

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 Rockland

Local Law No. 1 of the year 2021

A local law to amend the Town of Rockland Zoning Law.
(Insert Title)

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

County City Town Village
(Select one.)

of Rockland as follows: _____

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

SECTION I
Legislative Intent

The Town of Rockland enacts this local law pursuant to Section 10 of the Municipal Home Rule Law and Article 16 of the Town Law to provide for the orderly development of the Town and to protect the health safety and welfare of its residents. The law includes additions to Article V (Supplementary Regulations) for the regulation of Mobile Food Vending with related additions to Article II (Definitions) and the Schedule of District Regulations.

SECTION II
Amendment of Town of Rockland Zoning Law

The following new definitions are added to Article II, §185-7 of the Zoning Law to read as follows:

MOBILE FOOD VEHICLE - A self-contained motorized vehicle or trailer, including what are commonly referred to as Food Trucks, 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.

SPECIAL EVENT - Cultural event, farmers market, fair, carnival, festival, parade, sporting event, music event, or other types of special events that generally run for one to three days and are intended to or likely to attract substantial crowds.

FOOD- AND BEVERAGE -RELATED BUSINESS - Include the following, as defined in §185-7 of the Town's zoning law: Restaurant, Drive-In or Fast-Food Establishment, Food Processing Establishment (which includes breweries, distilleries, wineries, and cideries). An Inn, Motel, Hotel, Bar, or Tavern is also considered a food- and beverage-related business if it serves food or beverage on the premises. A Home-Based Business, a grocery store, or a convenience store shall not be considered a food- and beverage-related business.

A new sub-section §185-30.5 is hereby added to Article V of the Zoning Law to read as follows:

§ 185-30.5 Mobile Food Vending

A. Purpose

The purpose of this Mobile Food Vending section is to regulate mobile food vehicles within the Town of Rockland in a manner that protects the public health, safety and welfare while providing residents and visitors additional options for dining and the purchase of edible commodities.

B. General Provisions

(1) Permit required. Except as permitted herein, it shall be unlawful for any person to operate a mobile food vehicle within the Town of Rockland without having obtained a permit for such purpose in accordance with the provisions of this section. A permit for the operation of a mobile food vehicle in the Town of Rockland, or changes thereto, shall be subject to the approval of, and issued by, the Town of Rockland Code Enforcement Officer or designee. Permits must be submitted to the Code Enforcement Officer or a Town employee at the Town Hall at least 72 hours in advance of the time the Mobile Food Vendor wishes to begin operation.

(2) Approved locations. Mobile food vehicles shall be allowed to operate at certain approved locations, provided that the mobile food vendor has a valid mobile food vending permit from the town and obtained the owner's permission to operate. Approved locations are intended to accommodate activities associated with special events and include: Rotary Park and Renaissance Park (Livingston Manor); Catskills Fly Fishing Museum; Fireman's Field, Niforatos Park, and Riverside Park (Roscoe). Applications to operate a mobile food vehicle(s) at a location that is not identified as approved may be made in accordance with this section and will be considered on a case-by-case basis.

(3) Existing food- and beverage-related business locations. One mobile food vehicle shall be allowed to operate on properties of existing food- and beverage-related businesses in the General Business and Neighborhood Business zoning districts provided that the mobile food vendor has a valid mobile food vending permit from the town and, as applicable, has obtained the owner's permission to operate in accordance with the provisions of this section.

(4) The mobile food vehicle at an existing food- and beverage-related business location must be located so as to not interfere with any driveway, utility box, accessibility ramp, building entrance, exit or emergency access/ exit, or any other emergency facility.

(5) In no case shall a mobile food vending permit be issued by the town for a mobile food vehicle to operate in the public right of way of a sidewalk, street, road, or highway, or in locations that could increase risks to the safe function of pedestrian and vehicular traffic. Approved locations may not conflict with any parking and vehicle and traffic laws, ordinances, rules and regulations of the Town of Rockland, the County of Sullivan, and the State of New York.

C. Exceptions.

(1) Private event, private residence. Residents may request that mobile food vehicles cater special events on private property at their place of residence within any zoning district. Such request for a private use mobile food vehicle permit shall be made to the Zoning Enforcement Officer for a period not exceeding three days, and not more than two events per year. In such cases, sales shall be limited to the event host for service to event attendees only (not to the general public).

D. Vendors.

(1) To complete the permit application, the vendor must obtain and provide evidence of permission granted by the owner of the property, in written form, specifying the days, times and specific location(s) for which permission has been granted.

(2) Mobile food vehicles may only be parked in areas indicated on the permit application submitted to the Town and approved by the Code Enforcement Officer.

(3) Mobile food vehicles with a valid mobile food vending permit may be operated by the vendor during hours as approved by the property owner.

(a) However, vendors may not operate mobile food vehicles:

1. Before 6:00 a.m.; or
2. After 9:00 p.m., Sunday through Thursday; or
3. After 10:00 p.m. on Friday and Saturday.

(b) However, the Code Enforcement Officer may modify the permit to allow a variance from these limitations during specific events such as fireworks displays, fishing tournaments, and festivals that operate outside these hours.

(4) All signage must be permanently affixed to the mobile food vehicle except each vehicle may use one sandwich board sign; all signs must comply with the sign regulations in the town's zoning law.

(5) 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. The mobile food vendor or their operator must remove the trash from the property or secure trash in an existing receptacle (e.g. dumpster) on the property following the close of business each day.

(6) All mobile vendors, their employees, and patrons of the mobile food vehicle must have access to a restroom or portable toilet onsite during the hours of operation of the mobile food vehicle. Alternatively, a restroom may be provided at a nearby location in agreement with a third party. Such agreement between the mobile food vendor and the third party shall be in writing and provided as part of the application for the town permit.

E. Permit required; application.

Any person desiring to operate a mobile food vehicle shall make a written application for such permit to the Code Enforcement Officer, on forms provided by the Town, which shall include the following:

(1) Name, signature and address of each applicant and each corporate officer of the mobile food vehicle vending corporation.

(2) A valid copy of all necessary licenses, permits or certificates required by the County of Sullivan, the State of New York or any subsidiary enforcement agencies or departments thereof, including, but not limited to:

(a) a valid New York State Department of Motor Vehicles registration and certificate of inspection and valid driver's licenses of all vehicle operators.

(b) a county health department permit in accordance with NYS Regulations (Mobile Food Service Establishments).

(c) an operating permit (as applicable) issued by the Code Enforcement Officer in compliance with the NYS Uniform Fire Prevention and Building Code and 60-10 of the Town of Rockland Code.

(d) a liquor license (as applicable) issued by New York State.

(3) A signed statement that the vendor shall hold harmless the Town 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 permit.

(4) A basic site plan drawing showing lot boundaries, streets, driveways, sidewalks, other pertinent features of the site, the proposed location of the mobile food vehicle(s), and any other information that illustrates the ability of the site to safely accommodate the mobile food vehicle and patrons. If the property is the subject of a previous site plan approval by the Planning Board, the location of the proposed mobile food vehicle shall be in conformance with said site plan to the extent the mobile food vehicle does not conflict with any feature or design element on the approved site plan or the overall safety of the site.

(5) Insurance.

(a) 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 permit 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 Town of Rockland. A permit 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 Town of Rockland.

(b) In addition to the above-required certificate of insurance, the vendor shall also endorse, maintain and include the Town as an additional named insured on its underlying business commercial general liability policy.

(6) Third-party written agreement for restroom, if applicable.

F. Form and condition of permit.

(1) Food truck permits may be issued for the following lengths of operation, provided that in no event shall a permit be issued to expire later than the Health Department permit:

(a) Annual; 12 months.

(b) Short term; up to three consecutive days.

The town shall issue no more than six annual permits per calendar year. Such number of annual permits issued by the town board may be amended by the town board from time to time for reasons stated in the record. There is no limit on short-term permits. Applications for the following year shall be made available on the Town's website on December 1 and will be considered on a first-come, first-serve basis.

(2) Every mobile food vehicle vending permit shall be subject to the following conditions:

(a) One company or individual may not apply for a second annual permit.

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

(c) The permit is valid only for the vehicle for which it was issued.

(d) The town-issued permit must be on display during the hours of operation

G. Permit fee.

(1) All fees shall be in amounts set from time to time by the Town Board and will be made available on each year's current permit applications.

(2) All vendors holding a permit that has been revoked shall pay a renewal fee as set by the Town Board.

H. Compliance with other regulations; inspection.

(1) The owner/operator of any mobile food vehicle permitted by the Town of Rockland shall comply with all provisions of federal, state, and local laws and regulations.

(2) The owner/operator of any mobile food vehicle permitted by the Town of Rockland shall comply with all notices, orders, decisions and rules and regulations made by the Rockland Code Enforcement Office, the Sullivan County Sheriff's Office, the Health Department, or any other Town of Rockland department and/or agency.

(3) All mobile food vehicles and operating sites are subject to inspection by the Code Enforcement Officer.

I. Penalties for offenses.

(1) Any person who violates any provision of this section shall be guilty of a violation, punishable in accordance with §185-39 of this zoning law.

(2) Closure for operation without permit. Any mobile food vehicle operating without the required Town of Rockland permit shall be immediately closed by order of the Town of Rockland.

Section 185-Attachment 1 -- Schedule of District Regulations is hereby amended as follows:

In the General Business zoning district, in the Principal Permitted Uses column, the following is added:

“Mobile Food Vehicle (complying with §185-30.5)”

In the Neighborhood Business zoning district, in the Principal Permitted Uses column, the following is added:

“Mobile Food Vehicle (complying with §185-30.5)”

SECTION III

If any clause, sentence, phrase, paragraph or any part of this local law shall for any reason be adjusted finally by a Court of competent jurisdiction to be invalid, such judgment shall not effect, impair or invalidate the remainder of this local law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or any part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby stated to be the legislative intent that the remainder of this local law would have been adopted had any such provisions not been included.

SECTION IV

This local law shall take effect immediately upon filing in the office of the Secretary of State.

(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 2021 of the ~~(County)(City)~~ (Town)(Village) of Rockland was duly passed by the Town Board on 2021, 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.~~

* 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.

Caroline J Dewee

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

Date: July 6, 2021

(Seal)

**TOWN OF ROCKLAND
PUBLIC NOTICE OF ADOPTION OF LOCAL LAW**

PLEASE TAKE NOTICE that the Town Board of the Town of Rockland, in the County of Sullivan, State of New York, on July 1, 2021, duly enacted Local Law No. 1 of the Year 2021, and entered it in its minutes.

The aforesaid local law amends the Town of Rockland Zoning Law (Chapter 185 of the Code of the Town of Rockland) by adding comprehensive provisions within Article V (Supplementary Regulations) of the Zoning Law for the review of mobile food vending uses and activities, particularly with regard to vehicles and trailers commonly referred to as “food trucks.” The local law also amends the Zoning Law’s Schedule of District Regulations consistent with the aforesaid changes in Article V and adds definitions to Article II relevant thereto.

Dated: July 6, 2021

Caroline F Devoe
HON. CAROLINE DEVOE, Town Clerk