

# **FOOD TRUCK VENDING PROGRAM**

## **OVERVIEW, EVALUATION, AND RECOMMENDATIONS**

**Submitted to the Rochester City Council, September, 2014**

### **Introduction and Overview**

Rochester, like cities across the nation, has been working to address the growing popularity of food trucks. Although urban mobile food vending dates back to the 1890s, many food commentators pinpoint 2008 as the onset of the modern food truck phenomenon. The trend generally started in west coast cities and quickly spread across the country. The food truck business model does not often fit neatly into established municipal regulatory systems, and cities, Rochester included; have had to update their regulations to address food trucks. Since 2012, an interdepartmental team has looked in depth at issues related to mobile food vending.

In all municipalities, mobile food vending regulation is different depending on whether the vendor is operating on the street, on the sidewalk, in a park, or on private property. The situation in Rochester is further complicated by differentiating among Center City locations versus non-Center City locations, parks operated by the City versus parks within the City operated by Monroe County, operations at the City-owned Public Market, and City-regulated special events. The general public and/or the vendors themselves may not understand the nuances of the regulatory framework.

### **Legislative Background**

In May 2013, City Council adopted a pilot food truck program for Center City, which included three vending locations. The pilot program was a seven-month trial period, which was slated to begin on June 1, 2013 (**refer to attachment 1**). A report with an overview of the program, evaluation and recommendations for the future of the program was submitted to City Council by the former City Clerk, Dan Karin in December 2013.

A review of the Clerk's report lead to the realization that a seven-month trial was not enough time to review programs in other municipalities and did not provide enough history to develop a permanent program. City Council amended Chapter 62 of the City Code to extend the existing program until March 31, 2014 (**refer to attachment 2**).

In March 2014, Chapter 62 was further amended to include two pre-existing locations (Alexander Street, south of East Avenue and Court Street, east of Chestnut Street) that were a part of the cart lottery. Corporation Counsel rendered an opinion that assigning spaces for on-street vending through a lottery process is prohibited by New York State Vehicle and Traffic Law. Six additional food truck vending locations in Center City were included in this

amendment, and a seventh location was added after the public forum in April 2014. The hours of operation were extended to 1:30 a.m. in Center City; on-street vending was restricted in R-1, R-2 and R-3 zoning districts; and the food truck program was extended until April 2014 (refer to attachment 3). In April 2014, the Code was amended to change the hours of operation in Center City to 2:00 a.m. and to extend the amended pilot program until December 2014 (refer to attachment 4). Changes to the fire regulations went into effect in 2014, and additional regulations will begin in 2015 (refer to attachment 5).

In May 2014, the Municipal Code (Chapter 120: Zoning) was amended to allow greater flexibility for food trucks operating on private property. Section 120-149A was amended with respect to Temporary Uses (refer to attachment 6). This change gave the Director of Planning and Zoning the ability to approve up to 60 food truck events per calendar year, instead of 2 events, on properties which are legally established as non-profit organizations, places of worship, educational institutions, government entities, offices, warehouses, industrial, mixed-use, retail, and bars/restaurants.

### **Food Truck Committee**

The food truck committee consists of representatives from the Rochester Police Department (RPD), Rochester Fire Department (RFD), Department of Neighborhood and Business Development (NBD), Law Department, Communications/Special Events, Department of Environmental Services (DES), Department of Recreation and Youth Services (DRYS), and City Clerk's Office. The committee reconvened in January 2014. The group was tasked to come up with recommendations for a permanent food truck vending program. Extending the program through December 2014, gave the interdepartmental team more time to do additional research on programs in other cities, solicit feedback from stakeholders (cart and food truck vendors, citizens and downtown businesses) and determine which locations were more viable for food truck use.

The committee identified a conflict in the current Municipal Code provisions relating to food trucks, contained in Chapter 62 of the Code entitled "Commercial Travelers, Solicitors and Special Promotional Events". As the title implies, this is a chapter that covers licensing of a wide variety of commercial activities, many of which are different from food trucks. People unfamiliar with the code often have a hard time finding the appropriate provisions in this chapter because it does not identify food trucks in the title. An additional concern is the mixing of provisions that are specific to food vending businesses alongside other provisions that may not be relevant to food vending businesses. The existing municipal code was written long before the food truck phenomenon arose, and is not suited to regulate food trucks.

The Committee also sought to distinguish between the various kinds of mobile food vending operations:

- Food trucks
- Food trailers
- Food carts (example: traditional hot dog vending carts)
- Traditional caterers and food trucks operating as caterers
- Construction site catering (example: Pine Hill Coffee truck, typically at construction sites)
- Ice cream trucks

Issues such as fire safety, insurance requirements, degree of mobility (self-motorized versus pulled), fees, specific operational locations (on-street, on-sidewalk, in parks, and on private property), and regulatory legacy vary based on the type of vehicle used.

In Rochester, the issue of catering and food trucks operating as caterers, particularly on-street, is one with which the committee particularly struggled. Previously, an ad hoc “working definition” of catering was applied to food trucks: they could operate like traditional caterers where the food would be carried into the event site by the caterer (food truck workers) but event-attendees/customers could not line up at the truck.

Upon review, the committee discovered that multiple vendor fees could be charged to vendors within the City of Rochester. Among those fees are the following:

- City Clerk’s Office license fee
- Public Market’s market day (includes food truck rodeos) and other special event vending fees
- Special events vending fees
- Permit fees for vending locations at City operated parks e.g. Cobbs Hill, Genesee Valley West, Durand Eastman North. Fees are not collected for the following five City-owned parks managed by Monroe County: Highland, Genesee Valley East, Ontario Beach, and Durand Eastman (South of Lakeshore Blvd.).

We attempted to come up with a way to streamline fees under one central location but faced many challenges. Among those challenges were the following:

- Process - getting information to promoters for the initial rollout in a timely manner
- Additional fees for health permit (Monroe County), employee badges, rodeos, promoter fees and park fees
- Lack of adequate staff to perform on-site and weekend inspections and enforcement of rules and regulations
- Four different licensing/permit systems within the City of Rochester (Clerk’s Office, Parks, Special Events and Public Market)
- Vendors currently pay fees to event organizers, ranging from \$50 - \$1,000/day
- Allocation of resources for processing and tracking

- Background checks and employee badge fee of \$24 for each employee
- License fee structure, annual occurrences
- Merchandise, arts, crafts vendors would be exempt unless using heat-producing equipment
- Onus on event promoters to ensure each vendor is licensed

The way we license vendors from outside of the City of Rochester for special events and rodeos from a public safety point of view also was discussed. Regardless of the event or location, vendors from outside of the City have to meet the RFD and RPD inspection requirements.

### **Other Municipalities**

We further examined the food truck ordinances of a number of other municipalities in regards to closing times, license fees, liability insurance, vending locations/zones, penalties, restrictions and other requirements. Food truck codes/ordinances were reviewed for the following cities: Albany, Boston, Buffalo, Chicago, Cleveland, Columbus, Pittsburgh and Syracuse. We primarily focused on food truck operations in our neighboring cities (Albany, Buffalo and Syracuse) for comparison and recommendations (refer to attachment 7).

### **Special Events:**

Vending is allowed within footprints of events that have been issued a permit by the Office of Special Events. When food trucks are present, event promoters deal directly with the Special Events Office.

Currently in the City of Rochester, all food vendors and promoters are required to have the following:

1. Monroe County Health Department Permit
  - 2014 Fees for health department permits, due 10 days prior to event:
 

\$55	1 day
\$85	2-3 days
\$115	4-14 days
\$18	late fee
\$55	low risk fee, 1-14 days
2. Promoter's general liability insurance of \$1,000,000. An additional liquor liability insurance of \$100,000 is required if beer and wine are to be sold.
3. Contracts and fees are often required by promoters.
4. Meet RFD fire safety requirements for festival sites and special events.

Three day solicitor licenses cost \$56 and are limited to four times per year. Employee badges are \$24 each. Both the license and employee badge are issued by the City Clerk's Licensing Office. For years, it was understood that vending at special events was exempt from licensing. This exemption was thought to come from the following section:



**§ 62-8 Parades and special events.**

*[Added 3-14-1989 by Ord. No. 89-80 Editor's Note: This ordinance also repealed former § 62-8, When effective.]*

*The Chief of Police is authorized to promulgate rules and regulations governing vending during parades and special events in the City. Such rules and regulations may require vending activities to be conducted in areas located away from the curb so that citizens may be able to have unobstructed views of the parade or special event. In conjunction with such activities, including any street closing for a special event, the Chief of Police may suspend the applicability of the regulations found in this chapter to allow for the operation of the special event.*

After further review, the committee examined vending fees and permits for special events in other cities and whether regulations should be driven by public safety and risk management. Albany, Boston, Buffalo, Chicago, Cleveland, Columbus, Philadelphia, Pittsburgh and Syracuse licensing requirements were reviewed. For comparison purposes, we focused on Albany, Buffalo and Syracuse.

**Albany**

- No license required for vending at special events
- Health permits are required
- Applicant pays fees to event coordinators
- Food trucks/food carts have different fees

**Buffalo**

- Food vendors \$31.50 per day
- Merchandise vendor license \$26.25 per day
- Health permits are required
- Applicant pays fees to event coordinator

**Syracuse**

- \$30 application fee – food vendor
- \$55 application fee – non-food vendor
- \$20 electric power fee
- \$25 propane fee
- Health permits are required
- Applicant pays fees to event coordinators

Vendors that prepare food and/or use heat-producing equipment pose the greatest risk and should be licensed. A number of vendors from outside of the Rochester area are not licensed in Rochester; however they pay fees to promoters and must pass on-site RFD fire safety inspections.

## **Rochester Fire Department Inspections/Regulations**

The RFD Fire Safety Division has continued to advance the fire safety component of the food truck program through representation on the City food truck committee and also working with the Food Truck Alliance on recommendations.

Standards have been adopted and put in place based on local, state, federal and international codes. It should be noted that the City of Rochester program rules are being used by surrounding municipalities to manage food trucks and vendors. They are using parts of the City's program as a standard for developing their regulations. (refer to attachment 5)

- **Fire Regulations 2014**

In 2014, we completed the second year of a three year phase-in of new food truck fire safety rules. The highlight was mandatory installation of Type I or II hood systems in food trucks or trailers depending on the type of cooking being done.

- **Fire Regulations 2015**

In 2015, the RFD will require additional fire safety rules; the mandatory installation of a Fire Suppression System for Type I hood for any cooking that produces grease laden vapors.

Fire safety classes are mandatory for the food truck operators and, at all times, at least one person on the food truck must have completed the fire safety class. The certification is valid for three years. RFD will continue to provide monthly food vendor fire safety classes at the Public Safety Training Facility on Scottsville Road, along with annual safety inspections of all food trucks and carts in conjunction with the RPD.

RFD will conduct random safety inspections at various festivals and events throughout the year as part of the City's scheduled fire safety details.

## **On-Street Food Truck Locations**

Ordinance #2014-53 provides for Center City food truck locations to be designated by the City Clerk with approval of the Traffic Control Board (TCB) and the Chief of Police. Three sites were approved in 2013, in addition to two pre-existing lottery sites that were "grandfathered" and allowed to remain as on-street vending locations through the end of the year. TCB approved seven additional locations in 2014, made the "grandfathered" locations permanent, and made changes to the 2013 food truck locations.

All Center City food truck locations are now available for vending from 7:00 a.m. - 2:00 a.m. All locations are large enough for two food trucks, unless otherwise noted, and are available on a first come, first serve basis. The current Center City Food Truck Program is summarized below.

**2013 Center City Food Truck Locations:**

- Broad Street, west of South Avenue
- Andrews Street, east of Front Street (*relocated east to opposite Water Street in 2014*)
- State Street, south of Morrie Silver Way (*lengthened to three spaces in 2014*)

**Two "grandfathered sites" made permanent in 2014:**

- Alexander Street, south of East Avenue (*one space*)
- Court Street, east of Chestnut Street

**New Center City Food Truck Locations for 2014:**

- Bragdon Place, west of St Paul Street
- Cascade Drive, north of Industrial Street
- Court Street, east of Exchange Boulevard
- East Avenue, west of Stillson Street
- Elm Street, east of South Clinton Avenue (*three spaces*)
- Gibbs Street, south of Grove Street (*one space*)
- St Mary's Place, north of Woodbury Boulevard (*one space*)

**(refer to attachment 8 - Center City Map of food truck locations)**

Non-Center City food truck locations are designated by the City Clerk and RPD. Upon request, locations are reviewed to make sure that they comply with the Traffic Control Board and New York State Vehicle and Traffic laws and regulations. **(refer to attachment 9 – Non- Center City Map of food truck locations)**

**Fees:**

Currently, in order to obtain a food truck license in Rochester, an applicant must pay an application fee, have a background check, purchase an employee badge, provide a tax certificate, a health permit and a certificate of general liability insurance with a minimum of \$100,000 **(refer to attachment 10)**. We compared our license fees for food trucks to those of Albany, Buffalo and Syracuse. Rochester's annual licensing fee is the lowest at \$750 for food trucks and Albany's is the highest at \$2,170 per year. All of the locations, except Syracuse have designated downtown locations. Syracuse uses a lottery system for their designated locations. However, the opinion of the Corporation Counsel is that a lottery system to assign spaces for on-street vending is prohibited by the New York State Vehicle and Traffic Law. Currently in Rochester, a food truck license costs the same amount as a vending cart in Center City. Vending cart locations are stationary and are determined through a lottery system. Non-Center City food truck and vending cart licenses are \$250, and they are not determined through a lottery system **(refer to attachment 7)**.

### **Liability Insurance:**

Liability insurance requirements for food trucks and vending carts were reviewed by the City's Director of Finance and insurance advisor/broker. They have recommended that general liability insurance requirement be increased for trucks and carts. Currently, the amount of general liability insurance required for both is \$100,000. When compared to Albany, Buffalo and Syracuse, Rochester requires the least amount of general liability insurance. Albany and Buffalo require \$1,000,000 in liability insurance (refer to attachment 7).

### **Measuring Success**

As an effort to evaluate the food truck program, the committee used the following measures: the total of food truck licenses issued and employee badges, field observations in Center City during the third week of July 2014, the total of temporary certificates of zoning compliance issued and feedback from stakeholders.

### **Food Trucks and Employee Badges:**

We currently have twelve food trucks licensed in Center City and five food trucks in Non-Center City and a total of thirty-seven employee badges for food trucks.

### **Field Observations:**

The Bureau of Planning and Zoning, with the assistance of interns from the Southeast Neighborhood Service Center, conducted field observations of the Center City food truck locations during the week of July 21-25, 2014, repeating the same field observations conducted during the third week of July 2013.

It is important to stress that the methodology looked at single points in time (e.g. 11:45, noon, 12:15, etc.) to gauge the level of activity associated with food truck locations. The numbers do not reflect a continuous count of customers during the entire two hour lunch period (11:30 a.m. - 1:30 p.m.).

Overall, numbers were down from the July 2013 observations. This may have to do with food trucks conducting more lunchtime operations at locations outside of Center City. Specific locations show significant activity, including the location at Cascade Drive and Industrial Street (new in 2014).

Even though Elm Street was not officially open to through traffic from Chestnut to Clinton at the Midtown site, food truck operators, as well as field observations, reported strong business at this location. Most notably, food trucks reported this site attracted more of a "non-traditional" food truck customer base: older and less likely to follow food trucks on social media. Customers are able to look down from several surrounding office buildings and actually see the food trucks parked at this location. The positive effect at this location fulfills one of the



City's goals with Center City food trucks: drawing pedestrian activity and vitality to public spaces, in this case, the new open space at Midtown Commons.

The total number of observed food trucks operating during the third week of July declined from 20 in 2013 to 17 in 2014. We also observed a decline in customers from 631 to 420 during this time. This may reflect food trucks operating during lunch at locations outside of Center City.

It should also be noted:

- The "observed customers" data does not reflect a continuous tally of all customers during a two hour lunch period. Observations were conducted at 15 minute intervals, so the observed customers figure merely reflects those people present at specific moments in time. It is meant to provide a snapshot of food truck activity and not a comprehensive count.
- Construction activity prevented the Alexander Street location from being available.
- Non-vending vehicles, including some City operations vehicles, were observed in designated vendor parking spaces, especially at the two Court Street locations. Vendors have indicated this is problematic as they pay the annual license fee with the assumption that assigned vending spaces will be available for vendors.
- As noted elsewhere in this report, the Cascade Drive and Elm Street (Midtown Commons) locations were the most successful to date of the new 2014 locations. However, it is important to give time for the market to respond to these locations. Lack of use, after only a few months of being established, should not be used as a rationale for eliminating any on-street spaces (refer to attachment 11).

#### **Temporary Certificates of Zoning Compliance (CZC):**

As stated previously in this report, one of the new changes in 2014 was the amendment of the Zoning Code, allowing the Director of Planning and Zoning to approve up to 60 food truck events as temporary uses on private property annually. Please note: the regulation of mobile food vending on-street is completely separate from the regulation of mobile food vending on private property. The City's Zoning Code regulates land use, including mobile and temporary uses, on private property annually.

Since the Zoning Code change was adopted in May 2014, five temporary CZCs have been issued for mobile food vending on private property, with a sixth CZC pending. These five CZCs represent 40 separate events. The events range from a one-time promotional event at a retail store, to a monthly event at a non-profit associated with First Fridays, to a weekly event in the parking lot of an office building (refer to attachment 12).

## **Feedback from Stakeholders**

In 2014, the Food Truck Committee provided several opportunities for feedback from food truck vendors, cart vendors, business owners and the general public, prior to making the recommendations included in this report to City Council. In April and August 2014, we held forums to solicit feedback on the program from vendors, businesses and the general public. Below is some of the feedback received:

Concerns and complaints were as follows:

- Fees – local and outside vendors (too many different fees, cost of fire safety equipment)
- Application process – badges (too expensive)
- Locations – (more roaming ability and more locations)
- Safety issues – (parking and maneuvering around food trucks)
- Hours of operation – (extended hours, no restrictions on carts)
- Negative impact on area restaurant businesses - (loss in revenue for area restaurant businesses)
- Zoning – vending on private property
- Chow Down Downtown – area restaurant businesses were excluded

Suggestions were as follows:

- Include up to three employee badges with application fee
- Extend hours for vendors within Center City
- Designate hours for food trucks after area restaurant businesses close
- Do not approve locations in the same places as other restaurants
- Vendors to vend anywhere as long as they follow city guidelines
- Roaming permit for spaces outside of Center City
- More permanent food truck program legislation

At the vendor forum on August 13, 2014, vendors were asked to complete a survey. (refer to **attachment 13**) Four surveys were received from the vendors with feedback as follows:

- like that food truck program is evolving
- like that more food truck vendors are participating
- more food truck locations downtown and outside of downtown
- concern about food trucks catering on private property
- food truck parking should be distinguished from citizens' parking
- food truck program has too many processes and rules

In addition to the feedback from the forums, there were an additional eight complaints and seven in support of phone calls, emails, letters, and contact with the RPD and the RFD personnel concerning food trucks.

At this time, RFD has received positive feedback and compliance from vendors concerning the safety standards, and they continue to have an open dialogue with the Food Truck Alliance.

## **Recommendations**

The committee recommends revising the Municipal Code to create a new Chapter that provides for licensing of food trucks, another new Chapter for food carts, food trucks and food trailers and revising the remaining provisions of Chapter 62 to delete references that are relevant only to food trucks or carts.

### **Catering:**

#### **Option 1 (status quo):**

Food trucks operating as caterers must operate as caterers. That is, the food truck employees must park in a legal parking spot and carry the food into the building/site that has hired the truck. This seems unworkable due to the "experiential" quality of lining up at the food truck. This would not apply to food trucks operating as caterers that can park in a private parking lot or driveway; such operation is regulated through the temporary use section of the Zoning Code.

#### **Option 2 (more restrictive, less administrative work):**

Food trucks, whether operating as a caterer or not, must park in designated on-street vendor location, whether in Center City or outside Center City. This would prevent downtown businesses from hiring a food truck to cater an event and park near their building.

#### **Option 3 (less restrictive, more administrative work):**

Food trucks operating as a caterer for a private event would have to provide 72 hour notice to the Office of Special Events and RPD Licensing Unit. They would be required to place a sign visible to passers-by that this is a private event for the guests of **Company X** and not for public sales. This would not apply to food trucks operating as caterers that can park in a private parking lot or driveway; such operation is regulated through the temporary use section of the Zoning Code.

### **Employee Badges:**

We are recommending the following for badges:

- One employee badge included in the application fee for food trucks and carts
- A 2x2 photo (provide 2 photos: one for the employee badge, one for RPD files)
- Include expiration dates of badge and of fire safety training
- 30 day temporary employee badges issued upon approval
- Fire safety training completed within 30 days
- Employee badges are nontransferable
- At least one person on truck at all times should be certified in fire safety

**Fees:**

We are recommending two different options to be considered for fees:

Option 1: A city-wide flat fee for trucks and a city-wide flat fee for carts

Option 2: Increase the cost of food truck license to \$1,000 annually

- food trucks that pay \$750 fee have the ability to vend anywhere in the City

Keep the cart license fee the same for Center City (\$750) and non-Center City (\$250)

- carts are stationary and weather driven

**Outside vendors:** Because of the fees paid to promoters and for rodeos, we recommend charging a nominal fee of \$100 for the year, as long as the vendors meet RFD and RPD requirements.

- If the vendor HAS a City license (for food truck or food cart) under the current system, no other licensing is required by the City.
- If the vendor DOES NOT have a City license, and the vendor plans to vend at special events only, a special event license must be obtained.
  - A minimal fee is suggested \$100 for the year
  - Health department permit for the year would be required
  - Fire safety class required for vendors using any heat-producing equipment
  - General liability insurance will be required
- We recommend no license requirement for vendors at special events/festivals who do not prepare food or use heat-producing equipment. Some festivals have hundreds of arts, craft, and merchandise vendors.

**Liability Insurance:**

Amend the Municipal Code Chapter 62-4 in order to increase general liability insurance to \$1,000,000 per truck based on recommendations from the Director of Accounting, the broker and our comparison to surrounding municipalities. We also recommend \$1,000,000 in general liability insurance for carts based on the review by the broker for the City.

**Times:**

We recommend keeping the times that were adopted for Center City (times) and non-Center City (no restrictions on times) and keeping the restriction of vending in R-1, R-2 and R-3 zoning districts.

Another option would be to have food trucks operate the same hours City-wide.

- No on-street vending from 2 a.m. – 7 a.m. anywhere in the city



**Locations:**

No new locations are recommended in Center City at this time; however, in non-Center City, we recommend transitioning to a self-regulated model similar to that of Buffalo, which allows on-street operations anywhere there is legal parking, with additional distance requirements, but not in R-1, R-2, or R-3 zoning districts.

Make sure that maps of Center City District are consistent for Zoning and the Clerk's Office.

Food truck trailers are prohibited from operating in the right-of-way, but can operate on private property and in parks.

In order to vend food at special events, each food vendor must obtain a City license.

**Conclusion**

The food truck phenomenon continues to expand in communities across the country. Most communities will have to adopt legislation to address this growing trend. Rochester continues to be a model for other municipalities, who are challenged with the task of establishing regulations for their food truck programs. A number of local municipalities are waiting to see which approach Rochester adopts.

One aspect of the food truck business model is the experience of lining up at the truck. Whether it's a corporate event, a wedding or birthday party, employees/guests want the experience of lining up at the truck. Thus, the concept of food truck workers carrying the food into the event site, like traditional caterers, does not work.

Food trucks catering a private event, particularly if they are parked on-street (as it often happens with Center City businesses that lack parking lots), can have the same impact as the normal food truck operation (i.e. conflicts with vehicular traffic, pedestrians lined up on the public sidewalk, customers or trucks blocking other businesses).

The revitalization of Downtown Rochester coincides with this new trend. It is our sincere hope that City Council will adopt a program that is conducive to businesses, food trucks, carts, and residents. Although food trucks have become popular, we would like to reiterate the importance of not allowing vending in residential districts. Public safety should be first and foremost when establishing guidelines for vending.

The amendment of the Municipal Code in regards to Temporary Uses in May 2014 (refer to attachment 6), addresses some of the concerns associated with vending on private property. As we gain more experience with the food truck program additional Municipal Code changes will likely be required.

**Food Truck Committee Representatives:**

City Clerk's Office: Hazel Washington, Condenessa Barron, Birtha Manigault

DES: Erik Frisch

DRYS: James Farr

Law: Brian Curran

RFD: James Bauch, Scott Sardone

RPD: Joseph Wukitsch, Antonio Rodwell, Tammy Lepki

Special Events: Margaret Reichert, Kara Osipovitch

Zoning: Mitch Rowe, Jason Haremza



Rochester City Council

Attachment No. 1

May 7, 2013

Lovely A. Warren, President  
Councilmember  
Northeast District

Dana K. Miller, Vice President  
Councilmember-at-Large

Carolee A. Conklin  
Councilmember-at-Large

Matt Haag  
Councilmember-at-Large

Adam C. McFadden  
Councilmember  
South District

Carla M. Palumbo  
Councilmember  
Northwest District

Jacklyn Ortiz  
Councilmember-at-Large

Loretta C. Scott  
Councilmember-at-Large

Elaine M. Spaul  
Councilmember  
East District

TO THE COUNCIL

OAD. No. 2013-118

Ladies and Gentlemen:

Re: Code Amendment – Truck Vending Pilot Program

Transmitted herewith for your approval is legislation amending Municipal Code Chapter 62, Commercial Travelers, Solicitors and Special Promotional Events, to establish a truck vending pilot program in downtown Rochester through the end of 2013.

A team of City of Rochester Council/Clerk and Administration staff has explored the creation of a downtown food vending pilot program this year. Evidence gleaned from other cities suggests that the presence of food trucks can attract more office workers to street level, and generally make downtown more inviting.

Feedback about this proposal has been obtained from various sources, including food truck owners, numerous downtown property owners/managers and restaurant owners, and the experiences of other mid-sized cities. Utilizing this information, an inter-departmental City staff work group has developed a pilot program that attempts to respect the needs of the multiple stakeholders involved.

Specifically, the code amendments will

- regulate vending from specific downtown parking spaces;
- establish the maximum vending truck length at 28 feet;
- prohibit vending from trailers on streets;
- establish time limitations to the vending locations.

These requirements are intended to ensure that a specific vending space is sized for one vehicle only, to enable a rapid removal of a vehicle if needed, to ease traffic flow, to accommodate street appurtenances, and to provide for safety and access.

Three on-street food truck vending locations that can each accommodate two trucks have been identified. These locations were selected based on their minimal impact on traffic flow and

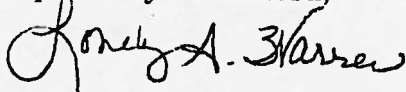
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pedestrians, existing metered parking spots, and to provide food service in different parts of downtown where the safety of vehicles and pedestrians is not compromised. The proposed locations and hours of operation are:

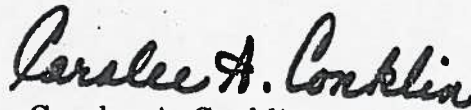
- State Street (south of Morrie Silver Way): 9 a.m.-4 p.m.
- Andrews Street (east of Front Street): 7 a.m.-8 p.m.
- Broad Street (west of South Avenue): 11 a.m.-8 p.m.

These locations were reviewed by the Traffic Control Board at its April 16, 2013 meeting. A map indicating the three locations is attached. It is anticipated that this pilot program will operate from June through December, 2013. The pilot program will be evaluated by stakeholders, and modified as necessary with the goal of establishing a more permanent program beginning in 2014.

Respectfully submitted,



Lovely A. Warren  
City Council President



Carolee A. Conklin  
Chair, Finance Committee

ATTACHMENT NO. AM - 72





**City of Rochester**

**City Clerks Office**

# **Certified Ordinance**

**Rochester, N.Y., \_\_\_\_\_**

**TO WHOM IT MAY CONCERN:**

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on **May 14, 2013** and **Approved** by the Mayor of the City of Rochester, and was deemed duly adopted on **May 16, 2013** in accordance with the applicable provisions of law.

**Ordinance No. 2013-118**

**Amending Chapter 62 Of The Municipal Code,  
Commercial Travelers, Solicitors And Special  
Promotional Events**

**BE IT ORDAINED, by the Council of the City of Rochester as follows:**

**Section 1. Chapter 62 of the Municipal Code, Commercial Travelers, Solicitors and Special Promotional Events, as amended, is hereby further amended as follows:**

- 1) Section 62-7, Additional Center City District, Marina and Harbortown provisions, is amended by adding thereto the following new subsections:**
  - (5) No person shall engage in business as a solicitor or attempt to engage in business as a solicitor from a parking space on a public street except from a motorized vending unit that is not greater than 28 feet in length and which is licensed and able to be operated on the public streets of New York State. No trailers shall be used for such purpose.**
  - (6) No person shall engage in business as a solicitor or attempt to engage in business as a solicitor from a parking space on a**

public street except in parking spaces reviewed by the Traffic Control Board and approved by the City Clerk, and in accordance with regulations established by the Traffic Control Board. The Traffic Control Board may establish the hours that each parking space shall be available for solicitor's use, which hours shall not be greater than between the hours of 7 a.m. and 8 p.m. No solicitor shall be parked in a specific parking space for more than four consecutive hours.

Section 2. Upon completion of this pilot program, a report shall be prepared and submitted to Council containing an evaluation of the program and suggestions for the future.

Section 3. This ordinance shall take effect on June 1, 2013 and shall expire on December 31, 2013.

Passed by the following vote:

Ayes - President Warren, Councilmembers Conklin, Haag, McFadden, Miller, Ortiz, Palumbo, Scott - 8.

Nays - Councilmember Spaul - 1.

Attest



City Clerk



**City of Rochester, NY  
Rochester City Council**

City Hall Room 301A • 30 Church Street • Rochester, New York 14614-1290

**Attachment No. 2**

FINANCE  
INTRODUCTORY NO  
476

**Carolee A. Conklin** Councilmember At-Large  
310 Exchange Boulevard, Apt 257, Rochester, New York 14608-2780  
(585) 254-2227 Email: Carolee.Conklin@cityofrochester.gov

December 4, 2013

Ord. No. 2013-399

TO THE COUNCIL

Ladies and Gentlemen:

Re: Continuing Ord. 2013-118, Amending  
Chapter 62 of the Municipal Code

Transmitted herewith for your approval is legislation continuing Ordinance No. 2013-118, Amending Chapter 62 of the Municipal Code Relating to A Pilot Program For Food Trucks. As you are aware, City Council approved the creation of a truck vending pilot program in downtown Rochester through the end of December, 2013. As required by Ordinance 2013-118, a report is to be submitted to Council at the end of 2013 that evaluates the program and makes suggestions for the future.

In order to allow time for the Council and the new Administration to review the report, and consider an expanded version of truck vending in Rochester, it is recommended that the licenses of the current pilot program vendors be extended until March 31, 2014. The ten pilot program vendors will be expected to maintain the required insurance and Monroe County health permit.

Respectfully submitted,

Carolee A. Conklin  
Chair, Finance Committee

2013 DEC -4 PM 2:11  
RECEIVED  
CITY OF ROCHESTER  
CLERK/COUNCIL OFFICE



**City of Rochester**

**City Clerks Office**

**Certified Ordinance**

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**Rochester, N.Y., \_\_\_\_\_**

**TO WHOM IT MAY CONCERN:**

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on **December 17, 2013** and **Approved** by the Mayor of the City of Rochester, and was deemed duly adopted on **December 18, 2013** in accordance with the applicable provisions of law.

Ordinance No. 2013-399

Continuing Ordinance No. 2013-118, Amending  
Chapter 62 Of The Municipal Code Relating To A  
Pilot Program For Food Trucks

**BE IT ORDAINED**, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2013-118, amending Chapter 62 of the Municipal Code, Commercial Travelers, Solicitors and Special Promotional Events, to provide for a pilot program regulating food trucks in certain areas of the City, which is scheduled to expire on December 31, 2013, is hereby continued until March 31, 2014.


Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Miller, Councilmembers Conklin, Haag, McFadden, Ortiz,  
Palumbo, Scott, Spaul - 8.

Nays - None - 0.

**Attest**

  
\_\_\_\_\_  
**City Clerk**





Ord. No. 2014-53

Loretta C. Scott, President  
Councilmember At-Large

Dana K. Miller, Vice-President  
Councilmember At-Large

Carolee A. Conklin  
Councilmember At-Large

Matt Haag  
Councilmember At-Large

Adam C. McFadden  
Councilmember  
South District

Jacklyn Ortiz  
Councilmember At-Large

Carla M. Palumbo  
Councilmember  
Northwest District

Michael A. Patterson  
Councilmember  
Northeast District

Elaine M. Spaul  
Councilmember  
East District

TO THE COUNCIL

Ladies and Gentlemen:

Transmitted herewith for your approval is an ordinance extending the pilot program for food trucks in certain areas of the City, which was authorized in 2013 by Ordinance 2013-118. The original Ordinance was to expire on December 31, 2013, but was extended to March 31, 2014 by ordinance 2013-399.

The original ordinance called for a report on the pilot program to be completed by December 31, 2013. That report has been drafted and follow-up discussions have begun by a staff working group. The City Clerk has recommended that the pilot be extended further to allow for a full review of all issues. The extension will also assist businesses in making plans for the current year. Therefore I am proposing an extension of the Ordinance to December 31, 2014.

The Ordinance provides for Center City food truck locations to be designated by the City Clerk with approval of the Traffic Control Board and the Chief of Police. In 2013 three sites were approved, in addition to two existing sites that were "grandfathered" and allowed to continue. There will be six additional sites in 2014. These sites have been approved by the City Clerk and Traffic Control Board as was the case in 2013.

The sites that were approved as Center City food truck locations in 2013 are:

- Broad Street west of South Avenue
- Andrews Street east of Front Street
- State Street south of Morrie Silver Way

Two sites were authorized to continue in 2013 based on prior use ("grandfathered sites"):

- Alexander Street south of East Avenue
- Court Street east of Chestnut Street

The six additional Center City sites that are being considered in 2014 are:

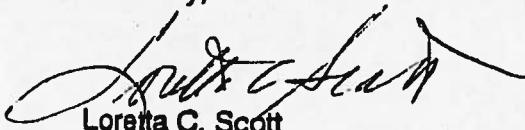
- Elm Street east of South Clinton Avenue
- East Avenue west of Stillson Street
- Bragdon Pl west of St Paul Street
- Court Street east of Exchange Boulevard
- Gibbs Street south of Grove Street
- Cascade Drive north of Industrial Street

As was the case in 2013, vendors who wish to operate food trucks in the areas designated under the pilot program will be required to apply and pay a \$750 annual license fee for 2014.

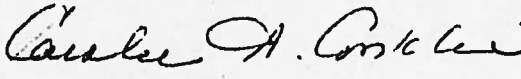
The City Clerk's office will maintain a website identifying all locations that have been approved for food truck vending. The City Clerk in conjunction with the food truck committee will conduct an analysis of the program and continue to seek public input prior to issuing recommendations on the food truck program to City Council by October 31, 2014.

This ordinance also amends Chapter 62 of the Municipal Code to prohibit food truck vending in R-1, R-2 and R-3 zoning districts, and to prohibit food truck vending in the Center City vending district from 1:30 AM to 7:00 AM.

Sincerely,



Loreta C. Scott  
President



Carolee A. Conklin  
Chair, Finance Committee



City of Rochester

City Clerks Office

# Certified Ordinance

Rochester, N.Y., \_\_\_\_\_

## TO WHOM IT MAY CONCERN:

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on **March 25, 2014** and **Approved** by the Mayor of the City of Rochester, and was deemed duly adopted on **March 26, 2014** in accordance with the applicable provisions of law.

Ordinance No. 2014-53

Continuing Ordinance No. 2013-118, And  
Amending Chapter 62 Of The Municipal Code  
Relating To A Pilot Program For Food Trucks As  
Amended

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2013-118, amending Chapter 62 of the Municipal Code, Commercial Travelers, Solicitors and Special Promotional Events, to provide for a pilot program regulating food trucks in certain areas of the City, as amended by Ordinance No. 2013-399, which is scheduled to expire on March 31, 2014, is hereby continued until ~~December 31~~ April 30, 2014.

Section 2. Section 62-6, General Regulations is hereby amended by adding the following new subsection:

(23) Sell or offer for sale goods from a motorized vending unit on a public street adjacent to a property zoned R-1, R-2 or R-3.

Section 3. Subsection (6) of Section 62-7, Additional Center City District, Marina and Harbortown provisions, is hereby amended to read as follows:

- (6) No person shall engage in business as a solicitor or attempt to engage in business as a solicitor from a parking space on a public street except in parking spaces reviewed by the Traffic Control Board and approved by the City Clerk and in accordance with regulations established by the Traffic Control Board and the Chief of Police. The Traffic Control Board may establish the hours that each parking space shall be available for a solicitor's use, which hours shall not be greater than between the hours of 7:00 a.m. and ~~8:00 p.m.~~ 1:30 a.m. No solicitor shall park a vending unit on a public street in the Center City District between the hours of 2:00 a.m. and 7:00 a.m. No solicitor shall be parked in a specific parking space for more than four consecutive hours

Section 4. This ordinance shall take effect immediately.

Strikeout indicates deleted text, added text is underlined

Passed by the following vote:

Ayes - President Scott, Councilmembers Conklin, Haag, McFadden, Miller, Ortiz, Palumbo, Patterson, Spaul - 9.

Nays - None - 0.

Attest Harrel R. Washington  
City Clerk





**City of Rochester, NY  
Rochester City Council**

City Hall Room 301A • 30 Church Street • Rochester, New York 14614-1290

**Attachment No. 4**

**FINANCE  
INTRODUCTORY NO.**

128

Loretta C. Scott, President  
Councilmember At-Large

Dana K. Miller, Vice- President  
Councilmember At-Large

Carolee A. Conklin  
Councilmember At-Large

Matt Haag  
Councilmember At-Large

Adam C. McFadden  
Councilmember  
South District

Jacklyn Ortiz  
Councilmember At-Large

Carla M. Palumbo  
Councilmember  
Northwest District

Michael A. Patterson  
Councilmember  
Northeast District

Elaine M. Spaul  
Councilmember  
East District

April 17, 2014

Ord No. 2014-75

TO THE COUNCIL

Ladies and Gentlemen:

Re: Food Trucks

Transmitted herewith for your approval is an ordinance extending the pilot program for food trucks in certain areas of the City, which was authorized in 2013 by Ordinance 2013-118. The original Ordinance was to expire on December 31, 2013, but was extended to April 30, 2014 by ordinance 2014-53.

The original ordinance called for a report on the pilot program to be completed by December 31, 2013. That report has been drafted and follow-up discussions have begun by a staff working group. The City Clerk has recommended that the pilot be extended further to allow for a full review of all issues, with a report to the Council by September 30, 2014. The extension will also assist businesses in making plans for the current year. Therefore we are proposing an extension of the Ordinance to December 31, 2014.

This ordinance also amends Chapter 62 of the Municipal Code to change food truck vending hours in the Center City vending district by extending the closing time from 1:30 a.m. to 2:00 a.m.

Sincerely,

Loretta C. Scott  
President

Carolee A. Conklin  
Chair, Finance Committee

RECEIVED  
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CLERK/COUNCIL OFFICE  
2014 APR 17 PM 2:52



**City of Rochester**

**City Clerks Office**

**Certified Ordinance**

---

**Rochester, N.Y.,** \_\_\_\_\_

**TO WHOM IT MAY CONCERN:**

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on **April 23, 2014** and **Approved** by the Mayor of the City of Rochester, and was deemed duly adopted on **April 24, 2014** in accordance with the applicable provisions of law.

**Ordinance No. 2014-75**

**Continuing Ordinance No. 2013-118, And  
Amending Chapter 62 Of The Municipal Code  
Relating To A Pilot Program For Food Trucks**

**BE IT ORDAINED**, by the Council of the City of Rochester as follows:

**Section 1. Ordinance No. 2013-118, amending Chapter 62 of the Municipal Code, Commercial Travelers, Solicitors and Special Promotional Events, to provide for a pilot program regulating food trucks in certain areas of the City, as amended by Ordinances Nos. 2013-399 and 2014-53, which is scheduled to expire on April 30, 2014, is hereby continued until December 31, 2014.**

**Section 2. Subsection (6) of Section 62-7, Additional Center City District, Marina and Harbortown provisions, as amended by Ordinance No. 2014-53 is hereby amended to read as follows:**

- (6) **No person shall engage in business as a solicitor or attempt to engage in business as a solicitor from a parking space on a public street except in parking spaces reviewed by the Traffic Control Board and approved by the City Clerk and in accordance with regulations established by the Traffic Control Board. The Traffic Control Board may establish the hours that each parking space shall be available for a solicitor's use, which hours shall not be greater than between the hours of 7:00 a.m.**

and ~~1:30~~ 2:00 a.m. No solicitor shall park a vending unit on a public street in the Center City District between the hours of 2:00 a.m. and 7:00 a.m. No solicitor shall be parked in a specific parking space for more than four consecutive hours.

Section 3. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined

Passed by the following vote:

Ayes - President Scott, Councilmembers Conklin, Haag, McFadden, Miller, Ortiz, Palumbo, Patterson, Spaul - 9.

Nays - None - 0.

Attest

Hazel L. Washington  
City Clerk



## GENERAL FIRE SAFETY RULES FOR FESTIVALS/EVENT SITES/FOOD VEHICLES

1. Proof of inspection of all booths, tents, propane tanks, portable generators, charcoal grills, electrical appliances, fire extinguishers and any other festival structure or equipment.
2. Placement and inspection of booths, tents, and other structures to ensure:
  - a. Access for emergency vehicles NYSFC 503.1.1 & 2403.8.1
  - b. Access to fire hydrants NYSFC 912.3
  - c. Unobstructed public ways at all times NYSFC 2403.12.8
  - d. Means of egress from booth, tents, and other festival/event structures NYSFC 1003.6
  - e. Fire extinguishers with at least a 2A:20-B:C rating (6L K for grease and/or solid fuel) with current inspection tag. NYSFC 906.3, 901.6.1, NFPA 10-07 & NFPA 96-08
  - f. Proper clearances between cooking appliances and the public and a public way
  - g. Vendors and their employees are familiar with festival site rules.
  - h. Cooking vendors have attended a Rochester Fire Department safety class.
3. Whenever Permitted Tents, Commercial Generators, Propane or solid fuel are to be used at an event, a Fire Safety, City or County inspection may require a safety inspection and may be required to be on site during the entire length of the event. NYSFC 2404.20 If any of this time falls outside of regular working hours there shall be a minimum 4 hour overtime charge, as provided under 54-12(f) of the Municipal Code, for the services of the Fire Safety Inspector.

### **ALL OTHER OPERATIONS SHALL BE CONDUCTED IN A SAFE MANNER WHICH IS CONSISTENT WITH NATIONALLY RECOGNIZED GOOD PRACTICES.**

**ALL VENDORS SHOULD BE AWARE THAT THE FIRE MARSHAL WILL INSPECT THE SITE PRIOR TO THE OPENING OF THE FESTIVAL/EVENT AND THAT ALL OF THE ITEMS CONTAINED HEREIN ARE THE RESPONSIBILITY OF THE VENDOR AND MUST BE IN PLACE OR THE VENDOR WILL NOT BE ALLOWED TO OPEN FOR BUSINESS. IF DURING THE COURSE OF THE EVENT AN ONSITE INSPECTION DETERMINES THAT THERE IS A VIOLATION OF ANY OF THESE CONDITIONS, THE VENDOR'S BUSINESS SHALL BE CLOSED UNTIL SUCH TIME AS THE PROPER CORRECTIVE MEASURES HAVE BEEN TAKEN AND INSPECTED BY THE FIRE MARSHAL OR DESIGNEE.**





## Tents/Booths (Tents, Canopies and Membrane Structures)

1. All tents and flap material shall be manufactured from inherently flame resistant material. A certificate from the manufacturer will be required if a label certifying flame resistance is not permanently attached to the tent or flap material. NYSFC 2403.7.1 (inspection), 2404.2 (treatment), 2404.3 (label), 2404.4 (certification)
2. All vendor's booths, tents, propane tanks, portable generators, charcoal grills, electrical equipment, appliances, fire extinguishers or any other festival structures or equipment shall be subject to inspection by the Fire Marshal's office prior to the start of or anytime during the event. NYSFC 2404.12 (tents), 3808.2 (LPG)
3. Booths shall be placed to allow access to fire hydrants for fire department vehicles, and provide for unobstructed ways of travel at all times to permit free escape from any point of danger in case of fire. NYSFC 912.3 (hydrant), 503.1.1 & 2403.8.1 (access)
4. Extinguishers shall be located in an area that is conspicuous and easily accessible for use. All employees working in the booth or tent shall be trained in the proper use of the fire extinguishers. Fire extinguishers shall bear a current inspection tag validated within the past twelve months *OR* a receipt of purchase within the last 12 months shall be available for inspection. NYSFC 901.6, 906.1, 906.5, 904.11.5 (cooking), 2404.12 (all tents), 2404.15.5 ("K"), 3808.2 (LPG), NFPA 10-07 & NFPA 96-08
  - a. Cooking booths or any booth using a liquid or gas fuel source shall have a minimum 2A:20-B:C fire extinguisher in booth accessible in open ready for quick use.
  - b. Cooking booths using a solid fuel source shall have a minimum 6L Class K for solid fuel fire extinguisher within 30 feet and in booth.
  - c. Cooking booths that have a deep fat fryer shall have a "K" rated fire extinguisher within 30 feet in booth
  - d. In all cooking booths it is recommended that there be a 2A:20-B:C and a "K" located within the booth and no more than 30 feet reach.
  - e. Any place with a posted occupancy over 50 persons shall have a 2A:20-B:C **within 75 feet** from all areas.
5. Cooking appliances shall be isolated from the public by at least five feet or a suitable barrier placed between the cooking device and the public. Cooking appliances shall be installed per the manufacturer instructions. Non- U.L. listed appliances shall have clearances of not less than 36 inches at the back and sides and 48 inches in the front.
6. Exit signs shall be posted where occupancy is 50 or more. Exit signs. Exits shall be clearly marked. Exit signs shall be installed at required exit doorways and where otherwise necessary to indicate clearly the direction of egress when the exit serves an occupant load of 50 or more. NYSFC 2403.12.6
7. Means of egress illumination. Means of egress shall be illuminated with light having an intensity of not less than 1 foot-candle (11 lux) at floor level while the structure is occupied. Fixtures required for means of egress illumination shall be supplied from a separate circuit or source of power. NYSFC 2403.12.7
8. Smoking shall not be permitted in tents, canopies or membrane structures. Approved "No Smoking" signs shall be conspicuously posted. NSFC 2404.6
9. **No open flame cooking under tent** and 20' from any other tent. NYSFC 2404.7, 2404.15.5, 2404.15.6



## **PROPANE (LP GAS)**

1. Propane tanks shall be placed a minimum of 5 feet from sources of ignition, outside of tents or other structures and must be secured to an immovable object with chain or ratcheting tie downs (no bungee cords) to prevent tanks from being tipped or knocked over. Suitable fencing shall be placed around propane tanks. Propane tanks on grassy areas shall be chained or securely attached to stakes driven into the ground. Propane tanks located on pavement shall be securely attached to an immovable object. NYSFC T-3804.3 (d), 2404.16.1, 2404.16.2, 2404.16.3
2. LP hose shall be designed for a working pressure of 350 psig (2.4 MPag), shall be continuously marked with "LP-GAS, PROPANE, 350 PSI WORKING PRESSURE" and with the manufacturer's name or trademark. NYSFC 3803.1 & NFPA 58 - 5.9.6.4 (a)
3. Propane tanks, hoses and fittings shall be free from leaks and are subject to inspection by the Fire Marshal's Office.
4. Only rubber hose stamped "Approved for LP Gas" or rigid black pipe shall be used to transport gas from tanks to appliances. Copper piping shall NOT be used. Rubber hose shall be kept off the ground and be protected from physical damage. NYSFC 2404.16.1 First connection from regulator at tank shall be flexible rubber type.
5. "No Smoking" signs shall be posted when required by the code enforcement official. NYSFC 3807.2
6. LP-gas shall **not** be used for the purpose of operating devices or equipment unless such device or equipment is approved for use with LP-gas. NYSFC 3805.1

## **CHARCOAL /WOOD (solid fuel) COOKING**

1. Charcoal appliances shall be placed a safe distance away, in an open area outside of tent or structure. NYSFC 2404.7
2. Charcoal appliances shall be installed on noncombustible surface, be properly supported and protected.
3. Only approved charcoal lighter fluid shall be used to start the fire, and once the fire is ignited lighter fluid shall be removed from the booth and stored properly. (50 feet) NYSFC 2404.17.2 *Charcoal chimneys that do not require starter fluid for starting an appliance are recommended and accepted.*
4. Shall have a Class "K" fire extinguisher for solid fuel with current inspection tag. NYSFC 904.11.5.1, 901.6.1, NFPA 96-08



## **Generators & Electrical Cords**

### **All Generators**

1. Must be U.L listed with tags on unit, located on the ground and isolated from any vehicle or structure.
2. Distribution boxes must be commercial type with ratings label, proper cables between distribution boxes and generator and all unmodified. NEC
3. All commercial generators must be grounded with a 6ga copper wire terminated to an 8' copper rod driven into earth. Alternatives to this grounding must be approved by a licensed electrician and Rochester Fire Safety. Small portable generators must only be located on earth unless grounding need is determined by Code official. NEC
4. All connections must be ground fault protected.
5. Once started, portable generators shall be capable of running continuously, without refueling, for the entire length of the event as long as the event is open to the public. Refueling a hot portable generator, or the storage of fuel on site, shall not be permitted. Exception – Fire Marshal present at generator and approves.
6. Assure excess fuel is properly stored (50' + distance) NYSFC 2404.17.2
7. Each portable generator shall be inspected and approved by the Fire Marshal or his designee before it may be started and used.
8. An approved fire extinguisher with a minimum rating of 2A:20-B:C, shall be kept close to the generator. The approved fire extinguisher must have been commercially serviced within the past twelve (12) months. Proof of inspection shall be provided. NYSFC 3808.2
9. All generators shall be located away from the public and public pathways with a barrier installed around every generator so as to prevent persons from tampering with electrical cords, and prevent persons from coming in contact with hot equipment. Fire Department access must be maintained. NYSFC 2404.19
10. Whenever commercial generators are to be used at an event, a Fire Inspector or City Electrical Inspector shall perform a safety inspection and may be required to be on site during the entire length of the event. NYSFC 2404.20 If any of this time falls outside of regular working hours there shall be a minimum 4 hour overtime charge, as provided under 54-12(f) of the Municipal Code, for the services of the Fire Inspector.



## **Electrical / Extension Cords**

1. Extension cords shall be plugged directly into an approved receptacle except for approved multi plug extension cords and shall serve only one portable appliance. No "pigtailed", splicing or "daisy chaining". NYSFC 605.5.1
2. The ampacity of the extension cords shall not be less than the rated capacity of the portable appliance supplied by the cord. (*Never can a small cord supply a larger*) NYSFC 605.5.2
3. Extension cords shall be maintained in good condition without splices, deterioration or damage. NYSFC 605.5.3
4. Extension cords shall be grounded when serving grounded portable appliances. NYSFC 605.5.4
5. Open junction boxes and open-wiring splices shall be prohibited. Approved covers shall be provided for all switch and electrical outlet boxes. NYSFC 605.6
6. Power cords shall be protected from physical damage and from becoming a tripping hazard. Where this may occur, power cords shall be installed overhead and/or run through a PVC conduit or commercial wire chase. Use of carpets, tape or equivalent is prohibited.
7. Electric receptacles shall be ground fault protected.
8. All connections shall be of weather tight protection from rain and water.
9. All electrical cords shall be U.L. listed electrical cords rated for outdoors use. NO HOUSEHOLD OR NON-WEATHER TIGHT POWER CORDS OR ELECTRICAL OUTLETS WILL BE PERMITTED. All electrical wiring and devices shall be in compliance with the National Electrical Code

**Power Cord Chart**

<b>Maximum Load</b>	<b>Maximum Length</b>	<b>Minimum Gauge</b>
<b>20 amps</b>	<b>100 ft</b>	<b>12 AWG</b>
<b>30 amps</b>	<b>50 ft</b>	<b>10 AWG</b>
<b>&gt;30 amps</b>	<b>See site Promoter, site electrician and/or Fire Marshal</b>	





## Mobile Food Vehicles

### Requirements for Food Trucks and Trailers:

1. All vendors and their employees shall attend the Rochester Fire Department's safety class. All employees must wear their city ID tag while working. (Note: ID tags are renewed annually; the RFD Safety Class must be renewed every three years.)
2. All trucks and enclosed trailers that produce grease laden vapors must have a Type 1 hood. NYSFC 609.2
3. Portable fire extinguishers shall be located in conspicuous locations where they will be readily accessible and immediately available for use. All employees working in the vehicle shall be trained in the proper use of the fire extinguishers. Fire extinguishers shall bear a current inspection tag validated within the past twelve months OR a receipt of purchase within the last 12 months shall be available for inspection. NYSFC 901.6, 906.1, 906.5, 904.11.5 (cooking), 2404.15.5 ("K"), 3808.2 (LPG), NFPA 10-07 & NFPA 96-08
  - a. Vehicles using a liquid or gas fuel source shall have a minimum 2A:20-B:C fire extinguisher. Vehicles using a solid fuel source shall have a minimum of a 6L Class K fire extinguisher for solid fuel.
  - b. Vehicles that have a deep fat fryer shall have a 6L Class "K" rated fire extinguisher. NYSFC 904.11.5.2
  - c. In all vehicles it is recommended that there be a 2A:20-B:C and a 6L Class "K" type located within or attached to the vehicle and near means of egress. NYSFC 904.11.5
4. Vehicles shall have a current RFD inspection tag.
5. Only rubber hose stamped "Approved for LP Gas" used from tank to the attached black pipe that is secured to vehicle shall be used to transport gas through vehicle to appliances. Copper piping shall NOT be used. NYSFC 3803.1, NFPA 58 – 5.9.6.4 (a)
6. LPG pressure relief valves shall be located within a safe distance away from any ignition source (open flame or generator). 3804.3 (e2) (ie. 5 feet)
7. The main system shutoff valves located on or closest to the fuel tanks and sufficient to stop the supply of fuel from all fuel tanks must be clearly marked with the words "PROPANE SHUTOFF VALVE or NATURAL GAS SHUTOFF VALVE" permanently affixed to the outside of the vehicle in reflective decal material with letters 2" high at minimum.
8. A "No Smoking" sign next to or directly above the propane container and visible to the public. Such sign shall be posted with a minimum of **2 inch** lettering. NYSFC 310.3, 3807.2
9. Shall be equipped with a working carbon monoxide detector that meets standards set forth in NFPA 1192-6.4.6. **and** equipped with an **LPG (propane)** leak indicator according to NFPA 1192-6.4.8.



10. Rear mounted DOT approved LP tanks must be mounted at a minimum height of 46 inches above the ground with DOT approved rear bumper.

*ALTERNATIVE: A maximum of two 30 gallon tanks built to ASME code and DOT standards for mounting under carriage to rails and side wall venting. If under carriage type is used, plans for such must be submitted and review by a City of Rochester Fire Department inspector for approval.*

11. As of January 01, 2015, all vehicles producing grease laden vapors shall have a fire suppression system installed with the Type 1 hood. NYSFC 609.3
12. As of January 01, 2015, all hood fire suppression systems shall be inspected by a servicing company every 6 months and properly tagged to indicate such. NYSFC 904.11
13. Refer to the "Mobile Food Vehicle Fire Safety Specifications, Regulations and Practices" handout from the required safety class for any additional regulations.
14. Refer to other sections of this document as applicable.

**ALL OTHER OPERATIONS SHALL BE CONDUCTED IN A SAFE MANNER WHICH IS CONSISTENT WITH NATIONALLY RECOGNIZED GOOD PRACTICES.**

**ALL VENDORS SHOULD BE AWARE THAT THE FIRE MARSHAL WILL INSPECT THE SITE PRIOR TO THE OPENING OF THE FESTIVAL/EVENT AND THAT ALL OF THE ITEMS CONTAINED HEREIN ARE THE RESPONSIBILITY OF THE VENDOR AND MUST BE IN PLACE OR THE VENDOR WILL NOT BE ALLOWED TO OPEN FOR BUSINESS. IF DURING THE COURSE OF THE EVENT AN ONSITE INSPECTION DETERMINES THAT THERE IS A VIOLATION OF ANY OF THESE CONDITIONS, THE VENDOR'S BUSINESS SHALL BE CLOSED UNTIL SUCH TIME AS THE PROPER CORRECTIVE MEASURES HAVE BEEN TAKEN AND INSPECTED BY THE FIRE MARSHAL OR DESIGNEE.**



**City of Rochester**

City Hall Room 308A, 30 Church Street  
Rochester, New York 14614-1290  
www.cityofrochester.gov

**Attachment No. 6**

Lovely A. Warren  
Mayor

21

**NEIGHBORHOOD &  
BUSINESS DEVELOPMENT  
INTRODUCTORY NO.  
135**

May 1, 2014

ord. No. 2014-127

TO THE COUNCIL

Ladies and Gentlemen:

Re: Zoning Text Amendment – Food Truck Vending

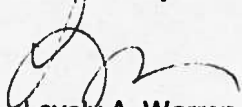
Transmitted herewith for your approval is legislation amending the Zoning Code of the City of Rochester by adding regulations to Section 120-149A pertaining to the establishment of Food Truck Vending as a Temporary Use.

Food trucks are growing in popularity around the country. This zoning text amendment will create provisions for food trucks to temporarily vend in locations outside of the approved spaces in the Center City District created for the food truck pilot program (Ord. No. 2014-75). Details on the proposed additions to the Zoning Code are attached.

The City Planning Commission will hold an informational meeting on the proposed text amendment on Monday, May 12, 2014. The results of that meeting, including the Planning Commission's recommendation, will be forwarded to City Council immediately following the meeting.

A public hearing is required for the zoning text amendment.

Respectfully submitted,

  
Lovely A. Warren  
Mayor

ATTACHMENT NO. AN - 82





**City of Rochester**

**City Clerks Office**

**Certified Ordinance**

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**Rochester, N.Y., \_\_\_\_\_**

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**TO WHOM IT MAY CONCERN:**

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on **May 20, 2014** and **Approved** by the Mayor of the City of Rochester, and was deemed duly adopted on **May 22, 2014** in accordance with the applicable provisions of law.

**Ordinance No. 2014-127**

**Amending Chapter 120 Of The Municipal Code,  
Zoning Code, With Respect To Temporary Uses In  
Relation To Food Truck Vending**

**BE IT ORDAINED, by the Council of the City of Rochester as follows:**

**Section 1. Section 120-149 of the Municipal Code, Temporary Uses is hereby amended by adding a new subsection A(10) to read in its entirety as follows:**

**(10) Food Truck Vending, subject to the following:**

- (a) The Director of Planning and Zoning may approve up to 60 food truck vending events per calendar year except for:**
  - [1] Special Events approved through the Communications Office;**
  - [2] Events approved by the Director of the Public Market on Public Market property;**
  - [3] Food trucks operating in public parks approved by the Department of Recreation and Youth Services and/or the Monroe County Parks Department;**
  - [4] Food trucks included in the approval of farmer's markets operating on private property.**



- (b) Properties with the following legally established uses may apply for the temporary operation of food trucks:
- [1] Single family, two family, and multi-family residential (up to 2 events per year);
  - [2] Non-profit, places of worship, and educational institutions (up to 60 events per year);
  - [3] Government entities (up to 60 events per year);
  - [4] Office, warehouse, industrial (up to 60 events per year);
  - [5] Mixed use, retail, bars/restaurants (up to 60 events per year).
- (c) Hours shall be limited to the permitted hours for outdoor uses in the zoning district. In no case shall food truck operation in residential districts be permitted between 9 PM and 9 AM.
- (d) The Director of Planning and Zoning shall notify all property owners, both within and outside the municipal boundaries of the City of Rochester, within 100 feet from the property line of approved food truck vending events occurring three or more times per calendar year, and the official neighborhood contacts. At a minimum, the owners of 15 properties shall receive such notification.
- (e) If the applicant for the temporary Certificate of Zoning Compliance is not the property owner, the expressed, written permission of the property owner is required.
- (f) In all cases, the temporary Certificate of Zoning Compliance is valid for the calendar year and may be renewed on an annual basis.
- (g) Food truck operation approved by a temporary Certificate of Zoning Compliance shall also comply with all requirements and directives of the Rochester Fire Department and the Rochester Police Department.
- (h) The temporary Certificate of Zoning Compliance shall only approve operation for food trucks that possess a valid solicitor's license issued by the City Clerk's Office.

Section 2. The existing subsection A(10) of Section 120-49 of the Municipal Code is hereby renumbered as A(11).

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Haag, McFadden, Miller, Ortiz,  
Palumbo, Patterson, Spaul - 8.

Nays - Councilmember Conklin - 1.

**Attest**

Hazel L. Washington

City Clerk

# Attachment No. 7

## COMPARISON OF FOOD TRUCK REGULATIONS BY CITY

CITY	ROCHESTER	BUFFALO	SYRACUSE	ALBANY
Fee	\$750 for Center City (CC) license; \$250 for non-CC license (free for CC license-holders); \$24 identification; all licenses expire on December 31 after date of issuance	\$800 initial per vehicle; \$500 annual renewal per vehicle; \$1,400 within downtown; license shall expire on April 1 of every year	\$1,500 annual for license; shall expire on December 31 of year in which issued (*trucks, carts, trailers all the same category)	Truck - \$2,170 per year Cart - \$1085.50 per year
Liability Insurance	\$100,000	\$1,000,000	\$300,000.	\$1,000,000
Locations	Twelve specified locations downtown; other pre-approved locations outside of downtown	Within downtown: only at three specified locations; outside of downtown - flexible	Lottery #: seven downtown area locations; no other locations except for special events	Unless provided, specific location in commercial zones; license shall specify; only 1 vehicle in a designated location

\* Although the City of Syracuse is using a lottery to award on-street mobile vending locations; the COR Law Department has previously determined that this is unconstitutional in NY.



# Center City Food Truck Locations - 2014





**On-Street Food Truck Locations  
Center City  
2014**

Location	Number of spaces	Notes
Broad Street west of South Avenue	2	
Andrews Street east of Front Street	2	
State Street south of Morrie Silver Way	2	
Alexander Street south of East Avenue	1	
Court Street east of Chestnut Street	1	Adjacent to MLK Park; subject to special events
East Avenue west of Stillson Street	2	
Elm Street east of Clinton Avenue	3	Adjacent to Midtown Commons
Bragdon Place west of St. Paul Street	2	
Court Street east of Exchange Blvd	2	Adjacent to Blue Cross Arena; subject to special events
Gibbs Street south of Grove Place	1	
Cascade Drive north of Industrial Street	2	
St. Mary's north of Woodbury	1	

# On-Street Food Truck Locations - Non-Center City - 2014



Revised 7-3-2014

1 Miles



**On-Street Food Truck Locations  
Non-Center City  
2014**

Location	Address (Adjacent Parcel)	Street	Location notes, provided by RPD
Alexander south of Tracy	230	Alexander St	50' south of Tracy (do not block historical marker east side of the street)
Gregory east of South	314	Gregory St	North side of street, in front of "Sisters of St. Josephs", legal parking, curb cut out
Hudson south of Nash	195	Hudson Ave	West side of street, 30' south of Nash, between poles 11-13, facing legal parking
Humbolt east of Culver	84	Humboldt St	North side of street, legal parking between poles 10-12
Lyell east of Plymouth	59	Lyell	South side of street, in front of "Pettillo's Bakery"
Monroe east of Union	267	Monroe Ave	South side of street, 50' from S. Union, directly across from 230 Monroe
Monroe east of Boardman	655	Monroe Ave	South side of street, directly in front of "Prepps", legal parking
Mt. Hope north of Alexander	108	Mt Hope Ave	East side of street, north of Alexander, in front of "DePaul", legal parking
Union south of Chapman	56	S Union St	East side of street, 20' south of Chapman, in front of "Roc Brewing Co"
South north of Gregory1	654	South Ave	East side of street, in front of "Thread", legal parking
South north of Gregory2	666	South Ave	East side of street, in front of "Lux", legal parking
University east of Prince	500	University Ave	North side of street, curb cut out, legal parking between poles 48B-50
University west of Merriman	750	University Ave	North side of street, legal parking between poles 70-70A
University east of Portsmouth	911 to 977	University Ave	South side of street, legal parking between poles 80-83A, opposite "Gleason Works"
Russell north of University	1000	University Ave	East side of Russell, legal parking 300' south of Atlantic, legal parking facing north
University west of Blossom	1344	University Ave	North side of street, legal parking between poles 114R-116R, in front of "Cross Fit"

## Attachment No. 10

### PROCESS TO OBTAIN A FOOD TRUCK LICENSE (Approval takes approximately 7 -15 business days)

Solicitor purchases packet from the City Clerk's Office, Licensing Unit, Room 100-A, (585-428-6617). The cost of the packet is \$7.00.

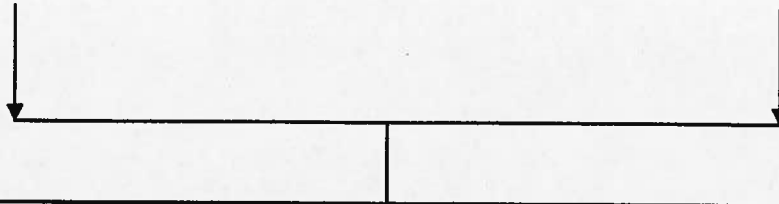
After reviewing application packet (and choosing a vending location, if Non-Downtown), solicitor completes the application, and brings it to the Licensing Unit, along with:

- A. Certificate of insurance
  1. \$100,000 comprehensive liability insurance coverage, which extends through the end of the calendar year (December)
  2. Certificate names the City of Rochester as additional insured.
  3. Certificate shall state "Municipal operation and employees shall not be excluded from coverage."
  4. Certificate states number of days of notification prior to cancellation. If the certificate does not so state, a copy of the insurance policy page stating this will be submitted.
- B. New York State sales tax certificate. (Original document required.)
- C. New York State Health Department permit, issued for the current license year. (Original document required.)
- D. Application fees
  1. Non-Downtown: \$250 less \$7 packet fee = \$243.
  2. Truck Pilot Program (Center City): \$750 less \$7 packet fee = \$743.
  3. Solicitor badges: \$24 per badge. (Each employee is required to have a badge. For additional badges, the solicitor must submit a list of all employees' names and a photo copy of their government-issued identification.)

The Licensing Unit forwards the insurance information to the Law Department for review and approval. Upon approval, the insurance information is entered into the Clerk Licensing System.

The solicitor must complete a Fire Safety Training class (which is good for 3 year). For information regarding the class, contact the Fire Department at 585-428-9144.





**The Licensing Unit forwards the application to the Police Department License Investigation Unit (585-428-6543).**

- A. The solicitor brings the food truck to the License Investigation Unit.**
- B. The truck is jointly inspected by the License Investigation Unit and the Fire Department Fire Safety Division.**
- C. Upon approval by both the Police and Fire Departments:**
  - 1. Both Police and Fire enter their approvals into the Clerk Licensing System.**
  - 2. The Police License Investigation Unit prepares the badges, which are sent to the City Clerk's Licensing Unit.**

**The Licensing Unit enters all information into the City Clerk Licensing System. The Licensing Unit will:**

- A. Print the solicitor license.**
- B. Prepare an envelope with the applicant's name and license number. The envelope will contain the solicitor license, badge(s) and sticker to be affixed to the food truck. This envelope will be attached to the applicant's paperwork and will be picked up by the applicant.**

On-Street Food Trucks in Center City  
Field Observations: Trucks

Attachment No. 11

	Center City	State south of Morrie Silver	Andrews east of Front	Broad west of South	* Cascade north of Industrial	Bragdon west of St. Paul	^ Court east of Exchange	* Elm east of Clinton	East west of Stillson	Gibbs south of Grove	Court east of Chestnut	St. Marys north of Woodbury	~ Alexander south of East
Monday July 2013	3	2	0	1	na	na	na	na	na	na	na	na	na
Monday July 21, 2014	3	1	0	0	1	0	1	0	0	0	0	0	0
Tuesday July 2013	4	2	0	2	na	na	na	na	na	na	na	na	na
Tuesday July 22, 2014	3	1	0	1	1	0	0	0	0	0	0	0	0
Wednesday July 2013	5	2	1	2	na	na	na	na	na	na	na	na	na
Wednesday July 23, 2014	4	1	0	0	2	0	0	0	0	0	0	1	0
Thursday July 2013	5	2	1	2	na	na	na	na	na	na	na	na	na
Thursday July 24, 2014	4	2	0	0	1	0	0	1	0	0	0	0	0
Friday July 2013	3	1	0	2	na	na	na	na	na	na	na	na	na
Friday July 25, 2014	3	0	0	2	0	0	0	1	0	0	0	0	0
2013 Total	20	9	2	9	0	0	0	0	0	0	0	0	0
2014 Total	17	5	0	3	5	0	1	2	0	0	0	1	0

\* Cascade Elm: Good areas to focus on for greater future usage  
 ^ Court St: City Operations vehicles non-vending vehicles parked in location on a few days  
 ~ Alexander: Inaccessible due to construction









Issued	Address	Street	Zoning	Legal Use	Event Date(s)	Time	# of trucks	# of events associated with CZC	Notes
8/16/2013	875 East Main	Street	C-2	theater complex (Aud. Center)	9/10/2013	not specified	1	1	
10/18/2013	30 East Henrietta		C-V	church	10/19/2013	11AM-3PM	2	1	Harvest Festival church fundraiser
11/25/2013	75 Rockwood		M-1	retail/wholesale	11/29/2013	9AM-5PM	2	1	Black Friday
3/31/2014	75 Rockwood		M-1	retail/wholesale	4/19/2014	9AM-5PM	2	1	Record Store Day
5/13/2014	675 North Winton		C-2	retail	5/17/2014	11AM-2PM	3	1	
5/27/2014	5 Pitkin		CCD-E	theater (litrle)	5/29/2014	6PM-8PM	1	1	
6/16/2014	1641 East		R-2	offices	Thursdays	12PM-2PM	1	28	
6/27/2014	31 Prince		R-3/O-O	Visual Studies Workshop	Multiple	11AM-11PM	2	9	
7/30/2014	1 Mount Hope		CCD-R	offices	7/31/2014	3PM-8PM	1	1	Bivona Child Advocacy
9/8/2014	75 Rockwood		M-1	retail/wholesale	9/13/2014	11AM-4PM	3	1	
	145 Railroad		PMV	vacant land	Saturdays				Pending

**Attachment No. 13**

**FOOD TRUCK VENDOR SURVEY**

**8/13/14**

1. Are you currently a food truck vendor? Yes \_\_\_\_\_ No \_\_\_\_\_

If so, do you have a license for vending in Center City or outside of Center City? \_\_\_\_\_

2. Would you like to see more food truck locations?

If so, where? Downtown \_\_\_\_\_ Outside of Downtown \_\_\_\_\_  
Both \_\_\_\_\_

3. Would you like to recommend specific locations for next year's program?  
If so, where?

\_\_\_\_\_  
\_\_\_\_\_

4. What do you like most about the current food truck program?

\_\_\_\_\_  
\_\_\_\_\_

5. What are your greatest concerns about the food truck program?

\_\_\_\_\_  
\_\_\_\_\_

6. Additional Comments or Suggestions:

\_\_\_\_\_  
\_\_\_\_\_