



## APPLICATION FOR MOBILE FOOD VENDING PERMIT TOWN OF EDEN

☐ First Vehicle

☐ Additional Vehicle

Name of Business: \_\_\_\_\_ Date: \_\_\_\_\_

Name on Vehicle: \_\_\_\_\_

Owner of Business: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone#: \_\_\_\_\_ Email: \_\_\_\_\_

Vehicle Year: \_\_\_\_\_ Vehicle Make: \_\_\_\_\_

Vehicle Model: \_\_\_\_\_ Plate Number: \_\_\_\_\_

Last (8) Digits of VIN Number: \_\_\_\_\_

Brief description of what is being sold: \_\_\_\_\_

Applicant agrees to indemnify and hold the Town of Eden harmless and its officers and employees from and against any loss, damage or claims for damages to property or injury to persons which may be occasioned by any activity carried on or under the terms of the permit.

Owner Signature: \_\_\_\_\_

### **OFFICE USE ONLY**

Permit #: \_\_\_\_\_

Safety Inspection Date: \_\_\_\_\_ Passed \_\_\_\_ Failed \_\_\_\_ Reinspection Date: \_\_\_\_\_

Code Enforcement Approval: \_\_\_\_\_ Date: \_\_\_\_\_

Restrictions (if any): \_\_\_\_\_

Police Department Approval: \_\_\_\_\_ Date: \_\_\_\_\_

Restrictions (if any): \_\_\_\_\_

First Vehicle \$150.00 Additional Vehicle \$50.00 Total Fee: \_\_\_\_\_

Date Rec'd by Clerk: \_\_\_\_\_ Amount Paid: \_\_\_\_\_ Cash \_\_\_\_ Check# \_\_\_\_ CC \_\_\_\_

## **MOBILE FOOD VENDING DOCUMENT LIST**

THE PERMIT APPLICATION MUST BE TURNED IN WITH ALL DOCUMENTS LISTED BELOW

- **Qualifications to do business in New York State**
- **New York State Sales Tax Form**
- **Liability Insurance policy**
- **Workers Compensation Insurance (if required)**
- **Vehicle Insurance (if required)**
- **Erie Couty Health Department certification for the Vehicle and Facility where food is prepared**

## **Chapter 135 MOBILE FOOD VENDING**

|                 |                            |                 |                                                 |
|-----------------|----------------------------|-----------------|-------------------------------------------------|
| <b>§ 135-1.</b> | <b>Purpose.</b>            | <b>§ 135-6.</b> | <b>Permit terms, revocation and transfer.</b>   |
| <b>§ 135-2.</b> | <b>Definitions.</b>        | <b>§ 135-7.</b> | <b>Operating requirements and restrictions.</b> |
| <b>§ 135-3.</b> | <b>Permit required.</b>    | <b>§ 135-8.</b> | <b>Exemptions.</b>                              |
| <b>§ 135-4.</b> | <b>Permit application.</b> | <b>§ 135-9.</b> | <b>Penalties for offenses.</b>                  |
| <b>§ 135-5.</b> | <b>Permit fees.</b>        |                 |                                                 |

**[HISTORY: Adopted by the Town Board of the Town of Eden 10-26-2022 by L.L. No. 9-2022. Amendments noted where applicable.]**

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### **§ 135-1. Purpose.**

The purpose of this chapter shall be to improve and promote the health, safety and general welfare of the community, and the preservation and protection of the property of the Town of Eden and its inhabitants, by declaring and enforcing certain regulations and restrictions pertaining to mobile food vending.

### **§ 135-2. Definitions.**

A. Definitive description. In this chapter, the singular shall include the plural, and the masculine shall include the feminine and the neuter.

B. For the purposes of this chapter, the terms used herein are defined as follows:

**MOBILE FOOD VEHICLE** — A mobile food unit, either self-powered or towed, from which prepared food is offered for sale to the public.

**MOBILE FOOD VENDING** — The act of selling prepared food through the utilization of a mobile food vehicle.

**MOBILE FOOD VENDOR** — The organization/business preparing and selling through the utilization of a mobile food vehicle.

**PRIVATE CATERED EVENT** — Mobile food vending limited to serving the owners, occupants and guests of a single- or two-family dwelling, a school, club, church, professional office, studio, fire station, medical building or nursing home.

**RESTAURANT** — A building where meals are served to customers.

### **§ 135-3. Permit required.**

No mobile food vehicle shall be used for mobile food vending unless a permit issued pursuant to the provisions of this chapter shall first have been obtained, which permit shall at all times be displayed in a conspicuous location that is visible from the outside of the vehicle.

**§ 135-4. Permit application.**

All permit applications shall require the approval of the Town of Eden Police Department and Code Enforcement Officer.

- A. The mobile food vendor's name, mailing address and contact information.
- B. The mobile food vendor represented, together with copies of documents establishing the organization's state or county, form of organization, ownership and qualifications to do business in the State of New York, including, but not limited to, doing business as certificates, certificates of incorporation, certificate of authority from the New York Sales Tax Department, disability and workers' compensation insurance.
- C. A brief description of the mobile food vendor and the kind of prepared food proposed to be sold.
- D. A signed statement that the vendor shall indemnify and hold the Town of Eden and its officers and employees harmless for any claims for damages to property or injury to persons which may be occasioned by any activity carried on or under the terms of the permit.
- E. As to each mobile food vehicle for which a permit is requested, a valid and current Erie County Department of Health certification of a successful health inspection as to both the vehicle to be used and the facility where the food is prepared.
- F. As to each self-powered mobile food vehicle for which a permit is requested, a valid insurance certificate, New York State Department of Motor Vehicles registration, and certificate of inspection.
- G. As to each mobile food vehicle for which a permit is requested, a valid and current certification of a successful fire inspection conducted within the current calendar year by the Town of Eden Building Department.

**§ 135-5. Permit fees.**

Application fees for this permit shall be set from time to time by resolution of the Town Board.

**§ 135-6. Permit terms, revocation and transfer.**

- A. The Town of Eden retains the right, for good cause, to revoke any permit.
- B. Each mobile food vending permit shall expire on December 31 of every year.
- C. The permit shall not be transferrable without the written approval of the Town of Eden.

**§ 135-7. Operating requirements and restrictions.**

- A. It shall be unlawful for a mobile food vehicle vendor to park, stand, or operate in a location which is adjacent to or within a 100-foot radius 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.
- B. All mobile food vendors must provide trash receptacles of sufficient capacity to contain all trash and waste generated in association with the business of the mobile food vendor. All waste and trash shall

be placed in the trash receptacles. All trash, waste, litter and debris shall be removed from the site of the vending operation at the end of each daily operation.

- C. It shall be unlawful to discharge liquid waste, fats, oils or grease anywhere in the Town of Eden. Such discharges shall be held in appropriate containers and then disposed in a legally permissible manner.
- D. Mobile food vendors must comply with all applicable federal, state and local statutes and ordinances.
- E. A self-powered mobile food vehicle shall not be operated in reverse in order to attempt or make a sale.
- F. Mobile food vending shall not be conducted within a location that shall hinder the free flow of vehicle traffic, pedestrian crossing or within any public road right-of-way.
- G. Mobile food vending shall not be conducted before 7:00 a.m. or after 10:00 p.m. in the Town of Eden.

#### **§ 135-8. Exemptions.**

This chapter shall not be held to apply to any of the following:

- A. Sales conducted on the property where the vehicle's food preparation facility is located.
- B. Private catered events.

#### **§ 135-9. Penalties for offenses.**

Any person who shall violate any of the provisions of this chapter shall, upon conviction thereof, be guilty of an offense and shall be required to purchase a permit as provided herein and shall be sentenced to pay a fine not to exceed \$250 or imprisonment not to exceed 30 days, or both, for each and every violation of this chapter per day.