

**§ 223-26.3. Retail sales from a truck or trailer. [Added 7-21-2014 by L.L. No. 10-2014]**

- A. Temporary use, number of trucks and design of truck. Retail sales from a truck is a temporary use which may be permitted to exist for a maximum of only one two-consecutive-year period on a given lot. Depending upon the size and shape of the lot, as well as other site characteristics including the lot's capacity for off-site parking as determined by the Planning Board, the Board may allow up to two such trucks or trailers on a lot at any one time. The proposed truck shall be specifically designed for a retail use.
- B. Location. Retail sales from a truck may be permitted on vacant private property, but shall not be located on property already occupied with another existing use.
- C. Orientation, tables and seating, site furniture, site circulation and access.
  - (1) The retail sales truck shall be oriented so as to ensure that the customer queue does not block any public sidewalk.
  - (2) Based upon the size, shape and other characteristics of the lot, as well as the need for off-street parking and the desires of the applicant, the Planning Board shall determine the appropriate number and type of tables and seating which will be allowed on the lot in connection with a food truck. Except for approved fencing, no other site furniture (permanent or otherwise) shall be permitted in conjunction with the retail sales truck.
  - (3) Retail sales trucks and all tables and seating shall be set back a minimum of 10 feet from public sidewalks and a minimum of 15 feet from fire hydrants. Retail sales operators shall maintain site circulation and access consistent with the Americans with Disabilities Act.
- D. Display of permissions. Retail sales operators shall display a current business tax certificate on the exterior of the retail sales truck. Food truck operators shall also display a valid Dutchess County Department of Health permit on the exterior of said truck. If said permit expires, or is suspended or revoked, then all food sales shall cease until the permit is reinstated.
- E. Suitable improvement, sanitation and exterior storage. The lot on which the retail sales truck(s) is located shall be suitably improved to the satisfaction of the Planning Board, and shall be maintained in a safe, clean and litter-free manner at all times.

The retail sales operator shall not discharge grease, liquids or any other items or materials onto the sidewalk, street, tree pits, sanitary sewer system, stormwater inlets or said lot, and said operator shall comply with all applicable laws and regulations. Said operator shall provide a minimum of two thirty-two-gallon litter receptacles with securable lids within 15 feet of the retail sales truck. City trash receptacles shall not be used to dispose trash or waste. All refuse shall be removed from the site and properly disposed of on a daily basis. Except for approved tables and seating, the exterior storage of equipment or materials associated with the retail sales enterprise is prohibited. The applicant shall present a plan to the Planning Board for the storage of any approved tables and seating which shall include a method by which the tables and seating cannot be used when the food truck is not in operation.

- F. Utilities, operating condition and temporary use. It is preferable that the retail sales truck be entirely self-sufficient with regard to gas, water and telecommunications. Should any utility hookups or connections to on-site utilities be required, the retail sales operator shall be required to apply for appropriate permits to ensure compliance with applicable building codes. Said truck shall be maintained in good repair at all times. The siting and operation of said truck shall be a temporary use, shall not become a fixture of the site and shall not be considered an improvement to real property.
- G. Lighting. The retail sales operator shall provide adequate lighting to ensure customer safety. Lighting shall be directed downwards and away from public streets and adjacent properties.
- H. Noise. Noise levels measured at the property line shall not violate the City's noise control regulations. No audio amplification shall be allowed on the lot. During the operation of the retail sales truck, the use of an external generator(s) or said truck's motor vehicle engine shall be prohibited. There shall be no continuous idling of said truck's engine.
- I. Alcohol. The serving or consumption of alcohol of any kind shall be prohibited at the retail sales truck site.
- J. Hours of operation. The hours of operation of this use shall be from 6:00 a.m. until 10:00 p.m.
- K. Signage. Notwithstanding § 223-15 of this chapter, the retail sales operator shall not display more than an aggregate of 20 square feet of sign area on the lot. Said signage shall be professionally

prepared or its equivalent. Notwithstanding the use of the words "building" and "structure" in the definition of "sign area" in § 223-63 of this chapter, said definition shall apply to retail sales trucks.

- L. Parking. A minimum of two off-street parking spaces shall be provided for this use. Said off-street parking shall be suitably improved and screened to the satisfaction of the Planning Board. Notwithstanding the above, the parking requirement may be modified or eliminated by said Board, in its discretion, based upon information submitted by the applicant or otherwise in the public record, demonstrating that there is sufficient public parking available within 800 feet of the site to meet the foreseeable parking needs of the proposed use and surrounding uses.
- M. Aesthetics. There shall be no display of banners, streamers or any other elements designed or intended to attract attention to the retail sales truck site other than permitted signage. In reviewing the application for site development plan approval for this use, the Planning Board may attach conditions to its approval for the purpose of mitigating visual impact.
- N. Removal of truck. If the retail sales truck is removed from the lot, all other evidence of the retail sales operation shall be removed as well.
- O. Commencement and inspection. Retail sales from a truck shall not commence until the operator has obtained a certificate of compliance from the Building Department. Each retail sales truck and lot shall be inspected by said Department at the end of 12 months from the inception of the use in order to determine whether the use remains in compliance with this section. Upon a satisfactory inspection report, the vending truck owner shall be reissued a certificate of compliance. In the event that the inspection indicates that the use is no longer in compliance, the certificate of compliance shall be revoked until the violation(s) is cured.