:

1. Each event organizer and event vendor shall be required to complete a Health Department application and file said application with applicable fees to the Health Department within 10 days in advance.
2. Each vendor will be required to provide the following documentation with the Health Department application:

- a. Permit fee - \$50.00 per day
 - b. Proposed location of event
 - c. Proposed layout plan of all equipment being used
 - d. Location of hand washing facilities
 - e. Copy of proposed menu of food items requesting to be served and food source location (I.e. Ice, prepared food etc.)
 - f. Menus must contain required Public Health Consumer Advisory in accordance with U.S. Department of Health & Human Services Federal Food & Drug Administration(FDA)1999 Food Code Section 3-603-11
 - g. Menus must contain required Public Health Allergen Awareness Advisory in accordance with Commonwealth of Massachusetts State Sanitary Code 105 CMR 590.009(G)
 - h. Copies of vendors existing food service or commissary permits from local City, town or State
 - i. Copy of required current liability insurance
 - j. Copy of Food Manager, Allergen Awareness Certifications
 - k. Copy of Massachusetts Hawkers & Peddlers license
3. Vendors who uses fats, oils and grease for cooking purposes will be required to provide the following:
- a. Ground cover mats to absorb and prevent any spillage of fats, oils or grease on or into any private or public property including City owned or maintained property including City Streets, sewers, catch basin and trash receptacles
 - b. (2) ABC tagged fire extinguishers that meet compliance with the Commonwealth of Massachusetts 527 CMR "Board of Fire Prevention Regulations". Fire extinguishers shall be inspected and approved by the City Fire Department
 - c. Quick disconnect connections on all propane tanks in accordance with the Commonwealth of Massachusetts 527 CMR "Board of Fire Prevention Regulations". Quick disconnect connections shall be inspected and approved by the City Fire Department
 - d. A maximum of (2) 20 pound tanks only. Any vendor who requires additional propane tanks on site and that exceeds 42 pounds will be required to obtain a special permit from the City Fire Department. All permits will need to be posted on site and accessible

- e. Any vendor who uses fats, oils and grease for cooking purposes will be responsible for the transport, setup, maintenance and removal of fats, oils and grease before, during and after festival or event
 - f. Any vendor who uses fats, oils and grease for cooking purposes will be responsible for all costs accrued by the City in the event that any fats, oils and grease is discharged on any private or public property including any City owned or maintained property including City Street, sewers, catch basin, receptacles
4. Vendors who prepared and serve foods will be required to provide the following:
- a. Certified Food Manager required to be on site
 - b. Post Health Department permit, Food Manager & Allergen Awareness Certifications and Hawkers & Peddlers license
 - c. Post Allergen Awareness Advisory
 - d. Hand washing facilities with a minimum of 2 ½ gallons of fresh water, soap, paper towels, hand sanitizer and a catch bucket
 - e. Plastic disposable gloves for the prevention of contamination from bare hands
 - f. Hats or hairnets
 - g. Appropriate sanitizer for food preparation with wiping cloths and a sanitizer testing kit strips
 - h. Stem food thermometer & alcohol swabs for testing of hot holding foods
 - i. Thermometers in all cold holding units
 - j. Equipment to cover and protect foods in hot and cold holding –No exposed food will be allowed, unless display item only
 - k. All food product to be stored off the ground at a minimum of 6 inches
 - l. All cold food product to be kept at 41F or less, frozen food product at 0F or less and hot holding at 140F or above.
 - m. All vendors must provide adequate cold and hot storage units appropriate for food items offered for sale. The Board of Health may determine that some food items may not be allowed and may issue a restricted permit.
 - n. Provide a first Aid kit

5. Each organizer will be required to the following required documentation with the Health Department application that will include the following
 - a. Festival management plan to include the following:

PORTABLE TOILETS

Illuminated chemically treated portable toilets. If festival and or event exceeds 2 or more days, organizer will be required to provide a minimum of five (5) approved chemical treated portable toilets plus one (1) portable toilet being handicap accessible per 240 attendees in accordance with the Code of Federal Regulation (CFR) and Occupational Safety and Health Administration (OSHA) or as many as chemical treated portable toilets as the Health Department deems necessary to meet the needs of public health and safety of event or festival.

SOLID WASTE COLLECTION SERVICE:

- a. Organizer will provide private solid waste hauler collection service (list of permitted haulers available by the City Health Department if requested) for the daily monitoring, maintenance, collection and removal of solid waste generated from festival/event.
- b. Organizer will provide the City Health Department with a 24/7 contact of the solid waste collection service used.
- c. Solid waste collection service will be required to be licensed & insured in accordance with the Commonwealth of Massachusetts Public Health Law Chapter 111 Section 31A & 31B and the City of Newburyport Health Department Regulations for the collection, removal and transport of solid waste refuse generated from festival/event.
- d. The organizer will describe and ensure compliance with the matter of how solid waste trash and refuse generated from festival/event is to be stored, maintained, collected, transported and disposed on a daily basis in accordance with Massachusetts General Law Chapter 111 Section 31A & B and the City of Newburyport Health Department Regulations
- e. Organizer/solid waste collection service will be required to provide temporary solid waste receptacles for festival/event and placed within the City Health Department required radius (**see downtown map example below**). All other festival/events that are not held in the downtown area, organizers will be required to provide a map and location of temporary solid waste receptacles for said festival/event to the City Health Department for final review and approval. All temporary solid waste receptacles will be lined with 2 ply heavy duty plastic leak proof bags provided by the organizer/solid waste collection service to prevent leaks, spillage or unsanitary conditions. All receptacles will be emptied as needed to prevent overflow, unsanitary conditions or when

directed by the City Health Department. All temporary solid waste receptacles will be cleaned, emptied and removed daily.



- f. Organizer will hire or designate a minimum of one (1) staff personal or as many as deemed necessary by the City Health Department to monitor and maintain location of festival or event, private or public receptacles of all loose solid waste trash, rubbish and liter generated during operational hours of festival. Staff personal shall wear the appropriate festival/event or logo shirt to properly identify him/her as a festival or event staff personal
- g. No solid waste collected from said festival/event will be allowed to be stored overnight in or on any public, private property or public receptacles unless written permission is granted by the City Health Department
- h. If written permission is granted by the City Health Department for overnight storage of solid waste generated from festival/event. Organizer of festival/event will propose a suitable location to be approved by the City Health Department
- i. All overnight storage will be properly contained and completely covered so as no solid waste or refuse creates a nuisance conditions such as leaks, spillage, odors or unsanitary conditions.
- j. Organizer of festival/event will be responsible for all costs accrued by the City in the event that any solid waste trash, refuse or other offal substances is discharged and or not cleaned on any private or public property including any City owned or maintained property including City Streets, sewers, catch basin, solid waste receptacles

Other Required Regulatory Compliance

Compliance with all Massachusetts American with Disabilities Act (ADA) regulations as set forth by the City ADA Coordinator.

Pre & Post inspection:

- a. All festival/event organizers will be required before the start of any festival/event operations will be required to schedule a pre & post operational inspection with the City Health Department, Department of Public Services, City Fire Department, City Police Department and designee from the City Mayor's office.
- b. A pre operational inspection will be required to ensure organizer and vendor are in compliance with the above regulations and all other applicable local, state and federal ordinances, statutes & regulations
- c. All vendors will be required to set up one hour before festival/event starts and break down one hour after festival/event ends.
- d. A post inspection(Next business day) with the City Health Department and the City Department of Public Services will be required to ensure compliance with sanitary conditions with private or public property including any City owned or maintained property including City Street, sewers, catch basin, receptacles
- e. Failure to comply with applicable laws, rules, regulations and post inspection requirements contain within these regulations may cause an organizer and or vendor to be denied issuance of a permit, denied security deposit and subject to any cost that is accrued by the City for unsanitary condition left by an organizer and or vendor on a private or public property including any City owned or maintained property including City Street, sewers, catch basin, receptacles

2.4.002 (A) PLAN REQUIREMENTS FOR TRANSIENT VENDORS / FESTIVAL VENDORS / TEMPORARY VENDORS:

CITY PROPERTY

1. Each event organizer and event vendor shall be required to complete a Health Department application and file said application with applicable fees to the Health Department within 10 days in advance.
2. Each vendor will be required to provide the following required documentation with the Health Department application:
 - a. Permit Fee(Includes usage fee)
 - 1 or 2 day festival/event permit fee \$100.00
 - 3 or more day festival/event \$50.00 per day
 - b. Proposed location of event

- c. Proposed layout plan of all equipment being used
 - d. Location of hand washing facilities
 - e. Copy of proposed menu of food items requesting to be served and food source location (I.e. Ice, prepared food etc.)
 - f. Menus must contain required Public Health Consumer Advisory in accordance with U.S. Department of Health & Human Services Federal Food & Drug Administration(FDA)1999 Food Code Section 3-603-11
 - g. Menus must contain required Public Health Allergen Awareness Advisory in accordance with Commonwealth of Massachusetts State Sanitary Code 105 CMR 590.009(G)
 - h. Copies of vendors existing food service or commissary permits from local City, Town or State
 - i. Copy of required current liability insurance
 - j. Copy of Food Manager, Allergen Awareness Certifications
 - k. Copy of Massachusetts Hawkers & Peddlers license
3. Vendors who uses fats, oils and grease for cooking purposes will be required to provide the following:
- a. Ground cover mats to absorb and prevent any spillage of fats, oils or grease on or into any private or public property including City owned or maintained property including City Streets, sewers, catch basin and trash receptacles
 - b. (2) ABC tagged fire extinguishers that meet compliance with the Commonwealth of Massachusetts 527 CMR "Board of Fire Prevention Regulations". Fire extinguishers shall be inspected and approved by the City Fire Department
 - c. Quick disconnect connections on all propane tanks in accordance with the Commonwealth of Massachusetts 527 CMR "Board of Fire Prevention Regulations". Quick disconnect connections shall be inspected and approved by the City Fire Department
 - d. A maximum of (2) 20 pound tanks only. Any vendor who requires additional propane tanks on site and that exceeds 42 pounds will be required to obtain a special permit from the City Fire Department. All permits will need to be posted on site and accessible.
 - e. Any vendor who uses fats, oils and grease for cooking purposes will be responsible for the transport, setup, maintenance and removal of fats, oils and grease before, during and after festival or event

- f. Any vendor who uses fats, oils and grease for cooking purposes will be responsible for all costs accrued by the City in the event that any fats, oils and grease is discharged on any private or public property including any City owned or maintained property including City Street, sewers, catch basin, receptacles
- 4. Vendors who prepared food will be required to provide the following:
 - a. Certified Food Manager required to be on site
 - b. Post Health Department permit, Food Manager & Allergen Awareness Certifications and Hawkers & Peddlers license
 - c. Post Allergen Awareness Advisory
 - d. Hand washing facilities with a minimum of 2 ½ gallons of fresh water, soap, paper towels, hand sanitizer and a catch bucket
 - e. Plastic disposable gloves for the prevention of contamination from bare hands
 - f. Hats or hairnets
 - g. Appropriate sanitizer for food preparation with wiping cloths and a sanitizer testing kit strips
 - h. Stem food thermometer & alcohol swabs for testing of hot holding foods
 - i. Thermometers in all cold holding units
 - j. Equipment to cover and protect foods in hot and cold holding –No exposed food will be allowed, unless display item only
 - k. All food product to be stored off the ground at a minimum of 6 inches
 - l. All cold food product to be kept at 41F or less, frozen food product at 0F or less and hot holding at 140F or above.
 - m. All vendors must provide adequate cold and hot storage units appropriate for food items offered for sale. The Board of Health may determine that some food items may not be allowed and may issue a restricted permit.
 - n. Provide a first Aid kit
- 5. Each organizer be will be required to provide following required documentation with the Health Department application that will include the following:

Festival Management Plan to include:

1. SECURITY DEPOSIT

A required \$500 (Organizer's) \$500 (Vendor's who uses fats, oil or grease) \$100 (All other vendor's) refundable security deposit. All security deposits will be submitted to the Health Department. Security deposits will be returned to organizer/vendors within 5 days after the conclusion of any festival or event and when the required post inspection pursuant 2.4.003 of these regulations to has deemed compliance with City of Newburyport ordinances and Health Department regulations.

2. PORTABLE TOILETS

Illuminated chemically treated portable toilets. If festival and or event exceeds 2 or more days, organizer will be required to provide a minimum of five (5) approved chemical treated portable toilets plus one (1) portable toilet being handicap accessible per 240 attendees in accordance with the Code of Federal Regulation (CFR) and Occupational Safety and Health Administration (OSHA) or as many as chemical treated portable toilets as the Health Department deems necessary to meet the needs of public health and safety of event or festival.

3. SOLID WASTE COLLECTION SERVICE

- a. Organizer will provide private solid waste hauler collection service (list of permitted haulers available by the City Health Department if requested) for the daily monitoring, maintenance, collection and removal of solid waste generated from festival/event.
- b. Organizer will provide the City Health Department with a 24/7 contact of the solid waste collection service used.
- c. Solid waste collection service will be required to be licensed & insured in accordance with the Commonwealth of Massachusetts Public Health Law Chapter 111 Section 31A & 31B and the City of Newburyport Health Department Regulations for the collection, removal and transport of solid waste refuse generated from festival/event.
- d. The organizer will describe and ensure compliance with the manner of how solid waste trash and refuse generated from festival/event is to be stored, maintained, collected, transported and disposed on a daily basis in accordance with Massachusetts General Law Chapter 111 Section 31A & B and the City of Newburyport Health Department Regulations
- e. Organizer/solid waste collection service will be required to provide temporary solid waste receptacles for festival/event and placed within the City Health Department required radius of said festival/event (**see downtown map example below**). All other

festival/events that are not held in the downtown area, organizers will be required to provide a map and location of temporary solid waste receptacles for said festival/event to the City Health Department for final review and approval.

All temporary solid waste receptacles will be lined with 2 ply heavy duty plastic leak proof bags provided by the organizer/solid waste collection service to prevent leaks, spillage or unsanitary conditions. All receptacles will be emptied as needed to prevent overflow, unsanitary conditions or when directed by the City Health Department. All temporary solid waste receptacles will be cleaned, emptied and removed daily.



- f. Organizer will hire or designate a minimum of one (1) staff personal or as many as deemed necessary by the City Health Department to monitor and maintain location of festival or event, private or public receptacles of all loose solid waste trash, rubbish and liter generated during operational hours of festival. Staff personal shall wear the appropriate festival/event or logo shirt to properly identify him/her as a festival or event staff personal
- g. No solid waste collected from said festival/event will be allowed to be stored overnight in or on any public, private property or public receptacles unless written permission is granted by the City Health Department
- h. If written permission is granted by the City Health Department for overnight storage of solid waste generated from festival/event. Organizer of festival/event will propose a suitable location to be approved by the City Health Department

- i. All overnight storage will be properly contained and completely covered so as no solid waste or refuse creates a nuisance conditions such as leaks, spillage, odors or unsanitary conditions.
- j. Organizer of festival/event will be responsible for all costs accrued by the City in the event that any solid waste trash, refuse or other offal substances is discharged and or not cleaned on any private or public property including any City owned or maintained property including City Streets, sewers, catch basin, solid waste receptacles

Other Required Regulatory Compliance:

Compliance with all Massachusetts American with Disabilities Act (ADA) regulations as set forth by the City ADA Coordinator.

2.4.03 PRE & POST OPERATION INSPECTION:

- a. All festival and event organizers will be required before the start of any festival/event operations will be required to schedule a pre & post operational inspection with the City Health Department, Department of Public Services, City Fire Department, City Police Department and designee from the City Mayor's office.
- b. A pre operational inspection will be required to ensure organizer and vendor are in compliance with the above regulations and all other applicable local, state and federal ordinances, statutes & regulations
- c. All vendors will be required to set up one hour before festival/event starts and break down one hour after festival/event ends.
- d. A post inspection (Next business day) with the City Health Department and the City Department of Public Services will be required to ensure compliance with sanitary conditions with private or public property including any City owned or maintained property including City Street, sewers, catch basin, receptacles
- e. Failure to comply with applicable laws, rules, regulations and post inspection requirements contain within these regulations may cause an organizer and or vendor to be denied issuance of a permit, denied security deposit and subject to any cost that is accrued by the City for unsanitary condition left by an organizer and or vendor on a private or public property including any City owned or maintained property including City Street, sewers, catch basin, receptacles