

Local Law No. ____ of 2022

(Amendments to Portions of the East Greenbush Town Code Chapter 16 HAWKING AND PEDDLING)

Be it enacted by the Town Board of the Town of East Greenbush that the East Greenbush Town Code Chapter 16 (HAWKING AND PEDDLING) is amended as follows:

§16-1. Legislative intent.

Section 16 “legislative intent” is hereby amended with the following addition:

1. This local law is further enacted for the purpose of creating regulations for the permitting and use of mobile food vendors, with the following objectives:

- A. To provide regulatory scheme for the designation of properties suitable for the location and operation of mobile food vendors;
- B. To create synergy between mobile food vendors and;
 - i. Provide employment and small business growth in the Town while providing a broad range of food choices to the public. The provisions of this section are intended to provide a proper balance between these uses that allow brick-and-mortar restaurants to thrive while allowing for new food vending opportunities that can add vitality to vacant parking lots and underutilized sites.
 - ii. Mobile food vending shall be permitted subject to the requirements of this section.

2. *Applicability.* The standards found in this subpart are applicable to mobile food vendors permitted in the Town after the effective date of this section. This section does not apply to mobile food vendors that move from place to place or house to house and are in the same general location for less than 10 minutes at a time or as covered by Chapter 16 HAWKING AND PEDDLING.

§16-2. Definitions

The following definitions are added:

ACCESSORY USE: A mobile food business which is incidental and subordinate to the principal use, occupancy or tenancy, and located on the same lot or premises.

EVENT: An accessory or transient use whether on public or private property that operates as a mobile food business at a specified occurrence or event and for a period of time determined to be temporary..

FOOD CART: A cart or other moveable device, used on the sidewalks or in public places or private property, in which ready-to-eat food is cooked, wrapped, packaged, processed or portioned for sale or distribution, and which is not licensed as a food truck or food trailer.

FOOD TRAILER: A non-motorized vehicle, designed to be towed by a motorized vehicle, registered and able to be operated on the public streets of New York State, in which read-to-eat food is cooked, wrapped, packaged, processed or portioned for sale or distribution.

FOOD TRUCK: A motorized vehicle, registered and able to be operated on the streets of New York State, in which ready-to-eat food is cooked, wrapped, packaged, processed, or portioned for sale or distribution.

MOBILE FOOD BUSINESS: A business serving or offering for sale food and/or beverages from a mobile food unit including a food cart, food trailer or food truck or an otherwise self-contained fully enclosed unit.

MOBILE FOOD VENDOR PERMIT: A permit issued on a calendar year basis running from January 1 to December 31. Mobile Food Vendor Permit obtained from the Department of Planning and Zoning pursuant to requirements of this section.

PEDDLER’S PERMIT: A permit obtain from the Office of the Town Clerk, required for mobile food vendors seeking Temporary Use and other hawker, peddler, solicitor or other as required in this section.

PRINCIPAL USE: The main or primary purpose or purposes for which land and/or mobile food business may be occupied or maintained.

TEMPORARY USE: An accessory or transient use whether on public or private property that operates as a mobile food business during approved hours of operation for a period of time not exceeding one (1) day.

TEMPORARY USE, PEDDLERS: Pursuant to this section, a licensed hawker, peddler or solicitor as permitted under said section shall not stand or permit the vehicle used by the hawker, peddler or solicitor to stand in one place in any public place or street for more than 10 minutes, or in front of any premises for any time of the owner or any lessee of the premises objects.

VENDOR: The owner or operator of a food cart, food trailer, food truck or mobile food business or the owner’s agent; hereinafter referred to as “vendor.”

§16-3. License required.

Section 16-3 is hereby amended with the following addition:

A license, as described in this section, shall be required for operation of all mobile food vendors within the limits of the Town of East Greenbush. License as described in this section is processed by completing ‘Peddler’s Permit Application’ obtained from the Office of the Town Clerk.

§16-4. Application for license.

Section 16-4 is hereby amended with the following additions:

The use and permit review of mobile food vending shall be done in accordance with Table 1.

Table 1: Approval Procedures for Mobile Food Vending			
Zoning District	Temporary Use 1 day or less	Accessory Use (not Event or Temporary Use)	Principal Use 7 days or more
B-1, B-2, O, OC, OI, PDD, PPB	Peddler’s Permit, application obtained from the Office of the Town Clerk	Mobile Food Vendor Permit	Mobile Food Vendor Permit, Special Use Permit

Every applicant for a Mobile Food Vendor Permit shall submit to the Department of Planning and Zoning the following information:

- K. Proof of approval from the Rensselaer County Health Department and any other necessary Rensselaer County permit.
- L. A Peddler's Permit shall be obtained from the Office of the Town Clerk.
- M. Each mobile food vendor shall obtain operating permit from the Building and Codes Department pursuant to New York State Fire Code, 2020, Section 105.6 and Section 319.2.

Applicants seeking Principal Use for mobile food vending shall additionally submit to the Department of Planning and Zoning, for Special Use Permit review by the Planning Board the following information:

- N. The Department of Planning and Zoning and/or Planning Board may request additional information if deemed necessary. For Special Use Permit applications, the site plan identified below may substitute for that required by Section 3.11.
 - 1) Proof of insurance, issued by an insurance company licensed to do business in the State of New York and approved by the Director of Finance as to form, which insurance must be kept continuously in force during the term of the permit. At the time of application, applicants shall provide proof of insurance that extends for the entire license period. The insurance shall not be less than \$1,000,000 comprehensive/general liability insurance. Such insurance shall not expire, nor be canceled, altered or amended, except on 10 days' written notice to the Director of Finance served personally or by certified mail. The insurance must name the Town as an additional insured party;
 - 2) Written authorization from owner of private property if said owner is not the same as vendor;
 - 3) A written description of the nature of the proposed use, including the methods of food preparation and cooking, and the frequency, duration and hours of operation;
 - 4) A trash collection and removal plan;
 - 5) Source of water and power that will serve the mobile food vending unit;
 - 6) Dimensioned drawings of any proposed signage;
 - 7) Details of the mobile food vending unit, including the type, dimensions, elevation drawings or photos, and details of any furniture, tent or other physical features associated with the proposed use;
 - 8) A dimensioned site plan showing existing and proposed site improvements, including:
 - a. Buildings and building setbacks;
 - b. The proposed location of the mobile food vending unit and any other associated activity;
 - c. Existing public improvements adjacent to the site, such as fire hydrants, bus shelters, etc.;
 - d. The nature of the property surfaces (e.g. asphalt, gravel, etc.);
 - e. The location of parking and number of spaces;
 - f. Site lighting;
 - g. Signs;

- h. Trash receptacles;
 - i. The location of on-site water, generator, and/or electric utilities that will serve the mobile food vendor(s);
 - j. The location of existing or planned sanitary facilities;
- 9) A map from online mapping service or sketch identifying existing restaurants, or an establishment that is open to the public and where ready-to-eat food is prepared, cooked, wrapped, packaged, processed or portioned for service, sale, or distribution or any other known mobile food vending operations within buildings and any other known mobile food vending operations within three hundred (300) feet; and

§16-6. License fees.

Section 16-6 is hereby amended with the following addition:

Mobile food vendor permits shall be issued on a calendar year basis running from January 1 to December 31. Any permit issued after July 1 shall be half (1/2) of the annual permit fee and shall run for the balance of the calendar year.

§16-9. Revocations.

Section 16-9 is hereby amended with the following addition:

- C. The Code Enforcement Officer may issue a notice of intent to suspend or revoke a mobile food vendor permit for any violation. The notice of intent to suspend or revoke shall describe the violation, and require the permit holder to immediately correct the violation or cause the violation to be corrected.
- D. The notice of intent shall be provided to the mobile food vendor permit holder by personal service, by regular mail to the address submitted with the permit application, or by posting at the place of business of the mobile food vendor.
- E. If the permit holder fails to immediately correct the violation or cause the violation to be corrected, the Code Enforcement Officer shall suspend or revoke the permit.

§16-10. Restrictions.

Section 16-10 A. is hereby replaced with the following:

- A. Not engage in such business at any time between the hours of 9:00 p.m. and 7:00 a.m..

Section 16-10 is hereby amended with the following additions:

- F. This restriction does not apply to mobile food vendors.
- G. This restriction does not apply to mobile food vendors.
- I. *Outdoor Cooking.* Outdoor cooking associated with mobile food vending is subject to Special Use Permit approval. Relief may be granted from this requirement by the Planning Board for outdoor cooking for a mobile food vendor meeting the requirements for mobile food vendor permit and provided there are no residential uses located within two hundred (200) feet of the property.
- J. *Placement.* The mobile food vendor shall meet the setback requirements of the Zoning District and the customer window shall be accessed directly from the public sidewalk when applicable, or outside of vehicular traffic flow if on private property. The intent of the

placement is to generate pedestrian activity and ensure pedestrian safety. Placement of mobile food vendor shall not block sidewalk. Mobile food vendor shall not be within fifty (50) feet of intersection.

- K. *Proximity.* The mobile food vendor shall not locate as an accessory or principal use within three hundred (300) feet of a primary entrance of a restaurant, or an establishment that is open to the public and where ready-to-eat food is prepared, cooked, wrapped, packaged, processed or portioned for service, sale, or distribution or any other known mobile food vending operations unless multiple food vendors located on a single property are approved per, Review Standards, Q. *Co-Location.* This requirement may be waived if written permission for the mobile food vending operation is obtained from the property owner if said owner is not the same as existing restaurant owner.
- L. *Parking Area.* The area occupied by accessory concession sales shall not exceed twenty (20) percent of any required parking area. Sufficient on-site or district parking shall be provided for each stand, trailer, wagon, or vehicle on a lot, in addition to any other required parking for retail business buildings on the same parcel.
- M. *Traffic Laws.* All food carts, food trailers and food trucks must abide by all parking and vehicle and traffic laws, ordinances, rules and regulations at all times, including but not limited to any durational requirements in force and effect at that time and location.
- N. *Sanitary Facilities.* Sanitary facilities shall be provided for mobile food vending operated as a principal use on a lot. Relief may be granted from this requirement by the Planning Board if documentation is provided for alternative arrangements is deemed sufficient.
- O. *Trash Receptacles.* All mobile food vendors must provide trash receptacles of sufficient capacity to contain all trash and waste generated in association with the business of the mobile food vendor. All waste and trash shall be placed in the trash receptacles. All trash, waste, litter and debris shall be removed from the site of the vending operation at the end of each daily operation. It shall be unlawful to discharge liquid waste, fats, oils or grease on the land. Such discharges shall be held in appropriate containers and then disposed in a legally permissible manner.
- P. *Hours of Operation.* Operating hours shall be no later than 9:00 p.m. and no earlier than 7:00 a.m. unless otherwise approved by the Planning Board. There shall be no overnight parking of food trucks at any permitted location.
- Q. *Co-Location.* Where mobile food vending has been approved on a lot as a principal use, locating additional vendors on the same lot is subject to review by the Planning Board.
- R. *Sound.* No amplified outdoor music, sound, or noise shall be permitted. Planned locations for outdoor generators that provide power shall be identified. Use of generators may be prohibited if it is anticipated that they may create a nuisance to neighbors due to noise, exhaust or vibration. See Section 3.6 Performance Standards.