

## LEGAL NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Town Board of the Town of Poughkeepsie does hereby set the **22<sup>nd</sup> day April, 2026 at 7:00 p.m.** at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, as the time, date and place of a public hearing at which all parties in interest and citizens may be heard in regard to the following:

“To Consider the Adoption of a Local Law of an amendment to Town Code Chapter 114, entitled “Food Trucks””

AND PLEASE ALSO TAKE FURTHER NOTICE that said Proposed Local Law is available in full with Exhibit to preview on our website:

<https://ny-poughkeepsietown.civicplus.com/300/Public-Hearings>

Or in person @ the Town Clerk’s Office, Monday – Friday, 8AM – 4PM.

Felicia Salvatore, Town Clerk  
Town of Poughkeepsie  
March 19, 2026

RESOLUTION 3:18 - # 15 OF 2026

SET DATE FOR PUBLIC HEARING TO AMEND TOWN CODE  
CHAPTER 114 ENTITLED "FOOD TRUCKS"

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 22<sup>nd</sup> day of April, 2026 at 7:00 pm at the Town Hall, Town of Poughkeepsie, One Overlocker Road, Poughkeepsie, New York, as and for the time, date and place of a public hearing to consider the adoption by local law of an amendment to the Town Code specifically Chapter 114, entitled "Food Trucks", and

BE IT FURTHER RESOLVED, that the proposed amendments are attached hereto and incorporated herein at Exhibit A, with the additions underscored and deletions ~~stricken~~, and the Town Board does hereby waive a verbatim reading of said amendments and does direct that they be spread across the record as if they, in fact, had been read verbatim; and

BE IT FURTHER RESOLVED, that the local law is a Type II action pursuant to SEQRA requiring no further environmental review; and

BE IT FURTHER RESOLVED, that said local law, if adopted, shall take effect immediately upon filing with the Secretary of State.

Dated: March 18<sup>th</sup> 2026

Moved: Bill Reuter

Seconded: Barbara Laird

Motion passes/ fails: Ayes 6 Nays 0

abstain 1

LH/mem  
t-3/12/2026  
m-3/18/2026

		AYE	NAY	ABSTAIN
<u>PRESENT/ABSENT</u>	Councilman Reuter	<u>✓</u>	—	—
<u>PRESENT/ABSENT</u>	Councilwoman Laird	<u>✓</u>	—	—
<u>PRESENT/ABSENT</u>	Councilwoman Thangiah	<u>✓</u>	—	—
<u>PRESENT/ABSENT</u>	Councilwoman Watson	—	—	<u>✓</u>
<u>PRESENT/ABSENT</u>	Councilman Sharpe	<u>✓</u>	—	—
<u>PRESENT/ABSENT</u>	Councilwoman Shershin	<u>✓</u>	—	—
<u>PRESENT/ABSENT</u>	Supervisor Edwards	<u>✓</u>	—	—

**TOWN OF POUGHKEEPSIE  
LOCAL LAW \_\_ OF 2026**

*red lined*

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

**SECTION 1. LEGISLATIVE INTENT**

This local law amends Chapter 114 of the Code of the Town of Poughkeepsie, entitled "Food Trucks," to improve the Town's Food Truck operating procedures.

**SECTION 2. AUTHORITY**

This law is enacted pursuant to Section 10(1)(ii)(a)(6), (11) and (12) of the Municipal Home Rule Law.

**SECTION 3. FINDINGS AND PURPOSE**

The Town of Poughkeepsie desires to streamline and improve its procedures for the regulation of food trucks.

**SECTION 4. AMENDMENT TO CHAPTER 114 OF THE TOWN CODE**

Chapter 114 of the Town Code is hereby repealed and replaced with the version annexed hereto.

**SECTION 6. SUPERSESION**

To the extent that any provision of this Chapter is inconsistent with Town Law or any other provision of New York State law, the provisions of this Chapter are expressly intended to and do hereby supersede any such inconsistent provision under the Town's municipal home rule powers.

**SECTION 7. SEVERABILITY**

If any clause, sentence, paragraph, section, article or part of this Local Law shall be adjudicated in any court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such judgment shall have been rendered, and such invalidity shall not be deemed to affect the remaining portions thereof.

**SECTION 8. EFFECTIVE DATE**

This local law shall take effect immediately after it is filed with the Secretary of State.

**Chapter 114**

**FOOD TRUCKS**

**§ 114-1.**

**Purpose.**

**§ 114-2.**

**Definitions.**

§ 114-3.	<b>Food truck license.</b>	§ 114-7.	<b>Exceptions.</b>
§ 114-4.	<b>Requirements.</b>	§ 114-8.	<b>Violations.</b>
§ 114-5.	<b>Food truck permit.</b>	§ 114-9.	<b>Suspension or revocation of license and permit.</b>
§ 114-6.	<b>Site plan approval.</b>	§ 114-10.	<b>Enforcement; administration; penalties for offenses.</b>

~~[HISTORY: Adopted by the Town Board of the Town of Poughkeepsie 5-24-2023 by L.L. No. 5-2023. Amendments noted where applicable.]~~

**§ 114-1. Purpose.**

The purpose of this chapter is to regulate food trucks within the Town of Poughkeepsie in a manner that protects the public health, safety and welfare. This chapter describes the licensing and permitting procedures for food trucks and is intended to operate in conjunction with the regulations of Chapter 210, Zoning.

**§ 114-2. Definitions.**

The following terms shall, for the purposes of this chapter, have the meanings herein indicated:

**CANTEEN TRUCK** — A type of food truck which does not include cooking facilities and from which only preprepared foods and nonalcoholic beverages are sold or distributed, for periods of no more than 30 consecutive minutes, from the public right-of-way, or on private property with the written consent of the property owner which must be provided with application.

**FOOD TRUCK** — A mobile food service operation located in a motor vehicle or a movable cart, stand, or trailer with a cooking facility, and from which food and beverages are sold or distributed in individual portions to the general public for consumption on or off the premises.

~~FOOD TRUCK — A mobile food service operation located in a motor vehicle or a movable cart, stand, or trailer, and from which food and beverages are sold or distributed in individual portions to the general public directly from the food truck for consumption on or off the premises.~~

**FOOD TRUCK OPERATOR** — The registered owner of a food truck or the owner's agent or employee.

**ICE CREAM TRUCK** — A type of food truck from which only ice cream, popsicles, ice sherbet, or a frozen dessert of any kind is sold or distributed, and which may operate on public grounds and from the public right-of-way as long as the ice cream truck remains stationary for no more than 30 consecutive minutes. Some may require fire inspection, please check with fire inspector.

**PUBLIC GROUNDS** — Lands, other than the public right-of-way, that are publicly owned and used for public purposes, such as parks and recreation areas.

**PUBLIC RIGHT-OF-WAY** — Any publicly owned land adjacent to and abutting any public street, road or highway.

**§ 114-3. Food truck license.**

A. License required; term of license. It shall be unlawful to operate a food truck within the Town of

Poughkeepsie without first having obtained a license for such purpose in accordance with the provisions of this chapter. ~~The food truck licenses shall be valid for one year from the date of issuance, or the period for issued on a calendar year basis, which the Department of Health permit is valid, whichever is sooner, unless sooner terminated or revoked.~~ Any termination, expiration or revocation of the required permit from the Dutchess County Department of Behavioral and Community Health shall constitute an automatic revocation of the license issued by the Town.

- B. Permit and zoning use authorized. In accordance with §§ 114-5 and 114-6 herein, a food truck operator also may require a permit from the Zoning Administrator, and site plan approval from the Planning Board, where such use is permitted by § 114-5E(2) in the zoning district in which the property is located.
- C. Application. An application for a food truck license shall be made to the Town Clerk on a form provided by the Town, and shall be accompanied by a nonrefundable application fee in accordance with the Fee Schedule established by the Town Board. The application shall, at a minimum, include the following information:
- (1) Name, address, email address, and telephone number of the food truck operator and of the registered owner of the food truck, if different.
  - (2) A description of the food truck, including the license plate number, vehicle identification number (VIN), year, make, and model of the ~~vehicle~~ and vehicle, dimensions (length and width), and photographs of the truck, registration, VIN, and license plate.
  - (3) Proof of a valid state motor vehicle registration number for the vehicle.
  - (4) A copy of a valid Dutchess County Department of Behavioral and Community Health permit for a mobile food service operation.
  - (5) If applicable, a copy of a license from the New York State Liquor Authority.
  - (6) A copy of a valid annual fire safety inspection by the Town of Poughkeepsie -Building Department, or from any other building department with which the Town has an agreement for reciprocal fire safety inspections for food trucks, -certifying that the food truck is NFPA compliant.
  - (7) Proof of valid insurance, which must be kept continuously in force during the term of the license. At the time of application, applicants shall provide proof of insurance that extends for the entire license period. The insurance must meet the liability guidelines set by the Town and be in form and substance satisfactory to the Town Attorney.
- D. The Town Clerk shall approve and issue a food truck license if:
- (1) The applicant demonstrates compliance with the requirements of this chapter;
  - (2) No notices of violation or tickets are pending on the food truck owner or ~~and~~ operator; and
  - (3) The applicant pays the required nonrefundable food truck license fee in accordance with the Fee Schedule established by the Town Board.
- E. A food truck license is not transferable to any other food truck or food truck operator.

#### § 114-4. Requirements.

- A. Maximum size of food trucks. The maximum size of any food truck, inclusive of any trailers, shall be 256 square feet, measured from the exterior faces of the food truck and any trailer.

- B. Types of food and beverage. With the exception of canteen trucks and ice cream trucks, food trucks may sell food and beverages which are prepackaged or prepared and served from the vehicle or stand.
- C. Operations.
- (1) Food truck operators shall maintain a valid permit from the Dutchess County Department of Behavioral and Community Health, and shall operate the food truck in conformance with all applicable health standards. If the permit expires during license timeframe, operators must submit updated permit copy to Town Clerk.
  - (2) No alcohol may be sold or dispensed from food trucks without a license from the New York State Liquor Authority.
  - (3) A copy of all valid licenses and/or permits shall be conspicuously displayed on the food truck at all times, including but not be limited to the Dutchess County Department of Behavioral and Community Health permit; the Town of Poughkeepsie food truck license; the Town of Poughkeepsie food truck permit, if required; ~~the annual fire safety inspection sticker; and a notice in at least two-inch font stating "To report a violation, call the Town of Poughkeepsie Zoning Administrator at 845-485-3650."~~
  - (4) In the interest of public safety and due to traffic hazards caused by stopping of motor vehicles and traffic congestion on certain highways in the Town of Poughkeepsie during the hours set forth herein, no person shall park any ice cream truck or canteen truck between the hours of 7:00 a.m. and 7:00 p.m. along and upon the state and county roads listed below in the Town of Poughkeepsie or within 200 feet from the point where any listed road intersects any other road or highway for the purpose of selling or distributing food or beverages:
    - (a) South Road and North Road, NYS Route 9.
    - (b) Dutchess Turnpike, NYS Route 44.
    - (c) Manchester Road, NYS Route 55.
    - (d) East-West Arterial, NYS Routes 44 and 55.
    - (e) New Hackensack Road, NYS Route 376.
    - (f) Spackenkill Road, NYS Route 113.
    - (g) Salt Point Turnpike, NYS Route 115.
    - (h) Violet Avenue, NYS Route 9G.
    - (i) West Main Street, NYS Route 9D.
    - (j) Vassar Road, County Route 77.
    - (k) IBM Road and Sand Dock Road, County Route 48 (formerly known as "Rudco Road").
    - (l) Innis Avenue, County Route 75.
- D. Signs. Signs may be painted on or affixed to the food truck provided the signs do not exceed the dimensions of the food truck on which they are placed. In addition, a food truck shall be permitted a single A-frame sign pursuant to § 210-123.2 of the Town Code that may be displayed during the food truck's hours of operation. The use of other movable, portable and/or freestanding signs is prohibited.

**§ 114-5. Food truck permit.**

- A. Permit required; term of permit. All food ~~truck~~ truck types, with the exception of ~~eastern trucks, ice cream trucks, and~~ food trucks operating at an outdoor community event permitted under Chapter 76 of the Town Code, shall require a permit from the Zoning Administrator, in addition to a license. The food truck permit shall be valid for the period issued ~~one year from the date of issuance~~, unless sooner terminated or revoked.
- B. Application. An application for a food truck permit shall be made to the Zoning Administrator on a form provided by the Town. The application shall, at a minimum, include the following information:
- (1) Name, address, email address, and telephone number of the food truck operator and of the registered owner of the food truck, if different.
  - (2) Address of the private property on which the food truck will be located, and written consent from the property owner authorizing the location of the food truck on the property.
  - (3) Zoning district in which the property is located.
  - (4) A sketch plan including details sufficient to demonstrate compliance with this chapter.
  - (5) A valid food truck license.
  - (6) Nonrefundable application fee in accordance with the Fee Schedule established by the Town Board.
- C. The Zoning Administrator shall approve and issue a food truck permit if:
- (1) The use is permitted in the zoning district by § 114-5E(2) herein;
  - (2) The applicant demonstrates compliance with the requirements of this chapter;
  - (3) No notices of violation or tickets are pending on the property or ~~and~~ the food truck owner or ~~and~~ operator; and
  - (4) The applicant pays the required nonrefundable food truck permit fee in accordance with the Fee Schedule established by the Town Board.
  - (5) If the proposal requires site plan approval pursuant to § 114-6 herein, the Zoning Administrator shall not issue a food truck permit until site plan approval has been granted.
- D. Nontransferability of permit. A food truck permit is not transferable to any other food truck, food truck operator, or any other property.
- E. Requirements. Food trucks authorized pursuant to this section shall comply with the following:
- (1) Food trucks permitted under this § 114-5 shall only be located on private property. Nothing in this section shall be deemed to authorize the sale or distribution of food from a food truck on public grounds or in the public right-of-way.
  - (2) Food trucks shall only be permitted in the Center and Hamlet Districts, and Business and Commercial Districts, as listed in § 210-10 of the Town Code. The foregoing notwithstanding, food trucks shall also be permitted on a farm operation in a New York State Certified Agricultural District.
  - (3) Food trucks may only be sited on the property at the location designated on the permit.

- (4) 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 15 feet.
- (5) Food trucks shall be located a minimum of 10 feet from the edge of any driveway, utility box and/or vault, handicapped ramp, building entrance, fire hydrant, or emergency call box, and shall not block fire lanes or access roads for emergency vehicles.
- (6) Food trucks shall be located a minimum of 200 feet from any restaurant, unless the restaurant grants a waiver. Such distance shall be measured from the main building entrance of the restaurant to the closest edge of the food truck.
- (7) 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.
- (8) Food truck operators must demonstrate to the satisfaction of the Zoning Administrator or the Planning Board, as applicable, that adequate parking is available for the food truck use.
- (9) Food trucks must have adequate ingress and egress from the property for patrons 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 Poughkeepsie highway specifications or the public entity that has control over the right-of-way.
- (10) The operation of food trucks shall be limited to the hours of 7:00 a.m. to 9:00 p.m., provided the food truck is not located within 200 feet of a residential use in a residential district, in which case the operation shall be limited to the hours of 8:00 a.m. to 6:00 p.m. Such distance shall be measured from the closest edge of the food truck to the nearest property line of the residential use.
- (11) Food truck operators shall provide adequate 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, safety and welfare of the public. The food truck operator shall keep all areas and any associated seating areas clean of grease, and trash, litter or waste, including, but not limited to, paper, cups, cans, or bottles 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.
- (12) Outdoor seating and tents shall be permitted as long as they are sited consistent with the provisions for food trucks in § 114-4. A maximum of one tent, no more than 12 feet by 12 feet in size, shall be permitted per food truck, and shall only be permitted to be installed or erected outdoors during hours of operation. Awnings are only permitted if they are attached to the food truck. Umbrellas are only permitted if they are attached to a picnic table. The applicant shall submit a sketch plan showing the location of all proposed outdoor seating and/or tents. If outdoor seating and/or tents are proposed to be located in off-street parking spaces, barriers such as planters shall be provided to create a buffer between outdoor seating/tents and vehicles. Outdoor seating and/or tents shall only be permitted to be located in parking space(s) if the Zoning Administrator or Planning Board, as applicable, determines that the remaining off-street parking spaces will satisfy the off-street parking requirement of use(s) on the lot.

- (13) 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 with the exception of allowable outdoor seating areas and trash/recycling receptacles.
- (14) No food shall be prepared or sold at the food truck site outside of the food truck. Prepackaged beverages may be sold from coolers outside of the food truck, provided that they are located within three feet of the food truck.
- (15) No lighting is permitted except for interior lighting used for food preparation. Such lighting shall be turned off after hours.
- (16) Amplified sound or loudspeakers are prohibited, and the food truck operation shall comply with the noise limits in Chapter 139 of the Town Code.
- (17) Food trucks shall be consistent with the environmental performance standards of § 210-94 of the Zoning Law, and shall not cause objectionable odors or smoke at any lot line.
- (18) Food trucks and associated outdoor seating, if any, shall be removed from all permitted locations upon expiration of the permit.

#### § 114-6. Site plan approval.

- A. Where more than one food truck is proposed on a parcel, either as an accessory use or as a principal use, site plan approval pursuant to Article XIII of Chapter 210 shall be required, and the Zoning Administrator shall not issue a food truck permit until the required Planning Board approval has been granted. This requirement shall not apply to occasional events held pursuant to an Outdoor Community Event permit.
- B. A property owner may apply for site plan approval to identify a site on the property where one or more food trucks licensed by the Town may locate in lieu of seeking an annual permit for a food truck. In reviewing the application for site plan approval, the Planning Board shall ensure that all of the requirements of this chapter are met, with the exception of § 114-5A, B, C and D, but specifically including the requirements of § 114-5E.

#### § 114-7. Exceptions.

Special event, private residence. Residents may request that licensed 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 shall be made to the Zoning Administrator 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 § 114-5C(1) and E(2). In such cases, provision of food and beverage shall be limited to event attendees only; provision to the general public is prohibited.

#### § 114-8. Violations.

Any of the following shall constitute a violation of this chapter:

- A. Failure to properly obtain and/or properly display a valid food truck license or permit.
- B. Fraud or misrepresentation contained in the license or permit application.
- C. Fraud or misrepresentation made in the course of operating the business.
- D. Conduct in an unlawful manner or that creates a public nuisance, or otherwise constitutes a danger to

the public health, safety, and welfare.

E. Failure to comply with the provisions of this chapter.

**§ 114-9. Suspension or revocation of license and permit.**

- A. The Zoning Administrator may issue a notice of intent to suspend or revoke a food truck license and permit for any violation of this chapter. The notice of intent to suspend or revoke shall describe the violation, and require the license or permit holder to immediately cease operations and correct the violation or cause the violation to be corrected.
- B. The notice of intent may be given personally to the operator of the food truck, by affixing it to the windshield of the food truck, or in writing by mail to the license or permit holder at the address shown on the application.
- C. If the license or permit holder fails to immediately correct the violation or cause the violation to be corrected, the Zoning Administrator shall suspend or revoke the license or permit.
- D. A license or permit holder shall be entitled to request a hearing on suspension or revocation before the Town Board, upon application made to the Town Clerk, in writing, demonstrating that the license or permit holder was not in violation of the license or 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 receipt of the written request.

**§ 114-10. Enforcement; administration; penalties for offenses.**

- A. The requirements established by this chapter shall be administered and enforced by any law enforcement agency that has jurisdiction in the Town of Poughkeepsie, the Town Zoning Administrator, the Building Inspector, or their duly authorized representatives.
- B. The individuals identified in Subsection A are authorized to issue appearance tickets as defined in § 150.10 of the Criminal Procedure Law, and to prosecute the violation in court, and are authorized to issue orders to remedy and notices of violation to enforce the provisions of this chapter.
- C. Any violation of this chapter shall be deemed an offense, and each occurrence or incident shall constitute a separate offense. If a violation continues for more than a twenty-four-hour period, each day shall constitute a separate offense.
- D. If the offense occurs on the premises of a property that 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 offense.
- E. A violation of this chapter or any part thereof shall constitute an offense punishable as follows:
  - (1) By a civil penalty:
    - (a) Not to exceed \$500 for a first offense;
    - (b) Not to exceed \$1,000 for a second offense; and
    - (c) Not to exceed \$1,500 for any subsequent offense; and/or
  - (2) By a fine:

- (a) Not to exceed \$1,500 for a first offense;
  - (b) Not to exceed \$2,500 for a second offense; and
  - (c) Not to exceed \$3,500 for any subsequent offense; and/or
- (3) By imprisonment for a term of not more than 15 days; and/or
- (4) By any combination thereof.
- F. Conviction of two violations of any provision of this chapter, or consent to the payment of two separate penalties for separate offenses, shall result in the immediate revocation of the food truck license or permit. No refund of any food truck license or permit fee shall be given. If the food truck license or permit is revoked, the food truck operator will not be allowed to apply for another food truck license or permit for any food truck until the following calendar year.
- G. 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.

**TOWN OF POUGHKEEPSIE  
LOCAL LAW \_\_ OF 2026**



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

**SECTION 1. LEGISLATIVE INTENT**

This local law amends Chapter 114 of the Code of the Town of Poughkeepsie, entitled “Food Trucks,” to improve the Town’s Food Truck operating procedures.

**SECTION 2. AUTHORITY**

This law is enacted pursuant to Section 10(1)(ii)(a)(6), (11) and (12) of the Municipal Home Rule Law.

**SECTION 3. FINDINGS AND PURPOSE**

The Town of Poughkeepsie desires to streamline and improve its procedures for the regulation of food trucks.

**SECTION 4. AMENDMENT TO CHAPTER 114 OF THE TOWN CODE**

Chapter 114 of the Town Code is hereby repealed and replaced with the version annexed hereto.

**SECTION 6. SUPERSESION**

To the extent that any provision of this Chapter is inconsistent with Town Law or any other provision of New York State law, the provisions of this Chapter are expressly intended to and do hereby supersede any such inconsistent provision under the Town’s municipal home rule powers.

**SECTION 7. SEVERABILITY**

If any clause, sentence, paragraph, section, article or part of this Local Law shall be adjudicated in any court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such judgment shall have been rendered, and such invalidity shall not be deemed to affect the remaining portions thereof.

**SECTION 8. EFFECTIVE DATE**

This local law shall take effect immediately after it is filed with the Secretary of State.

**Chapter 114 FOOD TRUCKS**

- § 114-1. Purpose.
- § 114-2. Definitions.
- § 114-3. Food truck license.
- § 114-4. Requirements.

POUGHKEEPSIE CODE

- § 114-5. **Food truck permit.**
  - § 114-6. **Site plan approval.**
  - § 114-7. **Exceptions.**
  - § 114-8. **Violations.**
  - § 114-9. **Suspension or revocation of license and permit.**
  - § 114-10. **Enforcement; administration; penalties for offenses.**
- 

**§ 114-1. Purpose.**

The purpose of this chapter is to regulate food trucks within the Town of Poughkeepsie in a manner that protects the public health, safety and welfare. This chapter describes the licensing and permitting procedures for food trucks and is intended to operate in conjunction with the regulations of Chapter 210, Zoning.

**§ 114-2. Definitions.**

The following terms shall, for the purposes of this chapter, have the meanings herein indicated:

**CANTEEN TRUCK** — A type of food truck which does not include cooking facilities and from which only preprepared foods and nonalcoholic beverages are sold or distributed, for periods of no more than 30 consecutive minutes, from the public right-of-way, or on private property with the written consent of the property owner which must be provided with application.

**FOOD TRUCK** — A mobile food service operation located in a motor vehicle or a movable cart, stand, or trailer with a cooking facility, and from which food and beverages are sold or distributed in individual portions to the general public for consumption on or off the premises.

**FOOD TRUCK OPERATOR** — The registered owner of a food truck or the owner's agent or employee.

**ICE CREAM TRUCK** — A type of food truck from which only ice cream, popsicles, ice sherbet, or a frozen dessert of any kind is sold or distributed, and which may operate on public grounds and from the public right-of-way as long as the ice cream truck remains stationary for no more than 30 consecutive minutes.

**PUBLIC GROUNDS** — Lands, other than the public right-of-way, that are publicly owned and used for public purposes, such as parks and recreation areas.

**PUBLIC RIGHT-OF-WAY** — Any publicly owned land adjacent to and abutting any public street, road or highway.

**§ 114-3. Food truck license.**

- A. License required; term of license. It shall be unlawful to operate a food truck within the Town of Poughkeepsie without first having obtained a license for such purpose in accordance with the provisions of this chapter. Food truck licenses shall be issued on a calendar year basis. Any termination, expiration or revocation of the required permit from the Dutchess County

POUGHKEEPSIE CODE

Department of Behavioral and Community Health shall constitute an automatic revocation of the license issued by the Town.

- B. Permit and zoning use authorized. In accordance with §§ 114-5 and 114-6 herein, a food truck operator also may require a permit from the Zoning Administrator, and site plan approval from the Planning Board, where such use is permitted by § 114-5E(2) in the zoning district in which the property is located.
- C. Application. An application for a food truck license shall be made to the Town Clerk on a form provided by the Town, and shall be accompanied by a nonrefundable application fee in accordance with the Fee Schedule established by the Town Board. The application shall, at a minimum, include the following information:
  - (1) Name, address, email address, and telephone number of the food truck operator and of the registered owner of the food truck, if different.
  - (2) A description of the food truck, including the license plate number, vehicle identification number (VIN), year, make, and model of the vehicle, dimensions (length and width), and photographs of the truck, registration, VIN, and license plate.
  - (3) Proof of a valid state motor vehicle registration number for the vehicle.
  - (4) A copy of a valid Dutchess County Department of Behavioral and Community Health permit for a mobile food service operation.
  - (5) If applicable, a copy of a license from the New York State Liquor Authority.
  - (6) A copy of a valid annual fire safety inspection by the Town of Poughkeepsie Building Department, or from any other building department with which the Town has an agreement for reciprocal fire safety inspections for food trucks, certifying that the food truck is NFPA compliant.
  - (7) Proof of valid insurance, which must be kept continuously in force during the term of the license. At the time of application, applicants shall provide proof of insurance that extends for the entire license period. The insurance must meet the liability guidelines set by the Town and be in form and substance satisfactory to the Town Attorney.
- D. The Town Clerk shall approve and issue a food truck license if:
  - (1) The applicant demonstrates compliance with the requirements of this chapter;
  - (2) No notices of violation or tickets are pending on the food truck owner or operator; and
  - (3) The applicant pays the required nonrefundable food truck license fee in accordance with the Fee Schedule established by the Town Board.
- E. A food truck license is not transferable to any other food truck or food truck operator.

**§ 114-4. Requirements.**

- A. Maximum size of food trucks. The maximum size of any food truck, inclusive of any trailers, shall be 256 square feet, measured from the exterior faces of the food truck and any trailer.
- B. Types of food and beverage. With the exception of canteen trucks and ice cream trucks, food

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trucks may sell food and beverages which are prepackaged or prepared and served from the vehicle or stand.

C. Operations.

- (1) Food truck operators shall maintain a valid permit from the Dutchess County Department of Behavioral and Community Health, and shall operate the food truck in conformance with all applicable health standards. If the permit expires during license timeframe, operators must submit updated permit to Town Clerk.
- (2) No alcohol may be sold or dispensed from food trucks without a license from the New York State Liquor Authority.
- (3) A copy of all valid licenses and/or permits shall be conspicuously displayed on the food truck at all times, including but not be limited to the Dutchess County Department of Behavioral and Community Health permit; the Town of Poughkeepsie food truck license; the Town of Poughkeepsie food truck permit, if required;
- (4) In the interest of public safety and due to traffic hazards caused by stopping of motor vehicles and traffic congestion on certain highways in the Town of Poughkeepsie during the hours set forth herein, no person shall park any ice cream truck or canteen truck between the hours of 7:00 a.m. and 7:00 p.m. along and upon the state and county roads listed below in the Town of Poughkeepsie or within 200 feet from the point where any listed road intersects any other road or highway for the purpose of selling or distributing food or beverages:
  - (a) South Road and North Road, NYS Route 9.
  - (b) Dutchess Turnpike, NYS Route 44.
  - (c) Manchester Road, NYS Route 55.
  - (d) East-West Arterial, NYS Routes 44 and 55.
  - (e) New Hackensack Road, NYS Route 376.
  - (f) Spackenkill Road, NYS Route 113.
  - (g) Salt Point Turnpike, NYS Route 115.
  - (h) Violet Avenue, NYS Route 9G.
  - (i) West Main Street, NYS Route 9D.
  - (j) Vassar Road, County Route 77.
  - (k) IBM Road and Sand Dock Road, County Route 48 (formerly known as "Rudco Road").
  - (l) Innis Avenue, County Route 75.

- D. Signs. Signs may be painted on or affixed to the food truck provided the signs do not exceed the dimensions of the food truck on which they are placed. In addition, a food truck shall be permitted a single A-frame sign pursuant to § 210-123.2 of the Town Code that may be displayed during the food truck's hours of operation. The use of other movable, portable and/or freestanding signs is prohibited.

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**§ 114-5. Food truck permit.**

- A. Permit required; term of permit. All food truck types, with the exception of food trucks operating at an outdoor community event permitted under Chapter 76 of the Town Code, shall require a permit from the Zoning Administrator, in addition to a license. The food truck permit shall be valid for the period issued, unless sooner terminated or revoked.
- B. Application. An application for a food truck permit shall be made to the Zoning Administrator on a form provided by the Town. The application shall, at a minimum, include the following information:
  - (1) Name, address, email address, and telephone number of the food truck operator and of the registered owner of the food truck, if different.
  - (2) Address of the private property on which the food truck will be located, and written consent from the property owner authorizing the location of the food truck on the property.
  - (3) Zoning district in which the property is located.
  - (4) A sketch plan including details sufficient to demonstrate compliance with this chapter.
  - (5) A valid food truck license.
  - (6) Nonrefundable application fee in accordance with the Fee Schedule established by the Town Board.
- C. The Zoning Administrator shall approve and issue a food truck permit if:
  - (1) The use is permitted in the zoning district by § 114-5E(2) herein;
  - (2) The applicant demonstrates compliance with the requirements of this chapter;
  - (3) No notices of violation or tickets are pending on the property or the food truck owner or operator; and
  - (4) The applicant pays the required nonrefundable food truck permit fee in accordance with the Fee Schedule established by the Town Board.
  - (5) If the proposal requires site plan approval pursuant to § 114-6 herein, the Zoning Administrator shall not issue a food truck permit until site plan approval has been granted.
- D. Nontransferability of permit. A food truck permit is not transferable to any other food truck, food truck operator, or any other property.
- E. Requirements. Food trucks authorized pursuant to this section shall comply with the following:
  - (1) Food trucks permitted under this § 114-5 shall only be located on private property. Nothing in this section shall be deemed to authorize the sale or distribution of food from a food truck on public grounds or in the public right-of-way.
  - (2) Food trucks shall only be permitted in the Center and Hamlet Districts, and Business and Commercial Districts, as listed in § 210-10 of the Town Code. The foregoing

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notwithstanding, food trucks shall also be permitted on a farm operation in a New York State Certified Agricultural District.

- (3) Food trucks may only be sited on the property at the location designated on the permit.

- (4) 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 15 feet.
- (5) Food trucks shall be located a minimum of 10 feet from the edge of any driveway, utility box and/or vault, handicapped ramp, building entrance, fire hydrant, or emergency call box, and shall not block fire lanes or access roads for emergency vehicles.
- (6) Food trucks shall be located a minimum of 200 feet from any restaurant, unless the restaurant grants a waiver. Such distance shall be measured from the main building entrance of the restaurant to the closest edge of the food truck.
- (7) 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.
- (8) Food truck operators must demonstrate to the satisfaction of the Zoning Administrator or the Planning Board, as applicable, that adequate parking is available for the food truck use.
- (9) Food trucks must have adequate ingress and egress from the property for patrons 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 Poughkeepsie highway specifications or the public entity that has control over the right-of-way.
- (10) The operation of food trucks shall be limited to the hours of 7:00 a.m. to 9:00 p.m., provided the food truck is not located within 200 feet of a residential use in a residential district, in which case the operation shall be limited to the hours of 8:00 a.m. to 6:00 p.m. Such distance shall be measured from the closest edge of the food truck to the nearest property line of the residential use.
- (11) Food truck operators shall provide adequate 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, safety and welfare of the public. The food truck operator shall keep all areas and any associated seating areas clean of grease, and trash, litter or waste, including, but not limited to, paper, cups, cans, or bottles 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.
- (12) Outdoor seating and tents shall be permitted as long as they are sited consistent with the provisions for food trucks in § 114-4. A maximum of one tent, no more than 12 feet by 12 feet in size, shall be permitted per food truck, and shall only be permitted to be installed or erected outdoors during hours of operation. Awnings are only permitted if they are attached to the food truck. Umbrellas are only permitted if they are attached to

a picnic table. The applicant shall submit a sketch plan showing the location of all proposed outdoor seating and/or tents. If outdoor seating and/or tents are proposed to be located in off-street parking spaces, barriers such as planters shall be provided to create a buffer between outdoor seating/tents and vehicles. Outdoor seating and/or tents shall only be permitted to be located in parking space(s) if the Zoning Administrator or Planning Board, as applicable, determines that the remaining off-street parking spaces will satisfy the off-street parking requirement of use(s) on the lot.

- (13) 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 with the exception of allowable outdoor seating areas and trash/recycling receptacles.
- (14) No food shall be prepared or sold at the food truck site outside of the food truck. Prepackaged beverages may be sold from coolers outside of the food truck, provided that they are located within three feet of the food truck.
- (15) No lighting is permitted except for interior lighting used for food preparation. Such lighting shall be turned off after hours.
- (16) Amplified sound or loudspeakers are prohibited, and the food truck operation shall comply with the noise limits in Chapter 139 of the Town Code.
- (17) Food trucks shall be consistent with the environmental performance standards of § 210-94 of the Zoning Law, and shall not cause objectionable odors or smoke at any lot line.
- (18) Food trucks and associated outdoor seating, if any, shall be removed from all permitted locations upon expiration of the permit.

#### **§ 114-6. Site plan approval.**

- A. Where more than one food truck is proposed on a parcel, either as an accessory use or as a principal use, site plan approval pursuant to Article XIII of Chapter 210 shall be required, and the Zoning Administrator shall not issue a food truck permit until the required Planning Board approval has been granted. This requirement shall not apply to occasional events held pursuant to an Outdoor Community Event permit.
- B. A property owner may apply for site plan approval to identify a site on the property where one or more food trucks licensed by the Town may locate in lieu of seeking an annual permit for a food truck. In reviewing the application for site plan approval, the Planning Board shall ensure that all of the requirements of this chapter are met, with the exception of § 114-5A, B, C and D, but specifically including the requirements of § 114-5E.

#### **§ 114-7. Exceptions.**

Special event, private residence. Residents may request that licensed 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 shall be made to the Zoning Administrator 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 § 114-5C(1) and E(2). In such cases, provision of food and beverage shall be limited to event attendees only; provision to the general public is prohibited.

#### **§ 114-8. Violations.**

Any of the following shall constitute a violation of this chapter:

- A. Failure to properly obtain and/or properly display a valid food truck license or permit.
- B. Fraud or misrepresentation contained in the license or permit application.
- C. Fraud or misrepresentation made in the course of operating the business.

- D. Conduct in an unlawful manner or that creates a public nuisance, or otherwise constitutes a danger to

the public health, safety, and welfare.

- E. Failure to comply with the provisions of this chapter.

**§ 114-9. Suspension or revocation of license and permit.**

- A. The Zoning Administrator may issue a notice of intent to suspend or revoke a food truck license and permit for any violation of this chapter. The notice of intent to suspend or revoke shall describe the violation, and require the license or permit holder to immediately cease operations and correct the violation or cause the violation to be corrected.
- B. The notice of intent may be given personally to the operator of the food truck, by affixing it to the windshield of the food truck, or in writing by mail to the license or permit holder at the address shown on the application.
- C. If the license or permit holder fails to immediately correct the violation or cause the violation to be corrected, the Zoning Administrator shall suspend or revoke the license or permit.
- D. A license or permit holder shall be entitled to request a hearing on suspension or revocation before the Town Board, upon application made to the Town Clerk, in writing, demonstrating that the license or permit holder was not in violation of the license or 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 receipt of the written request.

**§ 114-10. Enforcement; administration; penalties for offenses.**

- A. The requirements established by this chapter shall be administered and enforced by any law enforcement agency that has jurisdiction in the Town of Poughkeepsic, the Town Zoning Administrator, the Building Inspector, or their duly authorized representatives.
- B. The individuals identified in Subsection A are authorized to issue appearance tickets as defined in § 150.10 of the Criminal Procedure Law, and to prosecute the violation in court, and are authorized to issue orders to remedy and notices of violation to enforce the provisions of this chapter.
- C. Any violation of this chapter shall be deemed an offense, and each occurrence or incident shall constitute a separate offense. If a violation continues for more than a twenty-four-hour period, each day shall constitute a separate offense.
- D. If the offense occurs on the premises of a property that 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 offense.
- E. A violation of this chapter or any part thereof shall constitute an offense punishable as follows:
- (1) By a civil penalty:
- (a) Not to exceed \$500 for a first offense;

- (b) Not to exceed \$1,000 for a second offense; and
  - (c) Not to exceed \$1,500 for any subsequent offense; and/or
- (2) By a fine:

- (a) Not to exceed \$1,500 for a first offense;
  - (b) Not to exceed \$2,500 for a second offense; and
  - (c) Not to exceed \$3,500 for any subsequent offense; and/or
  - (3) By imprisonment for a term of not more than 15 days; and/or
  - (4) By any combination thereof.
- F. Conviction of two violations of any provision of this chapter, or consent to the payment of two separate penalties for separate offenses, shall result in the immediate revocation of the food truck license or permit. No refund of any food truck license or permit fee shall be given. If the food truck license or permit is revoked, the food truck operator will not be allowed to apply for another food truck license or permit for any food truck until the following calendar year.
- G. 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.