

GENERAL ORDINANCE AMENDING ARTICLE 4 OF CHAPTER 14
OF THE REVISED GENERAL ORDINANCES OF THE CITY OF
SYRACUSE, AS AMENDED, AND ARTICLE XVI OF THE
TRAFFIC CODE OF THE CITY OF SYRACUSE, AS AMENDED

BE IT ORDAINED, that Section 14-41 of Article 4 of Chapter 14 of the Revised General Ordinances of the City of Syracuse, as amended, previously reserved is hereby amended to read as follows:

Sec. 14-41. Criminal Background Checks

Due to the interaction between the vendors and the general public, the City has an interest in protecting the health, safety and welfare of the public. Accordingly the City will conduct a criminal background check on each applicant for a license under this Article in accordance with Section 296(16) of the New York State Executive Law. The Commissioner of Finance will make a determination in accordance with Article 23-A of the New York State Correction Law.

Specifically:

The criminal background check shall initially be reviewed by an individual who is not directly involved in the final determination. For purposes of this paragraph, this individual shall be called a "screener".

The screener shall review the criminal background check and determine if the applicant has been convicted of:

- i. Any felony in the five (5) years preceding the date of the application for a crime involving:
 - A. Theft;
 - B. Fraud;
 - C. The sale of marijuana; or
 - D. The sale of controlled substances.

- ii. Any misdemeanor in the two (2) years preceding the date of the application for a crime involving:
 - A. Theft;
 - B. Fraud;
 - C. The sale of marijuana;
 - D. The sale of controlled substances;
 - E. Selling stolen goods;
 - F. Unlawfully dealing with a child; or
 - G. Violations of the Alcoholic Beverage Control Law.

In the event that the background check is free from convictions for any of the offenses enumerated above, the screener shall communicate to the Commissioner of Finance that the applicant's background is clear, even if there are other convictions contained within the background check. A background check with convictions for offenses others than the ones set forth above shall have the same effect as a background check with no convictions.

In the event that the applicant's background check does contain one of the above enumerated offenses, the screener shall deliver to the Commissioner of Finance the background report, along with a notation of which offense or offenses, of the above enumerated offenses, necessitate further review.

The Commissioner of Finance shall communicate to the applicant, via certified letter, that the background check revealed one of the above enumerated offenses. The Commissioner of Finance shall include a copy of the full background check with this correspondence. The letter shall inform the applicant of the opportunity to provide any information to the Commissioner of Finance regarding rehabilitation and/or good conduct. The applicant shall furnish such information, if any, in writing to the director of code enforcement within ten (10) days of the date of the certified letter sent from the director of code enforcement.

After the ten (10) days has lapsed, the Commissioner of Finance shall then review the background check in accordance with Article 23-A of the Correction Law of New York State, even if the applicant has not submitted any information regarding rehabilitation and/or good conduct.

; and

BE IT FURTHER ORDAINED, that Section 14-42 of Article 4 of Chapter 14 of the Revised General Ordinances of the City of Syracuse, as amended, is hereby amended to read as follows:

Sec. 14-42. Requirements for the issuance of a license.

No license shall be issued by the Commissioner of Finance until:

The applicant obtains a statement from the Commissioner of Health advising the Commissioner of Finance that the applicant meets the requirements of law of the sanitary code of the County of Onondaga and the rules and regulations therein contained.

The applicant has passed a criminal background check conducted in accordance with Section 14-41 above.

The applicant submits a statement to indemnify and save harmless the City of Syracuse, its agents, officers and employees thereof, from all claim suits or actions of every name or description brought against the City, its officers, employees or agents, on account of injuries, death or damages to persons or property received or sustained or alleged to be sustained by any person or persons arising out of the license issued herein or in any permit or permission granted to the applicant to vend at any public space or park.

The applicant submits a comprehensive general liability insurance policy in form acceptable to the Corporation Counsel, including products liability and bodily and property damage coverage, insuring the City of Syracuse and the applicant from all claims from damage to property or bodily injuries including death which may arise out of any license or permit or permission issued herewith. Such insurance shall provide coverage of not less than five hundred thousand dollars (\$500,000.00) single limit during the term of the license, and shall provide that the policy shall not be terminated or canceled without thirty (30) days' written notice to the Commissioner of Finance.

Applicant submits written approval from the Fire Chief in the event a propane tank heat-producing device or open flame is to be used in conjunction with the applicant's food vending.

Applicant submits written approval of the issuance of a permit pursuant to Section 14-50 herein, or if Section 14-50 is not applicable, approval by the Commissioner of Parks, Recreation and Youth Programs

in the event the applicant proposes to vend in a city park pursuant to Section 17-6, or written approval from the Commissioner of Public Works if the applicant proposes to vend on a city sidewalk for a period not exceeding one week.

Applicant submits proof that the New York State Department of Taxation and Finance has issued a "Certificate of Authority" to the applicant for the collection of sales tax in connection with the applicant's vending operation. Furthermore, if the applicant holds a license for the year previous to the year for which an application is being submitted, the applicant shall, at the discretionary request of the Commissioner of Finance, submit with the application for a new license, copies of all sales tax returns filed with the New York State Department of Taxation and Finance for the previous twelve (12) months.

; and

BE IT FURTHER ORDAINED, that Section 14-44 of Article 4 of Chapter 14 of the Revised General Ordinances of the City of Syracuse, as amended, is hereby amended to read as follows:

Sec. 14-44. License fees.

The fee for a license under this Article shall be as follows:

(a) Food Vendor License:

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| (1) | Class A locations: | \$1,500.00 |
| (2) | Class B locations: | \$1,000.00 |
| (3) | Class C locations: | \$ 500.00 |

Locations are categorized by Class in Sec. 14-50 of this Article.

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| (b) | Mobile Food Vendor License | \$ 500.00 |
| (c) | Vehicle Vendor of unprepared foods | \$ 300.00 |
| (d) | Limited license for one week | \$ 100.00 |

; and

BE IT FURTHER ORDAINED, that Section 14-47 of Article 4 of Chapter 14 of the Revised General Ordinances of the City of Syracuse, as amended, is hereby amended to read as follows:

Sec. 14-47. Restrictions.

(1) No food vendor shall conduct business at the following locations:

- (a) Within ten (10) feet of a sidewalk corner; or
- (b) Within the extension of a doorway or entrance to the curb and perpendicular to said doorway or entrance a distance of ten (10) feet;
- (c) Within the extension of a doorway or entrance to the curb and perpendicular to said extension a distance of one hundred (100) feet whenever said doorway or entrance is to a restaurant or fruit or vegetable market situated on the main floor of said building.

- (d) Within twenty (20) feet of a street intersection.
 - (e) Within one thousand (1000) feet of a City event.
 - (f) Within one thousand (1000) feet of a Community event.
- (2) All vendors conducting business from a vehicle, pushcart, stand or mobile vendor stand must regularly pick up all papers, cartons, rubbish or any debris in any form which is deposited within a radius of twenty-five (25) feet from the vendor's stand, mobile vendor stand, pushcart or vehicle.
- (3) Each vendor conducting business at a public place or park shall maintain a suitable waste container adjacent to the vendor's vehicle, pushcart, stand or mobile vendor stand for the placement of litter by customers or any persons and shall duly dispose of said litter in accordance with the City's Solid Waste Ordinance.
- (4) No pushcart or stand that is used by a licensed food vendor shall occupy more than forty (40) square feet of an area except greater areas may be designated by the Commissioner of Finance pursuant to Section 14-49 herein.
- (5) No vendor shall carry on the vendor's business in a loud or boisterous manner, advertise wares by calling or shouting, or advertising wares by ringing any gong or bell or playing or causing to be played any mechanical or electrical musical sound device while the vendor's vehicle, pushcart, stand or mobile vendor stand is in a stationary position.
- (6) No food vendor shall ring any gong or bell or cause to be played any mechanical or electrical musical sound device to advertise wares or in aid of the vendor's business in any street, line or alley or upon any sidewalk or upon any plaza, steps or platform immediately adjoining any street, lane or alley in the City between 9:30 p.m. and 9:00 a.m. of the following day.
- (7) All vendors shall obey the direction of any City employee, acting within the scope of their employment and at the request of the Commissioner of Finance, the Commissioner of the Department of Parks, Recreation and Youth Programs or their designee, the Commissioner of Public Works, or a police officer that a vendor shall temporarily, for a period of time not to exceed one day, relocate to another location; Vendors may be asked to vacate a location for reasons of public safety, to prevent interference with other city sponsored events or work within the right of way. Failure to follow and obey the direction of such City employee or police officer shall constitute grounds for the immediate suspension of the vendor's license for a period of seven (7) days, to be followed by notice and a hearing pursuant to Sec. 14-48.
- (8) No vendor shall attach or have attached any flashing or revolving light or lights on a vehicle used in aid of the vendor's business except those permitted by law.
- (9) No vendor shall sell and/or serve alcoholic beverages as part of their operation as a vendor.
- (10) Mobile food vendors must vend their food from the mobile vendor stand. No mobile food vendor may vend from and/or store its equipment, food or other articles on the sidewalk or road or street next to the mobile vendor stand.

(11) Food vendors must vend their food from their pushcart, stand or park concession stand. No food vendor may vend from and/or store its equipment, food or other articles on the sidewalk or road or street next to the pushcart, stand or park concession stand.

(12) Vendors must at all times comply with all applicable provisions of the Traffic Code of the City of Syracuse, as amended.

; and

BE IT FURTHER ORDAINED, that Section 14-49 of Article 4 of Chapter 14 of the Revised General Ordinances of the City of Syracuse, as amended, is hereby amended to read as follows:

Sec. 14-49. Temporary suspension of permits.

Any permit issued by the Commissioner of Finance pursuant to Section 14-50, herein, may be suspended by the Commissioner of Finance for a period of not to exceed seven (7) days for a community event or City event.

Any permit issued by the Commissioner of Finance pursuant to Section 14-50, herein, may also be suspended by the Commissioner of Parks, Recreation and Youth Programs for a maximum period of three (3) days for a community event or City event. Said suspension shall be applicable to the location(s) or site(s) at which said community event or city event shall take place and such suspension shall be effective upon publication on the City's website, which shall occur at least a week prior to the event taking place. The Commissioner of Parks will also endeavor to provide notice of the community event or city event to the impacted vendors but such direct notice is not required to make the suspension effective. The said commissioner is vested with the authority to determine the extent of the location or site.

In the event of such a suspension of license/permit by the Commissioner of Parks, Recreation and Youth Programs and the City of Syracuse is the sponsor wholly or in part of the community event or City event, any recognized licensed vendor who has a designated site shall have first right to bid on the event. Said vendor shall pay an equal share of the expenses for the cost the City would incur for this event to occur, providing said vendor agrees to comply with the specifications of the Commissioner of Parks, Recreation and Youth Programs to vend at said site or location.

; and

BE IT FURTHER ORDAINED, that Section 14-50 of Article 4 of Chapter 14 of the Revised General Ordinances of the City of Syracuse, as amended, is hereby amended to read as follows:

Sec. 14-50. Permits to Vend

(a) It shall be unlawful for any person, general or limited partnership, corporation or limited liability company to act as a food vendor on the sidewalk or in certain parks except at the following site locations with a permit having been issued by the Commissioner of Finance or except as permitted by subsection (h) herein. The permit shall be for the period from January 1 to December 31.

- (1) N.W. Erie Blvd. W. and Franklin St. – Class B
- (2) S.E. Warren and Madison St. – Class A
- (3) 900 Block Irving Ave. (mid-block, west curblin) – Class B

- (4) S.W. Montgomery and Madison St. – Class A
- (5) Montgomery St. (between Onondaga Court House and Civic Center) – Class A
- (6) S.W. Franklin and Erie Blvd. – Class B
- (7) N.E. State and Harrison – Class A
- (8) Reserved
- (9) S.W. Erie Blvd. W. and Franklin St. – Class B
- (10) N.W. Water and S. Franklin St. – Class B
- (11) S.W. Washington and Montgomery – Class A
- (12) S.E. Washington and Montgomery – Class A
- (13) Reserved
- (14) S.W. Salina and Washington (facing Washington) – Class A
- (15) N.W. Fayette and State St. (State St. side) – Class A
- (16) North side of E. Jefferson St., 100 ft. east of Montgomery St. – Class A
- (17) S.W. Washington and State – Class A
- (18) S.E. Washington and Clinton – Class A
- (19) S.W. Salina and Washington (facing Salina) – Class A
- (20) N.W. Water and State (Water St. side) – Class B
- (21) N.W. E. Genesee and S. McBride – Class B
- (22) 2541 E. James St. – Class C
- (23) 2727 James St. (corner N. Collingwood) – Class C
- (24) S.W. James and McBride – Class C
- (25) In front of 515 N. Salina St. – Class C
- (26) West Side of Geddes (between Delaware and Merriman Ave.) – Class C
- (27) Reserved
- (28) North Curbline, James St. (between Walters & Leo St.) – Class C
- (29) N.E. Waverly Ave. (rear of Bird Library) – Class B
- (30) 1109 N. Salina (on Salina between Union and Kirkpatrick) – Class C
- (31) 1623 Grant Blvd. – Class C
- (32) N.E. Van Rensselaer and W. Genesee St. – Class C
- (33) S.W. Salina and Brighton – Class C

The following locations are more specifically identified on maps on file in the City Clerk's office:

- (1) Clinton Square 1 (east) – Class A
- (2) Clinton Square 2 (west) – Class A
- (3) Fayette Park 1 (west central) – Class A
- (4) Forman Park 1 (south central) – Class B
- (5) Columbus Circle 3 (southwest) – Class A
- (6) Hanover Square 1 (northwest) – Class A
- (7) Hanover Square 2 (northeast) – Class A
- (8) Hanover Square 3 (southeast) – Class A
- (9) Lincoln Plaza 1 (north) – Class A
- (10) Lincoln Plaza 2 (central) – Class A
- (11) Columbus Circle 1 (northwest) – Class A
- (12) Columbus Circle 2 (north central) – Class A

(b) It shall be unlawful for any person, general or limited partnership, corporation or limited liability company to act as a mobile food vendor on a public highway, road or street except at the following site

locations set forth below and indicated on a map, that will be filed in the City Clerk's office and posted on the City of Syracuse website, with a permit having been issued by the Commissioner of Finance or except as permitted by subsection (h) herein or the Traffic Code of the City of Syracuse, as amended. The permit shall be for the period from January 1 to December 31. The locations are as follows:

STREET	Block Start		Block End	
	L_F_ADD	L_T_ADD	R_F_ADD	R_T_ADD
WASHINGTON SQ	101	199	0	0
N ALVORD ST	901	999	900	998
JAMES ST	3101	3105	3022	3098
JAMES ST	2613	2675	2600	2698
SOLAR ST	401	499	400	498
LODI ST	601	699	600	698
JAMES ST	2677	2699	2700	2710
JAMES ST	2801	2889	2800	2888
DANFORTH ST	401	499	400	498
PARK AVE	401	499	0	0
BARKER AVE	201	221	200	220
JAMES ST	2901	2999	2900	2998
WILKINSON ST	201	211	200	210
E FAYETTE ST	401	499	400	498
JAMES ST	2701	2789	2712	2788
WILKINSON ST	213	229	212	228
MATTY AVE	201	215	200	214
S STATE ST	301	399	300	398
WALNUT AVE	701	799	700	798
TIOGA ST	301	399	300	398
AUDUBON PKWY	651	699	630	698
SALT SPRINGS RD	1131	1149	1130	1148
S TOWNSEND ST	301	309	300	308
WALNUT AVE	801	899	800	898
JAMES ST	3001	3099	3000	3020
S WARREN ST	701	799	700	798
S STATE ST	701	799	700	798
E GENESEE ST	0	0	710	798
PARK AVE	301	399	0	0
E GENESEE ST	401	499	400	498
E ONONDAGA ST	201	299	200	298
WALNUT AVE	901	999	900	998
E ADAMS ST	101	199	100	198
EUCLID AVE	601	699	600	698
KIRK AVE	469	499	468	498

COMSTOCK AVE	1101	1175	1100	1174
W ADAMS ST	101	119	100	118
SOUTH AVE	101	199	100	198
SOUTH AVE	201	299	200	298
S SALINA ST	2601	2699	2600	2698
S SALINA ST	2801	2899	2800	2898
MEADOWBROOK DR	0	0	400	498
S SALINA ST	2901	2999	2900	2998
GAME RD	101	117	100	116
ONONDAGA CREEK BLVD	2001	2099	2000	2098
S SALINA ST	2701	2799	2700	2798
CUMBERLAND AVE	1001	1099	1000	1098
W KIRKPATRICK ST	351	399	350	398
SUNNYCREST PARK DRWY	0	0	0	0
SUNNYCREST PARK DRWY	0	0	0	0

(c) The Commissioner of Finance is hereby authorized to award permits for food vendors for the locations designated in subsection (a) hereof by lottery after public notice to be provided as follows:

(1) Notice that food vendor permits will be awarded by lottery which shall be published once in the official newspaper of the City of Syracuse on the third Monday of November and such advertisement shall contain a statement of the time and place applications can be received and the date of awarding of said permit. Annually the lottery shall be conducted on the second Monday of December. The Commissioner of Finance shall also select at said lottery a maximum of five (5) alternate applicants who shall be eligible in order of selection to one site which was not awarded by lottery or which becomes eligible to be awarded during the license year.

(2) The lottery shall be conducted as follows: a food vendor applicant who is selected in the lottery shall have the opportunity, in the order the applicant's name is drawn in the lottery, of selecting any location specified in subsection (a) hereof which has not been previously selected. Application forms for permits to be awarded by lottery shall be provided by the Commissioner of Finance.

(3) No application shall be accepted by the Commissioner of Finance unless the applicant provides evidence of the following:

Food Vendors shall submit a deposit of five hundred dollars (\$500.00) by certified check made payable to the Commissioner of Finance, which said sum shall be credited toward the annual license fee of the applicant awarded the permit for said location. Deposit shall be returned to any applicants not receiving an opportunity to select a location permit. However, the deposit shall not be returned to an applicant who (a) has been awarded a permit and elects not to vend at said location; or (b) selects a location in the lottery and subsequently elects not to accept the permit for said location.

Mobile Food Vendors shall submit a deposit of five hundred dollars (\$500.00) by certified check made payable to the Commissioner of Finance, which said sum shall be credited toward the annual license fee

if one is granted by the Commissioner of Finance. If a license is not awarded the deposit will be refunded.

Compliance with subsections (a), (b), (c), (d), and (e) and (g) of Section 14-42, except applicant may submit a letter from an insurance company certifying that a comprehensive liability insurance policy, as provided for in Section 14-42(d), shall be submitted to the Commissioner of Finance within forty-eight (48) hours upon awarding of a permit as herein provided for.

No permits authorized herein shall be transferred, leased, subleased or assigned, and any such permit shall be deemed a bare license or consent revocable as herein provided. The recipient of the permit shall acquire no proprietary or property interest in the area for which a permit is issued.

The Commissioner of Public Works in conjunction with the Commissioner of Finance is hereby authorized to revoke any permit herein issued upon ten (10) days' written notice, except in the event of an emergency which shall be determined by the Commissioner of Public Works or their designee, in which case said permit shall be revoked immediately.

Notwithstanding the aforementioned, the Commissioner of Parks, Recreation and Youth Programs is hereby authorized to issue a permit to vend in a city park pursuant to Section 17-6 and the Commissioner of Public Works is hereby authorized to issue a permit to vend on a city street for a period not exceeding one week.

(d) The Commissioner of Finance is hereby authorized to award permits for the mobile food vendors annually for the locations authorized herein, plus such additional locations as the Commissioner of Finance may determine during the year in consultation with appropriate City departments, as being in the public interest. In addition, the Commissioner of Finance, after consultation with appropriate City departments, may suspend certain locations during the year in the interest of public safety. In both cases, whether adding or suspending locations the Commissioner of Finance shall provide written notice of the changes to the Common Council by a communication delivered to the City Clerk.

; and

BE IT FURTHER ORDAINED, that Section 15-339 of Article XVI of the Traffic Code of the City of Syracuse, as amended, entitled "Designation of Mobile Vendor Stands" is hereby rescinded; and

BE IT FURTHER ORDAINED, that Section 15-340 of Article XVI of the Traffic Code of the City of Syracuse, as amended, entitled "Mobile Vendor Stands Within Special Assessment District" is hereby rescinded; and

BE IT FURTHER ORDAINED, that Section 15-341 of Article XVI of the Traffic Code of the City of Syracuse, as amended, entitled "Mobile Vendor Stands Outside the Special Assessment District" is hereby rescinded; and

BE IT FURTHER ORDAINED, that these amendments of Article 4 of Chapter 14 of the Revised General Ordinances of the City of Syracuse, as amended, and Article XVI of the Traffic Code of the City of Syracuse, as amended, shall be effective as of January 1, 2019; and

BE IT FURTHER ORDAINED, that notwithstanding any provisions in these amendments to the contrary, licenses which have been issued under Article 4 of Chapter 14 of the Revised General Ordinances of the City of Syracuse, as amended, prior to the adoption and approval of these amendments, shall be

authorized to continue in existence under the terms of such general ordinances or ordinances as existed prior to these amendments until the expiration of the licenses on December 31, 2018; and
BE IT FURTHER ORDAINED, that those provisions of Article 4 of Chapter 14 of the Revised General Ordinances of the City of Syracuse, as amended, and Article XVI of the Traffic Code of the City of Syracuse, as amended, which are unchanged by these amendments shall remain in full force and effect and shall be regarded for all purposes as having been in effect continuously and any new provisions shall be applied prospectively.

Adopted:

Ayes: Councilors Thompson, Bey, Rudd, Greene, Carni, Ryan Allen, Driscoll – 8