

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village  
*(Select one.)*

of Shawangunk, Ulster County, New York

Local Law No. 2 of the year 2025

A local law Food Truck License  
*(Insert Title)*

Be it enacted by the Town Board of the  
*(Name of Legislative Body)*

County  City  Town  Village  
*(Select one.)*

of Shawangunk as follows:

See attached.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

## Local Law Number 2 of the Year 2025

### Food Truck License

Be it enacted by the Town Board of the Town of Shawangunk on July 17, 2025 as follows:

Section 1 – Purpose: Food Trucks are becoming more numerous in the Town of Shawangunk and need to be appropriately sited, inspected and licensed to protect the public health, safety and welfare.

Section 2 – Authority: This local law is enacted pursuant to the provisions of the NYS Constitution, The Statute of Local Governments, the Municipal Home Rule Law and Article 9 of the Town Law of the State of New York at Section 130 Sub-Section 13.

Section 3 – Codification: This is not an amendment to the Town Zoning Law. It is a separate license process authorized by Town Law Article 9 and also by the general police power of the Town Board to provide for the health, safety and welfare of its citizens. This local law shall be codified as Section 93 of the Code of the Town of Shawangunk.

Section 4 – Definitions: The following terms shall, for the purposes of this chapter, have the meanings herein indicated:

FOOD TRUCK — A mobile food service operation located in a licensed motorized vehicle or a movable cart, stand, or trailer and from which food and beverages (pre-packaged or prepared and served from the vehicle or stand) are sold or distributed in individual portions to the general public directly from the food truck for consumption on or off of the premises.

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

PERMIT – Also known as the LICENSE.

LICENSE – Also known as the PERMIT.

Section 4- Permit required:

- A. It shall be unlawful for any person or entity to operate a food truck within the Town of Shawangunk without having obtained a permit for such purpose in accordance with the provisions of this chapter.
- B. Any person or entity desiring to operate a food truck shall make a written application for a food truck permit to the Shawangunk Code Enforcement Officer. The application for a permit shall be made on forms provided by the Town of Shawangunk and shall include the information required by this chapter and the following:
  - (1) Name, signature, telephone number, e-mail address, home address, and business address of the food truck operator and of the registered owner of the food truck.
  - (2) A description and photograph of the food truck, including the license plate and registration number, VIN number, year, make, and model of the vehicle, and dimensions (length and width).
  - (3) A valid copy of the Ulster County Health Department permit for a

mobile food service operation.

- (4) Address of the private property the food truck will be located on and name of the property owner.
  - (5) Owner consent form from the property owner authorizing the location of the food truck on the property.
  - (6) A sketch plan including details sufficient to demonstrate compliance with this chapter.
  - (7) Required application fee in accordance with the fee schedule established by the Town Board, and as amended from time-to-time.
  - (8) Owner must provide proof that all property taxes and fees are currently paid in full.
  - (9) Owner must pay for and receive a satisfactory fire and code inspection performed by the Shawangunk Code Enforcement Officer
- C. The Code Enforcement Officer shall approve and issue a Food Truck Permit/License if:
- (1) The applicant demonstrates compliance with the requirements of this chapter;
  - (2) The required food truck permit fee has been paid;
  - (3) No notices of violation are pending on the property; and
- D. Food Truck Permits may be issued for the following lengths of operation, provided that in no event shall a permit be issued to expire later than the County Health Department permit:
- (1) Seasonal permit: nine months.
  - (2) Daily permit: three consecutive days unless a special event per Section 7 below.
- E. A permit is effective upon approval by the Code Enforcement Officer.
- F. A Food Truck Permit is not transferable.
- G. The Code Enforcement Officer shall administer this chapter and be authorized to issue appearance tickets for any violations of this chapter.
- H. The Town Board, by future resolution in its sole discretion, may limit the total number of Permits/Licenses issued under this chapter.

#### Section 5 – Siting:

- A. Food trucks permitted under this chapter shall only be located on private property or on Town of Shawangunk property or along a Town of Shawangunk public right-of-way with written permission of the Town Board.

- B. Food trucks may only be sited on the property at the location designated on the permit.
- C. 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 five feet including from sidewalks.
- D. Food trucks shall be located a minimum of five feet from the edge of any driveway, utility box and vault, handicapped ramp, building entrance, exit or emergency access/exitway or emergency call box.
- E. Food trucks shall be located a minimum of 150 feet from the main entrance to any restaurant, 150 feet from any outdoor dining area associated with any restaurant, and 50 feet from any food truck on another property, as measured from the designated location on the lot accommodating the food truck. These minimum distances are necessary to strike a balance between brick-and-mortar restaurants and food trucks recognizing that both provide different benefits to the Town.
- F. 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.
- G. Power for the food truck must be onsite, and cords and hoses must not cross sidewalks or roadways.
- H. There shall be only one license issued per tax lot except for special events per Section 7 below.

#### Section 6 – Operations:

- A. Food truck operators shall maintain a valid Ulster County Health Department permit and shall operate the food truck in conformance with all applicable health standards.
- B. The following shall be conspicuously posted in public view on the food truck at all times: the Ulster County Health Department permit; the Town of Shawangunk Food Truck Permit; and a notice in at least two-inch font stating: "To report a violation, call the Town of Shawangunk Code Enforcement Officer at 845-895-2904."
- C. Food truck operators must demonstrate that a minimum of four parking spaces are available on the lot (or on an immediately adjacent lot with owner permission) to serve the food truck, and that such spaces are not otherwise reserved, encumbered, or designated to satisfy the off-street parking requirement of another business or activity that is operating on the lot at the same time as the food truck.
- D. Food trucks must have adequate ingress and egress from the property 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 Shawangunk highway specifications.
- E. Signage. All signs must comply with the zoning of the Town of Shawangunk. Signage on the food truck must not protrude from the ends of the food truck and must be properly affixed in order not to impede travel.
- F. The operation of food trucks shall be limited to the months of March 1 through November 30 and the hours of 7:00 a.m. to 9:00 p.m.

- G. The food truck operator or his/her designee must be present at all times during the hours of operation except in cases of emergency.
- H. Food truck operators shall provide 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 and safety of the public. The food truck operator shall keep all areas and any associated seating areas clean of grease, trash, paper, cups or cans 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.
- I. Outdoor seating shall be permitted as long as it is determined to be safe by the Town of Shawangunk Code Enforcement Officer.
- J. With the exception of allowable outdoor seating areas, trash receptacles and power sources, 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.
- K. No food shall be prepared, sold or displayed at the food truck site outside of the food truck.
- L. Lighting must be downward facing and constructed in a manner that will not cause issues for traffic. Such lighting shall be turned off after hours.
- M. Tents are prohibited. Awnings are only permitted if they are attached to the food truck. Umbrellas are only permitted if they are attached to a picnic table.
- N. Food trucks and associated outdoor seating, if any, shall be removed from all permitted locations upon expiration of the permit.
- O. No outdoor amplification of any sound shall be permitted.

#### Section 7 – Exceptions:

- A. Special event, private residence. Residents may request that food trucks cater special events on private property at their place of residence. Such request for a Special Event Private Use Food Truck permit shall be made to the Code Enforcement Officer 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 Sections 4-B and 6-N above. In such cases, sales shall be limited to event attendees only (not to the general public).
- B. Special permit procedure, public property. The Town Board may from time to time by resolution establish procedures for issuance of a permit to locate a food truck on certain public property, and such permits, if authorized by the Town in its discretion, shall not be subject to the requirements of this chapter. Except within a parcel owned by the Town or an adjacent public right-of-way area, they shall be sited within permitted zoning districts, and as may be provided in such resolution.
- C. Special event, public. The Town Board may by resolution authorize a not-for-profit organization or public entity to obtain a daily permit in any zoning district for a designated date, time and location approved by the Town Board for the purpose of special events or public festivals. The Town Board may by resolution authorize a daily permit in any zoning district in conjunction with a permit for parades, processions and block parties or large assemblies.

#### Section 8 - Violations:

- A. Any of the following shall constitute a violation of this chapter:
  - (1) Failure to properly obtain and/or properly display a valid Food Truck Permit shall be considered a violation of this chapter.
  - (2) Fraud or misrepresentation contained in the permit application.
  - (3) Fraud or misrepresentation made in the course of operating the business.
  - (4) Conduct that creates a public nuisance, or otherwise constitutes a danger to the public health, safety, welfare or morals.
  - (5) Failure to comply with the provisions of this chapter.

Section 9 – Denial, suspension or revocation of a permit:

- A. The Code Enforcement Officer may issue a notice of intent to suspend or revoke a Food Truck Permit for any violation. The notice of intent to suspend or revoke shall describe the violation, and require the permit holder to immediately correct the violation or cause the violation to be corrected.
- B. The notice of intent shall be provided to the permit holder by personal service or by regular mail to the address submitted with the permit application, or by posting at the place of business of the food truck.
- C. If the permit holder fails to immediately correct the violation or cause the violation to be corrected, the Zoning Enforcement Officer shall suspend or revoke the permit.
- D. A permit holder shall be entitled to request a hearing on denial, suspension or revocation before the Town Board, upon application made to the Town Clerk demonstrating that the permit holder is entitled to the permit or was not in violation of the permit. Any denial, suspension or revocation shall remain in effect unless modified by the Town Board. All requests for Town Board relief under this Section 9 must be filed within sixty (60) days of such denial or suspension or revocation. The Town Board shall hold a hearing to determine whether to reverse the denial, suspension or revocation within 30 days of written request. Such hearing shall be on notice to the owner/operator with the opportunity to be heard. All decisions shall be rendered within 30 days of the closure of the hearing.

Section 10 - Enforcement and administration:

- A. The requirements established by this chapter shall be administered and enforced by any law enforcement agency that has jurisdiction in the Town of Shawangunk ("police officers"), the Town of Shawangunk Code Enforcement Officer, Code Enforcement, and Town Attorney or any of their designees and such other employees and/or officials authorized by the Town Board.
- B. Pursuant to the provisions of Municipal Home Rule Law, § 10, Subdivision 4(a), and the Criminal Procedure Law, § 150.10, Police Officers, the Code Enforcement Officer and Code Enforcement Official the Town of Shawangunk are hereby authorized to issue and serve appearance tickets, as defined in the Criminal Procedure Law, returnable in Town Court of the Town of Shawangunk, when he or she has reasonable cause to believe a person has violated, in his or her

presence, Chapter 93 of the Code of the Town of Shawangunk, entitled "Food Truck License," and to prosecute the violation in Town Court.

- C. If the violation occurs on the premises of a property which is occupied by someone other than the owner, the issuer of the appearance ticket must also notify the property 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 violation.
- D. The Town shall have all other remedies as provided by law.

Section 11 - Penalties for offenses:

- A. Any person, entity, firm or corporation who shall violate any provision of this chapter shall, upon conviction, be subject to a penalty of not more than \$1,000, or imprisonment for a term not to exceed 15 days, or both. Each day's continued violation shall constitute a separate offense.
- B. Conviction of a violation of this chapter shall constitute and effect an immediate forfeiture of any license hereunder held by the person so convicted.
- C. 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.

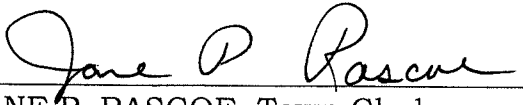
Section 12 – Severability: If any section of subsection, paragraph, clause, phrase or provision of this local law shall be adjudged invalid for any reason or shall be deleted or subsequently repealed, the same shall not affect the validity of this local law as a whole or any part of provisions hereof other than the part to be adjudged to be invalid and/or deleted and/or subsequently repealed. The determination by any court of competent jurisdiction that any provision of the within local law is enforceable, invalid, void, unconstitutional or in conflict with federal or state law shall not in any way effect the enforceability or validity of any other provisions contained herein. Additionally, such determination shall be confined in its operation to the person, individual, entity, firm, corporation, company or circumstance, directly involved in the controversy in which such judgement or order shall be rendered.

Section 13 - EFFECTIVE DATE.

This Law shall become effective upon filing with the New York State Secretary of State.

BE IT ENACTED THIS 17<sup>th</sup> DAY OF JULY 2025 BY THE TOWN BOARD OF  
THE TOWN OF SHAWANGUNK, COUNTY OF ULSTER, STATE OF NEW YORK  
KENNETH RONK JR., SUPERVISOR  
ADRIAN M. DEWITT, COUNCILMAN

BRIAN AMTHOR, COUNCILMAN  
ALEX DANON, COUNCILMAN  
JOSEPH LOCICERO, COUNCILMAN

  
\_\_\_\_\_  
JANE P. RASCOE, Town Clerk

ATTEST:

TOWN SEAL:

**(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)**

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2025 of the ~~(County)(City)(Town)(Village)~~ of Shawangunk, NY was duly passed by the Town Board on July 17 2025, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted *(Elective Chief Executive Officer\*)* on \_\_\_\_\_ 20  , in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. *(Elective Chief Executive Officer\*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local *(Elective Chief Executive Officer\*)* law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

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\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

*Jane P Rascoe*

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

**JANE P. RASCOE**

(Seal)

Date: July 31, 2025