

LEGAL NOTICE
PUBLIC HEARING
City of Oneida

PLEASE TAKE NOTICE that a **PUBLIC HEARING** will be held at 6:30 pm on Tuesday, October 1, 2024, in Common Council Chambers, 109 N. Main Street, Oneida, NY on a proposed Local Law to amend Chapter 116 of the Code of the City of Oneida relative to Peddling and Solicitation.

PLEASE TAKE FURTHER NOTICE that the complete text of the Proposed Local Law may be viewed on the City's website www.oneidacityny.gov under Legal Notices and in the City Clerk's lobby.

PLEASE TAKE FURTHER NOTICE that any or all persons opposing said proposed Local Law may file a written notice thereto, with the City Clerk before such hearing or attend said hearing at the time and place specified.

PLEASE TAKE FURTHER NOTICE that any persons with special needs should contact the City Clerk one week prior to the hearing.

A LOCAL LAW AMENDING CHAPTER 116 THE CODE OF THE CITY OF ONEIDA
REGARDING PEDDLING AND SOLICITATION

Be it enacted by the Common Council of the City of Oneida, as follows:

Section 1. AUTHORITY.

This local law is enacted pursuant to New York State Constitution and New York Municipal Home Rule Law § 10.

Section 2.

So that Section 116-1, titled "Definitions," is hereby amended to add or amend the following terms, which shall read in their entirety as follows:

"PUBLIC PLACE - All publicly owned property between the property lines on a street as such property lines are shown on City records which shall include, but not be limited to, a park, plaza, street, roadway, highway, shoulder, tree space, sidewalk, parking space or parking lot, between such property lines, as well as publicly owned lands.

PRIVATE PLACE – All privately owned or leased property where use of the property for commercial purposes, including mobile food vending, is restricted to persons who have the written permission of the owner or lessee of the property.

MOBILE FOOD VENDOR – A peddler who sells or offers for sale, from a vehicle, pushcart or stand, ready-to-eat food and/or beverage items, prepackaged, pre-prepared, or prepared on location."

Section 3.

So that Subsection A of Section 116-5, titled "Issuance and fees," is hereby amended to read in its entirety as follows: (changed from 116-3)

"A. Upon the filing of a complete application and payment of the applicable application fees, as determined from time to time by resolution of the Common Council, and upon receipt of an approved local background check from the City Police Department and an approved Operational Permit from the Fire Department, the City Clerk shall, upon the approval of such application, issue to the applicant a license."

Section 4.

So that Subsections A, B, C, D, E, and F of Section 116-7, titled "Additional regulations for mobile food vendor licenses," are hereby amended to read in their entirety as follows and whereby subsections H through O will become G through N respectively:

"All of the provisions of Article I of this chapter shall apply to all mobile food vendors conducting business within the City, whether on a daily (one-time) or annual basis, in any Public Place. The following additional requirements shall also apply to mobile food vendors:

A. All mobile food vendors must obtain a daily (one-time) or annual mobile food vendor's license. Such licenses shall be issued by the City Clerk in accordance with the provisions of this article and chapter.

B. In the case of Private Places, permits are required per the provisions of this local law, but the City shall not have authority over the approval of the location of the mobile food vendor.

C. In the case of Public Places, permits shall be required subject to the following:

1. Each mobile food vendor license shall state the specific location(s) from which the mobile food vendor shall be authorized to conduct business pursuant to such license. Each license shall be valid for the location (s) specified in the application and approved by the Chief of Police.

2. The Location list for licensed mobile food vendors shall be reviewed and approved annually by the Chief of Police, along with the Director of Parks and Recreation and/or the City Engineer when appropriate, with respect to potential risk to public safety. In no event shall any such authorized location be less than 20 feet from a street intersection.

3. All mobile food vendors shall state, in order of preference, their preferred location(s) in their license application. In the event more than one prospective vendor desires the same location the City Clerk shall compile a list of vendors requesting the same location. From this list, vendor names shall be drawn on a lottery basis for each multiple request location. In the event a location has been approved for more than one mobile food vendor, vendor names shall be drawn until such time as the location is fully occupied. Once a vendor's name is drawn for a location, that vendor shall not be placed in any other location drawings until all vendors have been assigned a requested location from the multiple vendor/location drawing. The City Clerk shall notify the vendor of the

locations that were approved and assigned for the annual license.

D. Annual licenses shall be renewable annually and shall be valid from January 1 to December 31 of each calendar year. The City Clerk shall publish a notice in the City's official newspaper between November 1 and November 15 of the preceding calendar year stating that, for annual mobile food vendor licenses, applications shall be submitted to the City Clerk by the following 10th day of December and shall be acted upon by the City Clerk in accordance with these regulations within three business days thereafter.

E. Daily licenses may be issued only for locations not previously assigned to an annual licensee. In the event more than one application is received for the same location for the same day, the City Clerk shall compile a list of vendors requesting the same location. From this list, vendor names shall be drawn on a lottery basis for each multiple request location. Once the vendor's name is drawn for a location, that vendor shall not be permitted to participate in any other location drawing until all vendors have been assigned a requested location from the multiple vendor/location drawing. The City Clerk shall notify the vendor of the locations that were approved and assigned for the daily (one-time) license.

F. All mobile food vendors shall agree to defend and indemnify the City of Oneida from all claims, losses and liabilities the City may incur as a consequence of the operations of the mobile food vendor. In addition, each mobile food vendor must submit to the City Clerk proof of the following required insurance coverage: general liability insurance with personal injury coverage limits per occurrence of not less than \$1,000,000 naming the City of Oneida as additional insured, as well as worker's compensation and disability insurance as statutorily required under New York State Law."

Section 5. VALIDITY & SEVERABILITY

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 6. EFFECTIVE DATE

This local law shall be effective upon filing with the office of the Secretary of State.

SANDRA LAPERA

CITY CLERK

September 20, 2024