

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 Lyndonville

Local Law No. 1 of the year 2019

A local law Mobile Food Vendor: Regulations for the Village of Lyndonville
(Insert Title)

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

County City Town Village
(Select one.)

of Lyndonville as follows:

See attached Text of Local Law #1 of 2019 entitled Mobile Food Venders: Regulations for the Village of Lyndonville

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

(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 2019 of the (County)(City)(Town)(Village) of the Village of Lyndonville was duly passed by the Village Board on April 1st 2019, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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 _____ 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.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

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 _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

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 _____ 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.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* 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 1 above.

(Seal)



Teri M. Woodworth

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

Date: 4/2/19

Mobile Food Vendor: Regulations for the Village of Lyndonville

Section 1: Definitions

MOBILE FOOD TRAILER ("MFT")

A commercially manufactured and/or fabricated trailer for the purpose of commercial food preparation and sales and which is self-contained and is towed/transported from site to site via a motorized vehicle, in which ready-to-eat food is cooked, wrapped, packaged, processed or portioned for service, sale or distribution.

MOBILE FOOD VEHICLE ("MFV")

A commercially manufactured, self-contained, motorized mobile food unit in which ready-to-eat food is cooked, wrapped, packaged, processed or portioned for service, sale or distribution.

MOBILE FOOD VEHICLE VENDOR ("MFVV")

The owner of a mobile food trailer/mobile food vehicle or the owners agent; hereinafter referred to as "vendor".

Section 2: General Provisions

- A. It shall be unlawful for a mobile food trailer or a mobile food vehicle to park, stand or operate on a public street or place which is adjacent to or within a fifty-foot radius, or a thirty foot radius if on private land, of the nearest edge of any building or section of a building comprising a licensed food establishment. This requirement may be waived if the application is submitted together with the written consent of the proprietor of the adjacent licensed food establishment.
- B. Mobile food trailers and vehicles may not operate before 9:00am or after 11:00pm on residential property, or on a non-residential property or in a right of way adjacent to a non-residential property. It shall be unlawful for a mobile food trailer or vehicle to remain parked or standing on a street when not in operation selling food without the express written consent of the Code Enforcement Officer.
- C. Every MFTV/MFVV must at all times carry on the vehicle a measuring device with a capacity of not less than fifty (50') feet as a condition of its permit.
- D. All mobile food trailer and vehicle vendors must abide by all parking and vehicle and traffic laws, ordinances, rules and regulations at all times, except that a mobile food trailer or mobile food vehicle that is of such a length that it occupies all or a portion of two vehicle parking spaces may park in said spaces so long as they abide by all other parking restrictions, including any hour-maximum duration requirements in force and effect at that time and location.

- E. It shall be unlawful for any mobile food trailer or mobile food vehicle to operate within fifty feet (50') of the boundary line of any fair, carnival, circus, festival, special event or civic event that is sanctioned or licensed by the Village of Lyndonville except with the express written permission of the Village of Lyndonville.
- F. All signage shall be permanently affixed to the mobile food trailer or vehicle. No accessory signage shall be placed outside or around the trailer or vehicle.
- G. All mobile food trailers and mobile food vehicles shall be equipped with trash receptacles of a sufficient capacity that shall be changed as necessary to prevent overflow or the creation of litter or debris. All waste and trash shall be placed in the trash receptacles and must be removed from the site of the vending operation at the end of each daily operation. A mobile food vendor shall not directly or indirectly cause or permit the public streets and places to be littered with papers, wrappings or other debris or refuse.
- H. A mobile food vendor shall not conduct activities in such a manner as will interfere with a pedestrian or vehicular use of the public streets and places.
- I. A mobile food vendor shall not directly or indirectly cause or permit the public streets and places to be littered with papers, wrappings or other debris or refuse.
- J. A mobile food vendor shall make no false statements or representations in the course of his activities and shall conduct himself at all times in an orderly and lawful manner; nor shall he use or blow upon or ring any sound instrument or thing or shout or cry out for the purpose of attracting attention to his wares or giving notice of his approach.
- K. A mobile food vendor shall not sell any confectionery or ice cream within 250 feet of any school property between the hours of 8:00 AM and 4:00 PM on any school days.

Section 3: License required

It shall be unlawful for any person, firm or corporation to conduct or operate or permit to be conducted or operated a mobile food trailer or mobile food vehicle within the Village of Lyndonville without first obtaining a license from the Village of Lyndonville. All licenses shall be nontransferable. All required permits shall be posted conspicuously on the mobile food vehicle. Said license shall be obtained in full at least 14 days before the first operation of the mobile food vending business.

Section 4: License fee

The fee for the license required by this article shall be as determined by the Village of Lyndonville Board of Trustees. The amount of the fee may be amended from time to time by resolution. The fee shall be made upon application to the Code Enforcement Officer and the application shall not be considered complete until said fee has been paid.

Section 5: Weighing and measuring devices

Any vendor carrying, keeping or using scales, measures or other appliances for weighing or measuring shall first have the same inspected by the County Sealer of Weights and Measures; and if the latter shall find such appliances correct and true, he shall issue his certificate to that effect, and such certificate shall be affixed thereto in a which shall not be correct and true and do not give a record and give the weight and quality claimed by said vendor.

Section 6: Application for license

- A. The application for the license shall include a statement verified by the person or persons who are to conduct such mobile food vending business and, if a corporation, by the president and treasurer thereof, containing the following information:
- B. The full name and address of each of such persons and, if a corporation, the state under the laws of which it is organized, the exact location of its principal office and place of business and the names and addresses of its officers.
- C. The location(s) within the Village of Lyndonville where such mobile food vending business is to be conducted.
- D. The date on which such person intends to begin doing business within the Village of Lyndonville.
- E. Proof of all applicable licenses, inspections and insurance, including liability insurance for the MFT or MFV. The Vendor shall also provide to Code Enforcement Officer upon application, a copy of the current and valid Orleans County Health Department permit.
- F. The sales tax number issued to the applicant by the New York State Department of Taxation and Finance.
- G. A brief description of the firm and the kinds of food the applicant desires to sell.
- H. The vendor shall present to mobile food vehicle for inspection by the Code Enforcement officer.

Section 7: Place of conducting business.

No person shall conduct a mobile food vending business within the Village of Lyndonville at any place or places other than that named in the statement filed with the Code Enforcement Officer pursuant to Section 6 herein. It shall be unlawful to discharge liquid waste, fats, oils or grease anywhere out of the vehicle except in appropriate containers.

Section 8: Failure to begin business.

In the event that any person fails to begin the conduct of any mobile food vending business at the place specified in the statement filed pursuant to Section 6 within 90 days after the filing of such statement, such person shall not thereafter conduct any such mobile food vending business within the Village of Lyndonville until a new license application, duly verified and containing the information set forth in said section has been filed with the Code Enforcement Officer and a new license has been issued.

Section 9: Revocation of license.

Any license may be revoked by the Code Enforcement Officer or any other officer, investigator, or other person designated by the Village, if the holder fails to comply with any of the sections contained in this article, or if it is found that the holder has made a false statement in their application.

Section 10: Penalties for offenses.

Criminal penalty. Any person who violates any provision of this article shall, upon conviction thereof, be subject to a fine not less than \$250 or to exceed \$500, or imprisonment for a term not to exceed 15 days of both.

Section 11: Purpose.

The purpose of this article is to assist in the government of the Village of Lyndonville, the management of business, the preservation of good and order and the peace, health, safety and welfare of its inhabitants and the protection and the security of their property.