



Information about Ice Cream Truck Vendors

Learn what you need to know about ice cream truck vendors

The ice cream truck vendor regulations establish uniform standards and requirements for the issuance of permits to engage in ice cream truck vending, which is defined as the selling, displaying or offering to sell ice cream or any other prepackaged food product from an ice cream truck. Any person who sells, displays, or offers to sell ice cream from an ice cream truck, or any person who drives or operates such a vehicle, is deemed to be an ice cream truck vendor and is required to obtain a valid permit issued by the chief of police, the board or an officer having control of the policy in a city or town, or an authorized third party. In order to obtain a permit, the applicant must complete and submit an application form to the designated permit issuing authority. Any application that is submitted to the designated permit issuing authority is subject to a state and national criminal history investigation to determine applicant eligibility, and all permitting authorities are restricted from issuing an ice cream truck vending permit to any sex offender as defined by G.L. c. 6, § 178C

What would you like to do?

Top tasks

Apply for a permit to engage in ice cream truck vending

(<https://www.mass.gov/files/documents/2018/07/11/app-ice-cream-truck-vending.pdf>)

Rules and regulations: 520 CMR 15:00: Permitting of Ice Cream Truck Vendors

(<https://www.mass.gov/files/documents/2017/10/06/520cmr15.pdf>)

All other tasks

Ice Cream Truck Vendors FAQs

(<https://www.mass.gov/service-details/ice-cream-truck-vendors-faqs>)

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Ice Cream Truck Vendors FAQs

FAQs

Q: What am I required to do under the Ice Cream Truck vendor regulation?

A: If you engage in Ice Cream truck vending or operation, this regulation requires that you obtain a permit from the Permitting Authority within the municipality where you live or plans to operate the Ice Cream Truck.

Q: How do I know if the Ice Cream Truck regulation applies to me?

A: Every person who intends to engage in Ice Cream Truck vending must obtain a valid permit issued by the Permitting Authority. Ice Cream Truck vending is defined as the selling, displaying or offering to sell ice cream or any other prepackaged food product from an ice cream truck.

Q: I operate a food Truck that does not serve Ice Cream products. Will I be required to obtain a permit?

A: No. The regulation provides that every person who intends to engage in ice cream truck vending must obtain a permit and defines an ice cream truck as any motor vehicle used for selling, displaying, or offering to sell ice cream. If your truck does not carry ice cream products, then you will not be required to obtain a permit.

Q: My service areas include a number of municipalities. Will I be required to apply for permits from each city or town in which I operate?

A: There are two ways to obtain a permit: either by applying to the municipality where the applicant lives or by applying to the municipality where the applicant plans to operate the Ice Cream Truck. An applicant who obtains a permit in the municipality where he or she lives may operate without restriction in any other municipality. However, an applicant who obtains a permit in a particular municipality where he or she intends to operate is restricted to operating in that municipality.

Q: Where do I obtain a permit application?

A: Applicants may obtain a Department-approved permit application from their local Permitting Authority.

Q: I have a question about the application process. Who should I contact?

A: Permitting and enforcement will all be done by the local Permitting Authority and not the Department of Public Safety. Please direct all inquiries to your local Permitting Authority.

Q: What is a Permitting Authority?

A: The Permitting Authority is the chief of police or the board or officer having control of the police in a city or town. The Permitting Authority may also be a person authorized by the chief of police, the board or officer.

Q: Why is a criminal background check required?

A: The criminal background check is required by statute. M.G.L. c. 270 § 25 directs the Department to draft regulations which include a requirement that a Permitting Authority conduct an investigation into the criminal history of a permit applicant to determine his or her eligibility.

Q: Am I required to pay for the criminal background check?

A: The Permitting Authority of the municipality where the applicant applies will determine whether to require a fee for conducting the requisite criminal background check.

Q: I have a criminal record. Will this prohibit me from obtaining a permit?

A: Based on the results of the investigation into the applicant's criminal history, the Permitting Authority will determine the applicant's eligibility. However, in no case will a permit be issued to a person who is a sex offender as defined by M.G.L. c. 6 § 178C.

Q: Will the information contained in my criminal record become public record?

A: No, the information contained in an applicant's criminal record will be used solely for the purpose of determining the applicant's eligibility for a permit.

Q: I own an Ice Cream Truck vending business and employ multiple Ice Cream Truck operators. Is each individual required to obtain a permit?

A: Yes, every person who intends to engage in ice cream truck vending is required to obtain a permit by submitting an application for permit to engage in ice cream truck vending. However, you may list all operators on one permit for your business to be displayed on the truck itself.

Q: What address should I list on my permit?

A: The address listed on your permit should be the business address for the Ice Cream Truck vendor.

Q: Do I have to have my permit with me at all times?

A: Yes, a *validly issued permit must be conspicuously displayed and clearly visible on the windshield of the Ice Cream Truck.*

Did you find what you were looking for on this webpage? *

Yes No

SEND FEEDBACK

520 CMR: DEPARTMENT OF PUBLIC SAFETY

520 CMR 15.00: PERMITTING OF ICE CREAM TRUCK VENDORS

Section

15.01: Authority, Purpose and Scope

15.02: Definitions

15.03: Permitting Requirements; Conspicuous Posting

15.04: Uniform Permit Applications and Permit Forms

15.05: Issuance of Permits; Renewals; Investigation by Permitting Authority into Criminal History of Applicant

15.06: Assessment of Fines; Hearings

15.01: Authority, Purpose, and Scope

(1) Purpose and Scope.

(a) 520 CMR 15.00 is promulgated by the Department of Public Safety pursuant to authority granted by M.G.L. c. 270, § 25(a).

(b) The purpose of 520 CMR 15.00 is to establish uniform standards and requirements for the issuance of permits to engage in ice cream truck vending.

(2) Applicability Provision. 520 CMR 15.00 shall apply to any person who engages in ice cream truck vending as defined by 520 CMR 15.02: *Definitions: Ice Cream Truck Vendor/Operator* and M.G.L. c. 270, § 25(a).

15.02: Definitions

Department, the Department of Public Safety.

Ice Cream, any frozen dairy or frozen water-based food product.

Ice Cream Truck, any motor vehicle used for selling, displaying or offering to sell ice cream.

Ice Cream Truck Vending, the selling, displaying or offering to sell ice cream or any other prepackaged food product from an ice cream truck.

Ice Cream Truck Vendor/Operator, any person who owns, sells, displays, or offers to sell ice cream from an ice cream truck or any person who drives or operates such a vehicle.

Permitting Authority, the chief of police or the board or officer having control of the police in a city or town, or person authorized by them.

15.03: Permitting Requirements; Conspicuous Posting

(1) No person shall engage in ice cream truck vending, as defined in 520 CMR 15.02: *Definitions: Ice Cream Truck Vending*, unless the applicant has been issued a valid permit to do so by the Permitting Authority within the municipality where the permit applicant lives or intends to operate an ice cream truck. A permit issued by the Permitting Authority within the municipality where the permit applicant lives shall be valid in all municipalities throughout the Commonwealth. A permit must be issued for every person who intends to engage in ice cream truck vending

520 CMR: DEPARTMENT OF PUBLIC SAFETY

15.05: Issuance of Permits; Renewals; Investigation by Permitting Authority into Criminal History of Applicant

(1) Issuance. In order to obtain a permit, the following information shall be submitted to the Permitting Authority:

- (a) Completed application on the uniform application form approved by the Department;
- (b) A copy of applicant's fingerprints; and
- (c) Two current photographs of the applicant.

(2) Renewals. The initial permit shall expire on January 1st and will expire annually thereafter. In order to renew a permit, the applicant shall submit the following to the Permitting Authority:

- (a) Completed application on the uniform application for renewal form approved by the Department;
- (b) A copy of applicant's fingerprints; and
- (c) Two current photographs of the applicant.

The applicant shall submit a fee required by the Permitting Authority for conducting the requisite criminal background check pursuant to 520 CMR 15.05(1)(b) and (2)(b).

(3) Investigation by Permitting Authority into Criminal History of Applicant. Upon receipt of the permit application or application for renewal, the Permitting Authority shall conduct an investigation into the criminal history of a permit applicant to determine eligibility.

- (a) The investigation shall include performing a state and national criminal history records check as authorized by M.G.L. c. 6, § 172B½.
- (b) A Permitting Authority may charge an appropriate fee for the investigation pursuant to M.G.L. c. 6, § 172B½.

(4) As part of this investigation, the Permitting Authority shall ensure that the identity of the new/renewal applicant is true and accurate and in the case of a renewal, that the applicant is linked to the original Permit number.

(5) In no case, however, shall a Permitting Authority issue a permit to any person who is a sex offender as defined by M.G.L. c. 6, § 178C.

(6) Any permit issued under 520 CMR 15.05 shall be the uniform Permit approved by the Department.

15.06: Assessment of Fines; Hearings

(1) The Permitting Authority may assess an administrative fine of \$500.00 against any person who violates 520 CMR 15.03(1) and (2).

(2) Each day that such person is in operation in violation of 520 CMR 15.03(1) and (2) may be considered a separate violation.

(3) The Permitting Authority shall send written notice of alleged violation(s) and intent to impose administrative fines to the person. The notice shall specify:

- (a) The specific condition(s) which constitute the violation;
- (b) The provision(s) of the regulation which are alleged to have been violated;
- (c) The amount that is to be assessed for each alleged violation; and
- (d) The procedure for requesting an administrative hearing

POLICE DEPARTMENT

License for Each Taxi or Limo	\$25.00
Taxi, Limo Operator's Licenses	\$25.00
Handicapped Parking Fine	\$200.00
*Metered Parking (first violation)	\$10.00

Overtime (including meters (*subsequent violations))	\$20.00
Prohibited Area (and others)	\$25.00
Within 10' of Hydrant (and others)	\$50.00
Woods Hole Parking Permit	\$15.00/year
Alarm Registration Fee	\$25.00
<u>Fingerprint Processing Fee:</u>	
Manager of Alcoholic Beverage License	\$60.00
Hawker and Peddler	\$60.00
Owner or Operator of Public Conveyance	\$60.00
Dealer of Second-Hand Articles	\$60.00
Ice Cream Truck Vendor	\$60.00

MUNICIPALITY _____
 Permit issued by [permitting authority]
 _____ Street
 _____, Massachusetts 88888
 Phone (555) 555-1212 Ex.123
 FAX (555) 555-1212

***** PERMITTING AUTHORITY USE ONLY Permit Number _____ Date Issued _____ Expiration Date _____ *****	
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*****PERMITTING AUTHORITY USE ONLY*****
 It is the responsibility of the permitting authority to ensure that the identity of the new/renewal applicant is true and accurate and in the case of a renewal, that the applicant is linked to the original tracking number. The permitting authority shall only issue permits after conducting a criminal background investigation into the criminal history of an applicant to determine eligibility for a new permit or a renewal. All applications must be accompanied by a copy of an applicant's fingerprints and two current photographs.

APPLICATION FOR PERMIT TO ENGAGE IN ICE CREAM TRUCK VENDING
Pursuant to G.L. c. 270 §25 and 520 CMR 15.00 et seq. (as amended)
THIS APPLICATION MUST BE FULLY COMPLETED

Name of Applicant:			Phone:	Cell:
Street Address:			Email address:	
City/Town:	MA	ZIP:	Date of Birth:	
			Social Security Number:	

Please Check One:
 NEW APPLICANT
 RENEWAL MOST RECENT ICE CREAM TRUCK VENDING PERMIT NUMBER: _____ ISSUED FROM WHICH CITY/TOWN? _____, MA EXPIRATION DATE: _____

- PLEASE ANSWER THE FOLLOWING QUESTIONS COMPLETELY AND ACCURATELY.**
- Have you ever used or been known by another name? If Yes, provide name and explanation:
 - Are you a sex offender, as defined by Section 178(c) of Chapter 6 of the General Laws?
 - Are there currently any sex offense charges pending against you? (All sex offenses are identified in Section 178(c) of Chapter 6 of the General Laws)
 - If you answered yes to Questions 2 or 3, please provide explanation:

PLEASE ATTACH A COPY OF A CURRENT PHOTOGRAPH TO THIS APPLICATION. A COPY OF THE APPLICANT'S FINGERPRINTS IS ALSO REQUIRED. UPON RECEIPT OF THIS APPLICATION, THE PERMITTING AUTHORITY (LOCAL MUNICIPALITY) SHALL CONDUCT AN INVESTIGATION INTO THE CRIMINAL HISTORY OF THE APPLICANT TO DETERMINE ELIGIBILITY.

SIGNATURE:	DATE:
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For City/Town use -- Do not write in this section	
PERMIT APPROVED BY	
PERMITTING AUTHORITY	
Date	

The permit shall be conspicuously displayed and clearly visible on the windshield of any ice cream truck operated or from which ice cream or any other prepackaged food product is sold.
 For additional information please visit the Department of Public Safety's website at www.mass.gov/dps

*Town of Falmouth, MA
Thursday, June 27, 2019*

Chapter 160. Peddling and Soliciting

[HISTORY: Adopted by the Town of Falmouth: Art. I, Annual Town Meeting 4-3-1984, Art. 27; Art. II, Annual Town Meeting 4-6-1987, Art. 39. Amendments noted where applicable.]

GENERAL REFERENCES

Suspension or revocation of licenses — See Ch. 140, Art. II.

Garage sales — See Ch. 176.

Article I. Hawkers and Peddlers

[Adopted ATM 4-3-1984, Art. 27]

§ 160-1. Statutory definitions to apply.

For the purpose of this Article, the definition of hawkers and peddlers shall be the same as those contained in MGL, C. 101. § 13.

§ 160-2. License required.

[Amended STM 10-2-1990, Art. 39; ASTM 4-6-1992, Art. 61]

No person shall hawk, peddle or expose for sale or barter any goods, wares or merchandise from any wagon or vehicle without first obtaining a license from the Director of Standards or the Town of Falmouth. The fee for such license shall be in conformance with MGL 101, § 22.

§ 160-3. Inspection of vehicles.

No hawker or peddler shall expose for sale any foods, beverages, fruits, vegetables, fish, meat, dairy products, ice cream, frozen desserts or confections until the vehicle or receptacle has been inspected and approved by an inspector of the Health Department of the Town. Vehicles utilized for the selling of frozen desserts or confection must have installed an amber flashing light visible from the front and rear of the vehicle, and such light must be flashing when the vehicle is stopped for the purpose of selling.

§ 160-4. Display of license.

Any person licensed under this Article shall have in his possession and readily available for display said license indicating license number, licensee's signature and date of expiration. The licensee must display such license when requested to do so by the Chief of Police or any of his agents, an inspector of the Health Department and the Sealer of Weights and Measures.

§ 160-5. Obstruction of traffic prohibited; time limit.

No person licensed under this Article shall engage in the activities described in § 160-3 in any manner as to impede foot or vehicular traffic along or to a public way or public sidewalk or any access road or driveway. No person while engaged in such activities shall remain stopped or standing in any one place within 200 feet thereof for more than 10 minutes unless continuously engaged in transactions.

§ 160-6. Location and seasonal restrictions.

[Amended ATM 4-5-1988, Art. 23; AFTM 11-17-1997, Art. 56, approved 2-27-1998]

No hawker or peddler shall sell or offer for sale any goods, wares or merchandise on any street of the Town within 500 feet of any public or private educational institution or the grounds thereof on days when such educational institutions are in session or on any day between May 1 and September 15 within 500 feet of any public beach or parking area under the jurisdiction of the Beach Committee without prior agreement of the Board of Selectmen, with the exception of hawkers or peddlers located in preexisting commercially zoned structures in the area of Falmouth Heights Beach. In addition, the Police Chief or any of his agents may restrict sales in any location within Town that is determined to be a safety hazard to pedestrian or vehicular traffic.

§ 160-7. Restrictions during parades on closed streets.

When the Board of Selectmen votes to close a street or streets within the Town for the purpose of a parade, no hawker or peddler may conduct business within the curblineline of said streets during the hours the streets are closed.

§ 160-8. Suspension or revocation of license.

Failure to comply with this Article may result in suspension or revocation of licenses and/or permits described herein.

§ 160-9. Violations and penalties.

Any person committed an unlawful act in violation of MGL C. 101, or, in the case of this Article, MGL C. 272, § 59, may be subject to arrest. For penalty, see Chapter 1, General Provisions, Article I, Penalties.

Article II. Transient Merchants and Solicitors

[Adopted ATM 4-6-1987, Art. 39]

§ 160-10. License required; application information.

- A. Any person, either principal or agent, who engages in a temporary or transient business selling goods, wares, periodicals or merchandise from any tent, booth, building or other structure for fewer than 12 consecutive months; or any person, principal or agent, who goes door to door to private residences for commercial selling purposes; or who may otherwise solicit door to door, except one engaged in solicitations of a political or religious nature, shall, before commencing his or her business in the Town of Falmouth, make written application to the Chief of Police, under oath, for a license on such or as the Chief of Police may prescribe.
- B. Such person shall apply for a license in addition to complying with the provisions of MGL C. 101.

- C. The application shall state the applicant's name and address and other identifying information, the name and address of the owner of parties in whose interest said business is to be conducted, their business address and a brief description of the business which the applicant wishes to conduct in the Town of Falmouth.
- D. The applicant shall permit the Police Department to photograph him or her and to take his or her fingerprints for the purpose of identification.

§ 160-11. Issuance of license; expiration.

No later than 10 days after the filing of such application, the Chief of Police shall issue the applicant a license, providing that the applicant shows evidence of good character. Said license shall authorize the licensee to do only the business described in his or her application subject to the bylaws of the Town of Falmouth and the laws of the Commonwealth of Massachusetts. The license described herein shall expire one year from the date of issuance, or on the day of its surrender, or upon the filing of an affidavit of its loss or revocation.

§ 160-12. Fee.

The fee for such a license shall be \$10, except in the case of charitable or nonprofit organizations, who shall not be levied a charge.

§ 160-13. Charitable and nonprofit organizations.

In the case of charitable and nonprofit organizations or corporations with their principal place of business in the Town of Falmouth and individuals residing in the Town of Falmouth, the Chief of Police, at his discretion, may waive fingerprinting and photographing requirements. The Chief of Police may also elect to issue a license to the sponsors or officers of an organization in lieu of individual licensing; provided, however, that a list of all solicitors, seasonably made, shall be delivered to the Chief of Police at least 48 hours prior to the engagement of the aforementioned business.

§ 160-14. Display of license.

It shall be unlawful to engage in any of the aforementioned businesses or endeavors except in compliance herewith. The license shall be affixed in a prominent place on the outer garment of each licensee whenever he or she is engaged in such business as a means of introduction to the customer or citizen. Failure to display said license, when engaged in door-to-door solicitation, shall be punishable by revocation of said license.

§ 160-15. Nonapplicability.

The provisions of this Article shall not apply to any person conducting a "garage sale" nor to any person who goes door-to-door to sell goods, wares, periodicals or merchandise on behalf of any group organization for any of the purposes described in MGL C. 180, § 2.

§ 160-16. Violations and penalties.

Any person found in violation of any other provisions of this Article may be fined not more than \$300, or cited, under the authority of MGL C. 40, § 21D, Noncriminal disposition, and fined the sum of \$25 for the first offense and \$50 for the second or subsequent offense.

