

LEGAL NOTICE
PUBLIC HEARING
City of Oneida

PLEASE TAKE NOTICE that a **PUBLIC HEARING** will be held at 6:30 pm on Wednesday, November 6, 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."

Section 3.

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

"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 Section 116-7, titled “Additional regulations for mobile food vendor licenses,” is hereby amended to read in its entirety as follows:

“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 for each vehicle, pushcart, or stand. 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. Locations available to licensed mobile food vendors, whether a daily or annual license, shall be specifically designated and approved from time to time by resolution of the Common Council following review and recommendation by the Chief of Police, the Director of Parks and Recreation and the City Engineer 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. The list containing the approved locations shall be provided to vendors upon approval of the annual or daily license. Vendors are free to choose the location to conduct business from but must adhere to the approved list when selecting a Public Place location.
- 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. 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.”
- F. Prior to commencement of business activities under a mobile vendor's license, the applicant shall provide to the City Clerk proof of the issuance of a valid permit from the Madison County Health Department for such business operations and a valid New York State sales tax certificate.
- G. Upon the approval of a mobile food vendor's license, the City shall provide the licensee with a license document signifying his or her status as a licensed mobile food vendor. It shall be

unlawful for a mobile food vendor to not conspicuously display the license on his or her vehicle, pushcart or stand during business operations. Preservation of the integrity of the license document from the elements while displayed shall be the responsibility of the vendor.

- H. Food vendors shall provide suitable disposal receptacles for use by patrons and shall be responsible for all cleanup and removal of all debris and trash resulting from the operation of their individual sites.
- I. No food vendor shall place his vehicle, pushcart or stand on lawn areas of parks or other public places, or otherwise operate his or her business in such manner as to cause damage to any such green areas.
- J. Food vendors shall be responsible for the repair of any damage whatsoever to any public grounds or other public property caused by, or in association with, their business. The City shall have the right, at any time and without prior notice to the license holder, to repair any such damage and invoice the license holder for all such costs. Failure to pay any such invoice within 10 days shall be grounds for immediate revocation of the mobile food vendor's license.
- K. No alcoholic beverage may be sold or offered for sale by a mobile food vendor.
- L. Hours of operation shall be limited to 8 a.m. until 11 p.m.
- M. All mobile food vendor licenses shall be subject to the condition that all licensees agree to comply with the direction of any police officer, or any City employee or representative acting within the scope of his or her employment, directing the licensee to temporarily suspend or alter operations, or temporarily relocate to another location for such period of time as may be determined by the City in order to accommodate a parade, funeral or other activity of a community nature. Failure to obey any such directive shall be grounds for the immediate revocation of the license."

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

October 16, 2024