

LOCAL LAW NO. 7 of 2024
AMENDING CHAPTER 189 OF THE TOWN CODE –
TRANSIENT RETAIL MERCHANTS

189-2. Definitions

Mobile Food Preparation Vehicles

Vehicles which contain equipment for the cooking, preparation, storage, and serving of food to the public and which sell food products from the vehicle to the public.

189-4 Licensed required;fee.

A. [two] four days before the first date of business.

B. [\$300] \$25 per day or \$100 for one year, plus an additional \$10 fee if an inspection is required. Fees paid after July 1, 2024 and before the effective date of the revised fee schedule shall be prorated and the applicant will be reimbursed accordingly.

It shall be within the discretion of the Town Supervisor to waive a fee and to permit the granting an application for a prohibited location set forth in Chapter 189-10. The Supervisor may not waive a required inspection.

D. [Each applicant for a transient merchant license shall be limited to one license per calendar year. The maximum licensing period for a transient merchant license shall be seven days per calendar year.]
Mobile food preparation vehicles shall comply with the applicable provisions of the 2020 Fire Code of New York State. Only two (2) mobile food preparation vehicles shall be permitted at the site, unless otherwise approved by the Town Fire Marshall, which is the subject of the application.

189-5. License application.

[B. The firm or firms represented, together with copies of documents establishing the firm's state or county, form of organization, ownership and qualifications to do business in the state and the exact relationship between the firm and the transient merchant.]

B. The applicant shall provide proof of a certificate of doing business and/or corporate registration with the New York Secretary of State.

[E. Bond or certified funds. Before any license authorized herein shall be issued, the applicant shall file with the Town Clerk proof of a bond executed by a surety company or insurance company licensed to do business in the State of New York or an irrevocable one-year letter of credit issued by a licensed banking institution in the sum of \$10,000 for the purposes of saving harmless the citizens of the Town of Clifton Park from any and all damages which may be incurred by said citizens as a result of false or fraudulent unlawful sales practices by any person licensed hereunder. In lieu of the foregoing bond or irrevocable letter of credit, cash or certified funds in the amount hereinbefore set forth shall be deposited with the Town Clerk. Such funds shall be held for a period of one year from deposit. Interest earned shall be the property of the applicant. The funds shall be used to satisfy any judgment obtained in judicial proceedings for damages incurred by citizens of the Town of Clifton Park as a result of false, fraudulent or unlawful sales practices by any person licensed hereunder.]

E. The applicant shall provide to the Town Clerk proof of liability insurance issued by an insurance company licensed to do business in the State of New York in the sum of \$100,000. The Town of Clifton Park shall be listed as a named insured. If the applicant has liability insurance to cover the owner or lessee of the site applied for, then the applicant will ensure that the Town of Clifton Park is added as a named insured on such policy, in which event, no additional coverage will be required. The applicant shall also execute a hold harmless and indemnification agreement provided with the application by the Town Clerk.

F. Written authorization for use of site from owner or lessee to be submitted with application.

G. Plot plan or map showing location of operation on site to be submitted with application.

189-6. Exemptions.

F. Merchants offering food or non-food items by invitation at Town of Clifton Park events.

G. Merchants which provide food or non-food items or services at a residence for a one (1) day event. Such merchants shall be required to obtain a permit and, where applicable, obtain an inspection. Under such circumstances the fee for the permit shall be waived, but the \$10 inspection fee shall be required.

189-7. Compliance with Code

The Zoning [Ordinance] Code [which violates such ordinance] used in violation of the Town of Clifton Code.

189-10. Locations where prohibited.

[Route 9 from Kinns Road south to Route 146]

[Northside Drive]

[Fire Road]

Not within 500 feet from the following intersections:

[Not within 500 feet of] Moe Road and Grooms Road

[Not within 500 feet of] Routes 146 and 146A

[Not within 500 feet of] Longkill/Main/MacElroy/Hatlee

[Not within 500 feet of] Ushers Road and Van Patten Drive

[Not within 500 feet of] Route 146 and Balltown Road

[Not within 500 feet of] Riverview and Balltown Roads