

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one:)

of Plattsburgh

Local Law No. 1 of the year 2021

A local law re-naming, amending and re-stating Chapter 254 "Peddling and Soliciting" of the City Code
(Insert Title)
of the City of Plattsburgh. Once re-named, Chapter 254 will be entitled "Food Trucks".

Be it enacted by the Common Council of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of Plattsburgh as follows:

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

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

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 purposes of this chapter, have the meanings herein indicated:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

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. If applicable, a copy of a license from the New York State Liquor Authority.
- (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 without a license from the New York State Liquor Authority for the specific location of the sale or dispensation. Any Food Truck Operator selling or dispensing alcohol from a Food Truck or Food Cart must provide a copy of the permit from the New York State Liquor Authority to the City Clerk and also must conspicuously display said permit on the Food Truck or Food Cart.
- 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. A Food Truck Operator may obtain an Annual, Seasonal or Monthly Permit. Annual Permits shall be issued on a calendar year running from January 1 to December 31. Annual Permit fees shall not be prorated. Seasonal Permits shall be issued for any consecutive six-month period, but shall expire automatically at the end of every calendar year. Monthly Permits commence on the first day of any month and expire at the end of every calendar month. Any permit shall not be transferable from person to person. Any 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. These include Annual, Seasonal or Monthly Permits.

§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.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 20 21 of the ~~(County)(City)(Town)(Village)~~ of Plattsburgh was duly passed by the Common Council on April 15 2021, and was (approved)~~(not approved)~~ ~~(repassed after disapproval)~~ by the Mayor and was deemed duly adopted on April 15 2021, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) ~~(repassed after disapproval)~~ by the _____ on _____ 20____.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) ~~(repassed after disapproval)~~ by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 2 above.

Sylvia Pinotti
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 4/16/2021

(Seal)