

Introduced by Mayor Rosenquest on March 18, 2021 at a Regular Meeting of the Common Council.

Public Hearing held on Wednesday, March 31, 2021 at 5:00pm

Local Law No. P-1 of the year 2021.

A local law re-naming, amending and re-stating Chapter 254 “Peddling and Soliciting” of the City Code of the City of Plattsburgh. Once re-named, Chapter 254 will be entitled “Food Trucks”.

Be it enacted by the Common Council of the City of Plattsburgh as follows:

1. Chapter 254 “Peddling and Soliciting” of the City Code of the City of Plattsburgh is hereby re-named “Food Trucks” and is further amended and restated in its entirety to read as follows:

CHAPTER 254 FOOD TRUCKS

§ 254-1. Purpose:

The purpose of this chapter is to regulate Food Trucks within the City of Plattsburgh in a manner that protects the public health, safety and welfare. This chapter describes the permitting procedures for Food Trucks and is intended to operate in conjunction with the regulations of Chapter 360 entitled “Zoning”

§ 254-2. Definitions:

The following terms shall, for the purposed of this chapter, have the meanings herein indicated:

FOOD TRUCK:

A mobile food service operation located in a licensed motorized vehicle or a movable trailer and from which food and beverage (pre-packaged or prepared and served from the vehicle or stand) are sold or distributed in individual portions to the general public directly from the food truck for consumption on or off of the premises.

FOOD TRUCK OPERATOR:

The registered owner of a food truck or food cart or the owner’s agent or employee.

FOOD CART

A mobile food service cart or stand, which is only mobile when moved by human power, from which food and beverage (pre-packaged or prepared and served from the vehicle or stand) are sold or distributed in individual portions to the general public directly from the food cart for consumption.

§ 254-3. Permit Required.

A. It shall be unlawful for any person or entity to operate a Food Truck or Food Cart within the City without having obtained a permit for such purpose in accordance with the provisions of this chapter.

B. Any person or entity desiring to operate a Food Truck or Food Cart shall make a written application for a Food Truck permit to the City Clerk. The application for a permit shall be made on forms provided by the City and shall include the information required by this chapter and the following:

- (1) Name, signature, telephone number, home address and business address of the Food Truck Operator and the registered owner of the Food Truck or Food Cart.
- (2) A description and photograph of the Food Truck or Food Cart, including the license plate, registration number, VIN number, year, make, length, and model of the vehicle.
- (3) A copy of the valid Clinton County Health Department permit for a mobile food service operation.
- (4) A valid Certificate of Authority for a mobile food service operation.
- (5) Valid proof of insurance, which must be kept continuously in force during the term of the license. At the time of application, applicants shall provide proof of insurance that extends for the entire license period and must meet the liability guidelines set by the City. The policy shall provide that it may not be canceled except upon 10 days' written notice served upon the City. The insurance must name the City of Plattsburgh as an additional insured party.
- (6) If an individual or Food Truck Operator has a secondary Food Truck or Food Cart, each individual Food Truck or Food Cart must obtain a Food Truck permit.

§ 254-4. General Regulations For Food Trucks and Food Carts:

A. Food Trucks and Food Carts are permitted to operate in B-1, B-2, C, I, OL-P, OL-W, RC-1, RC-2 and RC-3 zoning districts as well as at Wilcox Dock.

B. Food Trucks and Food Carts shall not operate within any other zoning district, including the Single-Family Residential (R-1), Residential Historical (R-H) and Multiple-Family Residential (R-2) Zoning Districts unless permitted by the City Common Council.

- C. A copy of all valid permits must be conspicuously displayed on the Food Truck or Food Cart at all times.
- D. All Food Trucks must abide by all parking and vehicle and traffic laws, ordinances, rules and regulations at all times, including by not limited to any durational requirements in force and effect at that time and location. Food Trucks shall not park on sidewalks, driveways or walkways and may only park where motor vehicles may operate.
- E. Food Carts may operate on sidewalks or walkways but must ensure that pedestrian access is not impeded. When located on a sidewalk or walkway, Food Carts must ensure that pedestrians have at least a 60” unobstructed path on the sidewalk or walkway.
- F. No Food Truck or Food Cart shall operate in a location that has the effect of obstructing access to or egress from any structure or the free flow of vehicular and pedestrian traffic.
- G. No Food Truck Operator shall chain, connect or otherwise attach any signs, goods, merchandise, chairs, stools or food cart or other equipment to any tree, parking meter, hydrant, sign or post, light pole, telephone pole or other street appurtenance or leave any such items unattended on a public street, sidewalk or place.
- H. All Food Trucks and Food Carts must be equipped with trash receptacles of a sufficient capacity and shall be changed as necessary to prevent overflow or the creation of litter or debris.
- I. No alcohol may be sold or dispensed from Food Trucks or Food Carts.
- J. Food Trucks and Food Carts shall be located a minimum of 100 feet from the main entrance to any eating establishment, and any other permitted food service business, during their posted hours of operation.
- K. Hours of operation of Food Trucks and Food Carts shall be limited to the hours of 7:00 a.m. and 9:00 p.m. Sunday through Thursday and 7:00 a.m. to midnight on official holidays and Friday and Saturday. There shall be no overnight parking of Food Trucks at any permitted location.
- L. The Food Truck Operator or their designee must be present at all times during the hours of operation.
- M. The Food Truck Operator is responsible for the proper disposal of waste and trash associated with their operation. Operators shall remove all waste and trash from their site location at the end of each day or as needed to maintain the health and safety of the public. The operator shall keep all areas within five feet of the truck or cart clean of grease, trash, paper, cups or cans associated with the vending operation. No liquid waste of grease is to be disposed in or on storm drains, tree lawns, sidewalks, streets, or other public space.

N. Tents are prohibited. Awnings are only permitted if they are attached to the Food Truck or Food Cart and do not interfere with pedestrian or vehicular traffic.

O. Permits shall be issued on a calendar year running from January 1 to December 31. License fees shall not be prorated. The permit shall not be transferable from person to person. The permit is valid only for the Food Truck or Food Cart for which it was issued.

P. The Food Truck Operator shall comply with all notices, orders, decisions and rules and regulations made by the City Building Inspector, the Clinton County Health Department, the City of Plattsburgh Police Department, or any other City department and/or agency.

Q. Food Trucks shall be licensed as a motor vehicle and able to be operated on the public streets of New York State.

R. Signage. All Food Trucks and Food Carts shall be permitted a single freestanding sign not greater than eight square feet in size, in addition to the following:

- (1) There shall be no limit on the size or number of signs painted on the truck or cart.
- (2) Signs affixed to truck or cart shall not be mounted perpendicular to the truck or cart, and shall not protrude beyond the edges of the truck or cart.
- (3) Any signage, including the single freestanding sign, may not be located or positioned so as to impede, block or impair pedestrian walkways or handicapped accessibility.

§ 254-5. Permit Fees

All Food Truck Operators shall pay a Food Truck permit fee in an amount set from time to time by the City Common Council.

§254-6. Exceptions.

A. Nothing in this chapter shall be held to apply to any sales conducted pursuant to statute or by order of any court; to farmers and truck gardeners, who themselves or through their employees vend, sell or dispose of products of their own farms and gardens; or to berry pickers who sell berries of their own picking.

B. The Common Council may also grant exemptions from this Chapter for City-sponsored special events or other occasions.

§ 254-7. Administration and Enforcement.

A. Any Food Truck Operator who violates any provision of this chapter shall be guilty of an offense and upon conviction thereof shall be subject to a fine of not less than \$250 nor more than \$500 for each violation, or by imprisonment not exceeding 15 days, or both such fine and imprisonment.

B. Conviction of two violations of any provision of this chapter shall result in the immediate revocation of the Food Truck permit, which if occurs will not result in any refund for a Food Truck permit fee. If the Food Truck permit is revoked, the Food Truck Operator will not be allowed to apply for another Food Truck permit for any Food Truck or Food Cart until the following calendar year

C. The Food Truck Operator may be required to relocate their Food Truck or Food Cart, or any of their appurtenances, if the City Building Inspector, Police Office or other code enforcement officer determines that the Food Truck or Food Cart operations are causing parking or traffic congestion, pedestrian impediments, or litter problems either on or off the property where the use is located or that such use is otherwise creating a danger to the public health or safety.

2. This Local Law shall take effect immediately upon approval by the Mayor and filing with the New York Secretary of State.