§ 25-54. Mobile Food Truck.

A. A mobile food truck permit is required for each and every mobile food truck.
The application shall provide the following:
(1) The name of the business and its owner or owners and the mailing address of the business;
(2) A description of the proposed business plan for the mobile food truck operation;
(3) A proposed service route and hours of operation with a detailed schedule of times and locations where the mobile food truck will be stationary and service food;
(4) Certification that the vehicle has passed all necessary inspections required by the Chautauqua County Health Department;
(5) Proof that the Mobile Food Truck will be serviced by a mobile food commissary;
(6) A certificate of insurance providing general liability insurance.

B. Approval process: An application must be submitted to the Village Clerk.
(1) The Village Clerk may work with the applicant or permit holder to modify a service route at any time, before the issue of a permit, or after the issue of a permit, if the grant of a permit or approval of a service route has led to the creation of a nuisance or otherwise endanger the public health, safety, or order or by request of the permit holder.

C. Limitations in the number of permits.
The village may from time to time set a limit on the number of total permits that may be issued or renewed per year; however no more than five (5) permits shall be issued at any time.

D. Permit renewal.
(1) Every mobile food truck permit, unless suspended or revoked by the village for a violation of any provision of this section or other rule or regulation promulgated for the implementation of this section, shall be renewed annually given that a renewal fee is paid within thirty (30) days after its one year expiration, at which time the permit holder shall forfeit the right to renew and the permit may be made available to another applicant for new permit if the limitation on the number of permits has not been reached;
(2) The renewal of a permit does not also guarantee renewal of the previously approved route. The village reserves the right to add, remove and reapportion available locations among mobile food truck operations at renewal.

E. Rules and Regulations.
General. The committee members are hereby authorized to promulgate, both jointly and within their respective departments, additional rules and regulations appropriate for the implementation of this section, and if necessary, work with other agencies and departments of the village and state to establish a streamlined process for the permitting of mobile food trucks; provided, however, that such rules and regulations are not inconsistent with the following limitations and restrictions;
(1) No operator of a mobile food truck shall park, stand or move a vehicle and conduct business within areas of the village where the permit holder has not been authorized to operate;
(2) The issuance of a permit does not grant or entitle the exclusive use of the service route, in whole or in part, to the mobile food truck permit holder, other than the time and place as approved for the term of the permit;
(3) No mobile food truck shall provide or allow any dining area, including but not limited to tables, chairs, booths, bar stools, benches and stand up counters, unless a proposal for such seating arrangements is submitted with the permit application and approved by the village;
(4) Consumers shall be provided with single service articles, such as plastic forks and paper plates and a waste container for their disposal. All mobile food trucks shall offer a waste container for public use that the operator shall empty at his own expense.
(5) No mobile food truck may operate on public property unless the village has granted approval on the permit application for its operation at the particular location during specific times;
(6) For mobile food trucks on public property, the village reserves the right to temporarily move a mobile food truck to a nearby location if the approved location needs to be used for emergency purposes, snow removal, construction or other public benefits.

F. Permit Fees.
Application Fee. The application fee for a permit or a renewal of a permit granted by the village for

the operation of a mobile food truck shall be paid at the time of the application. A fee established by separate ordinance.

G. Prohibition against the transfer of a permit.
(1) Transfer for value prohibited. No person holding a permit for a mobile food truck shall sell, lend, lease or in any manner transfer a mobile food truck permit.
(2) Transfers as part of the sale of a business. A permit holder may transfer a permit as part of a sale of the business.
a. Prior to any such transfer, the transferor shall notify the village in writing and the transferee shall submit a food truck permit application;
b. Any such transfer shall be subject to the terms and conditions of the original permit.
(3) Unauthorized transfer voids permit. Any unauthorized transfer or attempt to transfer a permit shall automatically void such permit.

H. Operation of Mobile Food Trucks.
(1) Operation without permit. Any mobile food truck being operated without a valid mobile food truck permit issued by the village shall be deemed a public safety hazard and may be ticketed and impounded.
(2) Unattended vehicle prohibited. No mobile food truck shall be parked on the street overnight or left unattended and unsecured at any time food is kept in the mobile food truck. Any mobile food truck which is found to be unattended shall be considered a public safety hazard and may be ticketed and impounded.
(3) A mobile food truck operating outside of an approved route, at an unauthorized location or beyond the hours for which the operation has been permitted shall be deemed operating without a permit in violation of this ordinance.

I. Enforcement.
(1) Fine for Violation. Any permit holder operating a mobile food truck or service in violation of any provision of this section or any rules and regulations promulgated by the village may be subject to a fine of three hundred ($300.00) dollars per day.
(2) Revocation, Suspension, Modification. Once a permit has been issued it may be revoked, suspended, modified or not renewed by the village for failure to comply with the provisions of this section or any rules and regulation.
(3) Removal, Any permit holder found in violation of this section or any rules and regulations promulgated by the village may be issued a ticket for violation and the mobile food vehicle may be impounded
(4) Enforcement. The provisions of this section or any rules and regulations promulgated by the village may be enforced jointly by the Police Department and the Code Enforcement Officer.