

Local Law Filing

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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 Morrisville

Local Law No. 4 of the year 2024

A Local Law Creating a New Chapter 85 of the Village of Morrisville Code to Regulate the Operation of Food Trucks within the Village of Morrisville

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of Morrisville as follows:

Section 1.

So that a new Chapter 85, titled "Food Trucks," shall be created, which shall read, in its entirety, as follows:

"§ 85-1 Purpose.

The purpose of this chapter is to regulate the operation of food trucks within the Village of Morrisville.

§ 85-2 Definitions.

The following terms shall, for the purposes of this chapter, have the meanings herein indicated:

FOOD TRUCK

A mobile food service operation located in a motor vehicle or a movable cart, stand, or trailer and from which food and beverages (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 the premises.

FOOD TRUCK OPERATOR

The registered owner of a food truck or the owner's agent or employee.

§ 85-3 Permit required.

- A. It shall be unlawful to operate a food truck on private property within the Village of Morrisville without first having obtained a permit for such purpose in accordance with the provisions of this chapter.
- B. An application for a food truck permit shall be made to the Board of Trustees on a form provided by the Village. With the exception of established restaurant businesses with a

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

fixed physical location within a building in the Village of Morrisville, the application shall be accompanied by a nonrefundable application fee in accordance with the Fee Schedule established by the Village Board. The application shall, at a minimum, include the following information:

- (1) Name, address, e-mail address, and telephone number of the food truck operator and of the registered owner of the food truck, if different.
- (2) Address of the private property on which the food truck will be located, and written consent from the property owner authorizing the location of the food truck on the property.
- (3) Zoning district in which the property is located.
- (4) A description of the food truck, including the license plate number, vehicle identification number (VIN), year, make, model, and dimensions (length and width) of the vehicle, and photographs of the truck, registration, VIN and license plate.
- (5) Proof of a valid state motor vehicle registration number for the vehicle.
- (6) A copy of a valid Madison County Department of Health permit for a mobile food service operation.
- (7) If applicable, a copy of a license from the New York State Liquor Authority.
- (8) A copy of a valid annual fire safety inspection by the Village of Morrisville Code Enforcement Officer.
- (9) A sketch plan including details sufficient to demonstrate compliance with this chapter.

C. The Board of Trustees shall approve and issue a food truck permit if:

- (1) The use is permitted in the zoning district as set forth in Chapter 180;
- (2) The applicant demonstrates compliance with the requirements of this chapter;
- (3) No notices of violation are pending on the property or against the food truck owner/operator; and
- (4) The applicant pays the required nonrefundable food truck permit fee in accordance with the Fee Schedule established by the Board of Trustees.

D. A food truck permit is not transferable to any other food truck or food truck operator, or to any other property.

§ 85-4 Siting.

A. Food trucks permitted under this chapter shall only be located on private property. Nothing in this chapter shall be deemed to authorize the sale or distribution of food from a food truck on public property or in the public right-of-way.

B. Food trucks shall only be permitted in the following Village of Morrisville zoning districts:

Business 1 and Business 2.

- C. Food trucks may only be sited on the property at the location designated on the permit.
- D. Food trucks shall meet the minimum side and rear yard setback requirements for a principal structure in the zoning district in which they are located, and shall have a minimum front yard setback of 15 feet.
- E. Food trucks shall be located a minimum of 10 feet from the edge of any driveway, utility box and/or vault, handicapped ramp, building entrance, fire hydrant, or emergency call box, and shall not block fire lanes or access roads for emergency vehicles.
- F. Food trucks must be sited in a location that does not obstruct or interfere with the free flow of pedestrian or vehicular traffic, does not restrict visibility at any driveway or intersection, and does not unreasonably interfere with the activities of other businesses or otherwise interfere with other lawful activities or violate any statutes, ordinances, or other laws.

§ 85-5 Number and size of food trucks.

- A. A maximum of one food truck shall be permitted per property at any time.
- B. The maximum size of any food truck, inclusive of any trailers, shall be 256 square feet, measured from the exterior faces of the food truck and any trailer.

§ 85-6 Operations.

- A. Food truck operators shall maintain a valid permit from the Madison County Department of Health, and shall operate the food truck in conformance with all applicable health standards.
- B. No alcohol may be sold or dispensed from food trucks without a license from the New York State Liquor Authority.
- C. A copy of all valid permits shall be conspicuously displayed on the food truck at all times, including, but not be limited to: the Madison County Department of Health permit; the Village of Morrisville food truck permit; and the annual fire safety Certificate of Compliance.
- D. Food truck operators must demonstrate to the satisfaction of the Board of Trustees that adequate parking is available for the food truck use.
- E. Food trucks must have adequate ingress and egress from the property for patrons to prevent traffic congestion and safety hazards.
- F. Signs may be painted on or affixed to the food truck provided the signs do not exceed the dimensions of the food truck on which they are placed. In addition, a food truck shall be permitted a single A-frame sign no greater than six square feet in area that may be displayed only during the food truck's hours of operation. The use of other movable, portable and/or freestanding signs is prohibited.
- G. The operation of food trucks shall be limited to the hours of 6:00 a.m. to 10:00 p.m., provided the food truck is not located within 200 feet of a dwelling unit, in which case the

operation shall be limited to the hours of 8:00 a.m. to 9:00 p.m. This shall supersede the provisions of Chapter 121, Noise. Such distance shall be measured from the closest edge of the food truck to the nearest property line of the residential use.

- H. Food truck operators shall provide adequate trash and recycling receptacles within 10 feet of their food truck. A food truck operator is responsible for the proper disposal of waste and trash associated with the operation of the food truck. Operators shall remove all waste and trash from their approved location at the end of each day or more frequently as needed to maintain the health, safety and welfare of the public. The food truck operator shall keep all areas and any associated seating areas clean of grease, and trash, litter or waste, including, but not limited to, paper, cups, cans, or bottles associated with the operation. No liquid waste or grease shall be disposed in or on streams, wetlands, storm drains, lawns, sidewalks, streets, or other public space or in sanitary sewers not equipped with a grease trap.
- I. Outdoor seating and tents shall be permitted as long as they are sited consistent with the provisions for food trucks in § 85-4. A maximum of one tent, no more than 12 feet by 12 feet in size, shall be permitted per food truck, and shall only be permitted to be installed or erected outdoors during hours of operation. Awnings are only permitted if they are attached to the food truck. Umbrellas are only permitted if they are attached to a picnic table.
- J. All equipment required for the operation of a food truck shall be contained within, attached to or located within three feet of the food truck with the exception of allowable outdoor seating areas, coolers, barbecue grills and smokers, and trash/recycling receptacles.
- K. No food shall be prepared or sold at the food truck site outside of the food truck with the exception of beverages, barbecue grills and smokers, as follows:
 - (1) A maximum of one barbecue grill or one barbecue smoker shall be permitted per food truck.
 - (2) A barbecue grill or smoker shall be located no more than 10 feet from the food truck.
 - (3) A barbecue grill shall have a maximum total grill width of 36 inches, and a smoker shall have a maximum of 600 square inches of cooking surface.
 - (4) No barbecue grill shall be located within 200 feet of a residential use, measured in a straight line from the grill to the nearest property boundary on which the residential use is located.
 - (5) No barbecue smoker shall be located within 1,000 feet of a residential use, measured in a straight line from the smoker to the nearest property boundary on which the residential use is located.
- L. No lighting is permitted except for low voltage decorative white string lights, and lighting that is used within the food truck for the purpose of inside food preparation. All lighting shall be turned off after hours.
- M. Amplified sound or loudspeakers is prohibited, and the food truck operation shall comply with the noise limits in Chapter 121 of the Village Code, unless otherwise addressed herein.
- N. Food trucks shall not cause objectionable odors or smoke at any lot line.

- O. Food trucks and associated outdoor seating, if any, shall be removed from all permitted locations upon expiration of the permit.

§ 85-7 Exceptions.

- A. Special event, private residence. Residents may request that food trucks cater special events on private property at their place of residence within any zoning district. Such request for a special event private use food truck permit shall be made to the Board of Trustees for a period not exceeding one day, and not more than two events per year, and subject to the requirements of this chapter except for §§ 85-3C(4) and 85-4B. In such cases, provision of food and beverage shall be limited to event attendees only; provision to the general public is prohibited.
- B. Special event, public. The Board of Trustees may by resolution authorize a not-for-profit organization or public entity to obtain a daily permit in any zoning district for a designated date, time and location approved by the Village Board for the purpose of a special event or public festival. The Board of Trustees may by resolution authorize a daily permit in any zoning district in conjunction with a permit for a parade, procession, block party or large assembly.
- C. Village Parks or public areas. Procedures for issuance of a permit to locate a food truck on certain public property is subject to the provisions of Chapter 126, Parks.

§ 85-8 Violations.

- A. Any of the following shall constitute a violation of this chapter:
 - (1) Failure to properly obtain and/or properly display a valid food truck permit.
 - (2) Fraud or misrepresentation contained in the permit application.
 - (3) Fraud or misrepresentation made in the course of operating the business.
 - (4) Conduct in an unlawful manner or that creates a public nuisance, or otherwise constitutes a danger to the public health, safety, and welfare.
 - (5) Failure to comply with the provisions of this chapter.

§ 85-9 Suspension or revocation of a permit.

- A. The Code Enforcement Officer may issue a notice of intent to suspend or revoke a food truck permit for any violation of this chapter. The notice of intent to suspend or revoke shall describe the violation, and require the permit holder to immediately cease operations and correct the violation or cause the violation to be corrected.
- B. The notice of intent may be given personally to the operator of the food truck by affixing it to the windshield of the food truck or in writing by mail to the permit holder at the address shown on the application.
- C. 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.

- D. A permit holder shall be entitled to request a hearing on suspension or revocation before the Board of Trustees, upon application made to the Village Clerk, in writing, demonstrating that the permit holder was not in violation of the permit. Any suspension or revocation remains in effect unless modified by the Board of Trustees. The Board of Trustees shall hold a hearing to determine whether to reverse the suspension or revocation within 30 days of receipt of the written request.

§ 85-10 Enforcement, administration and penalties for offenses.

- A. The requirements established by this chapter shall be administered and enforced by any law enforcement agency that has jurisdiction in the Village of Morrisville, the Village Code Enforcement Officer, or their duly authorized representatives.
- B. The individuals identified in Subsection A are authorized to issue appearance tickets as defined in § 150.10 of the Criminal Procedure Law, and to prosecute the violation in Court, and are authorized to issue orders to remedy and notices of violation, to enforce the provisions of this Chapter.
- C. Any violation of this chapter shall be deemed an offense, and each occurrence or incident shall constitute a separate offense. If a violation continues for more than a twenty-four-hour period, each day shall constitute a separate offense.
- D. If the offense occurs on the premises of a property that is occupied by someone other than the owner, the issuer of the appearance ticket must also notify the owner, in writing, of the violation within five business days of said violation. Failure to provide such notice shall not affect the prosecution of the person or persons charged with said offense.
- E. A violation of this chapter or any part thereof shall constitute an offense punishable as follows:
 - (1) By a civil penalty.
 - (a) Not to exceed \$500 for a first offense;
 - (b) Not to exceed \$1,000 for a second offense; and
 - (c) Not to exceed \$1,500 for any subsequent offense; and/or
 - (2) By a fine
 - (a) Not to exceed \$1,500 for a first offense;
 - (b) Not to exceed \$2,500 for a second offense; and
 - (c) Not to exceed \$3,500 for any subsequent offense; and/or
 - (3) By imprisonment for a term of not more than 15 days; and/or
 - (4) By any combination thereof.

- F. Conviction of two violations of any provision of this chapter, or consent to the payment of two separate penalties for separate offenses, shall result in the immediate revocation of the food truck permit. No refund of any food truck permit fee shall be given. If the food truck permit is revoked, the food truck operator will not be allowed to apply for another food truck license or permit for any food truck until the following calendar year.
- G. Without limiting any other remedy, the Board of Trustees may also maintain an action or proceeding in the name of the Village in a court of competent jurisdiction to compel compliance with, or to restrain by injunction the violation of, this chapter.

Section 2. EFFECTIVE DATE.

This Local Law shall take effect upon filing with the New York State Department of State.”

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

I hereby certify that the local law annexed hereto, designated as **Local Law No. 4 of 2024** of the **Village of Morrisville** was duly passed by the **Board of Trustees of the Village of Morrisville** on **May 9, 2024**, in accordance with the applicable provisions of law.

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. ___ of 20__ of the **Town of Sullivan** was duly passed by the **Town Board** on _____, 20__, and was (approved/not approved/ repassed after disapproval) by the **Town Board** and was deemed duly adopted on _____, 20__, in accordance with the applicable provisions of law.~~

3. ~~**(Final adoption by referendum.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. ___ of 20__ of the **Town of Sullivan** was duly passed by the **Town Board** on _____, 20__, and was (approved/not approved/ repassed after disapproval) by the **Town Board** on _____, 20__.~~

~~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 **Town of Sullivan** was duly passed by the **Town Board** on _____, 20__, and was (approved/not approved/ repassed after disapproval) by the **Town Board** 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.~~

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 1 above.



Amy Will

Hon. Amy Will, Village Clerk
Village of Morrisville

Date: _____

5/13/24