

WHEREAS, the Common Council wishes to prohibit food trucks in all zoning districts, except for ice cream trucks which will require a license from the City Clerk.

Resolved, and be it Ordained, by the Common Council of the City of Middletown, New York, as follows:

Section 1 - The Code of the City of Middletown, N.Y., Chapter 475, Zoning, be and is hereby amended by replacing Subsection A of Section 475.30, Temporary Business Movable Structures to read as follows:

No temporary, movable or portable structures used in connection with any gainful occupation or business, whether such structures are for sale, storage or display purposes, and including, but not necessarily limited to, temporary, movable or portable structures used by flower vendors and furniture vendors, shall be permitted in any zoning district except by special permission and at the discretion of the Planning Board and subject to such conditions, restrictions and safeguards as may be deemed necessary by said Planning Board. Any such approval shall be valid for not longer than a one-year period, which may be renewed by the Planning Board in its sole discretion upon proper application therefor and subject to such conditions, restrictions and safeguards as it may deem necessary. In no event shall such temporary, movable or portable structures be used for the storage of hazardous or toxic materials or products.

Section 2 - The Code of the City of Middletown, N.Y., Chapter 353, Peddling and Soliciting, be and is hereby amended by adding a new Paragraph 4 of Subsection A of Section 353.2, License required; exceptions, to read as follows:

(4) Events or programs sponsored by the City of Middletown.

Section 3 - The Code of the City of Middletown, N.Y., Chapter 353, Peddling and Soliciting, be and is hereby amended by adding a new Subsection D of Section 353.2, License required; exceptions, to read as follows:

D. In no event shall any license be granted to any hawker, peddler or solicitor to sell foods or food products. This subsection shall not apply to ice cream vendors whose goods are limited to ice cream products.

Section 4 – The Code of the City of Middletown, N.Y., Chapter 353, Peddling and Soliciting, be and is hereby amended by repealing Paragraph 12 of Subsection A of Section 353.3, License application requirements.

Section 5 - The Code of the City of Middletown, N.Y., Chapter 353, Peddling and Soliciting, be and is hereby amended by repealing Section 353-12, Use of vehicle to vend

food.

Section 5 - This ordinance shall take effect immediately.