

## **TOWN OF AMENIA**

### **Local Law No. \_\_\_\_ of 2025**

A Local Law entitled “Local Law No. \_\_\_\_ of 2025, Creating a New Chapter entitled ‘Food Trucks’”.

**BE IT ENACTED** by the Town Board of the Town of Amenia as follows:

#### **Section I: TITLE.**

This Local Law shall be known and cited as Town of Amenia “Local Law No. \_\_\_\_ of the Year 2025, Creating a New Chapter entitled ‘Food Trucks’”.

#### **Section II: LEGISLATIVE INTENT.**

The purpose of this Chapter is to regulate food trucks within the Town of Amenia in a manner that protects the public health, safety and welfare. This Chapter describes the permitting procedures for food trucks and is intended to operate in conjunction with the regulations of Chapter 121 entitled "Zoning."

#### **Section III: CREATION OF NEW CHAPTER \_\_\_\_ .FOOD TRUCKS.**

Chapter \_\_\_\_ “Food Trucks” is hereby created and added to the Code of the Town of Amenia and shall read as follows:

#### **“Chapter \_\_\_\_ : FOOD TRUCKS**

##### **§\_\_-1. 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 licensed motorized 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 of the premises.

##### **FOOD TRUCK OPERATOR**

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

##### **§\_\_-2. Permit required.**

A. It shall be unlawful for any person or entity to operate a food truck within the Town of Amenia without having obtained a permit for such purpose in accordance with the provisions of this Chapter.

B. Any person or entity desiring to operate a food truck shall make a written application for a food truck permit to the Town of Amenia Code Enforcement Officer. The application for a permit shall be made on forms provided by the Town of Amenia and shall include the information required by this Chapter and the following:

(1) Name, signature, telephone number, e-mail address, home address, and business address of the food truck operator and of the registered owner of the food truck.

(2) A description and photograph of the food truck, including the license plate and registration number, VIN number, year, make, and model of the vehicle, and dimensions (length and width).

(3) A valid copy of the Dutchess County Health Department permit for a mobile food service operation.

(4) Address of the private property the food truck will be located on and name of the property owner.

(5) Owner consent form from the property owner authorizing the location of the food truck on the property.

(6) A sketch plan including details sufficient to demonstrate compliance with this Chapter.

(7) Required application fee in accordance with the fee schedule established by the Town Board.

(8) Zoning District in which the property is located.

(9) If applicable, a copy of a license from the New York State Liquor Authority.

C. The Code Enforcement Officer shall approve and issue a food truck permit if:

(1) The applicant demonstrates compliance with the requirements of this Chapter;

(2) The required food truck permit fee has been paid;

(3) No notices of violation are pending on the property; and

(4) The use is permitted in the zoning district by Chapter 121.

D. 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 County Health Department permit:

(1) Seasonal permit: nine months.

(2) Daily permit: three consecutive days.

E. A permit is effective upon approval by the Code Enforcement Officer.

F. A food truck permit is not transferable.

G. The Code Enforcement Officer shall administer this Chapter and be authorized to issue appearance tickets for any violations of this Chapter.

### **§ \_\_-3. 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 HM, HR, SR, HC, OC and M zoning districts as authorized in Chapter 121 of the Town Code.

C. Food trucks may only be sited on the property at the location designated on the sketch plan and 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 five feet.

E. Food trucks shall be located a minimum of five feet from the edge of any driveway, utility box and vault, handicapped ramp, building entrance, exit or emergency access/exit way or emergency call box.

F. Food trucks shall be located a minimum of 150 feet from the main entrance to any restaurant, 150 feet from any outdoor dining area associated with any restaurant, and 50 feet from any food truck on another property, as measured from the designated location on the lot accommodating the food truck.

G. 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.

**§ \_\_-4. Number and size of food trucks.**

A. A food truck or trucks may only be located on a lot of at least 1/2 acre in size.

B. A maximum of three food trucks shall be permitted per lot at any one time.

C. The maximum number of permits that may be issued and outstanding for any lot per year shall be one seasonal permit and three daily permits.

D. The maximum size of a food truck shall be 256 square feet, measured from the exterior faces of the food truck.

**§ \_\_-5. Operations.**

A. Food trucks are required to conform with all requirements of the New York State Sanitary Code.

B. Food truck operators shall maintain a valid Dutchess County Health Department permit and shall operate the food truck in conformance with all applicable health standards.

C. The following shall be conspicuously posted in public view on the food truck at all times: the Dutchess County Health Department permit; the Town of Amenia food truck permit; and a notice in at least two-inch font stating: "To report a violation, call the Town of Amenia Code Enforcement Officer at (845) 373-8860."

D. Food truck operators must demonstrate that a minimum of four parking spaces are available on the lot (or on an immediately adjacent lot with owner permission) to serve the food truck, and that such spaces are not otherwise reserved, encumbered, or designated to satisfy the off-street parking requirement of another business or activity that is operating on the lot at the same time as the food truck.

E. Food trucks must have adequate ingress and egress from the property to prevent traffic congestion and safety hazards. Existing and/or proposed curb cuts intended to serve the food truck shall meet the minimum sight distance requirements of the Town of Amenia and NYS DOT highway specifications or the public entity that has control over the right-of-way.

F. Signage.

(1) There shall be no limit on the size or number of signs on the truck.

(2) Signs affixed to food trucks shall not be mounted perpendicular to the food truck and shall not protrude beyond the edges of the food truck.

G. The operation of food trucks shall be limited to the months of March 1 through November 30 and the hours of 7:00 a.m. to 9:00 p.m.

H. The food truck operator or his/her designee must be present at all times during the hours of operation except in cases of emergency. In cases of emergency, the food truck operator or his/her designee must secure, close and lock food truck prior to leaving.

I. Food truck operators shall provide 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 and safety of the public. The food truck operator shall keep all areas and any associated seating areas clean of grease, trash, paper, cups or cans 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 or septic tanks not equipped with a grease trap.

J. Outdoor seating shall be permitted as long as it is consistent with the provisions for food trucks in § \_\_\_\_-3.

K. With the exception of allowable outdoor seating areas and trash receptacles, 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.

L. No food shall be prepared, sold or displayed at the food truck site outside of the food truck.

M. No lighting is permitted except for lighting that is used within the food truck for the purpose of inside food preparation. Such lighting shall be turned off after hours.

N. Tents are prohibited. Awnings are only permitted if they are attached to the food truck. Umbrellas are only permitted if they are attached to a picnic table.

O. Amplified sound or loudspeakers are prohibited, and the food truck operation shall comply with the noise limits in Chapter 80 of the Town Code.

P. Food trucks shall be consistent with the general performance standards of § 121-40 of the Zoning Law and shall not cause objectionable odors or smoke at any lot line.

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

#### **§ \_\_-6. 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 Code Enforcement Officer 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 §§ \_\_-2(C)(4) and \_\_-3(B). In such cases, sales shall be limited to event attendees only (not to the general public).

B. Special Event, Town-owned Property. The Town Board may, by resolution, authorize a daily permit on Town-owned property for designated dates and times, which shall not be subject to the requirements of this Chapter except that the parcel shall be owned by the Town or within an adjacent Town right-of-way.

C. Special event, Public. The Town Board may, by resolution, authorize a daily permit in any zoning district for a designated date, time and location approved by the Town Board for the purpose of a special event, public festival, parade, procession and/or block party or large assembly.

#### **§ \_\_-7. 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 shall be considered a violation of this Chapter.

(2) Fraud or misrepresentation contained in the permit application.

(3) Fraud or misrepresentation made in the course of operating the business.

(4) Conduct that creates a public nuisance, or otherwise constitutes a danger to public health, safety, welfare or morals.

(5) Failure to comply with the provisions of this Chapter.

**§ \_\_-8. 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. The notice of intent to suspend or revoke shall describe the violation and require the permit holder to immediately correct the violation or cause the violation to be corrected.

B. The notice of intent shall be provided to the permit holder by personal service, by regular mail to the address submitted with the permit application, or by posting at the place of business of the food truck.

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 Town Board, upon application made to the Town Clerk demonstrating that the permit holder was not in violation of the permit. Any suspension or revocation remains in effect unless modified by the Town Board. The Town Board shall hold a hearing to determine whether to reverse the suspension or revocation within 30 days of written request.

**§ \_\_-9. Enforcement and administration.**

A. The requirements established by this Chapter shall be administered and enforced by any law enforcement agency that has jurisdiction in the Town of Amenia ("police officers"), the Town of Amenia Code Enforcement Officer, Building Inspector and Town Attorney or his/her designee and such other employees and/or officials authorized by the Town Board.

B. Pursuant to the provisions of Municipal Home Rule Law, § 10, Subdivision 4(a), and the Criminal Procedure Law, §§ 150.10 and 150.20, Police Officers, the Code Enforcement Officer and Building Inspector of the Town of Amenia are hereby authorized to issue and serve appearance tickets, as defined in the Criminal Procedure Law, returnable in Town Court of the Town of Amenia, when he or she has reasonable cause to believe a person has violated, in his or her presence, Chapter \_\_\_\_ of the Code of the Town of Amenia, entitled "Food Trucks," and to prosecute the violation in Town Court.

C. If the violation occurs on the premises of a property which 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 violation.

**§ \_\_-10. Penalties for offenses.**

A. Violation of this Chapter shall be deemed an offense, and any person, firm or corporation who shall violate any provision of this Chapter shall, upon conviction, be subject to a penalty of not more than \$250 per day of violation, or imprisonment for a term not to exceed 15 days, or both. Each day's continued violation shall constitute a separate offense.

B. Conviction of a violation of this Chapter shall constitute and effect an immediate forfeiture of any license hereunder held by the person so convicted.

C. Without limiting any other remedy, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with, or to restrain by injunction the violation of this Chapter.”

**Section IV: AMENDMENT TO CHAPTER 121, ATTACHMENT 1, (USE TABLE”.**

Attachment 1, ‘Use Table’, is hereby amended, in part, as follows:

Use Category	Use Districts								Section Reference
	RA	RR	HM	HR	SR	HC	OC	M	
BIPV	P	P	P	P	P	P	P	P	
GMSES	PS	PS	PS	PS	PS	—	—	—	
Solar field	—	—	—	—	—	S & PS	S & PS	S & PS	
<b>Business Uses<sup>2</sup></b>									
Adult use	—	—	—	—	—	—	—	ST	§ 121-48
Agriculture	P	P	P	P	P	P	P	P	§§ 121-37 and 121-49
Bed-and-breakfast	PS	PS	PS	PS	PS	PS	PS	—	
Camp	S	S	—	—	—	—	—	—	§ 121-45
Craft workshop	S	S	PS	S	—	P	PS	PS	
Food Trucks	---	---	P	P	P	P	P	P	
Home occupation	p <sup>4</sup>	p <sup>4</sup>	p <sup>4</sup>	p <sup>4</sup>	p <sup>4</sup>	p <sup>4</sup>	p <sup>4</sup>	—	§ 121-41
Kennel	S	S	—	—	—	S	S	S	§ 121-49B
Light industry	—	—	S	—	—	S	S	S	§ 121-50
Lodging facility	—	—	S	S	—	PS	S	—	
Office	s <sup>3</sup>	s <sup>3</sup>	PS	S	—	S	PS	S	
Public utility facility	S	S	S	S	S	S	S	S	
Recreational business	S	S	S	S	—	S	S	—	
Restaurant	s <sup>3</sup>	s <sup>3</sup>	PS	S	—	S	S	—	
Retail business (not listed elsewhere)	s <sup>3</sup>	s <sup>3</sup>	PS	S	—	S	s <sup>5</sup>	—	

Use Category	Use Districts								Section Reference
	RA	RR	HM	HR	SR	HC	OC	M	
Riding academy	PS	PS	—	—	—	—	—	—	
Service business (not listed elsewhere)	S <sup>3</sup>	S <sup>3</sup>	PS	S	—	S	S	S	

**Section V: SEVERABILITY.**

- A. If a court of competent jurisdiction finds any provision(s) of this law invalid, in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid, and all other provisions of the law shall continue to be separately and fully effective.
- B. If a court of competent jurisdiction finds the application of any provision of this law to any building, other structure of tract of land to be invalid, in whole or in part, the effect of such decisions shall be limited to the person, property or situation involved in the controversy, and the application of any such provision to any other person, property or situation shall not be affected.
- C. The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity, or unconstitutionality, or inapplicability, shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their application to other persons or circumstances. It is hereby declared to be the legislative intent of the Town Board of the Town of Amenia that this Local Law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part thereof is held inapplicable had been specifically exempt therefrom.

**Section VI: NUMBERING FOR CODIFICATION.**

It is the intention of the Town of Amenia and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Town of Amenia, that the sections and sub-sections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; the Codifier shall make no substantive changes to this Local Law; the word “Local Law” shall be changed to “Chapter”, “Section” or other appropriate word as required for codification; and any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code effected thereby.



**Section VII: EFFECTIVE DATE.**

This Local Law shall become effective upon filing with the Secretary of State.