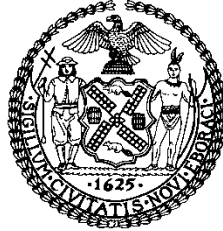


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THE COUNCIL OF THE CITY OF NEW YORK

**BRIEFING PAPER AND COMMITTEE REPORT OF THE HUMAN SERVICES
DIVISION**

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COMMITTEE ON HEALTH

Hon. Maria del Carmen Arroyo, Chair

COMMITTEE ON TRANSPORTATION

Hon. James Vacca, Chair

April 17, 2013

Oversight – Food Truck Vendors: Examining An Emerging Industry

INT. NO. 1025:

By Council Member Garodnick

TITLE:

A Local Law in relation to creating designated mobile food truck locations.

ADMINISTRATIVE CODE:

Adds new subdivisions t and u to section 17-306, new subdivision h to section 17-307 and new subdivision m to section 17-315; and adds new section 19-162.3 to subchapter 2 of chapter one of title 19.

I. Introduction

On April 17, 2013, the Committee on Health, chaired by Council Member Maria del Carmen Arroyo, and the Committee on Transportation, chaired by Council Member James Vacca, will hold an oversight hearing entitled, “Food Truck Vendors: Examining An Emerging Industry.” The Committees will also hear Int. No. 1025, a local law to amend the Administrative Code of the City of New York (Admin. Code), in relation to creating designated mobile food truck locations. This hearing will examine some of significant issues facing the food truck industry, particularly, what policies the City should adopt in determining where and how to locate food trucks and what other policies are necessary in regulating the industry. Witnesses invited to testify include representatives from the Department of Health and Mental Hygiene (DOHMH), the Department of Transportation (DOT), members and advocates of the food truck, food vendor, restaurant and transportation industries, local chambers of commerce, and local business improvement districts (BIDs).

II. Background – Emergence of the Food Truck Industry

A fairly recent phenomenon, food trucks are a growing presence on the streets of New York City. In a market once primarily devoted to breakfast trucks dispensing bagels and coffee,¹ over the past several years the modern food truck industry has evolved into a diverse culinary patchwork, with vendors selling everything from cupcakes to kimchi rice balls, and from tacos to Thai basil dumplings.² Food trucks are regulated by the general food vending laws located in Title 17 of the Admin. Code³ and the Mobile Food Vending regulations contained in Article 89

¹ Comm. on Consumer Affairs, Council of the City of N.Y., Hearing of Introduction Number 272, Briefing Paper of the Governmental Affairs Division (June 16, 2010).

² See Julia Moskin, “Turf War at the Hot Dog Cart,” N.Y. TIMES, July 1, 2009, at 1.

³ See NYC Admin. Code §§17-306 through 17-325.1.

of the New York City Health Code (Health Code).⁴ The Admin. Code defines a food vendor as a “person who hawks, peddles, sells or offers food for sale at retail in any public space.”⁵

Since their emergence, food trucks have engendered controversy in the City.⁶ A good deal of their popular appeal is due to the fact that they often offer diners innovative, relatively inexpensive and convenient options.⁷ Industry advocates note that food trucks can be a pathway for entrepreneurs hoping to get started in the restaurant business.⁸ Food trucks also create jobs and bring revenue to the City.⁹ However, critics of the industry, range from food service establishments to neighborhood associations and business improvement districts.¹⁰ Restaurants argue that food trucks unfairly undercut brick-and-mortar establishments which have higher costs of doing business.¹¹ Some merchants have argued that food trucks block traffic to their stores causing a drop in revenue.¹² Critics complain that food trucks present other problems, including creating unsafe conditions and causing noise and air pollution.¹³ Residents argue that food trucks create sanitation problems, with owners “dropping food waste into subway grates, pouring used cooking oil down sewers, and failing to control napkin and other food litter.”¹⁴

⁴ See 24 R.C.N.Y. §§ 89.01 through 89.35.

⁵ See NYC Admin. Code §17-306.

⁶ See Julia Moskin, “Turf War at the Hot Dog Cart,” N.Y. TIMES, July 1, 2009, at 1.

⁷ Kim Severson, *Should Cities Drive Food Trucks Off the Streets?*, N.Y. TIMES, July 16, 2011, at SR3.

⁸ *Id.*

⁹ *Id.*

¹⁰ See Glenn Collins, *Council Hears From Vendors and Residents on Proposed Food Truck Restrictions*, N.Y. TIMES, June 16, 2010, <http://dinersjournal.blogs.nytimes.com/2010/06/16/council-hears-from-vendors-and-residents-on-proposed-food-truck-restrictions/>.

¹¹ Kim Severson, *Should Cities Drive Food Trucks Off the Streets?*, N.Y. TIMES, July 16, 2011, at SR3.

¹² Glenn Collins, *Council Hears From Vendors and Residents on Proposed Food Truck Restrictions*, N.Y. TIMES, June 16, 2010, <http://dinersjournal.blogs.nytimes.com/2010/06/16/council-hears-from-vendors-and-residents-on-proposed-food-truck-restrictions/>.

¹³ Kim Severson, *Should Cities Drive Food Trucks Off the Streets?*, N.Y. TIMES, July 16, 2011, at SR3.

¹⁴ See Glenn Collins, *Council Hears From Vendors and Residents on Proposed Food Truck Restrictions*, N.Y. TIMES, June 16, 2010, *available at* <http://dinersjournal.blogs.nytimes.com/2010/06/16/council-hears-from-vendors-and-residents-on-proposed-food-truck-restrictions/>.

Despite the controversy surrounding food trucks, they have undoubtedly become a part of the fabric of New York City dining.¹⁵ Estimates are that there are anywhere from between 200 and 400 food trucks currently in operation. Food trucks are changing the way New Yorkers eat,¹⁶ and are combining with other new phenomena, like social media, with loyal followers tracking their favorite trucks' whereabouts on Twitter and Facebook.¹⁷ Recently, the Mayor signaled their emerging importance at an unveiling of a natural gas-powered food truck. With the Mayor's support, Neapolitan Express, a pizza purveyor, began operating the first food truck in the City run completely on natural gas.¹⁸ Neapolitan Express says its truck will emit 70% fewer greenhouse gases than a similar vehicle running off gasoline or diesel fuel.¹⁹ As the food truck industry has matured, some operators have transitioned into brick-and-mortar eateries.²⁰ In the past few years, some trucks have begun catering special events like bar mitzvahs, weddings and corporate parties.²¹

In the aftermath of Superstorm Sandy, food trucks were some of the first to offer relief in affected neighborhoods.²² Within three weeks of the storm, food trucks served more than 120,000 meals,²³ with some notable examples: JetBlue partnered with the New York City Food Truck Association—a group that advocates on behalf of approximately 53 food truck

¹⁵ See Julia Moskin, "Turf War at the Hot Dog Cart," N.Y. TIMES, July 1, 2009, at 1.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *NYC Gets First Natural-Gas Powered Food Truck*, Feb. 1, 2013, WALL STREET JOURNAL, available at <http://online.wsj.com/article/APc93d8df0454e4e88b836a9dd802f4708.html>.

¹⁹ *Id.*

²⁰ See Daniel Maurer, *Mexicue Will Open Restaurants in Chelsea and Chinatown*, NEW YORK MAGAZINE, June 1, 2011, available at http://newyork.grubstreet.com/2011/06/mexicue_will_open_restaurants.html; Erin Zimmer, *Big Gay Ice Cream Will Open East Village Space Mid-June*, SERIOUS EATS, May 18, 2011, available at <http://newyork.serious eats.com/2011/05/big-gay-ice-cream-will-open-east-village-shop.html>; Sumathi Reddy, *Every Bride Expects a Lovely Food Truck*, WALL STREET JOURNAL, June 14, 2011, available at <http://online.wsj.com/article/SB10001424052702303714704576383682135167132.html>.

²¹ Lisa Fickenscher, *The Rise and Stall of Food Trucks*, CRAINS N.Y. BUSINESS, Nov. 27, 2011, available at <http://www.crainsnewyork.com/article/20111127/SMALLBIZ/311279981>.

²² Rebecca Flint Marx, *Turnarounds: How Food Trucks Went From 'Scourge' to 'Savior'*, NEW YORK MAGAZINE, Nov. 19, 2012, available at <http://newyork.grubstreet.com/2012/11/food-truck-image-reversal-after-sandy.html>.

²³ *Id.*

businesses²⁴—to donate food to trucks for their outreach efforts; the Mayor’s Fund to Advance New York City signed on to sponsor around 20 to 30 trucks a day to serve Breezy Point, Coney Island, and the Far Rockaways;²⁵ the food company Nestlé sent out the Stouffer’s Mac ‘N’ Cheese Truck and a group of celebrity chefs to serve New Yorkers for several weeks this winter;²⁶ and Michael Diamond (aka “Mike D”), a member of the music group Beastie Boys, along with restaurateur Robert McKinley, began running a truck called Rockaway Plate Lunch, serving chicken, beans, rice and vegetables to residents devastated by Sandy.²⁷

While some food trucks have enjoyed success and popularity, members of the food truck industry claim that current regulations have stymied the industry’s growth. In particular, they voice concern over parking regulations that leave food trucks virtually nowhere to vend and cause many to accumulate expensive parking tickets or risk towing. In addition, it has been asserted that current caps on issuing mobile food vendor permits make entry into the market extremely difficult.²⁸ Indeed, even some food trucks’ recent transition to brick-and-mortar establishments may itself be a product of the hurdles the industry faces: some food truck owners have struggled so much that they chose to open brick-and-mortar shops, explaining, “hands down, brick-and-mortar is easier.”²⁹

²⁴ See “Members,” The New York City Food Truck Association, <http://www.nycfoodtrucks.org/members>.

²⁵ Rebecca Flint Marx, *Turnarounds: How Food Trucks Went From ‘Scourge’ to ‘Savior’*, NEW YORK MAGAZINE, Nov. 19, 2012, available at <http://newyork.grubstreet.com/2012/11/food-truck-image-reversal-after-sandy.html>.

²⁶ Press Release, *STOUFFER’S® Launches Mac ‘N’ Cheese Food Truck In New York City To Support Hurricane Sandy Relief Efforts*, Jan. 24, 2013, available at <http://www.nestleusa.com/media/press-releases/StouffersFoodTruck.aspx>.

²⁷ Diamond and his team ended up serving more than 19,000 platters to New Yorkers in need. Margaret Eby, *Beastie Boy Mike D runs free food truck for Hurricane Sandy victims in the Rockaways*, N.Y. DAILY NEWS, Apr. 2, available at 2013, <http://www.nydailynews.com/new-york/beastie-boy-mike-runs-free-food-truck-sandy-victims-article-1.1306018>.

²⁸ See, e.g., “About,” New York City Food Truck Association, <http://www.nycfoodtrucks.org/about>.

²⁹ Ethan Clark, *Hell on Wheels: Why Food Truck Owners Are Increasingly Turning to Brick-and-Mortar Shops*, July 11, 2012, NEW YORK MAGAZINE, available at <http://newyork.grubstreet.com/2012/07/food-trucks-turn-to-stores-for-convenience-reliability.html>.

III. Current Legislative Framework and Obstacles Facing the Food Truck Industry

All mobile food vendors in the City must obtain both a mobile food vendor license and a mobile food vendor permit.³⁰ In regulating food vendors, the Admin. Code does not distinguish between food trucks and other types of mobile food vendors, like those operating “pushcarts” or what are popularly referred to as “food carts”³¹—those vendors who New Yorkers typically associate with selling Halal food and even the iconic New York hot dog stand.³²

Every person seeking to work on a “mobile food vending unit”—the term for food vendors used in the Health Code³³—must first obtain a mobile food vendor license from DOHMH. The process entails the completion of a DOHMH food protection course, a certificate of authority to collect sales tax from the state, clearance from the New York City Environmental Control Board, and payment of a \$50 fee.³⁴ Advocates argue that this process is not only burdensome, but also time consuming: it can take up to two months before a new employee can begin work on the food vending unit. Owners argue that this delays business start-up, and prevents them from responding efficiently and nimbly to shifting staffing needs. Food service establishments, by contrast, are not required to have all employees obtain a DOHMH-issued license or take a food protection course in order to work at an eatery, although these businesses do have to have at least one manager or supervisor on site who has taken a food protection course.³⁵

Unlike a mobile food vendor license, which is required of everyone who works on a mobile food vending unit, only one mobile food vendor permit is issued per food vendor

³⁰ NYC Admin. Code §17-307.

³¹ A pushcart is defined as any “wheeled vehicle or device used by a food vendor, other than a motor vehicle or trailer, which may be moved with or without the assistance of a motor and which does not require registration by the department of motor vehicles.” *See* NYC Admin. Code § 17-306 (f).

³² Julia Moskin, “Turf War at the Hot Dog Cart,” N.Y. TIMES, July 1, 2009, at 1.

³³ 24 R.C.N.Y. §§ 89.03(h).

³⁴ *Id.* at §§ 89.07(b), 89.11(b)(5), 89.11(b)(7), & 89.11(a).

³⁵ *Id.* at § 89.15.

business.³⁶ Moreover, while there is no cap on the number of licenses DOHMH may distribute, the number of mobile food vendor permits is capped at 3,000.³⁷ (This number does not include the 100 full-term permits for veterans and disabled persons,³⁸ the 200 total borough-specific full-term permits for Brooklyn, the Bronx, Queens and Staten Island,³⁹ and the 1,000 permits for vendors who sell fresh fruit and vegetables at designated locations⁴⁰). Reports indicate that the wait list for a new permit can run up to ten years.⁴¹

Recently, DOHMH issued new regulations relating to food vendors that went into effect on April 11, 2013. Under the new rules, permit holders—individuals who may not always operate the cart or truck—now have to appear in person when the cart or truck is inspected for initial issuance of a permit or at permit renewal.⁴² Additionally, tickets for violations of the vending laws will now be issued to the person who holds the vending permit, even if someone else was operating the vending unit at the time of the violation.⁴³

The cap on the number of mobile food vendor permits is a major impediment to all start-up food vendors, not just food trucks. So long as a food vendor's license or permit has not been suspended or revoked, the vendor can renew the permit every two years indefinitely.⁴⁴ With the number of permits issued at capacity and existing food vendors holding onto their permits, entry into the market is incredibly difficult. However, this has particularly impacted the number of food trucks represented in the market as they tend to be newcomers to the mobile food vending

³⁶ NYC Admin. Code §17-307.

³⁷ *Id.* at §17-307 (b)(2)(a).

³⁸ *Id.* at §17-307 (b)(3).

³⁹ *Id.* at §17-307 (b)(2)(b).

⁴⁰ *Id.* at §17-307 (b)(4).

⁴¹ Sam Lewis, *Truck You: The Travails of Mobile Food Vendors*, Thirteen.org Metro Focus (Aug. 3, 2011), available at <http://www.thirteen.org/metrofocus/2011/08/truck-you-the-travails-of-mobile-food-vendors/>.

⁴² Press Release, New York City Department of Health and Mental Hygiene, *New Regulations for Mobile Food Vendors Go into Effect Today*, (Apr. 11, 2013).

⁴³ *Id.*

⁴⁴ See NYC Admin. Code §17-307.

industry.⁴⁵

Perhaps the biggest problem facing the food truck industry in New York City is the issue of finding a place from which they can legally vend. Until recently, many truck owners vended from metered spaces, paid the required amount and left when the meters expired. However, this practice ended after a Manhattan State Supreme Court judge ruled that food trucks could no longer legally vend out of metered spots.⁴⁶ Following this ruling, the NYPD began aggressively enforcing parking regulations in Midtown Manhattan, directing food trucks to leave and ticketing those not in compliance.⁴⁷ In addition to the prohibition on vending from metered spots, the law restricts food trucks from vending from a space where stopping or standing is prohibited, within 25 feet of a corner, 500 feet of a public market or 200 feet of a school.⁴⁸ Taken together, these regulations mean that food trucks essentially may only vend on residential streets, which neither trucks wishing to garner business nor residents wishing to keep commerce off their blocks support. Practically, this means that there are very few locations from which food trucks may legally vend.

IV. Analysis of Int. No. 1025

Int. No. 1025 would amend titles 17 and 19 of the Admin. Code to create designated mobile food truck locations from which food trucks would be legally permitted to park and vend. Section one of Int. No. 1025 explains the findings and intent of the bill, including a statement of the growing presence of food trucks in New York City, their contributions to the economic,

⁴⁵ Julia Moskin, "Turf War at the Hot Dog Cart," N.Y. TIMES, July 1, 2009, at 1.

⁴⁶ Monroy v. City of New York, Index No. 400357/11, 103 (N.Y. Sup. Ct. Feb. 25, 2011). The court agreed with the New York Police Department's (NYPD) interpretation that food trucks were subject to parking regulations that prohibited merchandise from being sold from metered spaces.

⁴⁷ Glenn Collins, *Food Trucks Shooed From Midtown*, N.Y. TIMES, Jun. 28, 2011, available at <http://www.nytimes.com/2011/06/29/dining/food-trucks-shooed-from-midtown.html>.

⁴⁸ 34 R.C.N.Y. §§ 4-08(h)(8), 4-08(n)(4).

cultural and social life of the City, and the need to balance the City's interest in maintaining an orderly flow of pedestrian and vehicular traffic with the support for food trucks that confer benefits onto the City.

Section two of Int. No. 1025 would amend section 17-306 of the Admin. Code by adding new subdivision t, which defines "designated mobile food truck location" as a parking space from which a mobile food truck may vend as determined by DOT in consultation with DOHMH. This section would also add a new subdivision u to such section to define a "mobile food truck" as a food vendor who vends from a vehicle.

Bill section 3 would amend section 17-307 of the Admin. Code by adding a new subdivision h. New subdivision h would provide that the Commissioner of DOHMH identify all designated mobile food truck locations on a map, and maintain and regularly update such map on DOHMH's website. The Commissioner would also be required to distribute these maps upon the initial issuance of a mobile food vending permit and at each permit renewal.

Section 4 of Int. No. 1025 would amend section 17-315 of the Admin. Code by adding a new subdivision m. New subdivision m would require that mobile food trucks only park and vend from designated mobile food truck locations. This section would provide that the Commissioner of DOHMH establish by rule and maintain an impartial system by which mobile food trucks would register in advance to park and vend from designated mobile food truck locations. Finally, this section would provide that mobile food trucks pay a fee, to be determined by the Commissioner of DOHMH, for DOHMH's administrative expenses associated with maintaining the designated mobile food truck location system.

Section 5 of Int. No. 1025 would amend subchapter 2 of chapter 1 of title 19 of the Admin. Code by adding a new section 19-162.3. Section 19-162.3 would:

- Define “affected council member(s) and community board(s)” as the council member(s) and community board(s) in whose districts a proposed designated mobile food truck location is to be located in whole or part.
- Define “designated mobile food truck location” and “mobile food truck,” giving both terms the same meaning as in section 17-306 of the Admin. Code.
- Provide that, in determining the location of designated mobile food truck locations, DOT consider such factors as pedestrian and vehicular traffic patterns, safety, and the existence of obstructions in the public space.
- Provide that at least 90 days before the creation of a new designated mobile food truck location, DOT must notify each affected council member and community board via e-mail of the proposed location within the affected community district, and offer to make a presentation at a public hearing held by such affected community board.
- Provide that if the affected community board accepts the offer to hold a hearing on the designated mobile food truck location, and holds such hearing within 45 days of DOT’s notice of the proposed designated mobile food truck location, DOT will make a presentation of the proposed plans at such hearing to receive input on the plans, and will not create the designated mobile food truck location until 45 days after such public hearing. DOT’s presentation shall include information regarding the impact that the proposed location would have on street parking, vehicular and pedestrian traffic patterns and safety.
- Provide that, after a public hearing to discuss a proposed designated mobile food truck location, DOT shall consider comments from the hearing and incorporate changes into

the proposed location, where appropriate, or cancel plans for the creation of such location in the event DOT determines that such location would be inappropriate.

- Provide that the minimum number of designated mobile food truck locations shall be at least 5 percent greater than the number of currently permitted mobile food trucks. This section would also provide for a cap on the maximum number of designated mobile food truck locations at 450.
- Provide that no more than 50 percent of designated mobile food truck locations would be located in Manhattan.
- Provide that at least 75 percent of designated mobile food truck locations would be available for use by mobile food trucks on weekdays for at least eight hours per day, between the hours of 9:00 am and 12:00 am.
- Provide that at least half of designated mobile food truck locations would be available for use by mobile food trucks on Saturdays, Sundays and holidays for at least eight hours per day, between the hours of 9:00 am and 12:00 am.
- Provide that there may not be more than one designated food truck location per block.

Int. No. 1025 would take effect 120 days after its enactment, provided, however, that the commissioners of DOHMH and DOT would take such measures as are necessary for its implementation prior to that effective date.

TECHNICAL CORRECTIONS

1. Bill section 4 was correct to utilize the term “subdivision” instead of “subsection.” Thus, the opening clause of the bill section now reads “§4. Section 17-315 of the

administrative code of the city of New York is amended to add a new subdivision m to read as follows:”

2. Bill section 5 was corrected to include a section symbol to the Admin. Code text before new section 19-162.3.

Int. No. 1025

By Council Member Garodnick

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to creating designated mobile food truck locations.

Be it enacted by the Council as follows:

Section 1. Findings and Intent. The Council hereby finds that food truck vendors have become a growing presence on the streets of New York City and play an increasingly important role in the economic, cultural, and social life of New York City. Food trucks not only provide jobs and relatively inexpensive and varied food to many New Yorkers, but also generate revenue for the City through income and business taxes paid by vendors and other related businesses, such as their suppliers. The Council recognizes that the number of food truck vendors parking on the streets of the City of New York has increased in recent years, especially in commercial districts and in locations with significant pedestrian traffic. Many of these food truck vendors park in violation of one or more traffic rules. The Council recognizes the need to protect the City's interest in maintaining an orderly flow of pedestrian and vehicular traffic while supporting food trucks and expanding the benefits they confer on the City. Accordingly, the Council finds that it is necessary to create vending zones within which food truck vendors would be authorized to park and sell food on City streets.

§2. Section 17-306 of the administrative code of the city of New York is amended to add new subdivisions t and u to read as follows:

t. “Designated mobile food truck location.” A parking space from which a mobile food truck may vend, as determined by the department of transportation in consultation with the department, pursuant to section 19-162.3 of this code.

u. “Mobile food truck.” A food vendor who vends from a vehicle.

§3. Section 17-307 of the administrative code of the city of New York is amended to add a new subdivision h to read as follows:

h. The commissioner shall clearly identify on a map all designated mobile food truck locations and shall maintain and regularly update such map on the department’s website. The commissioner shall distribute updated maps identifying designated mobile food truck locations to all mobile food trucks upon the initial issuance of a mobile food vending permit and at each renewal of such permit.

§4. Section 17-315 of the administrative code of the city of New York is amended to add a new subdivision m to read as follows:

m. A mobile food truck shall only park and vend from a designated mobile food truck location. The commissioner shall establish by rule and maintain an impartial system by which mobile food trucks register in advance to park and vend from designated mobile food truck locations. At the time of registration, mobile food trucks shall pay a fee, to be determined by the commissioner, for the department’s administrative expenses associated with maintaining the designated mobile food truck location system.

§5. Subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is amended to add a new section 19-162.3 to read as follows:

§19-162.3 Permissible parking for mobile food trucks. a. For the purposes of this section the following terms shall have the following meanings:

1. "Affected council member(s) and community board(s)" shall mean the council member(s) and community board(s) in whose districts a proposed designated mobile food truck location is to be located in whole or in part.

2. "Designated mobile food truck location" shall mean a parking space from which a mobile food truck may vend, as determined by the department in consultation with the department of health and mental hygiene.

3. "Mobile food truck" shall have the same meaning as it does in subdivision u of section 17-306 of this code.

b. The department, in consultation with the department of health and mental hygiene, shall create designated mobile food truck locations as follows:

1. In determining the location of designated mobile food truck locations, the department shall consider such factors as pedestrian and vehicular traffic patterns, safety, and the existence of obstructions in the public space, including but not limited to, the presence of street furniture, at or near such location.

2. At least ninety days before the creation of a new designated mobile food truck location, the department shall notify each affected council member and community board via electronic mail of the proposed location for the designated mobile food truck location within the affected community district and shall offer to make a presentation at a public hearing held by such affected community board.

3. If the affected community board accepts the offer made pursuant to paragraph two of this subdivision and holds such hearing within forty-five days of the department sending the notice required under paragraph two of this subdivision, the department shall make a presentation of the proposed plans at such public hearing to receive input on such plans and

shall not create the designated mobile food truck location until forty-five days after such public hearing. Such presentation shall include information regarding the impact the proposed designated mobile food truck location will have on street parking, vehicular traffic and pedestrian traffic.

4. The department shall consider comments from such public hearings and may incorporate changes, where appropriate, into the proposed designated mobile food truck location or cancel plans for the creation of such designated mobile food truck location where it determines such designated mobile food truck location would be inappropriate.

5. The minimum number of designated mobile food truck locations shall be at least 5 percent greater than the number of currently permitted mobile food trucks. The maximum number of designated mobile food truck locations shall be 450.

6. No more than 50 percent of designated mobile food truck locations shall be located in the borough of Manhattan.

7. At least seventy-five percent of designated mobile food truck locations shall be available for use by mobile food trucks on Monday through Friday, for at least 8 hours per day, between the hours of 9:00 am and 12:00 am.

8. At least half of designated mobile food truck locations shall be available for use by mobile food trucks on Saturday, Sunday and holidays, for at least 8 hours per day, between the hours of 9:00 am and 12:00 am.

9. In no instances shall there be more than one designated mobile food truck location per block face.

§6. This local law shall take effect 120 days after enactment, except that the commissioners of the department of transportation and the department of health and mental

hygiene shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

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