

NEW Chapter 15, Article II (Sections 15-16 et seq.) New Milford Code

Offered by: Economic Development Director Karen Pollard

**Authority:
CGS §7-148; 7-152c
Charter, Section 405
New Milford Code § 1-4**

TOWN OF NEW MILFORD

Title: ARTICLE II FOOD VENDING TRUCKS

Section 15-16 Purpose:

The purpose of this ordinance is to permit licensed, mobile, non-permanent food vending trucks or properly equipped, DMV registered enclosed, roofed trailers (Vendor) to operate on private property and on commercial properties at which business entities operate so as to allow foodstuffs to be conveniently available to patrons while on premises to encourage patronage of New Milford stores and enterprises.

Section 15-17 Food Vending License Permit; Requirements and restrictions:

(a) No person, firm, entity, organization or company (Person) shall be permitted to operate a food vending truck or trailer (Food Truck) unless the Vendor shall first have applied for and obtained a vending license from the Mayor's office as mandated by § 15-24 *et seq.* of Article III below, and passed inspections conducted by the New Milford Health Director or his or her authorized designee and the New Milford Fire Marshal. Such inspections shall be required at such times as the Health Director and Fire Marshal shall require. In addition to the vending license required by §15- 24 *et seq* and the requirements of the Health Department or any other government agency, a site specific Food Vending License Permit (Permit) shall be obtained for the site by the Property Owner (Owner). The fee shall be \$80.00 for a five-day Permit and \$160.00 for a one month Permit or such other amount as the Town Council may from time-to-time determine. As part of the application, the Owner shall furnish a sketch depicting the area of placement of the Food Truck and showing sufficient parking in the Mayor's judgment. No more than 20 Permits may be issued and outstanding at any time. Permits shall be issued on a first come first served basis commencing on the first business day of the month, and may be renewed provided that such renewal application is on file in the Mayor's office, the fees paid and inspections completed (or still valid) no sooner than five-days prior to expiration and no later than the day of expiration of the original Permit. Permits shall be revocable at will by the Mayor or Chief of Police. A Permit shall not be issued to an Owner for a site on which property taxes are delinquent nor shall a Vendor be issued a vending license if the Vendor is delinquent in New Milford personal property or motor vehicle taxes.

(b) Food Truck vending may be permitted only on private property and on business premises where a business on the same premises is its Host and such Host is actively and lawfully engaged in a commercial enterprise on such private property and for which the Host has a lawful possessory interest. Further providing the Host and Owner has furnished written permission to the specific Vendor and provides indoor, fixed toilet and hand washing facilities. Portable toilets shall not be permitted. Food Truck vending shall not be permitted within 250' of the boundary of a permanent, immobile restaurant or any other type of fixed food service operation serving prepared food either on or off the same premises. . Tables and chairs shall not be permitted. Garbage shall be removed daily. A permit may not be issued for a site on which zoning, building, health code, life safety code or inland wetland violations exist unless and until such violations are remediated to the satisfaction of the enforcing agency or officer, as the case may be.

(c) No more than one Food Truck may be permitted on each eligible property. Food Truck operation shall be limited to the same hours of operation as the host business. In addition to the separation distance from fixed, food service facilities, Vendor shall locate the Food Truck such that it does not impair sight lines or ingress and egress, and the Operator and Vendor shall comply with all police orders and requests as to emplacement of the Vendor in relation to public highways. Nor shall any Food Truck be placed in a loading zone, fire lane or cross walk.

(d) The Food Truck shall not be stored at the premises on which it operates. Signage shall not be permitted unless affixed to the Food Truck. Portable trash receptacles shall be furnished by the Vendor and shall be removed from the premises each day.

(d) Vendor shall comply in all other respects including, without limitation, the application procedure and fees set forth in §15-24, §15-26 and §15-27 of Article III below. All Food Truck Vending Permits must be endorsed by the Mayor, the Director of Health or his or her designee, Fire Marshal and the Chief of Police.

(e) Notwithstanding the foregoing, the provisions hereof shall not preclude nor prohibit the continued operation of a legally permitted and licensed food truck vendor in active and continuous lawful operation prior to the effective date hereof.

Section 15-18 Enforcement and penalty:

Any Person who violates the provisions of this ordinance shall be assessed a civil penalty in the amount of \$200 per violation by citation issued by any New Milford Police Officer and shall have their permit immediately and summarily revoked. Such violator shall be assessed a further penalty of \$200 per day for each day per violation for each day the violation(s) persists.

Section 15-19 Appeal:

Any person issued a citation may appeal in accordance with the provisions and procedures set forth in the citation hearing procedure set forth in Conn. Gen. Stats. Section 7-152c.

EFFECTIVE DATE:

This ordinance shall be effective on August 23, 2019.
DiBella Adopted 7/22/19