

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

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 Ashford

Local Law No. 1 of the year 2022

A local law Mobile Food Preparation Vehicles and Vendors
(Insert Title)

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

County City Town Village
(Select one.)

of Ashford as follows:

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

LOCAL LAW OF THE TOWN OF ASHFORD
CATTARAUGUS COUNTY, STATE OF NEW YORK
MOBILE FOOD PREPARATION VEHICLES AND VENDORS
LOCAL LAW NO. 1 of 2022

SECTION 1. PURPOSE

The purpose of this Local Law is to promote and protect the health, safety and general welfare of the Town of Ashford and its residents and visitors.

SECTION 2. DEFINITIONS

“Mobile Food Vehicle” shall mean the use of any vehicle or trailer to travel over the streets and highways and to serve food or drink, whether cooked, baked or prepared on site or prepared elsewhere and served on site.

“Mobile Food Vendor” shall mean the operator and/or employees, contractors, or other agents of a mobile food vehicle.

“Mobile Food Vending” shall mean the act of vending prepared food through the utilization of a mobile food vehicle.

“Private Catered Event” shall mean mobile food vending limited to serving the owners, occupants and guests of just a single dwelling, business, property or fundraising event that will only last no more than 48 hours will be exempt from obtaining a Town of Ashford Mobile Food permit. Only all other applicable permits/licenses shall apply.

“Restaurant shall mean a building where meals are served to customers.

“Work Site Concession Vehicle” shall mean a motor vehicle with a maximum gross weight as reflected upon its registration of not more than 8,600 pounds in which food is not cooked, baked, grilled, broiled or fried in the vehicle.

Special Event” shall mean the occurrence of an event sanctioned by the Town Board, by resolution, wherein mobile food vehicles may be exempt from the permit.

“Food Truck” shall mean a mobile food vendor that is self-propelled.

“Food Trailer” shall mean a mobile food vendor that is towed by a motor vehicle.

“Food Cart/Push Cart” shall mean a mobile food vendor that is manually mobile.

SECTION 3. PERMIT REQUIRED

No mobile food vehicle shall be used for mobile food vending unless a permit issued pursuant to the provisions of this Local Law shall first have been obtained, which permit shall at all times be displaced in a conspicuous location that is visible from outside the vehicle. Obtaining the proper permit will allow the mobile food vendor to operate in all areas of the Town.

SECTION 4. PERMIT APPLICATION

The owner of a mobile food vehicle who wishes to engage in mobile food vending within the Town of Ashford shall make a written application to the Town Code Enforcement Officer for one or more mobile food vehicle permits on a form provided by the Town Code Enforcement Office. The application for such permit(s) shall be signed and dated by the owner or by a corporate officer of the owner, shall identify the signor and shall include the following:

(A) Name, address and telephone number of each owner of the mobile food vehicle and in the case of a corporate owner the name, address and telephone number of each corporate officer.

(B) As to each mobile food vehicle for which a permit is required, a valid and current Cattaraugus County Department of Health certification of a successful health inspection as to both the vehicle to be used and the facility whereat the food is prepared.

(C) As to each mobile food vehicle for which a permit is required, a valid and current certification of a successful fire inspection conducted within the prior 12 months by the Town of Ashford Code Enforcement Officer. Compliance with the Fire Code of the State of New York is required.

(D) A signed statement that the vendor shall indemnify and hold harmless the Town of Ashford and its officers and employees for any claims for damage to property or injury to persons which may be occasioned by any activity carried on under the terms of the license.

SECTION 5. FEES (See Fee Schedule of the Town of Ashford)

SECTION 6. PERMIT TERMS AND RESTRICTIONS

(A) Each mobile food vending permit shall expire on December 31st of every year no matter when issued during that prior year.

(B) The permit shall not be transferable from person to person.

SECTION 7. PERMIT REVOCATION

Any permit issued pursuant to the provisions of this Local Law may be revoked by the Code Enforcement Officer for any of the following causes:

(A) The Cattaraugus County Commissioner of Health has advised that such mobile food vendor has violated any of the provisions of law or the Sanitary Code of Cattaraugus County and/or shut down the mobile food vendor for any reason while the mobile food vendor was within the jurisdiction of the Town of Ashford.

(B) A violation of this Local Law.

(C) A violation of the New York Fire Prevention Code.

SECTION 8. REGULATIONS

- (A) At all times, mobile food vendors must abide by all applicable federal, state and local statutes and ordinances.
- (B) All signage associated with a mobile food vendor must be permanently affixed to the mobile food vehicle. One additional sign is permitted within five feet of the mobile food vendor's vehicle as long as the additional sign in no way obstructs vehicular or pedestrian traffic. No other signage will be allowed:
- (C) 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.
- (D) 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 of in a legally permissible manner.

SECTION 9. ENFORCEMENT

A mobile food vehicle, while within the Town of Ashford may be inspected at any time for violations of this Local Law by any Constable of the Town of Ashford and by the Code Enforcement Officer.

SECTION 10. PENALTIES FOR OFFENSES

- (A) The penalty for engaging in mobile food vending without properly obtaining and/or displaying a permit shall be \$250 for the initial offense. A permit shall be revoked after the second offense.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

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

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2022 of the ~~(County)(City)(Town)(Village)~~ of Ashford was duly passed by the (Name of Legislative Body) on 2022, 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 ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the (Name of Legislative Body) on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ 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 ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the (Name of Legislative Body) on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ 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 ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the (Name of Legislative Body) on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ 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.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

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 _____ above.

Clerk of the county legislative body, ~~City, Town or Village~~ Clerk or officer designated by local legislative body

Date: _____

(Seal)

TOWN OF ASHFORD
RESOLUTION NO. _____ - ENACTING LOCAL LAW #1 OF 2022
ENTITLED "A LOCAL LAW MOBILE FOOD PREPARATION
VEHICLES AND VENDORS"

Introduced by _____

Seconded by: _____

Dated: _____

Whereas, the Fire Code of New York State has permit, inspection and design criteria and other matters for mobile food preparation vehicles; and

Whereas, the Town of Ashford needs a Local Law governing mobile food preparation vehicles and vendors in order to protect the health, safety and general welfare of the Town of Ashford, its residents and visitors; and

Whereas, proposed Local Law #1 of 2022 (the "Local Law") of the Town of Ashford has been drafted and introduced during a regularly scheduled Town meeting on the ____ day of December, 2022; and

Whereas, a Notice of Public Hearing on Local Law #1 of 2022 was published in the Springville Journal on _____ day of December, 2022, and the Town Clerk also caused a Notice to be published on the _____ day of December, 2022; and

Whereas, a public hearing was duly convened on Local Law #1 of 2022, on the _____ day of December, 2022 at _____ p.m. before the Town Board at the Community Center and all interested parties, if any, were heard, and

Said Local Law #1 of 2022 in its final form has been in the possession of members of the Town Board in the manner and duration required by Section 20 of the Municipal Home Rule Law of the State of New York,

Now, Therefore, it is Resolved that

1. The foregoing recitals are hereby fully incorporated herein at length.
2. The Town Board finds and determines that it has properly introduced Local Law #1 of 2022; has properly noticed and conducted a public hearing on proposed Law #1 of 2022 on December _____, 2022, and that sufficient consideration has been given to all comments and evidence (if any) received during the public hearing.
3. The Town Board finds and determines that Local Law #1 of 2022 is not subject to SEQRA pursuant to 6 NYCRR 617.2(b), as it is not deemed likely to have any impact on the environment.
4. Local Law #1 of 2022, as set forth in its entirety as attached hereto, is hereby enacted, waiving any and all defects and informalities in the adoption thereof and shall take effect immediately upon filing with the Secretary of State.

5. The Town Clerk or the Attorney for the Town are hereby authorized and directed to file a copy of said Local Law #1 of 2022 with the Secretary of State and to take any further action(s) required to give full effect to the adoption of the said Local Law.

The question of the foregoing Resolution was duly put a vote and upon roll call was as follows:

	Yes	Nay	Abstain	Absent
<u>John A. Pfeffer</u>	[]	[]	[]	[]
<u>Jean Bond</u>	[]	[]	[]	[]
<u>Angela M. Ghani</u>	[]	[]	[]	[]
<u>William J. Heim</u>	[]	[]	[]	[]
<u>James P. Boberg</u>	[]	[]	[]	[]

The foregoing Resolution was thereupon declared duly adopted/not adopted (circle one).

Dated: December _____, 2022

State of New York)
 County of Cattaraugus) ss.:

I, Patricia Dashnaw, Town Clerk for the Town of Ashford do hereby certify that the above is a true and exact copy of a Resolution adopted by the Town Board for the Town of Ashford at a meeting of said Board held on December _____, 2022.

Patricia Dashnaw, Town Clerk