VILLAGE OF MAYVILLE

Local Law No.2 for the year 2022

**REGULATING MOBILE FOOD VENDORS**

Be it enacted by the Village Board of the Village of Mayville, County of Chautauqua and State of New York, as follows:

A new Article 647 is hereby inserted into the Village of Mayville Zoning Code, which shall provide as follows:

**ARTICLE 647 MOBILE FOOD VENDORS**

 Section A Authority

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1. **Authority**

This local law is promulgated pursuant to the authority granted by:

 1. Article IX of the New York State Constitution, §2(c)(10);

 2. New York Statute of Local Governments, §10(1) and (7);

3. New York Municipal Home Rule Law, §10(1)(i) and (ii) and §10(1)(a), (11), (12), and (14);

4. New York Village Law Section 4-412.

1. **Purpose**

The intent of this regulation is to protect the health, safety, welfare, and environment of the residents and property owners of the Village of Mayville. This section regulates the mobile food vendor industry and use and operation of mobile food vehicles within the Village of Mayville. The purpose of this regulation is to balance the potential impact on neighbors when Mobile Food Trucks are in use and to protect other commercial businesses within the Village of Mayville.

 **C.** **Definitions.**

For purposes of this Chapter, the following terms shall have the meanings indicated:

 **MOBILE FOOD VEHICLE**

 A self-contained cart, trailer, or motorized vehicle in which ready-to-eat food is prepared, cooked, wrapped, packaged, processed or portioned for service, sale, or distribution.

 **MOBILE FOOD VENDOR**

 The owner of a mobile food vehicle or the owner's agent.

1. **General** **provisions.**

1. It shall be unlawful for any person to operate a mobile food vehicle within the Village of Mayville without first having obtained a valid mobile food vending license from the Village of Mayville as prescribed in this Article.

1. It shall be unlawful for any person to operate a mobile food vehicle within the public rights-of-way or on public property anywhere within the Village of Mayville, except as permitted herein.
2. If any part or provision of this Local Law shall be declared invalid, void, unconstitutional, unenforceable by a court of law, all unaffected provisions hereof shall survive such declaration and this Local Law shall remain in full force and effect as if the invalidated portion had not been enacted.
3. This Local Law shall take effect immediately upon filing with the Secretary of State of the State of New York.
4. **Approved Locations**
5. A mobile food vendor may operate anywhere in the Village of Mayville except for the following:

 i. Mobile Food Vendor shall not be permitted to operate in a R1 (Single Family Residence), R2 (Multiple Residential), R3 (Lakeside Residential) and R4 (Rural Residential) zoning district unless such use is located on the property of a preexisting social club, religious organization or not-for-profit organization duly organized in New York State.

 ii. Adjacent to or within a radius of 100 feet of the nearest edge of any parcel on which is located a licensed food establishment, the kitchen of which is open for serving food to patrons. This requirement may be waived if the proprietor of the adjacent food establishment gives written consent, and such consent is visibly displayed within the mobile food vehicle.

 iii. In any location that conflicts with any parking and vehicle and traffic laws, ordinances, rules and regulations of the State of New York, County of Chautauqua, and Village of Mayville.

 iv. On any private property, unless the owner of such property gives written consent, and such consent is visibly displayed within the mobile food vehicle.

1. **License required; application; conditions.**
2. Any person desiring to operate a mobile food vehicle shall make a written application for such license to the Village of Mayville Clerk’s Office, on forms provided, which shall include the following:
3. Name, signature and address of each applicant and each corporate officer of the mobile food vehicle vending corporation.
4. A valid copy of all necessary licenses, permits or certificates required by the County of Chautauqua, the State of New York or any subsidiary enforcement agencies or departments thereof, including, but not limited to, a valid New York State Department of Motor Vehicles registration and certificate of inspection and valid driver's licenses of all vehicle operators.
5. A signed statement that the vendor shall hold harmless the Village and its officers and employees for any claims for damages to property or injury to persons which may be occasioned by any activity carried on under the terms of the license.

 iv. Insurance.

1. The vendor shall furnish a certificate of insurance evidencing that the vendor possesses and maintains such public liability, food products liability, and damage to property or bodily injury, including death, which may arise from the operations under the license or in connection therewith. Such insurance shall provide coverage of not less than $1,000,000 per occurrence. The policy shall further provide that it may not be canceled except upon 30 days' written notice served upon the Village of Mayville. A license issued pursuant to the provisions of this section shall be invalid at any time the insurance required herein is not maintained and evidence of continuing coverage is not filed with the Village of Mayville.
2. In addition to the above-required certificate of insurance, the vendor shall also endorse, maintain and include the Village as an additional named insured on its underlying business commercial general liability policy.

 2. Code Inspection. The Code Enforcement Officer will conduct a fire safety inspection of the mobile food vehicle as part of the process of issuing or renewing a mobile food vendor license.

 3. Fee. The fee for a mobile food vendor license shall be $100.00 per year, which amount may be adjusted from time to time by the Village Board. All vendors holding a license that has been revoked or permitted to lapse shall pay a renewal fee as set by the Village Board.

1. Conditions of License**.**
2. A mobile food vendor license shall expire on January 1 of each year.
3. A license shall not be transferable.
4. Each license is valid only for the vehicle for which it was issued.
5. **Conditions of operation.**
6. If operating on private property, the vendor must obtain and display in or on the vehicle evidence of permission granted by the owner of the property, in writing, specifying the days, times and specific location(s) for which permission has been granted.
7. Mobile food vehicles with a valid mobile food vending license may be operated by the vendor during hours as approved by the property owner.
8. However, vendors may not operate mobile food vehicles:

 (a) Before 9:00 a.m.; or

 (b) After 9:00 p.m., Sunday through Thursday; or

(c) After 10:00 p.m. on Friday and Saturday for events open to the public or after midnight for private events.

1. All signage must be permanently affixed to the mobile food vehicle except each vehicle may use one sandwich board sign no larger than six square feet per side.
2. All mobile food vehicles must be equipped with trash receptacles of a sufficient capacity and shall be changed as necessary to prevent overflow or the creation of litter or debris.
3. No alcohol may be sold or dispensed from mobile food vehicles.
4. **Compliance with other regulations.**

 1. The owner/operator of any mobile food vehicle licensed by the Village of Mayville shall comply with all provisions of federal, state, and local laws and ordinances.

 2. The owner/operator of any mobile food vehicle licensed by the Village of Mayville shall comply with all notices, orders, decisions and rules and regulations made by the Code Enforcement Office, the Chautauqua County Sheriff's Office, the Chautauqua County Health Department, or any other Village of Mayville department and/or agency.

1. **Penalties for offenses.**
2. Any person who violates any provision of this chapter shall be guilty of a violation. Each violation shall be punished by a fine not to exceed $250 per occurrence.
3. Closure for operation without license. Any mobile food vehicle operating without the required Village of Mayville license shall be immediately closed by order of the Village of Mayville. Every day of operation without a valid license shall constitute a separate violation and shall be punishable by a fine of $250 per occurrence.