

**LOCAL LAW NO. \_\_\_\_\_ OF 2024,  
TO ESTABLISH A NEW CHAPTER 16  
OF THE CODE OF THE TOWN OF ORANGETOWN  
TO BE ENTITLED “FOOD TRUCKS.”**

Be it enacted by the Town Board of the Town of Orangetown, as follows:

**Section 1. Recitals and Legislative Intent**

It is hereby found and determined that a mechanism providing for permits for mobile food vendors, i.e., “food trucks,” should be allowed to provide the residents and visitors to Orangetown additional options for dining and the purchase of edible commodities, as a supplement to the regulations of the Town Code, Chapter 18, entitled Hawking and Peddling. It is further found and determined that, in an effort to protect the health, safety and welfare of the residents and the consuming public, the operation of food trucks should be limited to a relatively small number, with the food truck permits being granted on a periodic basis, the operation of which should be further regulated to ensure adequate location, accommodation and safe operation.

**Section 2. Adoption of new Chapter 16 entitled “Food Trucks”**

A new Chapter 16 is hereby inserted into the Code of the Town of Orangetown (“Orangetown Code”) to read as follows:

**Chapter 16. Food Trucks.**

**§16-1. Purpose.**

The purpose of this Chapter is to regulate food trucks within the unincorporated Town of Orangetown (“Town” or “Orangetown”) in a manner that protects the public health, safety and welfare, and this Chapter describes the permitting procedures for food trucks, and is intended to operate in conjunction with the regulations of Chapter 43, entitled “Zoning,” of the Code of the Town of Orangetown (“Orangetown Code”); however, if there should be a conflict or inconsistency between the provisions of this Chapter 16 and said Chapter 43, the provisions of this Chapter 16 shall control and govern.

**§16-2. Definitions and Meanings.**

The following terms or phrases, for the purposes of this Chapter, shall have the meanings described in this Section:

**ANNUAL FLOATING FOOD TRUCK PERMIT**

A permit to operate a Food Truck anywhere in the Town, for a one-year period, from January 1<sup>st</sup> through December 31<sup>st</sup>, subject to the regulations of this Chapter.

**ANNUAL LOCATION FOOD TRUCK PERMIT**

A permit to operate a Food Truck, in the same sole location, for a one-year period from January 1<sup>st</sup> through December 31<sup>st</sup>, subject to the regulations of this Chapter.

**COUNTY PERMIT**

A permit or license issued by the County of Rockland (“County”) Health Department for operation of a mobile food service establishment and/or a food cart.

## **FOOD TRUCK**

A self-contained mobile food and/or beverage service operation located in an easily movable motor vehicle, cart, stand or trailer (“vehicle”), within, and from which, ready-to-eat food and/or beverages for human consumption are prepared, cooked, wrapped, packaged, processed or portioned, and sold, purveyed, dispensed or distributed, in individual portions to the general public, for consumption on or off of the premises at which the vehicle is located, which vehicle may be self-propelled, or towed or pushed by another vehicle or person.

## **FOOD TRUCK OPERATOR**

Any one of the following is a Food Truck Operator, which may be a natural person, a business entity, a company, an association and/or an organization (“person or entity”): (i) the owner(s) of the Food Truck; (ii) the owner(s) of the business, or food/beverage service establishment, operating out of the Food Truck; and/or (iii) any person or entity exercising dominion and control over the Food Truck. A Food Truck Operator may also be referred to in this Chapter as, and includes, a person or entity that operates a Food Truck.

## **ICE CREAM TRUCK**

A type of motor vehicle from which only ice cream, popsicles, water ice, sherbet, gelato, or a frozen dessert of any kind, is sold or distributed, and which may operate on public grounds and from the public right-of-way so long as the Ice Cream Truck remains stationary for no more than 30 consecutive minutes. Operation of an Ice Cream Truck is subject to the requirements and regulations of Chapter 18, Hawking and Peddling.

## **PRIVATE EVENT PERMIT**

A Private Event Permit shall only be issued with the consent of an Orangetown resident or property owner for the sole purpose of a Food Truck catering a special event on the consenting resident’s property at their place of residence or business, which may be within any Zoning District.

## **SPECIAL EVENT PERMIT**

A permit that may be issued by the Town Board, by Resolution and in its legislative discretion, which shall authorize, empower and allow the Town Clerk to issue a Permit, for a maximum period of four consecutive days, to a not-for-profit entity, community based organization, a religious or educational institution, or a municipal or governmental entity (including a Library or Fire District), to be located in any Zoning District and on any site approved by the Town Board, for the purpose of events, fairs, festivals and/or parades that are open to the general public. The Special Event Permit shall not be subject to the regulations of this Chapter, except those requirements that the Town Board, in its said Resolution, may wish to impose as conditions of the Town Clerk’s issuance of the Special Event Permit. A Special Event Permit may be issued in conjunction with, or as part of, the following permits issued by the Town:

- (i) a Special Use Permit for Use of Town Property/Items,
- (ii) a permit for Block Party Use of Town Property,
- (iii) a Road Closing Permit, and/or
- (iv) a Road Use Permit.

**§16-3. Permit required.**

- A. It shall be unlawful for any person or entity to operate a Food Truck within the unincorporated Town of Orangetown without having obtained a Food Truck Permit for such purpose in accordance with the provisions of this Chapter. A Food Truck Permit may be a/an:
- (1) Annual Floating Permit;
  - (2) Annual Location Permit;
  - (3) Private Event Permit; or
  - (4) Special Event Permit.
- B. Any person or entity desiring to operate a Food Truck shall submit a written application for a Food Truck Permit to the Town Clerk; and shall include the information and documentation required by this Chapter, and any additional information or documentation that the Town Clerk may reasonably require in her/his discretion within the purpose, intent and spirit of this Chapter, in addition to the following items:
- (1) Name, phone number, email, home and business address, and photo identification of the Food Truck Operator(s).
  - (2) A description and photograph of the Food Truck, including, if the Food Truck is a motor vehicle, the license plate and registration number, and the year, make and model, of the motor vehicle, and its dimensions (length and width).
  - (3) A valid copy of the County Permit.
  - (4) Where applicable, the street address of the property at which the Food Truck will be located; and the private property owner's name, phone number, email and street address.
  - (5) Where applicable, a signed owner consent form, executed by the private property owner, authorizing, consenting and allowing the location of the Food Truck on the property.
  - (6) For an Annual Location Permit, a sketch site plan, which shall include details sufficient to demonstrate compliance with this Chapter.
  - (7) The permit fee.
- C. A Food Truck Operator may apply for, and may be issued, more than one type of Food Truck Permit as set forth below:
- (i) A holder of an Annual Floating Permit may also operate at a private event, as authorized under a Private Event Permit, without the necessity to obtain a Private Event Permit, provided the operator provides information as required under items (5) and (6) above.
  - (ii) A holder of an Annual Floating Permit may also operate at a Special Event without the necessity to obtain a separate permit, provided the entity and/or organization running the Special Event specifically lists the Annual Floating Permit holder as a vendor, and the permit holder complies with the requirements of this chapter for operating at a Special Event.
- D. The Town Clerk may confer with the Orangetown Office of Building, Zoning and Planning Administration and Enforcement ("OBZPAE") for guidance as to any provisions of this Chapter and the Zoning Code as they may relate to any particular application for a Food Truck Permit; and the Town Clerk shall approve and issue a Food Truck Permit if:
- (1) the applicant demonstrates compliance with the requirements of this Chapter;

- (2) the required Food Truck Permit fee has been paid;
- (3) for an Annual Location Permit, no municipal or governmental code violations, or notices of violation, are pending on the property at which the Food Truck will be located, as verified by OBZPAE;
- (4) the Food Truck is in full compliance with all applicable codes, rules and regulations of the Uniform Fire Prevention and Building Code of New York State, the New York Vehicle and Traffic Law, and the National Fire Protection Association (NFPA), and,
- (5) a valid County Permit is submitted at the time of the Food Truck Permit application, and which County Permit shall remain in effect (or as renewed) at all times, when operating under a Food Truck Permit issued in accordance with this Chapter, if same is required by the County.

E. Food Truck Permits shall only be issued for the following lengths of time of operation, provided that the holder shall simultaneously maintain a valid County Permit (if a permit is required by the County):

- (1) Annual Floating Permit: one calendar year, from January 1<sup>st</sup> through December 31<sup>st</sup>.
- (2) Annual Location Permit: one calendar year, from January 1<sup>st</sup> through December 31<sup>st</sup>.
- (3) Private Event Permit: 12 hours.
- (4) Special Event Permit: up to 4 consecutive days.

F. The permit fees shall be set by resolution of the Town Board.

**§16-4. Siting and regulations.**

When operating under an Annual Location Permit or an Annual Floating Permit, the following regulations apply:

- A. Food Trucks may only operate on private property that lies entirely outside of a Residential Zoning District, or is operating as a use permitted in a Residential District, except as otherwise provided herein. A permit holder shall obtain, and must provide proof of, permission to operate a Food Truck from the private property owner for any properties where the permit holder intends to operate its Food Truck.
- B. A Food Truck shall be located a minimum of:
  - (1) five feet away from the edge of any driveway or walkway (except when authorized to be located in a driveway on private property for a private event);
  - (2) five feet away from a utility box or appurtenances;
  - (3) fifteen feet away from an ADA handicap/wheelchair ramp;
  - (4) twenty-five feet away from a building entrance, exit or emergency access/exit;
  - (5) twenty-five feet away from the main entrance to any restaurant;
  - (6) fifteen feet away from any outdoor dining area associated with any restaurant; and
  - (7) five feet from another Food Truck on the same property.
- C. A Food Truck shall be sited in a location that does not:
  - (1) obstruct, hinder or interfere with the free flow of pedestrian, bicycle or motor vehicular traffic;
  - (2) restrict visibility at any driveway or intersection;

- (3) unreasonably interfere with the activities of other businesses, or otherwise interfere with other lawful activities, or violate any statutes, ordinances, or other laws; and
  - (4) restrict fire apparatus access roads.
- D. No more than one Food Truck shall be permitted per single tax lot at any one time, unless otherwise authorized under a Special Event Permit.
  - E. No more than one Annual Location Food Truck permit may be issued per single tax lot per Year, and only on a tax lot where there is no building.
  - F. The maximum size of a Food Truck shall be 256 square feet, measured from the exterior faces of the Food Truck.
  - G. A Food Truck operated under an Annual Floating Food Truck Permit may not operate:
    - 1) at the same property for a continuous period of time in excess of six hours, and
    - 2) at the same property in excess of once per month; however, this prohibition shall not be applicable to a Food Truck that is operating at a particular property for less than sixty continuous minutes to a maximum of two times in one day.
  - H. The holder of an Annual Floating Food Truck Permit may also operate as a roving food truck, in accordance with the rules and regulations of Chapter 18, Hawking and Peddling, including but not limited to §18-10 (G), as same may be amended, without the necessity of obtaining a separate Hawking and Peddling license.
  - I. The holder of an Annual Floating Permit may operate a Food Truck at Private Events, in accordance with the regulations of this Chapter, without the necessity of obtaining a separate permit. In such circumstance, the Food Truck operator shall have the owner of the property sign a consent form provided by the Town Clerk, which would authorize the Food Truck operator to provide services at the subject property in accordance with the rules of this chapter. Said form may be delivered to the Town Clerk up to 12 noon on the day prior to the event via email or personal delivery.
  - J. Food Truck sales or dispensing as authorized for a Private Event shall be limited to a 12-hour time period, between the hours of 9:00 a.m. and 9:00 p.m. and shall serve private event attendees only (not the general public). No more than two Private Event Permits per calendar year shall be issued or authorize operation of a Food Truck at the same property. An application for the Private Event Permit may be submitted by the property owner or the Food Truck operator, with authorization from the property owner.

**§16-5. Operations.**

- A. Food truck operators shall operate the Food Truck in conformance with any and all applicable governmental health regulations, standards, laws and statutes and all applicable codes, rules and regulations of the Uniform Fire Prevention and Building Code of New York State.
- B. When operating on private property pursuant to a valid permit issued pursuant to this section, a Food Truck shall be allowed a single freestanding sign not greater than ten square feet in size as measured on one side of a two-sided sign or placard.

C. The hours of operation of Food Trucks shall be as follows:

Sunday through Thursday:

- i. between 6:00 a.m. and 9:00 p.m. in a non-residential zoning district;
- ii. between 9:00 a.m. and 9:00 p.m. in a residential zoning district;
- iii. between 9:00 a.m. and 9:00 p.m. when operating as authorized under Chapter 18.

Friday and Saturday and the day before a Federal Holiday:

- i. between 6:00 a.m. and 11:00 p.m. in a non-residential zoning district;
- ii. between 9:00 a.m. and 11:00 p.m. in a residential zoning district;
- iii. between 9:00 a.m. and 10:00 p.m. when operating as authorized under Chapter 18.

D. Food Truck Operators shall provide trash and recycling receptacles and are responsible for the proper and lawful disposal of waste and trash associated with the operation of the Food Truck.

E. The Food Truck Operator may provide outdoor seating, when located on private property, so long as it is sited consistent with the provisions of §16-4 herein; and shall not exceed twelve total seats.

F. With the exception of allowable outdoor seating areas and trash receptacles, all equipment required for the operation of a Food Truck shall be contained within, attached to, or located within five feet of the Food Truck.

G. Lighting is prohibited, except for (i) signage affixed to the Food Truck, (ii) minimal safety lighting for pedestrians and motor vehicles of customers, and (iii) lighting that is used for ambient lighting and in truck service operations.

H. Tents and canopies are prohibited. Awnings shall only be permitted if they are attached to the Food Truck; and umbrellas shall only be permitted if they are attached to a picnic table.

I. Amplified sound of any kind, including but not limited to loudspeakers, public address (PA) systems, and the playing of music as part of Food Truck operations is prohibited.

J. Power generators are prohibited during the operation of Food Trucks as authorized herein; unless the power generator meets all of the following criteria: (i) does not exceed 80 decibels as measured from the location of the generator, , and (ii) complies with all other applicable Orangetown Code provisions, including, but not necessarily limited to, Chapter 22 (Noise);

#### **§16-6. Suspension or revocation of a Food Truck Permit.**

A. The Town Clerk may issue a notice of intent to suspend or revoke a Food Truck Permit (“notice”) to a Food Truck Operator for operating a Food Truck in violation of the provisions of this Chapter, which notice shall describe the violation and require that the Food Truck Permit holder and any private property owner where permission has been granted, immediately cure the violation. Said notice shall be sent to the Food Truck Permit holder and/or private property owner (1) by electronic mail (i.e., email) to the email address submitted with the Food Truck Permit application, or by (2) posting at the place of operation of the Food Truck and at the property location.

- B. If the holder of the Food Truck Permit fails to immediately cure the violation, then the Town Clerk may suspend or revoke the Food Truck Permit.
- C. A Food Truck Permit holder shall be entitled to request a hearing to appeal the Town Clerk's suspension or revocation of a Food Truck Permit, which hearing shall be held before the Town Board, upon application made by the Food Truck Permit holder to the Town Clerk demonstrating that the Food Truck Permit holder was not in violation of the Food Truck Permit. The Town Clerk's suspension or revocation of a Food Truck Permit shall remain enforceable and in effect, unless reversed or modified by the Town Board as a result of said hearing, which hearing shall be held within 45 days of said application by the Food Truck Permit holder, or as soon thereafter as the Town Board is able to schedule the hearing.

**§16-7. Enforcement and administration.**

- A. The provisions of this Chapter shall be administered by the Town Clerk; and shall be enforced by the Orangetown Police Department and/or any other Orangetown Department that has jurisdiction over any aspect of the Food Truck operation, including, but not necessarily limited to, the (1) Highway Department, (2) Department of Parks, Recreation and Buildings, (3) Department of Environmental Management and Engineering, (4) Bureau of Fire Prevention, and (5) OBZPAE; including, but not limited to, the authority to issue summonses and/or appearance tickets in the Orangetown Justice Court for any violations of this Chapter.

**§16-8. Penalties for offenses.**

Any person who shall operate a Food Truck as herein defined without a license or who shall violate any of the provisions of this chapter, or who shall continue to operate a Food Truck subsequent to the revocation of their license, shall be subject to a penalty as follows:

- A. A violation of this Chapter shall be deemed an offense, and not a crime. Any person or entity who shall violate any provision of this Chapter shall, upon conviction, be subject to the penalties set forth in Chapter 41A of the Orangetown Code.
- B. Conviction of a violation of this Chapter shall constitute, and effect, an immediate forfeiture of any Food Truck Permit issued to the person or entity so convicted.
- C. Without limiting any other remedy, the Town Board may also maintain a civil action or proceeding, in the name of the Town of Orangetown, in a court of competent jurisdiction, to compel compliance with, or to restrain by injunction the violation of, this Chapter.

**Section 3. Authority**

This proposed Local Law is enacted and adopted pursuant to NYS Municipal Home Rule Law §10, and in accordance with the procedures prescribed in NYS Municipal Home Rule §20.

**Section 4. Severability**

If any section, subdivision, paragraph, clause or phrase of this Local Law shall be adjudged invalid, or held to be unconstitutional, by any court of competent jurisdiction, any judgment or order made thereby

shall not affect the validity of this Local Law as a whole, or any part thereof, other than the part or provision so adjudged to be invalid or unconstitutional.

**Section 5. Effective Date**

This Local Law shall take effect upon publishing and posting a copy in the manner prescribed by applicable laws, and upon filing a copy with the NYS Secretary of State.