

VILLAGE OF CHATHAM, NEW YORK

# A Local Law to Regulate Food Trucks and Street Vending

Local Law No. \_\_\_\_ of 2024

*REVISED June 28, 2024*

Be it enacted by the Board of Trustees of the Village of Chatham as follows:

Section 1. Purpose and Intent. The purpose of this local law is to regulate the commercial sale of food to the public by mobile or temporary vendors within the Village of Chatham in a manner that protects the public health, safety and welfare while providing residents and visitors additional options for purchasing meals, snacks, and beverages.

§ 2. A new Chapter 56 entitled “Food Trucks and Street Vending” is added to the Code of the Village of Chatham, to read as follows.

Article I. Food Trucks.

56-1. Definitions.

**FOOD TRUCK** – Any movable restaurant, truck, van, trailer, cart, bicycle, kitchen, stove, oven, grill, smoker, or other movable vehicle or unit, whether or not motorized, in, on, or from which food or beverage for human consumption is sold or offered for sale at retail to members of the public at a temporary or permanent location.

**HOURS OF OPERATION** – The time period during a day within which a food truck operator or other person employed or engaged in the operation of a food truck may accept or transact orders or provide food or beverages to customers.

**OPERATOR** – The person with primary responsibility for on-site operation of the food truck on any day or at any time during the permit period.

56-2. Permit required.

A. Permit required. No person shall, within the Village of Chatham, sell, give away, or prepare any item of food or drink in, on, or from a food truck that is placed, parked, or situated in one place for more than 10 minutes, unless such person is in possession of a valid and effective food truck permit issued by the Village of Chatham or as otherwise permitted by this chapter.

B. The Village Board of Trustees shall, by resolution, establish the duration of food truck permits and the maximum number of permits to be issued and in effect at any one time

and may, at its discretion, create classes of permits of different durations or based upon other specifications, including but not limited to location, and fix the number of permits within each class that may be issued and in effect at any one time. The Board is further authorized to revise such specifications at its discretion.

1. A permit issued on a weekly basis shall become effective at 7:00 AM on a Monday and expire at 9:00 PM on a Sunday.
  2. A permit issued on a monthly basis shall become effective at 7:00 AM on the first day of a calendar month and expire at 9:00 PM on the final day of a calendar month.
  3. A permit issued on any other basis shall become effective and terminate as specified by the Board of Trustees.
- C. Applications for food truck permits shall be considered and permits issued to qualifying applicants in the order in which complete applications and required payments are received by the Village Clerk at the Office of the Village Clerk.
- D. Time for making application. An application for a food truck permit may be submitted to the Village Clerk not more than 60 days in advance of the date on which the permit is to become effective. An application received earlier than such time will be null and void and will be required to be resubmitted within the specified time frame. To be considered for approval, the complete application must be submitted to the Village Clerk at least seven days in advance of the Village Board meeting at which it is to be reviewed.
- E. Application and permit fees. Each application or renewal shall be accompanied by payment of a non-refundable application fee and a permit fee refundable in the case of a permit denial, in amounts established, and as may be modified from time to time, by resolution of the Village Board of Trustees. The fees for food truck permits may be included in the annual fee schedule adopted by the Village Board.
- F. Application for a food truck permit shall be made to the Village Clerk on an application form provided by the Village and shall include the following:
1. Name of the owner.
  2. Address of the owner.
  3. Mailing address of the owner.
  4. e-mail address of the owner.
  5. Telephone number at which the owner can be reliably contacted during business hours.
  6. If the owner is a legal entity, such information must also be provided for a principal officer of such entity who is authorized to act in the name of and on behalf of such entity.

7. The name of any person other than the owner designated to be the primary on-site operator of the food truck on any day or at any time during the permit period. This information may be amended, provided that any such operator is identified in writing to the Village Clerk prior to acting in such capacity.
  8. The duration and time period for which the permit is requested.
  9. Location or address at which the applicant requests permission to operate the subject food truck.
  10. A description of the types of foods or beverages to be sold or dispensed from the food truck.
  11. Statement describing any cooking or heating of foods and the methods, equipment and devices to be used for such purposes.
  12. Fuel types to be used and description of storage of such fuel.
  13. Whether or not a generator is proposed to be used and, if so, description, make, and model.
  14. The application shall be accompanied, where applicable, by proof of current vehicle registration, inspection and insurance.
  15. If the type or characteristics of the food truck's operation subject it to the jurisdiction of the Columbia County Department of Health, a current food vendor's permit issued by the Columbia County Department of Health.
  16. A statement executed by the owner of the subject food truck indemnifying the Village of Chatham and its officials, employees, and agents, against any claim or damages sought by any party against the Village or its officials, employees, or agents, arising from or related to the permitting, placement, use or operation of the subject food truck.
  17. Acknowledgement by the applicant that permit issuance is contingent upon providing proof of insurance as set forth in subdivision H, below.
- G. The Village Board of Trustees may, by resolution, require additional information to be provided on the application form.
- H. Approval and issuance.
1. Application to be referred to Board of Trustees for determination. The Village Clerk shall refer the completed food truck permit application to the Village Board for approval, disapproval, or approval with conditions.
  2. The Village Board of Trustees may deny an application for a food truck permit for any of the following reasons:

- (a) the maximum number of permits for the class and time period have been issued;
  - (b) the application is incomplete, information required by this section was not included with the application, or the full application and permit fee, in acceptable form of payment, was not included with the application;
  - (c) the application does not sufficiently establish that the subject food truck would be operated in a manner that ensures that fumes, odors, trash, noise, heat, fire, fuel storage or use, or other factors would not create nuisances, adverse impacts, or hazards to nearby properties, pedestrians, or vehicular traffic;
  - (d) the application is for a location other than Park Row;
  - (e) a food truck owned by the owner or applicant was in violation of one or more provisions of this chapter within the previous six months;
  - (f) the owner or applicant was in violation of one or more provisions of this chapter on two or more prior occasions;
  - (g) a prior permit issued to the owner or applicant was revoked for non-compliance with this chapter.
3. Every food truck permit approval shall be contingent upon delivery to the Village of proof of general liability insurance with the Village of Chatham as an additional insured, with limits of liability to be established by resolution of the Board of Trustees but in no case less than \$1,000,000 per occurrence.
  4. Upon approval or approval with conditions by the Board of Trustees and receipt of proof of insurance as specified above, the Village Clerk shall issue the permit. No permit may be issued except upon such approval or approval with conditions and receipt by the Village Clerk of such proof of insurance.
- I. Permit to be displayed. Food truck permits shall be maintained, and displayed in a manner visible to the public, on the food truck of the permit holder at all times that the food truck is in operation.
  - J. Permits are non-transferable and are valid only for the owner and specific food truck for which issued.

### 56-3. Location and parking of food trucks.

#### A. Food Trucks in permitted locations.

1. Except as provided in subdivisions B and C of this section, below, food trucks shall be allowed to operate only within valid parking spaces on Park Row.
2. Service to customers at a Park Row location shall be on the side of the food truck

facing the sidewalk and shall not cause or tend to cause customers to stand in the traffic lane.

3. A food truck licensed pursuant to this chapter and situated in a legal parking space on Park Row shall be exempt from parking time limits during the hours from 6:00 AM to 10:00 PM.

B. Food Trucks in other public locations.

1. Applications to operate a food truck at a public location other than Park Row may be made in accordance with this chapter and will be considered on a case-by-case basis.
2. Location of a food truck in a public location other than Park Row is presumptively prohibited, and approval for such a location may be granted only upon a determination by the Board of Trustees that operation of the subject food truck in such location would benefit the public, would be appropriate to and consistent with the surrounding character of the neighborhood and would not adversely affect the neighborhood or nearby properties, and would not adversely affect existing establishments serving or selling food or beverages.
3. A location other than the approved spots on Park Row shall be subject to a written determination of the Village Code Enforcement Officer that operation of the subject food truck in such location is safe for both vehicles and pedestrians.
4. Upon a determination by the Code Enforcement Officer that a location is safe, approval of a permit to operate a food truck at any public location other than the specified location on Park Row nevertheless remains wholly at the discretion of the Village Board of Trustees.
5. Food trucks will not be allowed on Main Street in Chatham except during Village approved festivals, as provided in subdivision D of section 56-5 of this chapter.

C. Food trucks on private property.

1. Notwithstanding the location limitations of subdivisions A and B of this section, a food truck may operate when situated on private property, subject to compliance with Chapter 110 of the Code of the Village of Chatham (Zoning), provided a permit has been obtained in accordance with this chapter.

D. In approving an application to operate a food truck at any location, whether upon public or private property, the Board of Trustees may impose such conditions as it, in its discretion, finds to be appropriate to ensure the public health, safety, and welfare.

E. There shall be no overnight parking of food trucks at any permitted location, except upon private property when in compliance with Chapter 110 of the Code of the Village of Chatham (Zoning).

56-4. Rules for food trucks.

A. All food trucks subject to permitting provisions of this chapter shall comply with the following rules:

1. Hours of operation of food trucks shall be limited to the hours between 7:00 AM and 9:00 PM.
2. Food trucks are permitted to be in place for set-up one hour prior to the hours of operation and must be removed from the permitted location within one hour after the conclusion of the permitted hours of operation. Food trucks may not be left on public streets overnight.
3. The food truck owner or their designated operator must be present at all times during the hours of operation and during any period of set-up or breakdown before or after the hours of operation.
4. Operators shall provide a lined trash receptacle sufficient to contain the quantity of trash generated by the food truck, which shall be removed at the end of each day of operation.
5. Operators shall remove the waste and trash from their approved location at the end of the day or more frequently as may be needed to maintain cleanliness or to protect the health and safety of the public.
6. The operator shall keep all areas within 10 feet of the food truck and any associated seating area clean of grease, paper, plastic, food scraps, and any other form of trash or garbage associated with the food truck operation.
7. No liquid waste or grease is to be disposed of in or on storm drains, trees, lawns, sidewalks, streets or other public space.
8. Mechanical audio or noisemaking devices or hawking are prohibited. Hawking is the loud, repeated oral solicitation of business by any owner, operator, employee, or agent of the food truck operation.
9. Generators, other than inverter generators or solar-powered generators, are prohibited. The Village Board of Trustees may, by resolution, establish more restrictive rules for the use of generators.
10. No alcohol sales are permitted.
11. All food trucks shall comply with all applicable New York State Fire Code requirements and Columbia County Department of Health, New York State and local code requirements.

56-5. Exemptions. Notwithstanding the regulations set out in this chapter, the following are exempt from the provisions of this chapter, either in whole or in part, as specified.

- A. Personal non-commercial use. Grills, stoves, smokers, and other means of cooking, preparing, or serving food, located on private property for non-commercial personal consumption by the owners, residents, or occupants of such property and their guests, are exempt from this chapter.
- B. Adjunct to restaurant. A food truck is exempt from this chapter when it is located on the premises of a lawfully operating restaurant as part of the restaurant operation, is included within the restaurant's insurance coverage, and is in compliance with any special use permit or site plan approval applicable to such restaurant.
- C. Private events. Notwithstanding the regulations set out in this chapter, a food truck shall be allowed to operate on private property within the Village without obtaining a permit pursuant to this chapter, for a period not to exceed 12 hours, at a specific function or event taking place on such private property, by arrangement with such private property owner and for the limited purpose of catering or providing food service for attendees of such function or event, provided that no sale or distribution of food or other goods may be made to members of the general public.
- D. Festivals. Food trucks operating in conjunction with a festival or public event approved by resolution of the Village Board of Trustees, which have been identified to the Village by the festival or event organizers in advance of such festival or event and which operate within the geographic area approved for such festival or event, are exempt from this chapter, provided, however, that the Board of Trustees may limit the number of food trucks authorized to operate pursuant to this exemption and may impose such other conditions upon the operation or placement of such food trucks as the Board, in its discretion, deems appropriate, and provided further that either the owner of each food truck or the festival or event organizers indemnify the Village as set out in section 56-2(F.)(15) and provide to the Village proof of liability insurance coverage as set out in section 56-2(H.)(3), in a manner satisfactory to the Village Board of Trustees.
- E. Columbia County Fair Grounds. This chapter is inapplicable to food trucks within the Columbia County Fair Grounds.
- F. Farmers' markets. On-site preparation or sale of food or beverages in conjunction with a recognized farmers' market approved by the Village is exempt from this chapter, provided that preparation or distribution of such food or beverage is not carried out on or from an on-site motor vehicle, notwithstanding that such preparation or distribution may employ other items, objects, or facilities within the definition of "food truck" other than motor vehicles, and provided further that the Board of Trustees may impose such other conditions upon the operation or placement of such items, objects, or facilities as the Board, in its discretion, deems appropriate.
- G. Incidental or occasional sale of food items such as baked goods, produce, or beverages on a residential property, by a resident of such property, and provided that preparation or distribution of such food or beverage is not carried out on or from an on-site motor vehicle, is exempt from this chapter.

- H. Stands for the passive sale of eggs, honey, maple syrup or other agricultural goods produced on the property upon which it is offered for sale are exempt from this chapter.
- I. Food trucks operating pursuant to any exemption set out in this section shall not be counted toward the numerical limit of permits that may be issued.

56-6. Penalties for violation.

A. Violations of food truck permit.

- 1. Violation of any provision of this chapter by the operator of a food truck operating pursuant to a valid and effective permit, including violation of any condition imposed by the Board of Trustees in approving the subject permit application, shall be punishable by a fine upon the owner of \$100 for the first offense and a fine of \$250 for a second or subsequent offense during a calendar year.

B. Operating a food truck without a food truck permit.

- 1. Operating an unpermitted food truck in violation of this chapter shall incur a fine upon the owner of \$250 for each day or part of a day on which such violation occurs.

C. Suspension or revocation of permit.

- 1. Operation of a food truck in a manner that, in the judgment of the Code Enforcement Officer, creates a risk to the personal safety of the general public or to public or private property, shall result in the immediate suspension of the permit to operate.
- 2. The occurrence of violations of this chapter on two or more occasions during the term of a food truck permit shall result in a suspension of the permit and right to operate.
- 3. No suspension shall be lifted or concluded until the violations on which the suspension was based have been corrected or remediated.
- 4. The occurrence of a violation of this chapter after violations on two or more occasions during the prior two-year period in connection with one or more food trucks under the owner's ownership or control shall result in a revocation of the permit and right of the owner to operate.

D. In addition to any other remedies or penalties, the Village is authorized to take any lawful action, including injunctive action in a court of competent jurisdiction, to prevent or terminate the use or operation of any food truck within the Village of Chatham that is not operating pursuant to, and in accordance with, a valid and effective food truck permit and this chapter.

§ 3. Statement of Authority

This local law is enacted pursuant to the authority of section 4-412 of the New York Village Law and the New York Municipal Home Rule Law, including but not limited to M.H.R.L.



sections 10, 20 and 27, and the general police powers of the municipality.

#### § 4. Severability

If any clause, sentence, paragraph, section, article or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operations to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

#### § 5. Effective Date

This local law shall become effective July 15, 2024.