



Town of Henrietta
 Office of Building and Fire Prevention
 475 Calkins Rd.
 Henrietta, NY 14467
 (585)359-7060 Office (585)321-6093 Fax



MOBILE FOOD TRUCK LICENSE APPLICATION & RENEWAL

All Mobile Food Truck Applicants must conform to Henrietta town code
Chapter 295 Article XI Section 2

UNSIGNED AND/OR INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED

Vendor Information

Mobile Vendor Business Name				<input type="text"/>			
Mobile Vendor Owner	<input type="text"/>	Phone Number	<input type="text"/>	E-mail	<input type="text"/>		
Address	<input type="text"/>	City	<input type="text"/>	State	<input type="text"/>	Zip Code	<input type="text"/>

Vehicle

Type of Vehicle	<input type="text"/>	Make	<input type="text"/>	Model	<input type="text"/>	Year	<input type="text"/>	Color	<input type="text"/>
License Plate#	<input type="text"/>	Registration #	<input type="text"/>		Inspection Certificate #	<input type="text"/>			
Vehicle Operator	<input type="text"/>	Drivers License #	<input type="text"/>	State	<input type="text"/>	Expiration Date	<input type="text"/>		

Location

Property Owner Name	<input type="text"/>	Phone Number	<input type="text"/>	E-mail	<input type="text"/>		
Address	<input type="text"/>	City	<input type="text"/>	State	<input type="text"/>	Zip Code	<input type="text"/>

Property Owner Authorization Letter Required

Fees

- New \$475.00
 Renewal \$375.00

License Shall Expire on April 1st

I hereby certify that all State and Local laws and codes as may be applicable to the operation of a Mobile Food Truck shall be conformed to and that the information submitted and contained herein is accurate and correct. Furthermore I hold harmless the Town of Henrietta 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 this license.

Applicant Signature _____

Official Use Only

Town Board Approval Date: _____

Location Authorization Letter

Approved By: _____

Title: _____

License # _____

Article XI: §295-52.2 Food Trucks.

[Added 10-16-2013 by L.L. No. 1-2013]

A. General provisions.

(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 Town of Henrietta.

(2)

without first having obtained a valid mobile food vending license as prescribed in this section.

Operation of a mobile food vehicle on private property shall be regulated in accordance with all applicable provisions of the Town Code.

(3) Mobile food vehicles with a valid mobile food vending license as prescribed by this section shall be allowed to operate on private property within an area that has been designated by the Town of Henrietta as an approved location.

B. Approved locations.

(1) To be considered an approved location for mobile food vehicles, owners of private land zoned commercial or industrial must make application to the Town Board of the Town of Henrietta for a special use permit, according to the provisions of Article **XII** of this chapter. The application for such license shall be on forms provided by the Director of Building/Fire Marshal or the Director's designee.

(2) Approved locations may not be adjacent to or within a radius of 100 feet of the nearest edge of any building or section of a building comprising a licensed food establishment, excluding any patio, awning or temporary enclosure attached thereto, the kitchen of which is open for serving food to patrons. This requirement may be waived if the application is submitted together with the written consent of the proprietor of the adjacent licensed food establishment.

(3) Approved locations may not conflict with any parking and vehicle and traffic laws, ordinances, rules and regulations of the Town of Henrietta, County of Monroe or State of New York.

(4) Neither the vendor nor the property owner may provide seating intended primarily to accommodate patrons of the food vehicle, except that the property owner may provide a reasonable amount of seating to be used by employees of a business that is located on that property.

(5) The initial license shall be subject to approval by the Town Board of the Town of Henrietta. The permit holder must appear before the Town Board to request changes to the special use permit that increase the number of approved locations on that permit holder's properties. Changes to the location or dimensions of a designated area within an approved location are subject to the approval of the Director of Building/Fire Marshal.

C. Vendors.

(1) To operate in an approved location, the vendor must have written permission of the owner of the property specifying the days, times and specific location(s) for which permission has been granted. Such written permission must be in a form acceptable to the Town Attorney.

(2) Mobile food vehicles may only be parked in areas indicated on the permit application submitted to the Town by said property owner and approved by the Director of Building/Fire Marshal.

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

(4) Mobile food vehicles must be parked within the boundaries of the designated area of the approved locations, as approved by the Town Board. The Town Board designates the Director of Building/Fire Marshal (or his designee) as the person authorized to make the determination of whether the mobile food vehicle is in compliance.

(5) Each and every mobile food vehicle must at all times carry on the vehicle a "measuring wheel" with a measuring capability of no less than 500 feet as a condition of its licensure. The failure of any mobile food vehicle to carry such a measuring wheel or abide by the proximity distance restrictions included in this section shall constitute a violation of this section pursuant

to Subsection H.

(6) All mobile food vehicle vendors must abide by all parking and vehicle and traffic laws, ordinances, rules and regulations at all times.

(7) It shall be unlawful for any mobile food vehicle vendor to operate within 500 feet of the boundary line of any fair, carnival, circus, festival, special event or civic event.

(8) All signage must be permanently affixed to the mobile food vehicle. No accessory signage shall be placed outside or around the mobile food vehicle.

Part this (9) 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. Each mobile food vehicle vendor shall be responsible for abiding by Chapter 234, Solid Waste, 1, of this Code, any violation of which shall be punished in accordance with § 234-12 of this Code.

(10) No alcohol may be sold or dispensed from mobile food vehicles.

D. License required; application.

(1) Any person desiring to operate a mobile food vehicle shall make a written application for such license to the Director of Building/Fire Marshal. The application for such license shall be on forms provided by said Director or the Director's designee, and shall include the following:

- (a) Name, signature and address of each applicant and each corporate officer of the mobile food vehicle vending corporation.
- (b) A valid copy of all necessary licenses, permits or certificates required by the County of Monroe, 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.
- (c) 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 license.
- (d) 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 Town of Henrietta Office of Licenses. 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 Town of Henrietta.

[2] 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.

(2) All license applicants and applicants for renewals thereof shall present each vehicle to the Fire Marshal to determine that the vehicle meets all applicable New York State Fire Codes.

(3) The initial license shall be subject to approval by the Town Board of the Town of Henrietta.

E. Form and condition of license. Every mobile food vehicle vending license shall contain the following conditions:

(1) Each mobile food vehicle vending license shall expire on April 1 of every year.

(2) The license shall not be transferable from person to person.

(3) The license is valid only for the vehicle for which it was issued.

F. License fee.

(1) All vendors shall pay an initial application fee in an amount set from time to time by the Town Board, which shall include the first year's license fee.

(2) All vendors holding a license that has been revoked or permitted to lapse shall pay an annual renewal fee as set by the Town Board.

G. Compliance with other regulations.

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

H. Penalties for offenses.

(1) Any person, firm or corporation violating the provisions of this section shall, upon conviction or a plea of guilty, be subject to the penalties set forth in § 295-66 of this chapter.

(2) Closure for operation without license. Any mobile food vehicle operating without the required Town of Henrietta license shall be immediately closed by order of the Town of Henrietta. Every day of operation without a license shall constitute a separate violation and shall be punishable by a fine of \$1,500 per violation.