



RULES AND REGULATIONS FOR **Mobile Food Vending**



For more information, go to nyc.gov/health or call 311.





**Department of Health
and Mental Hygiene**

Mary T. Bassett, MD, MPH
Commissioner

June 2017

Robert D. Edman
Assistant Commissioner

125 Worth Street
10th Floor, CN-59A
New York, NY 10013

Dear Mobile Food Vendor:

The New York City Department of Health and Mental Hygiene is providing the enclosed booklet of information and laws governing mobile food vending in New York City.

The booklet contains:

- A guide to restricted streets in New York City for mobile food vending. To find the guide in other languages, visit nyc.gov/health/mobilefoodvending.
- Article 89 of the New York City Health Code: Mobile Food Vending.
- Chapter 6 of Title 24 of the Rules of the City of New York: Food Units.
- Subchapter 2 of Chapter 3 of Title 17 of the New York City Administrative Code: Food Vendors.

Additionally, the Department has created “What Mobile Food Vendors Should Know: A Compliance Guide.” To find the guide in other languages, visit nyc.gov/health/mobilefoodvending. You can also order guides for free by calling 311.

These materials will help you operate your unit safely and legally, and reduce the risk of foodborne illness to your customers.

For more information, go to nyc.gov/health or call 311.

Sincerely,

Robert D. Edman
Assistant Commissioner





RULES AND REGULATIONS FOR Mobile Food Vending

Mobile Food Vending Restricted Streets Guide 4

Article 89 of the New York City Health Code:
Mobile Food Vending..... 9

Chapter 6 of Title 24 of the Rules of the
City of New York: Food Units..... 25

Subchapter 2 of Chapter 3 of Title 17 of the
New York City Administrative Code: Food Vendors 43

Mobile Food Vending Restricted Streets Guide

Borough	Street	From	To	Dates Restriction in Effect		Days of Week Restriction in Effect							Time of Day Restriction in Effect									
				Beginning	Ending	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Beginning	Ending								
Bronx	Westchester Avenue	Simpson Street	Southern Boulevard			Mon										Fri	0900	1800				
Brooklyn	13th Avenue	37 Street	55 Street			Sun														Fri	0800	2000
Brooklyn	18th Avenue	55 Street	68 Street		Year-Round	Sun														Sun	0800	2000
Brooklyn	18th Avenue	McDonald Avenue	60 Street			Sun														Sun	0800	2000
Brooklyn	Bridge Street	Fulton Street	Myrtle Avenue			Sun														Sat	0600	1900
Brooklyn	Brighton Beach Avenue	Ocean Parkway	Corbin Place		May-01	Sun														Sat	0700	2400
Brooklyn	Church Street	Coney Island Avenue	Nostrand Avenue		Year-Round	Mon														Sat	0800	2100
Brooklyn	Court Street/Cadman Plaza	Remsen Street	Pierrepont Street			Sun														Sat	0001	2400
Brooklyn	Crosey Avenue	Bay 50 Street	Bay 54 Street		May-01	Sun														Sat	0001	2400
Brooklyn	Crosey Avenue	Bay 50 Street	Bay 54 Street		Labor Day	Sun														Sat	0700	2400
Brooklyn	Dekalb Avenue	Fulton Street	Flatbush Avenue		Year-Round	Sun														Sat	0800	1900
Brooklyn	East 37th Street	Clarkson Avenue	Lenox Road (West Side Only)			Mon														Fri	0900	1800
Brooklyn	Emmons Avenue	Shore Boulevard	Knapp Street		May-01	Sun														Sat	1100	2300
Brooklyn	Flatbush Avenue	Parkside Avenue	Avenue I			Mon														Sat	0800	2100
Brooklyn	Fulton Street	Adams Street	Flatbush Avenue			Sun														Sat	0800	1900
Brooklyn	Graham Avenue	Broadway	Boerum Street			Sun														Sat	0800	1800
Brooklyn	Hoyt Street	Fulton Street	Livingston Street			Sun														Sat	0800	1900
Brooklyn	Jay Street	Fulton Street	Tillary Street		Year-Round	Sun														Sat	0600	1900
Brooklyn	Johnston Street	Adams Street	Flatbush Avenue Extension			Sun														Sat	0600	1900
Brooklyn	Kings Highway	Ocean Avenue	Ocean Parkway			Sun														Sat	0900	2100
Brooklyn	Lawrence Street	Fulton Street	Myrtle Avenue			Sun														Sat	0600	1900
Brooklyn	Lenox Road	East 37 Street	New York Avenue (North Side Only)			Mon														Fri	0900	1800
Brooklyn	Mermald Avenue	Stillwell Avenue	West 20 Street		May-01	Sun														Sat	0001	2400
Brooklyn	Mermald Avenue	Stillwell Avenue	West 20 Street		Labor Day	Sun														Sat	0700	2400
Brooklyn	Montague Street	Court Street	The Promenade			Sun														Sat	0001	2400
Brooklyn	Oriental Boulevard	West End Avenue	Oxford Street			Sun														Sat	1100	2300
Brooklyn	Pierrepont Street	Cadman Plaza	Henry Street		Year-Round	Sun														Sat	0001	2400
Brooklyn	Red Hook Lane	Fulton Street	Livingston Street			Sun														Sat	0800	1900
Brooklyn	Renssen Street	Court Street	Henry Street			Sun														Sat	0001	2400
Brooklyn	Sheepshead Bay Road	Emmons Avenue	Avenue Z			Sun														Sat	1100	2300
Brooklyn	Shore Boulevard	Emmons Avenue	Pembroke Street		May-01	Sun														Sat	1100	2300
Brooklyn	Stillwell Avenue	Neptune Avenue	Boardwalk		May-01	Sun														Sat	0001	2400
Brooklyn	Stillwell Avenue	Neptune Avenue	Boardwalk		Labor Day	Sun														Sat	0700	2400
Brooklyn	Surf Avenue (both sides of Boardwalk)	West 5 Street	West 20 Street		May-01	Sun														Sat	0001	2400
Brooklyn	Surf Avenue (both sides of Boardwalk)	West 5 Street	West 20 Street		Labor Day	Sun														Sat	0700	2400
Brooklyn	Willoughby Street	Adams Street	Flatbush Avenue Extension			Sun														Sat	0600	1900
Manhattan	14th Street	Broadway	Seventh Avenue			Mon														Sat	1200	2000
Manhattan	32nd Street	Sixth Avenue	Seventh Avenue			Sun														Sat	0800	1800
Manhattan	33rd Street	Park Avenue	Fifth Avenue			Mon														Sat	0700	1900
Manhattan	33rd Street	Sixth Avenue	Seventh Avenue			Sun														Sat	0800	1800
Manhattan	34th Street	Fifth Avenue	Seventh Avenue		Year-Round	Mon														Sat	0800	1900
Manhattan	34th Street	Park Avenue	Fifth Avenue			Sun														Sat	0800	1900
Manhattan	34th Street	Seventh Avenue	Eighth Avenue			Sun														Sat	0800	1900
Manhattan	36th Street	Seventh Avenue	Ninth Avenue			Sun														Sat	0700	1900
Manhattan	37th Street	Seventh Avenue	Eighth Avenue			Sun														Sat	0700	1900
Manhattan	38th Street	Seventh Avenue	Ninth Avenue			Sun														Sat	0700	1900

R = restricted streets

Mobile Food Vending Restricted Streets Guide															
Borough	Street	From	To	Dates Restriction in Effect		Days of Week Restriction in Effect							Time of Day Restriction in Effect		
				Beginning	Ending	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Beginning	Ending	
Manhattan	3rd (Third) Avenue	East 40 Street	East 57 Street	Year-Round	Fri		R	R	R	R	R	R	0800	1800	
Manhattan	3rd (Third) Avenue	East 58 Street	East 60 Street	Year-Round	Sat		R	R	R	R	R	R	0800	2100	
Manhattan	41st Street	Seventh Avenue	Ninth Avenue	Mon		R	R	R	R	R	R	R	0700	2000	
Manhattan	42nd Street	First Avenue	Third Avenue		Fri		R	R	R	R	R	R	0800	1900	
Manhattan	42nd Street	Third Avenue	Eighth Avenue		Sat		R	R	R	R	R	R	0800	1900	
Manhattan	43rd Street	Broadway	Eighth Avenue	We d & Sat			R	R	R	R	R	R	1200	2300	
Manhattan	43rd Street	Broadway	Eighth Avenue	Sun		R							1200	1800	
Manhattan	43rd Street	Broadway	Eighth Avenue	Other days			R	R	R	R	R	R	1900	2300	
Manhattan	43rd Street	Second Avenue	Third Avenue		Sat		R	R	R	R	R	R	0600	1900	
Manhattan	43rd Street	Third Avenue	Fifth Avenue		Sat		R	R	R	R	R	R	0700	1900	
Manhattan	44th Street	Broadway	Eighth Avenue	We d & Sat			R	R	R	R	R	R	1200	2300	
Manhattan	44th Street	Broadway	Eighth Avenue	Sun		R							1200	1800	
Manhattan	44th Street	Broadway	Eighth Avenue	Other days			R	R	R	R	R	R	1900	2300	
Manhattan	44th Street	Third Avenue	Fifth Avenue		Sat		R	R	R	R	R	R	0700	1900	
Manhattan	45th Street	Broadway	Eighth Avenue	We d & Sat			R	R	R	R	R	R	1200	2300	
Manhattan	45th Street	Broadway	Eighth Avenue	Sun		R							1200	1800	
Manhattan	45th Street	Broadway	Eighth Avenue	Other days			R	R	R	R	R	R	1900	2300	
Manhattan	45th Street	Third Avenue	Fifth Avenue		Sat		R	R	R	R	R	R	0700	1900	
Manhattan	45th Street	Broadway	Eighth Avenue	We d & Sat			R	R	R	R	R	R	1200	2300	
Manhattan	45th Street	Broadway	Eighth Avenue	Sun		R							1200	1800	
Manhattan	46th Street	Broadway	Eighth Avenue	Other days			R	R	R	R	R	R	1900	2300	
Manhattan	46th Street	Third Avenue	Fifth Avenue		Sat		R	R	R	R	R	R	0700	1900	
Manhattan	46th Street	Seventh Avenue	Eighth Avenue	We d & Sat			R	R	R	R	R	R	1200	2300	
Manhattan	46th Street	Seventh Avenue	Eighth Avenue	Sun		R							1200	1800	
Manhattan	46th Street	Seventh Avenue	Eighth Avenue	Other days			R	R	R	R	R	R	1900	2300	
Manhattan	47th Street 1	Fifth Avenue	Eighth Avenue	We d & Sat			R	R	R	R	R	R	1200	2300	
Manhattan	47th Street 1	Fifth Avenue	Eighth Avenue	Sun		R							1200	1800	
Manhattan	47th Street 1	Fifth Avenue	Eighth Avenue	Other days			R	R	R	R	R	R	1900	2300	
Manhattan	47th Street 2	Fifth Avenue	Avenue of the Americas	Mon			R	R	R	R	R	R	1000	1800	
Manhattan	48th Street	Broadway	Eighth Avenue	We d & Sat			R	R	R	R	R	R	1200	2300	
Manhattan	48th Street	Broadway	Eighth Avenue	Sun		R							1200	1800	
Manhattan	48th Street	Broadway	Eighth Avenue	Other days			R	R	R	R	R	R	1900	2300	
Manhattan	48th Street	Madison Avenue	Avenue of the Americas		Sat		R	R	R	R	R	R	0700	2300	
Manhattan	48th Street (South Side only)	Avenue of the Americas	Seventh Avenue		Sat		R	R	R	R	R	R	0700	2300	
Manhattan	49th Street	Broadway	Eighth Avenue	We d & Sat			R	R	R	R	R	R	1200	2300	
Manhattan	49th Street	Broadway	Eighth Avenue	Sun		R							1200	1800	
Manhattan	49th Street	Broadway	Eighth Avenue	Other days			R	R	R	R	R	R	1900	2300	
Manhattan	49th Street	Broadway	Eighth Avenue		Sat		R	R	R	R	R	R	0700	2300	
Manhattan	49th Street	Madison Avenue	Avenue of the Americas	We d & Sat			R	R	R	R	R	R	1200	2300	
Manhattan	50th Street	Broadway	Eighth Avenue	Sun		R							1200	1800	
Manhattan	50th Street	Broadway	Eighth Avenue	Other days			R	R	R	R	R	R	1900	2300	
Manhattan	50th Street	Madison Avenue	Avenue of the Americas		Sat		R	R	R	R	R	R	0700	2300	
Manhattan	50th Street	Broadway	Eighth Avenue	We d & Sat			R	R	R	R	R	R	1200	2300	
Manhattan	50th Street	Broadway	Eighth Avenue	Sun		R							1200	1800	
Manhattan	50th Street	Madison Avenue	Avenue of the Americas	Other days			R	R	R	R	R	R	1900	2300	
Manhattan	51st Street	Broadway	Eighth Avenue		Sat		R	R	R	R	R	R	0700	2300	
Manhattan	51st Street	Broadway	Eighth Avenue	We d & Sat			R	R	R	R	R	R	1200	2300	
Manhattan	51st Street	Broadway	Eighth Avenue	Sun		R							1200	1800	
Manhattan	51st Street	Park Avenue	Avenue of the Americas		Sat		R	R	R	R	R	R	0700	2300	
Manhattan	52nd Street	Broadway	Eighth Avenue	We d & Sat			R	R	R	R	R	R	1200	2300	
Manhattan	52nd Street	Broadway	Eighth Avenue	Sun		R							1200	1800	

R = restricted streets

Mobile Food Vending Restricted Streets Guide														
Borough	Street	From	To	Dates Restriction in Effect		Days of Week Restriction in Effect							Time of Day Restriction in Effect	
				Beginning	Ending	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Beginning	Ending
Manhattan	52nd Street	Broadway	Eighth Avenue		Other days	R	R	R	R	R	R	R	1900	2300
Manhattan	52nd Street	Madison Avenue	Avenue of the Americas		Sat	R	R	R	R	R	R	R	0800	2300
Manhattan	53rd Street	Broadway	Eighth Avenue		Wed & Sat				R				1200	2300
Manhattan	53rd Street	Broadway	Eighth Avenue		Sun	R							1200	1800
Manhattan	53rd Street	Broadway	Eighth Avenue		Other days		R			R			1900	2300
Manhattan	53rd Street	Fifth Avenue	Avenue of the Americas (North Side only)		Sun	R	R	R	R	R	R	R	0800	1900
Manhattan	53rd Street	Madison Avenue	Fifth Avenue		Mon	R	R	R	R	R	R	R	0700	2000
Manhattan	53rd Street	Third Avenue	Lexington Avenue		Mon	R	R	R	R	R	R	R	0700	2000
Manhattan	53rd Street (South Side only)	Park Avenue	Madison Avenue		Mon	R	R	R	R	R	R	R	0700	2000
Manhattan	54th Street	Third Avenue	Lexington Avenue		Mon	R	R	R	R	R	R	R	0700	1900
Manhattan	56th Street	Lexington Avenue	Sixth Avenue		Mon	R	R	R	R	R	R	R	0700	2000
Manhattan	56th Street	Park Avenue	Madison Avenue		Sun	R	R	R	R	R	R	R	0700	2300
Manhattan	57th Street	Park Avenue	Eighth Avenue		Mon	R	R	R	R	R	R	R	0800	1900
Manhattan	58th Street	Fifth Avenue	Sixth Avenue		Mon	R	R	R	R	R	R	R	0800	2000
Manhattan	58th Street	Madison Avenue	Fifth Avenue		Mon	R	R	R	R	R	R	R	0800	1900
Manhattan	59th Street	Lexington Avenue	Park Avenue		Mon	R	R	R	R	R	R	R	0800	1900
Manhattan	59th Street	Madison Avenue	Fifth Avenue		Mon	R	R	R	R	R	R	R	0800	1900
Manhattan	5th (Fifth) Avenue	32 Street	59 Street		Mon	R	R	R	R	R	R	R	0800	1900
Manhattan	5th (Fifth) Avenue	47 Street	58 Street		Sun	R							1000	1800
Manhattan	5th (Fifth) Avenue (East Side only)	East 81 Street	East 84 Street		Sun	R	R	R	R	R	R	R	0900	1800
Manhattan	60th Street	Lexington Avenue	Park Avenue		Mon	R	R	R	R	R	R	R	0800	1900
Manhattan	77th Street	Park Avenue	Third Avenue		Sun	R	R	R	R	R	R	R	0001	2400
Manhattan	7th (Seventh) Avenue	West 27 Street	West 30 Street		Mon	R	R	R	R	R	R	R	1000	1400
Manhattan	7th (Seventh) Avenue	West 30 Street	West 33 Street		Sun	R	R	R	R	R	R	R	0600	2300
Manhattan	7th (Seventh) Avenue	West 33 Street	West 34 Street		Mon	R	R	R	R	R	R	R	0800	1800
Manhattan	7th (Seventh) Avenue	West 34 Street	West 35 Street		Mon	R	R	R	R	R	R	R	0800	1900
Manhattan	7th (Seventh) Avenue	West 35 Street	West 45 Street		Mon	R	R	R	R	R	R	R	0800	2400
Manhattan	7th (Seventh) Avenue	West 46 Street	West 52 Street		Mon	R	R	R	R	R	R	R	1200	2300
Manhattan	86th Street	Third Avenue	Lexington Avenue		Sun	R	R	R	R	R	R	R	0700	1900
Manhattan	8th (Eighth) Avenue	West 33 Street	West 42 Street		Sun	R	R	R	R	R	R	R	0800	1900
Manhattan	Avenue of the Americas 1	West 32 Street	West 59 Street		Mon	R	R	R	R	R	R	R	0800	1900
Manhattan	Avenue of the Americas 2	West 30 Street	West 33 Street		Sun	R	R	R	R	R	R	R	0600	2300
Manhattan	Broad Street	Wall Street	South Street		Mon	R	R	R	R	R	R	R	0800	1800
Manhattan	Broadway	27 Street	28 Street		Sun	R	R	R	R	R	R	R	0900	1800
Manhattan	Broadway	Bowling Green	Wall Street		Mon	R	R	R	R	R	R	R	0800	1800
Manhattan	Broadway	Vesey Street	Murray Street		Mon	R	R	R	R	R	R	R	0800	1900
Manhattan	Broadway (Both sides - WTC)	Liberty Street	Vesey Street		Sun	R	R	R	R	R	R	R	0001	2400
Manhattan	Broadway 1	West 32 Street	West 52 Street		Sun	R	R	R	R	R	R	R	0800	2000
Manhattan	Broadway 2	West 32 Street	West 52 Street		Sun	R	R	R	R	R	R	R	0800	2300
Manhattan	Cedar Street	William Street	Pearl Street		Mon	R	R	R	R	R	R	R	0800	1800
Manhattan	Church Street	Liberty Street	Vesey Street		Sun	R	R	R	R	R	R	R	0001	2400
Manhattan	Church Street	Vesey Street	Murray Street		Mon	R	R	R	R	R	R	R	0800	1800
Manhattan	Columbus Avenue	West 65 Street (East Side)	West 66 Street (East Side)		Sun	R	R	R	R	R	R	R	0900	1800

R = restricted streets

Mobile Food Vending Restricted Streets Guide																
Borough	Street	From	To	Dates Restriction in Effect		Days of Week Restriction in Effect							Time of Day Restriction in Effect			
				Beginning	Ending	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Beginning	Ending		
Manhattan	Cortlandt Street	Church Street (Entire Street)	Broadway (Entire Street)		Sun	Fri	R	R	R	R	R	R	R	R	0001	2400
Manhattan	Delancey Street	Orchard Street	Essex Street		Mon	Sat	R	R	R	R	R	R	R	R	0800	1800
Manhattan	Dey Street	Church Street (Entire Street)	Broadway (Entire Street)		Sun	Fri	R	R	R	R	R	R	R	R	0001	2400
Manhattan	Exchange Place	Broadway	Broad Street		Mon	Sat	R	R	R	R	R	R	R	R	0800	1800
Manhattan	Fulton Street	Broadway	Church Street		Sun	Sat	R	R	R	R	R	R	R	R	0001	2400
Manhattan	Fulton Street	Water Street	William Street		Sun	Sat	R	R	R	R	R	R	R	R	0001	2400
Manhattan	Fulton Street	William Street	Broadway		Mon	Sat	R	R	R	R	R	R	R	R	0800	1900
Manhattan	Gold Street	Fulton Street	Frankfurt Street		Mon	Fri	R	R	R	R	R	R	R	R	0800	1800
Manhattan	Grand Street	Bowery	Allen Street		Sat	Sat	R							R	0800	1900
Manhattan	Grand Street	Centre Street	Mott Street		Sat	Sat	R							R	0800	1900
Manhattan	John Street	Broadway	Gold Street		Mon	Fri	R	R	R	R	R	R	R	R	0800	1900
Manhattan	Lexington Avenue	East 40 Street	East 57 Street		Mon	Fri	R	R	R	R	R	R	R	R	0800	1900
Manhattan	Lexington Avenue	East 58 Street	East 60 Street		Mon	Sun	R	R	R	R	R	R	R	R	0800	2100
Manhattan	Lexington Avenue	East 61 Street	East 69 Street		Mon	Sun	R	R	R	R	R	R	R	R	0800	1800
Manhattan	Lexington Avenue	East 61 Street	East 69 Street		Mon	Sun	R	R	R	R	R	R	R	R	0800	1800
Manhattan	Lexington Avenue	East 74 Street	East 79 Street		Sun	Fri	R	R	R	R	R	R	R	R	0700	1900
Manhattan	Liberty Street (Both sides - WTC)	West Street	Broadway		Sun	Sat	R	R	R	R	R	R	R	R	0001	2400
Manhattan	Madison Avenue	East 34 Street	East 45 Street		Mon	Sat	R	R	R	R	R	R	R	R	0800	1800
Manhattan	Madison Avenue	East 46 Street	East 59 Street		Mon	Sat	R	R	R	R	R	R	R	R	1000	1900
Manhattan	Madison Avenue	East 59 Street (west side)	East 60 Street (West Side)		Mon	Sat	R	R	R	R	R	R	R	R	1000	1900
Manhattan	Maiden Lane	Broadway	Nassau Street		Mon	Fri	R	R	R	R	R	R	R	R	0800	1800
Manhattan	Mott Street	Canal Street	Chatham Square		Sun	Sat	R	R	R	R	R	R	R	R	0001	2400
Manhattan	Mott Street	Canal Street	Broome Street		Sun	Sat	R	R	R	R	R	R	R	R	1000	1900
Manhattan	New Street	Exchange Place	Wall Street		Mon	Fri	R	R	R	R	R	R	R	R	0800	1800
Manhattan	Park Avenue	East 34 Street	East 42 Street		Mon	Fri	R	R	R	R	R	R	R	R	0800	1900
Manhattan	Park Avenue	East 46 Street	East 55 Street		Mon	Fri	R	R	R	R	R	R	R	R	0900	1800
Manhattan	Park Avenue	East 55 Street	East 59 Street		Mon	Fri	R	R	R	R	R	R	R	R	1000	1900
Manhattan	Pearl Street	Fulton Street	Frankfurt Street		Mon	Fri	R	R	R	R	R	R	R	R	0800	1800
Manhattan	Prince Street	Broadway	West Broadway		Sat	Sun	R							R	0900	1900
Manhattan	Rector Street	Washington Street	Broadway		Mon	Fri	R	R	R	R	R	R	R	R	0800	1800
Manhattan	Spring Street	Broadway	West Broadway		Sat	Sun	R							R	0900	1900
Manhattan	Vanderbilt Avenue	East 42 Street	East 45 Street		Mon	Fri	R	R	R	R	R	R	R	R	0800	1900
Manhattan	Vesey Street (both sides - WTC)	West Street	Broadway		Sun	Sat	R	R	R	R	R	R	R	R	0001	2400
Manhattan	Wall Street	Broad Street	Broadway		Mon	Fri	R	R	R	R	R	R	R	R	0800	1800
Manhattan	Water Street	Wall Street	Whitehall Street		Mon	Fri	R	R	R	R	R	R	R	R	0800	1900
Manhattan	West Street (both sides - WTC)	Liberty Street	Vesey Street		Sun	Sat	R	R	R	R	R	R	R	R	0001	2400
Manhattan	William Street	Exchange Place	Pine Street		Mon	Fri	R	R	R	R	R	R	R	R	0800	1800
Manhattan	William Street	John Street	Fulton Street		Mon	Fri	R	R	R	R	R	R	R	R	0800	1800
Queens	Junction Boulevard	L.I. Expressway	57 Avenue		Sun	Sat	R	R	R	R	R	R	R	R	0900	2200
Queens	Junction Boulevard	Roosevelt Avenue	34 Avenue		Sun	Sat	R	R	R	R	R	R	R	R	0900	2000
Queens	Liberty Avenue	103 Avenue	Van Wyck Expressway		Mon	Sat	R	R	R	R	R	R	R	R	0900	1830
Queens	Rockaway Boulevard	148 Avenue	175 Street		Mon	Fri	R	R	R	R	R	R	R	R	0800	1800
Queens	Steinway Street	25 Avenue	Broadway		Mon	Sat	R	R	R	R	R	R	R	R	1000	1800

R = restricted streets



Article 89 of the NYC Health Code: Mobile Food Vending

§89.01	Scope	10
§89.03	Definitions.....	10
§89.05	Permits required.....	11
§89.07	Licenses and badges	12
§89.09	Terms of permits and licenses.....	13
§89.11	Applications for permits and licenses	13
§89.13	Duties of licensees and permittees	14
§89.15	Prohibition against transfer of foods	16
§89.17	Prohibition against transfer of a license or permit.....	16
§89.19	Food protection and safety.....	16
§89.21	Water supply	17
§89.23	Equipment and hand wash sinks.....	18
§89.25	Garbage, refuse and liquid wastes.....	18
§89.27	Mobile food commissaries.....	19
§89.29	Imminent health hazards.....	19
§89.31	Enforcement.....	20
§89.33	Suspension and revocation of license or permit.....	21
§89.35	Modification	22

§89.01 Scope.

In addition to Article 81, all other applicable provisions of this Code, Chapter 6 of Title 24 of the Rules of the City of New York, and Subpart 14-4 of Part 14 of the State Sanitary Code (10 NYCRR Chapter 1), or successor regulations, the provisions of this article shall apply to all mobile food vending operations, including, but not limited to, the sale of foods, and foods distributed without charge, from mobile food vending units on or in public, private and restricted spaces, both indoors and outdoors, including mobile food vendors and units that are regulated by the Administrative Code.

§89.03 Definitions.

When used in this article:

- (a) *Charitable organization* shall mean any charitable organization required to register with the State Attorney General that distributes food free of charge.
- (b) *Decal* shall mean the identifying plate, insignia, seal or other identifying device that is placed on a mobile food vending unit by the Department, after the unit has been approved and inspected by the Department and authorizing use of the unit for mobile food vending.
- (c) *Food* shall have the same meaning as in Article 71 of this Code.
- (d) *License* shall mean the paper or other license document and photo identification badge issued to a mobile food vendor authorizing such person to sell food from a mobile food vending unit that has been issued a permit by the Commissioner.
- (e) *Material alteration* shall mean an alteration that changes or results in a change in the size of the unit, or the replacement of any part of the body structure or equipment in a mobile food vending unit including, but not limited to, any food contact surface or non-food contact surface, and plumbing equipment such as sinks, potable and waste water tanks. A tire change or repair, replacement of the axle, or straightening a dent in a panel shall not be considered a material alteration.
- (f) *Mobile food commissary* shall mean a food service establishment or a non-retail food service establishment, as those terms are defined in Article 81 of this Code, or other facility approved by the Department that complies with Chapter 6 of Title 24 of the Rules of the City of New York, which provides any of the following services to one or more mobile food vending units:
- (1) Storage of the unit when the unit is not being used for vending;
 - (2) Cleaning and sanitizing of the unit;
 - (3) Cleaning and sanitizing of the equipment and utensils used on a unit;
 - (4) Disposing of liquid and solid wastes and refuse generated by the operation of a unit; or
 - (5) Supplying of potable water and food, whether pre-packaged by the manufacturer, or prepared at the commissary, and furnishing of non-food supplies.
- (g) *Mobile food vending* shall mean setting up to sell, and preparing, storing, holding and selling food, or distributing food free of charge, to the public from a mobile food vending unit.
- (h) *Mobile food vending unit* shall mean a food service establishment as defined in Article 81 of

this Code located in a pushcart or vehicle, self or otherwise propelled, used to store, prepare, display, serve or sell food, or distribute food free of charge to the public, for consumption in a place other than in or on the unit. Any such pushcart or vehicle shall be deemed a mobile food vending unit whether operated indoors or outdoors, on public, private or restricted space. A mobile food vending unit shall not mean a stand or a booth.

(i) *Mobile food vendor* shall mean a person who sells or offers for sale food, or distributes food free of charge, from a mobile food vending unit in any public, private or restricted space.

(j) *Operate or operation of a mobile food vending unit* shall mean setting up, preparing, storing, holding and selling food, or distributing food free of charge, from a mobile food vending unit.

(k) *Permit* shall mean the paper or other permit document authorizing the use of a specific mobile food vending unit to sell or distribute food, and the decal affixed to the unit by the Department after such unit has passed a pre-permit inspection.

(l) *Potentially hazardous foods* shall have the same meaning as provided in Article 81 of this Code.

(m) *Private space* shall mean all privately owned or leased property where use of the property for commercial purposes, including mobile food vending, is restricted to persons who have the written permission of the owner or lessee of the property.

(n) *Public space* shall mean all publicly owned property between the property lines on a street as such property lines are shown on City records including, but not limited to, a park, plaza, roadway, shoulder, tree space, sidewalk or parking space between such property lines.

(o) *Pushcart* shall mean a wheeled device, not required to be licensed as a vehicle, that is equipped in accordance with this Article and that is approved by the Department for use as a mobile food vending unit. Pushcart shall not mean a stand or booth.

(p) *Restricted space* shall mean publicly owned property where the owner or the lessee has the right to restrict or limit commercial activity, including mobile food vending.

(q) *Service, servicing or providing services to a mobile food vending unit* shall mean providing the services listed under subdivision (f) of this section, at a mobile food commissary, or other facility approved by the Department in accordance with Chapter 6 of Title 24 of the Rules of the City of New York.

(r) *Temporary mobile food vending permit* shall mean a seasonal permit issued for operating a mobile food vending unit from April 1 to October 31 in a calendar year.

(s) *Vehicle* shall mean a motor vehicle or trailer, as defined in the Vehicle and Traffic Law, equipped in accordance with this Article and Chapter 6 of Title 24 of Rules of the City of New York.

(t) *Volunteers* shall mean persons who provide services free of charge to charitable organizations that operate mobile food vending units distributing food free of charge.

§89.05 Permits required.

(a) *Mobile food vending units.* No person, including a charitable organization, shall operate a mobile food vending unit in any public, private or restricted space without a permit issued by the Commissioner and a decal issued and placed on the unit by the Department after inspection by the Department.

- (1) No mobile food vending unit permit or decal shall be issued until the Department determines, upon inspection, that the unit is of sanitary construction and design, and equipped with sanitary facilities for mobile food vending in accordance with Chapter 6 of Title 24 of the Rules of the City of New York.
- (2) The permittee shall provide proof satisfactory to the Department that the mobile food vending unit is supplied and serviced at a mobile food commissary permitted by the Commissioner, or other facility approved by the Department in accordance with Chapter 6 of Title 24 of the Rules of the City of New York.
- (3) Only a currently licensed mobile food vendor may apply for or hold a mobile food vending unit permit.

(b) *Permit and decal.* After a mobile food vending unit passes a pre-permit inspection by the Department, as defined in Chapter 6 of Title 24 of the Rules of the City of New York, and a decal is affixed by the inspector conducting the inspection, the Commissioner shall issue a permit document to the permittee provided that the applicant has satisfied all other applicable requirements.

(c) *Material alterations prohibited.* A mobile food vending unit shall not be materially altered after it has been inspected by the Department and the Department has attached a permit decal. Any material alteration of a mobile food vending unit after it has been inspected by the Department shall automatically void the permit issued to that unit. When an employee of the Department determines that a unit has been materially altered, such employee shall remove the decal and seize the vendor's permit and the Department may revoke or suspend such permit in accordance with §89.33.

(d) *Ice cream trucks.* No decal shall be issued for any vehicle to be used to vend ice cream and other frozen desserts unless such vehicle is equipped with fully operational warning beepers and signage arms required by the State Vehicle and Traffic law and the rules promulgated thereunder.

(e) *Mobile food commissaries.* No person shall maintain or operate a mobile food commissary that services City mobile food vending units unless such commissary holds a current permit issued by the Commissioner, the Department of Agriculture and Markets, or the permit issuing official of a jurisdiction outside New York State in which the commissary is located.

§89.07 Licenses and badges.

(a) *License required.* No person shall operate a mobile food vending unit in any public, private or restricted space without having first obtained a license issued by the Commissioner. A new or renewal license shall be issued when a complete application and all documentation required by this Code and other applicable law have been submitted, and the Commissioner has determined that the applicant is eligible to hold such license.

(b) *Food protection course.* No mobile food vendor license shall be issued to any person unless such person submits proof satisfactory to the Department that he or she has successfully completed a food protection course in accordance with Article 81 of this Code.

(c) *Charitable organization volunteers.* Volunteers for charitable organizations operating mobile food vending units that distribute food free of charge shall not be required to hold a mobile food vendor license, but shall be required to present proof prior to vending, of satisfactory completion of a food protection course approved by the Department.

(d) *Documentation required.* No person shall operate any mobile food vending unit unless the badge issued to such person by the Department is conspicuously displayed on his or her outer clothing, and is carrying both the original food vendor license issued to such person and the original mobile food vending unit permit documents. Such license and permit shall be exhibited upon demand to any police officer, Department employee or agent, or other authorized officer, employee or agent of the City. Until the permit document is received by the permittee, the operator of the mobile food vending unit shall have in his or her possession the original pre-permit inspection report of the Department, indicating that a permit has been approved for issuance to the permittee.

§89.09 Terms of permits and licenses.

(a) *Two year terms.* Mobile food vending unit permits, and mobile food vendor licenses shall be valid for two years unless suspended or revoked by the Commissioner.

(b) *Temporary permits.* Seasonal mobile food vending unit permits shall be issued annually for operation from April 1 through October 31 of each calendar year, unless suspended or revoked by the Commissioner.

(c) *Commissary permits.* Mobile food commissary permits shall be valid for one year unless sooner suspended or revoked by the Commissioner.

(d) *Restricted or private space permits.* Mobile food vending units operating exclusively in restricted or private spaces shall have the same term as the term of the written agreement between the permittee and the owner or lessee of the premises, but shall not exceed the terms specified in subdivision (a) or (b) of this section.

§89.11 Applications for permits and licenses.

(a) *Fees.* All applications for a license or permit to vend in a public space shall be accompanied by payment of the fees prescribed in §17-308 of the Administrative Code, or successor law, or, if the mobile food vending unit will operate in a private or restricted space, the fee prescribed by Article 5 of this Code.

(b) *Applications.* All applications shall be submitted in a form and contain all information and documentation required by the Department, and shall include, but not be limited to, the following information:

- (1) The name, home and business address of the applicant;
- (2) The name, home address and license number of every food vendor who will be authorized by the permittee to operate the mobile food vending unit;
- (3) A description of the food to be vended and a description of the type of mobile food vending unit to be operated pursuant to the permit;
- (4) At least one piece of current valid photo identification issued by a government agency of any jurisdiction;
- (5) Proof that the applicant has obtained a certificate of authority to collect sales taxes pursuant to §1134 of the Tax Law, and has a tax clearance certificate from the State Tax Commission;
- (6) If the applicant is a partnership, limited liability company or other business entity, the name, and address of each partner, member, officer or manager, as may be applicable, of

such entity; if a corporation, the names and addresses of the corporation, the names, home and business addresses of the principal stockholders, officers, directors and shareholders;

(7) Proof that the applicant has obtained clearance from the Environmental Control Board showing the payment of all penalties and fines pursuant to Chapter 6 of Title 24 of the Rules of the City of New York; and

(8) An application for a permit for a mobile food vending unit to operate in a private or restricted space shall include a copy of a written agreement with the owner of the private or restricted space indicating that the applicant has the right to operate in such space.

(c) *Renewals.* An application for renewal of a license or permit shall be received by the Department, with the fee required by Article 5 of this Code or the Administrative Code, at least thirty days prior to the expiration date of the existing license or permit. Such application shall be accompanied by tax clearance certificates issued by the State Tax Commission and New York City Department of Finance, and proof that all penalties and fines for sustained or defaulted notices of violation issued to the mobile food vendor licensee or permittee for violations of Title 17 of the Administrative Code, the Health Code, the Sanitary Code, and Chapter 6 of Title 24 of the Rules of the City of New York have been paid in full in accordance with such chapter.

(d) *Duplicates.* Applications for duplicate license and permit documents, decals and badges shall be accompanied by documentation acceptable to the Department demonstrating that the original documents, decals or badges have been lost, stolen, damaged or destroyed. Such documentation shall include, but not be limited to a sworn notarized statement by the applicant attesting to the circumstances of the loss, theft or damage of the document, decal or badge and, in cases of theft, a police report for the stolen document, decal or badge

(e) *Representatives.* An application for a new or renewal license or permit that is prepared or submitted by an authorized representative of the applicant shall contain a sworn statement indicating that the representative provided the applicant with a complete application packet provided by the Department, including a copy of all laws and regulations applicable to vending, and that all applicable laws and regulations were explained to the applicant.

(f) *Signed by applicant.* Applications for new, renewal or duplicate documents shall be signed by the applicant, and not by a representative.

(g) *Affirmation.* Every applicant for a new or renewal or duplicate license or permit shall affirm or swear as to whether such applicant has or has not previously had a license or permit suspended or revoked by the Commissioner.

§89.13 Duties of licensees and permittees.

(a) *Inspections.* Permittees and licensees shall permit inspections by the Department of any mobile food vending unit subject to this Article, and any premises in which food is stored, prepared, processed distributed or served. Permittees and licensees shall present mobile food vending units for inspection at such place and time as may be designated by the Department.

(b) *Commissary used.* Permittees and licensees shall provide to the Department upon request the names and home and business addresses of the owners of the mobile food commissaries, or other approved facility from which the permittee or licensee receives her or his food and supplies, and the address at which the food supplies are stored, where his or her mobile food vending unit is serviced and where the unit is stored when not in operation.

- (c) *Documented food source.* Permittees and licensees shall have in their possession and make available for inspection documentation satisfactory to the Department identifying the source of all foods being held, stored, offered for sale, sold or distributed free of charge from the mobile food vending unit.
- (d) *Authorized foods.* Permittees and licensees shall not use or allow others to use a mobile food vending unit to vend any foods other than those foods authorized in writing by the Commissioner to be vended by the permittee or licensee.
- (e) *Expired or suspended or revoked permits and licenses.* Permittees and licensees shall not operate a mobile food vending unit after expiration or revocation of a permit or license or during any period when a permit or license is suspended.
- (f) *Surrender of licenses and permits.* Licenses, permits, badges and decals shall be surrendered promptly to the Commissioner upon revocation, suspension, termination or expiration.
- (g) *Unlicensed vendors prohibited.* Permittees and licensees shall not allow a person who does not hold a currently valid mobile food vending license issued by the Commissioner to operate such permittees' or licensees' mobile food vending unit.
- (h) *Notice to the Department.* Permittees and licensees shall notify the Department within ten business days of any change in the information provided on an application for a license or a permit, including, but not limited to, the address and contact information for the licensee or permittee, and the names and license numbers of persons authorized to operate a permittee's mobile food vending unit. Failure to timely notify the Department of a change in address by a licensee or permittee shall result in the declaration of a default if the Department commences a proceeding for the licensee or vendor to show cause why the Commissioner should not revoke or suspend the license or permit and mails the petition and notice of hearing to the licensee's or permittee's last known address as maintained in Department records.
- (i) *Damaged and repaired mobile food vending units.* Any mobile food vending unit that has been damaged and repaired or materially altered, as defined in this Article, shall be re-inspected by the Department prior to its re-use as a mobile food vending unit. No decal shall be transferred from any mobile food vending unit to another mobile food vending unit, except by the Department. The Department may impose a reasonable fee to cover the costs of all such inspections.
- (j) *Restricted or private area permit limitations.* Any person who operates a mobile food vending unit with a private or restricted area permit in any area other than the area specified on the permit shall be deemed to be operating without a permit.
- (k) *Permittees liable for mobile food vending unit operation.* Permittees shall be jointly and severally liable for violations of this Code, and other applicable law, that occur in the course of operating mobile food vending units. A person operating a mobile food vending unit who is not the permittee shall be deemed an agent of the permittee, and the mobile food vending unit being operated by such person shall be deemed the place of business of the permittee, for the purpose of service of any Department notice of violation, order, or petition and notice of hearing issued to the permittee. A licensee served with any notice of violation, order, or petition and notice of hearing directed to the permittee shall deliver such notice of violation, order or petition to the permittee within two business days of delivery of such document to the licensee, and the Department shall mail such notice of violation, order, or petition and notice of hearing to the permittee by any method authorized in Article 3 of the Code.

§89.15 Prohibition against transfer of foods.

Except for charitable organizations, it shall be unlawful for any person to sell food or distribute food free of charge to any other mobile food vendor for resale or distribution if such vendor does not have a valid permit and license for mobile food vending.

§89.17 Prohibition against transfer of a license or permit.

(a) *Transfers prohibited.* No person holding a permit for a mobile food vending unit or a license to operate a mobile food vending unit shall sell, lend, lease or in any manner transfer his or her license, permit, badge or decal, except in accordance with applicable law.

(b) *Unauthorized transfer voids permit and license.* Any unauthorized transfer or attempt to transfer a license, permit, badge or decal shall automatically void such license, permit, badge and identification insignia.

(c) *Notice to the Department.* The Department shall be notified in writing at least ten business days in advance of any transfer of a license or permit authorized by applicable law.

§89.19 Food protection and safety.

(a) *Food sources.* Food shall be obtained from approved sources operating pursuant to licenses or permits issued by federal, state or local regulatory agencies. All potentially hazardous foods shall be cooked, processed, packaged, and labeled at a licensed mobile food commissary or other approved facility.

(b) *Thermometers required.* Metal stem-type, numerically scaled, indicating thermometers, thermocouples, or thermistors, accurate to plus or minus two degrees Fahrenheit (one degree Celsius), shall be used to determine that required internal cooking, holding or refrigeration temperatures of all potentially hazardous foods are obtained and maintained in accordance with Article 81.

(c) *Hot and cold holding.* Sufficient hot and cold storage facilities shall be provided and used to maintain potentially hazardous foods, as defined in Article 81 of this Code, at required temperatures.

(d) *Ice.* Ice that is consumed or that touches food and food contact surfaces or utensils shall be made from potable water from approved sources in a manner that protects it from contamination. Ice shall be obtained only in chipped, crushed or cubed form and in single-use food grade plastic or wet-strength paper bags filled and sealed at the point of manufacture. Ice shall be held until dispensed, in the manufacturer's bags, in a manner that protects it from contamination.

(e) *Cold storage on ice.* Packaged food may be stored in direct contact with ice or water if the food's packaging, wrapping, container or position in the ice prevents ice or water from direct contact with food or entering the package or container upon opening. Areas of packaging intended for use as eating or drinking surfaces shall not be in contact with ice or water at any time.

(f) *Prohibitions on sale or service of specific foods.* The Commissioner may by rule prohibit the sale or service of specific potentially hazardous foods or types of foods by mobile food vending units.

- (1) *Meat.* All meat shall be processed and prepared for cooking at a mobile food commissary. No raw meat shall be sold, butchered, de-boned, dressed, or cut into portion size in or on a mobile food vending unit.

(2) *Fish and other aquatic animals.* No raw fish, raw shellfish, or any other raw food products consisting of or made with an aquatic animal, as defined in Article 81, shall be held for service or sold from a mobile food vending unit. No raw fish, raw shellfish, or any other raw food products consisting of or made with an aquatic animal shall be cleaned, de-boned, dressed, scaled, eviscerated, or cut into portion sizes in or on a mobile food vending unit. Such food products may be cooked or reheated on a mobile food vending unit, provided that the food products have been commercially manufactured, or processed and prepared for cooking at a mobile food commissary or at another duly licensed and approved facility.

(3) *Processed fruits and vegetables.* Mobile food vending units in which sliced, peeled or processed fruits and vegetables are prepared, stored, held for service or sold shall have adequate refrigeration at all times, and shall during a pre-permit inspection. Mobile food vending units only authorized to sell whole fresh pre-packaged fruits and vegetable may not sell or hold for service sliced, peeled or processed fruits and vegetables and as such refrigeration for such units is not required.

(g) *Displayed foods.* Food placed on display on the mobile food vending unit shall be protected from contamination, in accordance with Article 81 of this Code. Foods, including but not limited to, pretzels and nuts, shall be displayed only in protective containers approved by the Department.

(h) *Condiments.* Individual single-service containers, sealed by the manufacturer, shall be provided for condiments such as sugar, mustard, ketchup, salt, pepper and relish, unless dispensed directly by the food vendor from a shaker or container with a pump, made of a food grade material.

(i) *Mobile food vendor hygiene.* At all times while operating a mobile food vending unit, persons shall maintain personal hygiene in accordance with Article 81, shall not smoke, shall be fully clothed (no sleeveless shirts or bare midriffs) in clean outer garments, and shall wash hands after using toilets.

(j) *Contamination.* All foods on a mobile food vending unit shall be protected against contamination in accordance with Article 81 of this Code. Water in which food is boiled, heated, or otherwise processed shall not be used to heat containers of other foods.

(k) *Toxic materials.* No poisonous or toxic materials, including, but not limited to, pesticides and cleaning compounds, shall be kept on or in a mobile food vending unit. In a vehicle used as a mobile food vending unit, vehicle maintenance materials shall not be stored in parts of the vehicle where food is stored, prepared or served.

(l) *Servicing frequency.* All mobile food vending units shall be cleaned and serviced at least daily at a mobile food commissary or other facility approved by the Department.

§89.21 Water supply.

(a) *Potable water.* All water, including City tap water, supplied to a mobile food vending unit shall be potable water and obtained from a supply complying with the requirements of Article 81 of this Code and the State Sanitary Code.

(b) *Water storage tanks.* Water storage tanks, fill piping and distribution piping shall be constructed from food-grade materials; installed and maintained to protect water from contamination; designed to be drained by gravity; and sanitized, emptied and rinsed daily with potable water before use.

§89.23 Equipment and hand wash sinks.

(a) *Compliance with Article 81 and rules.* A mobile food vending unit shall be designed and equipped to hold, prepare, store and serve food in accordance with Chapter 6 of Title 24 of the Rules of the City of New York and Article 81 of this Code.

(b) *Operations exclusively on the mobile food vending unit.* The sale, storage, holding, distribution, or display of food from boxes or from any place other than a mobile food vending unit is prohibited.

(c) *Single-service articles.* Consumers shall be provided with single service articles, such as plastic forks and paper plates. Mobile food vendors shall not re-use single service articles and shall provide a container for their disposal. All waste containers shall be emptied and cleaned at the commissary servicing the mobile food vending unit, in accordance with §89.25 of this Article.

(d) *Equipment placement.* Equipment shall be located and installed in a way that prevents food contamination and facilitates cleaning the unit, in accordance with Chapter 6 of Title 24 of the Rules of the City of New York.

(e) *Unobstructed work areas.* Unobstructed working spaces are to be provided sufficient to permit persons operating a mobile food vending unit to perform their duties readily without contamination of food or food-contact surfaces by clothing or personal contact.

(f) *Hand washing facilities required.* Hand wash sinks shall be provided in accordance with Chapter 6 of Title 24 of the Rules of the City of New York.

§89.25 Garbage, refuse and liquid wastes.

Garbage, refuse and other solid and liquid wastes shall be collected and stored at the mobile food vending unit while the unit is in use and removed from the unit and disposed of so as to prevent a nuisance.

(a) *Collection and disposal.* Mobile food vending permittees and licensees shall collect garbage, refuse and other solid and liquid wastes at the vending site in a vermin-proof receptacle and remove and dispose of the receptacle at the mobile vending unit's commissary or other facility authorized by the Department. Solid and liquid waste shall not be discarded on public streets or sidewalks or in a public litter basket placed on the streets by the Department of Sanitation, or any other person or entity.

(b) *Liquid wastes and sewage holding and disposal.* Sewage and liquid wastes shall be stored in a permanently installed holding tank that has at least 15 percent greater capacity than the water supply tank in a manner that protects the vending location, personnel and contents within the mobile food vending unit from contamination. All plumbing shall be constructed and maintained so as to prevent contamination of or contact with the potable water supply, food, equipment, utensils, food contact surfaces and non-food contact surfaces, employees and patrons. All sewage and liquid waste shall be disposed of at the mobile food commissary or a sewage disposal system constructed and operated in a manner acceptable to the Department.

(c) *Debris and consumer litter.* The operator of a mobile food vending unit is responsible for and shall remove and clean solid and liquid wastes, debris and food spillage caused by the operation of the unit and consumer littering adjacent to the mobile vending food vending unit.

(d) *Enforcement.* In addition to authorized officers, employees and agents of the Department,

authorized officers, employees and agents of the City Department of Sanitation, may order cleanup of wastes and issue summonses and notices of violations for violations of subdivisions (a) and (c) of this section.

§89.27 Mobile food commissaries.

(a) *Compliance with applicable law.* A mobile food commissary shall be constructed, maintained and operated in accordance with this article, Article 81 of this Code, Subpart 14-2 of the State Sanitary Code or successor regulations, and Chapter 23 of Title 24 of the Rules of the City of New York, and shall not create or maintain a nuisance with respect to the health or safety of any consumer or the public because of the condition of the mobile food vending unit, its equipment, utensils, personnel, mode of operations, vending location, water supply, liquid and solid waste and sewage disposal, food and appurtenances.

(b) *Records of food vending units to be maintained.* Mobile food commissaries and other facilities approved by the Department shall maintain a list of the mobile vending units serviced by such facilities and make the list available for inspection by the Department on request.

(c) *Cleaning.* Such commissaries or facilities shall provide a cleaning area for cleaning and servicing mobile food vending units that shall be:

- (1) Large enough to accommodate the largest size mobile food vending unit utilizing the facility.
- (2) Physically separated from all food operations to avoid contamination of food, equipment and food contact surfaces.
- (3) Provided with potable water, plumbing fixtures and facilities for the drainage and disposal of liquid wastes and the storage of solid wastes in accordance with Article 81 of this Code.

(d) *Street and sidewalk cleaning prohibited.* Mobile food vending units shall not be cleaned or serviced on public streets and sidewalks, including those adjacent to commissaries.

(e) *Garbage and waste disposal.* Commissaries shall collect and remove garbage, refuse and liquid wastes in accordance with Article 81 of this Code and other applicable law.

(f) *Enforcement.* In addition to authorized officers, employees and agents of the Department, authorized officers and employees of the Department of Sanitation, or successor agency, may issue notices of violation or orders to remediate any nuisances created by vendors in violation of this section.

§89.29 Imminent health hazards.

(a) *Cessation of operations of a mobile food vending unit for imminent health hazards.* The Department may order any person operating a mobile food vending unit to immediately cease operations and serving food if the continued operation of the unit presents an imminent hazard to public health, as defined in Article 81 of this Code and Part 14 of the State Sanitary Code. Any person ordered to cease operations and service of food pursuant to this section shall comply with such order immediately.

(b) *Seizure of permit and license(s) authorized.* When the Department determines that a vending unit is operating with imminent health hazards and has ordered the vendor to cease operation, the Department may seize the permit document, and the operator's license document and badge,

and may apply a seal or sign to cover the mobile food vending unit's decal, or remove the decal, thereby suspending the license and/or permit.

(c) *Suspension of the vendor's license and permit.* In the event a license or permit has been seized, the licensee or permittee shall, within 10 calendar days thereafter, be provided with a hearing as to why the cessation order should be rescinded and as to why the mobile food vendor's license and the permit for the unit should not be further suspended or revoked.

(d) *Restoration of the vendor's license or permit.* If the Department determines within 10 calendar days after issuing the cessation order that the imminent hazard resulting in the order has been corrected, and that public health will not be adversely affected by the resumed operation of the vending unit, the Department may return or reissue any license and/or permit that it has seized pursuant to this section. The Department may condition such return on the licensee and/or permittee agreeing to take any steps necessary so that the hazard does not recur.

(e) *Operation prohibited until after hearing.* Unless otherwise provided in this section, no person shall operate the unit until there has been a hearing at OATH followed by expeditious adoption by the Commissioner of the report and recommendation of an OATH administrative law judge, setting forth a finding that continued operation of the unit by or on behalf of the permittee does not present a continuing hazard to the public health. If the administrative law judge finds that continued operation of the mobile food vending unit by the permittee and the licensee presents a continuing hazard to the public health, the permittee and licensee may request that the Commissioner provide them with an opportunity to correct the violations and to demonstrate that they are willing and able to operate the mobile food vending unit in compliance with all applicable law. If such request is not received the Commissioner shall issue an order suspending or revoking the permittee's mobile food vending unit permit and license and the operator's mobile food vending license.

(f) *Service of cessation order.* If the operator of the mobile food vending unit is not the permit holder, the order issued pursuant to this section shall be served upon the permittee by delivery to the person operating the mobile food vending unit, and by mailing the order to the permittee's address, as maintained in Department records, pursuant to §3.05 (b) of this Code.

(g) *Cessation signs not to be removed.* Cessation signs or seals affixed by the Department shall not be removed except by order of the Commissioner or designee.

§89.31 Enforcement.

(a) *Operation without permit.* Any mobile food vending unit being operated without a currently valid mobile food vending unit permit issued by the Commissioner shall be deemed an imminent health hazard and may be seized by the Department and all the food therein denatured or otherwise disposed of.

(b) *Denial of license or permit.* The Commissioner may refuse to issue or renew, or may suspend or revoke a license or permit in accordance with provisions of this Code, or other applicable law.

(c) *Unattended units prohibited.* No mobile food vending unit shall be parked on the street overnight, or left unattended at any time food is kept in the mobile food vending unit.

(1) Any mobile food vending unit which is found to be unattended or which a vendor has abandoned shall be considered an imminent health hazard subject to the provisions of §89.29 of this Article.

(2) Any cessation order issued for abandoning a mobile food vending unit or leaving such unit unattended shall, in the absence of the operator of such unit, be served by posting or affixing notice of such cessation order on such unit. Notice of the cessation order shall thereafter be mailed to the permittee's address, as maintained in the Department's records, pursuant to Article 3 of this Code.

(d) *Authorized enforcement officers.* Public health sanitarians or other authorized officers or employees of the Department and other City departments or agencies having jurisdiction over matters applicable to the operations of mobile food vendors and mobile food vending units, including, but not limited to, officers of the Police Department, shall have the power to enforce all laws, rules and regulations relating to mobile food vendors and mobile food vending units, including the provisions of this Article. This Article shall not be construed as restricting in any way any other power granted by law to any officer or employee of the City. Any such officer or employee may seize any food or mobile food vending unit which does not have a permit or which is being used by an unlicensed mobile food vendor. Such mobile food vending unit and food shall be subject to forfeiture and disposal or sale in accordance with applicable law.

(e) *Removal costs.* A mobile food vending unit and its contents that are seized pursuant to subdivision (d) of this section, or other applicable law may be removed to any garage, automobile pound or other place of safety, and the owner, or other person lawfully entitled to the possession of such vehicle or pushcart may be charged with reasonable costs for such removal and storage, payable prior to the release of the mobile food vending unit.

§89.33 Suspension and revocation of license or permit.

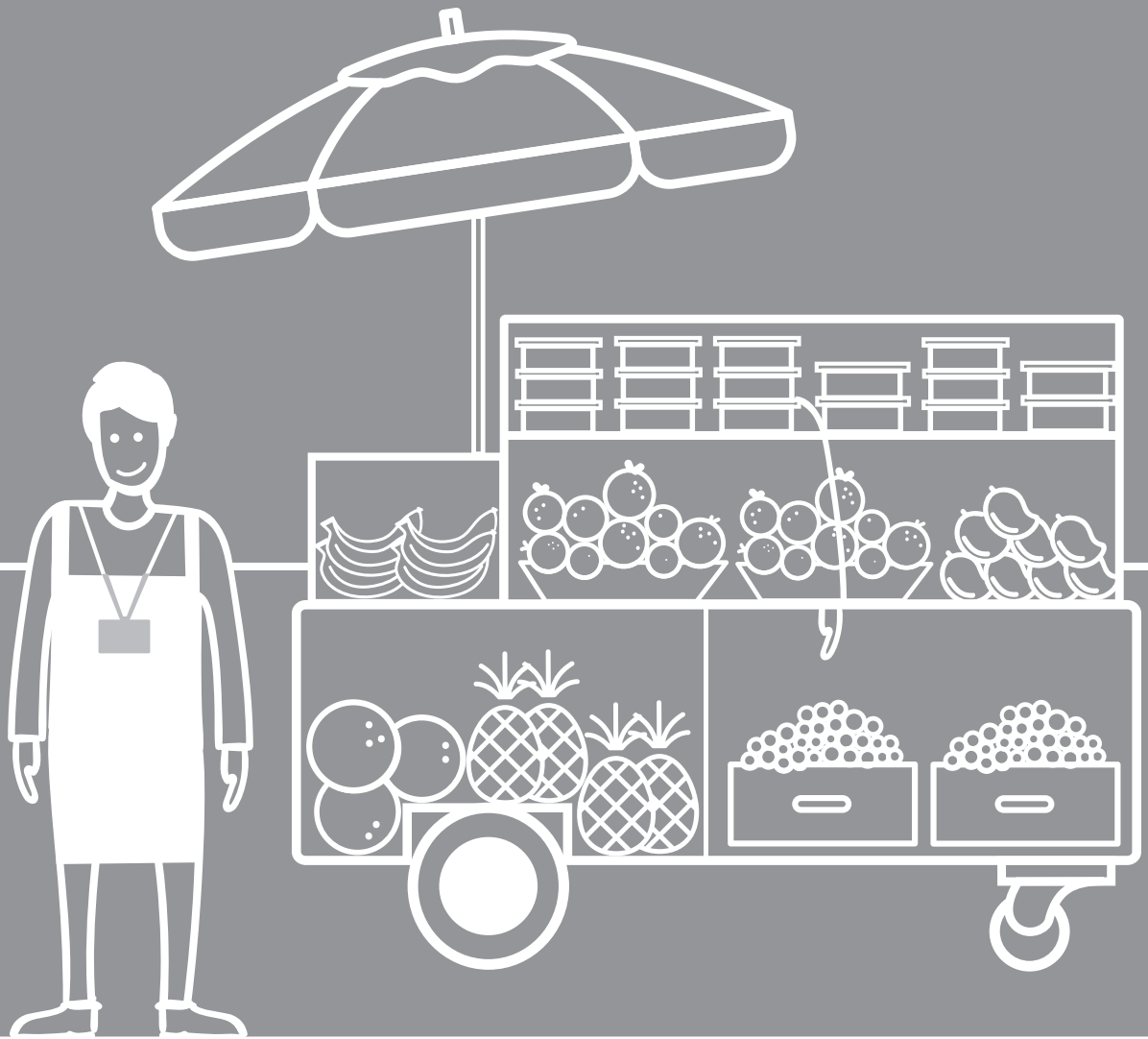
A license or permit issued pursuant to the provisions of this Article may be suspended or revoked by the Commissioner upon notice and hearing for any of the following causes:

- (a) Fraud, misrepresentation or false statements contained in the application for the license or permit;
- (b) Fraud, misrepresentation or false statements made in connection with the selling of any item of food;
- (c) Having been found in violation four or more times of the provisions of Subchapter 2 of Chapter 3 of Title 17 of the Administrative Code within a two-year period, or a violation of the provisions of Part 14 of Chapter 1 of the State Sanitary Code or of this Code, or of Chapter 6 of Title 24 of the Rules of the City of New York within a two-year period;
- (d) Failure to answer a summons or notice of violation, or failure to appear at a hearing for violation of Subchapter 2 of Chapter 3 of Title 17 of the Administrative Code, or of Chapter 6 of Title 24 of the Rules of the City of New York, or of this Code or the State Sanitary Code, or failure to pay a fine or penalty imposed by the Commissioner, Department or court for any such violation.
- (e) A license or permit that has been issued to a person who is not eligible pursuant to Subchapter 2 of Chapter 3 of Title 17 of the Administrative Code or this Code to hold such license or permit shall be deemed automatically invalid, and issued in error. Notice of such determination shall be made by first class mail to the last known address of the licensee or permittee, as maintained in Department records, and shall be a final agency determination.
- (f) It shall not be a defense in any proceeding to revoke a license or permit that the licensee or permittee changed his or her address without providing notice to the Department.

(g) *Notice; hearings.* Notice and hearing upon denial of an application, refusal to issue or renew, or where the Commissioner seeks to suspend or revoke a license or permit shall be provided in accordance with this Code, Chapter 7 of Title 24 of the Rules of the City of New York, and §17-317 of the Administrative Code.

§89.35 Modification.

The Commissioner may modify any requirements in this Article which present practical difficulties or unusual or unreasonable hardships in a specific instance consistent with the purpose and intent of this Article and this Code upon such conditions as are necessary to assure the service of safe food and to protect the public health.



Chapter 6 of Title 24 of the Rules of the City of New York: Food Units

§6-01	Scope and applicability	26
§6-02	Definitions	26
§6-03	Mobile food vending unit classifications.....	27
§6-04	Mobile food vending units: pre-permit construction and equipment requirements for all classes of mobile food vending units.....	28
§6-05	Mobile food vending units: equipment required for different classes of mobile vending units	33
§6-06	Size of mobile food vending units	34
§6-07	Green carts	35
§6-08	Facilities for servicing Class D and Class E mobile food vending units.....	35
§6-09	Manufacturer or exclusive distributor lease agreements.....	36
§6-10	Violations.....	36
§6-11	Inspections; permit issuance and renewal.....	38
§6-12	Records of commissaries and other approved facilities.....	40
§6-13	Disabled veterans mobile food unit vending permits	40
§6-14	Government agency and charitable organization exemptions..	41
§6-15	Modification	41

§6-01 Scope and applicability.

All mobile food vendors and the mobile food vending units operated in the City of New York are subject to and must comply with all applicable provisions of Articles 5, 71, 81, 89 and all other applicable provisions of the New York City Health Code (the “Health Code”); Title 17 of the Administrative Code of the City of New York (the “Administrative Code”); Part 14 of the New York State Sanitary Code (the “Sanitary Code”); and the rules of the Department set forth in this Chapter and Chapters 20, 26 and other applicable provisions of Title 24 of the Rules of the City of New York.

§6-02 Definitions.

Words and terms used in this Chapter have the following meanings:

Acceptable to the Department means acceptable under conditions of use and being used in conformance with applicable regulatory, industrial or other safety standards.

Contaminated has the meaning set forth in Article 81 of the Health Code.

Detergent sanitizer means a solution used to wash and/or sanitize utensils and equipment.

Food has the meaning set forth in Article 71 of the Health Code.

Food grade material means material certified as meeting the standards of the National Sanitation Foundation (NSF) or other organization utilizing a process approved by the American National Standards Institute (ANSI), or that is otherwise acceptable to the Department in compliance with §81.17 of the Health Code or successor provision. During use with food products such material shall not react with such food products or food contact surfaces; and shall not contaminate or impart any odor, color or taste to such food products. No food additive, food equipment, lubricant or other similar substance used in food processing, preparation, storage or service shall expose food to physical debris, toxic chemicals, harmful substances or other contaminants.

Green cart has the meaning set forth in §17-306(s) of the Administrative Code or successor provision.

Mobile food commissary or other facility approved by the Department means either

- (i) A commissary that complies with the requirements of Articles 81 and §89.27 of the Health Code, or
- (ii) Another facility providing storage and/or cleaning of no more than four Class D or Class E mobile food vending units, nor more than one food truck, in accordance with §6.08 of this Chapter.

Mobile food vending unit means a food service establishment as defined in Article 81 of the Health Code located in a pushcart or truck, self or otherwise propelled, used to store, prepare, display, serve or sell food, or distribute food free of charge to the public, for consumption in a place other than in or on the unit. Any such pushcart or food truck is deemed a mobile food vending unit whether operated indoors or outdoors, on public, private or restricted space. A mobile food vending unit does not mean a stand or a booth.

Potable water means drinking water that meets the drinking water requirements of subpart 5-1 of the State Sanitary Code and is thereby suitable for human consumption or use directly or indirectly in connection with the preparation of food for human consumption, including ice making and cleaning of utensils and equipment.

Potentially hazardous food has the meaning set forth in Article 81 of the Health Code.

Pre-permit inspection by the Department means the inspection of a mobile food vending unit in which the Department determines that the unit has been constructed and equipped in accordance with this Chapter. A pre-permit inspection by the Department is required:

- (i) Before the issuance of a new or renewed mobile food vending permit and decal;
- (ii) When a permittee seeks to replace a mobile food vending unit with another unit;
- (iii) When a permittee seeks to amend a permit classification from non-processing to processing or processing to non-processing;
- (iv) When a mobile food vending unit has sustained a material alteration, as defined in §89.03 (e) of the Health Code; or
- (v) When any permit decal has been removed.

Processing means transforming food into the form in which it is to be served to the mobile food vending unit patron, including, but not limited to, by means of slicing, dicing, grating, portioning, blending, mixing, combining, cooking and reheating, or otherwise treating food in such a way as to create a risk that it may become adulterated if improperly handled. Portioning by butchering is not allowed; food may be processed on a mobile food vending unit only in accordance with Article 89 of the Health Code. A person who processes food on a mobile food vending unit is not a manufacturer, as that term is defined in Administrative Code §17-306 (p), or successor provision of law.

Sanitization means effective treatment by heat or chemical means that destroys pathogens on surfaces treated and is acceptable to the Department, as defined in § 81.03(ii) of the Health Code, or successor provision.

Ware washing or multi-compartment sink means a sink, other than a hand wash, dedicated to washing cookware, kitchenware and utensils.

§6-03 Mobile food vending unit classifications.

Mobile food vending units shall be classified based on the foods, processing and packaging of foods served. Class A and Class B units are processing units and Class C, Class D and Class E units are non-processing units for the purpose of payment of the permit fees set forth in §17-308 (c) of the Administrative Code, or successor provision, and Article 5 of the Health Code.

(a) *Class A mobile food vending unit* means a processing unit on which raw, pre-cooked and/or manufactured potentially hazardous foods requiring temperature control as specified in Health Code §81.09 are stored, prepared and provided for individual service. Such foods include, but are not limited to, grilled or fried meats, sausages, poultry, shish kebab, hamburgers, eggs and gyros.

(b) *Class B mobile food vending unit* means a processing unit in or on which pre-cooked and/or manufactured potentially hazardous foods requiring temperature control as specified in §81.09 of the Health Code are stored, prepared and provided for individual service. Such foods include, but are not limited to, sandwiches prepared on the unit, raw fruits, vegetables and salads, breads, bagels and rolls buttered or topped with cream cheese on the unit, smoothies and soft serve ice cream.

(c) *Class C mobile food vending unit* means a non-processing unit in or on which only intact, prepackaged potentially hazardous foods requiring temperature control as specified in Health

Code §81.09 are provided for individual service. Such foods include, but are not be limited to, prepackaged frozen desserts, prepackaged sandwiches, and prepackaged and presliced fruits and vegetables.

(d) Class D mobile food vending unit means a non-processing unit in or on which non-potentially hazardous packaged or unpackaged foods not requiring temperature control for safety are provided or served. Such foods include, but are not limited to, brewed coffee and tea, donuts, pastries, rolls and bagels buttered or topped with cream cheese at a commissary, popcorn, cotton candy, nuts, candied nuts, soft pretzels, and chestnuts, regardless of whether such foods are heated for aesthetic purposes. However, mobile food vending units that prepare and serve any potentially hazardous foods, including but not limited to, dairy products, pre-cooked or manufactured knishes, boiled frankfurters and sausages are Class D mobile food units that require equipment or other means of holding potentially hazardous foods at the temperatures required by Articles 81 and 89 of the Health Code.

(e) Class E mobile food vending unit means a green cart or other non-processing mobile food vending unit in or on which only non-potentially hazardous uncut fruits and vegetables are sold or held for sale or service.

(f) Only food to be served or sold. A permit to distribute or sell food from a mobile food vending unit does not authorize the sale of any other product or merchandise from such unit.

(g) If a vendor serves or prepares foods included in more than one Class of operation, the unit must be equipped in accordance with the classification that reflects the greater degree of food protection.

§6-04 Mobile food vending units: pre-permit construction and equipment requirements for all classes of mobile food vending units.

Mobile food vending units must be constructed and equipped so that they may be maintained and operated in a clean and sanitary manner, in accordance with all applicable law, so as to protect foods from contamination by dust, dirt and toxic and other substances, and the public from risk of injury, and must be equipped in accordance with the requirements set forth in Table 1 in §6-05 of this Chapter. Units and equipment must be manufactured from easily cleanable, durable, hard, smooth, non-porous, non-absorbent, non-reactive and non-toxic materials. All equipment must be fastened securely to the mobile food vending unit. No mobile food vending unit or truck may be used as a dwelling, or for sleeping or other residential purposes for any period of time.

(a) *Food contact surfaces.* Food contact surfaces, as defined in Health Code §81.03(p) or successor provision, shall be constructed of easily cleanable, non-toxic commercial food grade materials; kept free of cracks, chips, holes, pits and sharp edges; and maintained in a clean and sanitary condition. Upon request of the Department, a permittee shall provide proof acceptable to the Department that a material used in construction or equipping of a mobile food unit is certified as food grade.

- (1) *Lubricants.* Equipment for processing foods that contain bearings and gears maintained and operated with non-food grade lubricants must be designed and constructed so that lubricants can not leak, drip, or contaminate food or food contact surfaces.

(2) *Cooking surfaces.* Cooking surfaces within a mobile food vending unit shall be placed and configured so as to minimize the risks of food contamination and injury to patrons, vendors, and the public.

(b) *Non-food contact surfaces.* All non-food contact surfaces must be smooth, easily cleanable, maintained in good repair and kept clean. If solder is used in construction or repairs, it shall be made of non-toxic materials, corrosion resistant, and contain less than 0.2% lead.

(1) *Interior non-food contact surfaces.* Interiors of mobile food vending units, including floors, walls and ceilings of food trucks, and non-food contact surfaces of equipment that are exposed to food splash or debris, or that otherwise require frequent cleaning shall be designed and constructed of smooth, non-toxic and washable materials, free of unnecessary ledges, projections, or crevices, readily accessible for cleaning and sanitizing and maintained in a clean and sanitary condition.

(2) *Exterior non-food contact surfaces.* Exterior non-food contact surfaces shall be constructed of smooth, durable, non-porous, non-toxic materials, without any open seams and joints.

(3) *Permit decal to be visible and unobstructed.* No ornamentation, advertisement, menu, price list, other display, sign or printed matter may cover or obscure the permit decal. A six (6) inch space shall be left clear on all sides of the decal. The decal may be covered by a hinged, hard, transparent plastic or glass cover no thicker than one-sixteenth of an inch. The cover shall not be secured by a lock, but installed so that the decal may be directly accessible for examination and inspection at all times.

(4) *Doors and windows.* In a food truck a partition or a partition with a self-closing door shall be installed between the driver's seat and the food processing and service area. To protect foods from potential contamination in all units, no service window may be installed over or behind cooking or food preparation equipment.

(c) *Lighting.* A mobile food vending unit shall be equipped with artificial lighting fixtures providing a minimum of 540 lux (50 foot candles) of light at all food contact surfaces and ware washing sinks whenever natural lighting conditions do not meet that standard. When artificial lighting is used, shatter-proof or shatter-guarded lighting shall be installed. Lighting fixtures located over or near food storage, preparation and service equipment shall be shielded to prevent broken glass from falling into food or onto food contact surfaces.

(d) *Ventilation.* Cooking equipment shall be mechanically ventilated to prevent a nuisance from heat, smoke, odors or fumes. Mechanical ventilation hoods and equipment shall be installed and used to prevent grease, steam, smoke, and odors from collecting on interior surfaces, contaminating food and creating a nuisance. If filters and other grease extracting equipment are not designed to be cleaned in place, they must be readily removable for cleaning and replacement, and must be removed and cleaned to prevent accumulations of grease. Power generators shall be used and vented in accordance with manufacturers' specifications.

(e) *Insect and rodent control.* Mobile food vending units shall be maintained so as to be free of insects, rodents, and conditions promoting harborage, as defined in Article 151 of the Health Code, and breeding of insects and rodents.

(f) *Potable water supply.* Mobile food vending units that are required to maintain a potable water supply in accordance with Table 1 of §6-05 shall be equipped with plumbing and plumbing

fixtures that provide adequate supplies of potable hot and cold water during all times of operation. Individuals operating mobile food vending units shall maintain sufficient supplies of potable water to allow for hand, ware and food washing and food preparation. Plumbing and fixtures shall be properly connected, vented and drained to prevent contamination of the City water supply or any other potable water supply. Water supply outlets and connections to water supply fixtures or equipment shall be designed and constructed to prevent back-flow into the water supply. Bottled and packaged potable water certified by the New York State Department of Health for sale in New York State may be used to supplement the potable water supply, if handled and stored in a way that protects it from contamination. If used, bottled and packaged potable water shall only be poured into tanks from the original containers. Failure to provide and maintain potable water supplies required by this Chapter is an imminent health hazard requiring immediate cessation of operation of any mobile food vending unit.

(1) *Tank capacity.* When a potable water supply is required by Table 1 of §6-05 of this Chapter, a food truck shall be equipped with a tank or tanks with a total capacity of no less than 40 gallons; other mobile food vending units shall be equipped with a tank or tanks with a total capacity of no less than 10 gallons. All tanks shall be filled to capacity prior to beginning operation or operating, as defined in Health Code §89.03 (j). On and after January 1, 2018, all water tanks shall be equipped with a water level indicator visible from outside the tanks.

(2) *Water tanks and inlet pipes.* Water tanks shall be constructed of food grade materials that are corrosion resistant, durable and non-absorbent. Water inlet pipes shall be made of flexible, food-grade material. The fitting for hose connections shall be capped except when tanks are being filled.

(g) *Plumbing.* Plumbing fixtures shall be constructed of food grade material; piping and distribution piping shall be installed and maintained to protect the water from contamination. All piping shall be easily accessible for inspection and repair.

(1) *Tank drainage.* Potable water tanks shall be fitted with a faucet or valve and tilted to allow complete drainage. The entire system shall be constructed to be drained by gravity or other means acceptable to the Department.

(A) Potable and waste water connections on a mobile food vending unit shall be designed and constructed so as to prevent backflow and/or cross-connection with the water supply.

(B) Equipment and fixtures used for storage, preparation, or processing of food that are drained into the waste water tanks shall be equipped with a readily accessible vented check valve on the waste line.

(C) No equipment may be directly attached to the potable water supply unless an approved backflow device is installed.

(2) *Pressure.* Potable water, when required by Table of §6-05 of this Chapter, shall be dispensed at sufficient pressure to provide a constant adequate flow.

(h) *Waste water system.* Waste water shall be stored and disposed of in accordance with §89.25 of the Health Code.

(1) Waste water storage tanks and pipes shall be designed and maintained so as not to leak or spill on sidewalks or public streets.

- (2) When required by Table 1 of §6-05 of this Chapter, waste water tanks shall have a minimum capacity that is at least 15% greater than the potable water supply capacity and be clearly and permanently labeled “waste water.”
- (3) Mobile food vending units creating liquid waste, including but not limited to units serving beverages such as coffee or tea or boiling frankfurters or holding melting ice, shall be equipped with a waste water tank with a minimum capacity that is at least 15% greater than the amount of water used for brewing coffee, processing food or for other liquid waste.
- (4) Mechanically refrigerated equipment and containers where ice is used must be equipped with an indirect waste connection, in accordance with Health Code §81.20, that drains into the waste tank.
- (i) Hand washing, ware washing and food washing.
- (1) Hand wash sink. When required by Table 1 of §6-05 of this Chapter, mobile food vending units must be equipped with a separate hand wash sink or with one compartment of a multi-compartment sink that is used only for hand washing and no other purpose. The hand wash sink must:
- (A) Be located in the food preparation area, accessible for immediate use at all times, at a convenient height, and not obstructed by or used to store supplies or other equipment;
 - (B) Dispense potable running water;
 - (C) Have a dispenser valve or faucet which provides a constant flow of water when opened;
 - (D) Be supplied by a potable water storage tank constructed of food grade material that holds at least five (5) gallons of water;
 - (E) Be equipped with supplies of soap and paper towels or other single-use hand drying device; and
 - (F) Be equipped with “Wash Hands” signs in accordance with Health Code §81.21 (c).
- (2) Ware washing and sanitizing sink.
- (A) All equipment and utensils must be cleaned and sanitized at least once daily at the mobile vending unit commissary in accordance with Health Code §89.19(l). When required by Table 1 of §6-05 of this Chapter, a sink with a swivel faucet must be provided to wash and sanitize utensils and equipment that have become contaminated while the unit is in operation before being re-used.
 - (B) Utensils being used to serve or dispense ready to eat foods may be stored in a container of water heated to and maintained at 135 degrees Fahrenheit (57 degrees Celsius) or higher. The container must be cleaned and sanitized at least once every 24 hours at the permittee’s commissary, and be large enough to allow immersion of the largest sized utensils.
 - (C) A sink used for ware washing and sanitizing may be used for washing foods, but may not be used for washing hands or as a slop or utility sink.
- (3) Washing foods in a separate food washing sink or food grade container. When required by Table 1 of §6-05, a separate dedicated sink, or a food grade container placed in a

compartment of a ware washing sink may be used for washing food that requires washing while the unit is in operation.

(A) The sink and the colander in which food is washed must not contain any other equipment or supplies when food is being washed, and must be cleaned and sanitized before and after washing any food.

(B) Any sink in which food is washed must be indirectly drained as defined in §81.03(z) of the Health Code or successor provision.

(4) No sink used for washing hands, wares or food may be used as a slop or utility sink.

(l) *Hot and cold storage.* When required by Table 1 of §6-05 of this Chapter, mechanical or other holding equipment shall be provided and used to hold potentially hazardous hot foods at or above 140 degrees Fahrenheit (60 degrees Celsius) and cold foods at or below 41 degrees Fahrenheit (five degrees Celsius).

(1) *Thermometers.* Each hot and cold storage unit shall be equipped with a numerically scaled or other indicating thermometer, accurate to plus or minus two degrees Fahrenheit (one degree Celsius).

(2) *Placement of thermometers.* Thermometers in cold holding equipment shall be placed in such equipment or cold holding containers to measure air temperature in the warmest part of the unit. Thermometers used to measure the temperature of food in hot holding equipment shall be placed so that they measure the temperature in the coolest part of such equipment.

(m) Compliance with fire safety requirements. In addition to the other requirements of this section, all mobile food vending units and commissaries shall comply with the New York City Fire Code (Title 29 of the Administrative Code) and rules of the Fire Department found in Chapter 38 of Title 3 of the Rules of the City of New York, or successor provisions, regulating the use of any flammable gas, and governing the storage, handling and use of propane and other liquefied petroleum gases (“LPG”). As set forth in Chapter 38 of the Fire Code and Chapter 38 of the Fire Department rules, such provisions prohibit the use of any flammable gas other than LPG for cooking and heating on a mobile food vending unit. The provisions also prohibit the placement of any unit with propane or other LPGs on a subway grate, and among other things regulate:

(1) Design of the cooking grills and other heating equipment;

(2) Size, number, location and securing of the LPG containers;

(3) Securing of container valves; and

(4) Size, type, location and mounting of required portable fire extinguishers.

(n) *Ice cream trucks.* No decal may be issued for any food truck to be used to vend ice cream and other frozen desserts unless such truck is equipped with fully operational warning beepers and signage arm as required by the State Vehicle and Traffic law and the rules promulgated under such law.

(o) *Overhead structure.* Every mobile food vending unit shall be equipped or constructed with an overhead structure such as an overhang, roof, canopy, umbrella or similar device adequate to protect food and equipment from contamination.

(p) *Food security.* All mobile food vending units shall be equipped with appropriate food grade coverings, tamper-proof locks or other mechanisms. Vendors shall secure such units when it is

necessary to leave mobile food vending units unattended on a street for no more than one-half hour. Units left unattended for periods longer than one-half hour shall be deemed abandoned and an imminent health hazard, in accordance with Health Code §89.31(c).

§6-05 Mobile food vending units: supplies and equipment required for different classes of mobile food vending units.

(a) In addition to the general requirements for construction and design of mobile food vending units and their equipment in §6-04 of this Chapter, each class of vending units shall be supplied and equipped in accordance with Table 1 of this section. The minimum equipment required is determined by the class of the unit and the foods that are processed and/or sold on the unit.

(b) Permit subject to revocation; mobile food vending units subject to seizure. Persons who prepare, process or serve foods from a mobile food vending unit that is not equipped in accordance with the requirements specified for the unit's permit classification as set forth in this section will be deemed to be vending without a permit. Such units and their contents are subject to seizure, removal of the permit decal or insignia, and any other sanctions prescribed by applicable law, including but not limited to, provisions of Article 89 of the Health Code.

§6-05 Table 1. Supply and Equipment Requirements for Mobile Food Vending Units									
	Potable water	Food and ware washing sinks ¹	Hand wash sink	Waste water tank	Over-head structure	Ventilation	Cold holding	Hot holding	Thermometers
Class A: Potentially hazardous raw foods cooked on unit; e.g., fried and grilled sausages, poultry, shish kebab, hamburgers, eggs and gyros	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Class B: Potentially hazardous prepared foods combined on the unit; e.g., sandwiches raw fruits, vegetables and salads, breads, bagels and rolls buttered or topped with cream cheese on the unit, smoothies and soft serve ice cream	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Class C: Potentially hazardous prepackaged foods; e.g., prepackaged frozen desserts, prepackaged sandwiches, and prepackaged and presliced fruits and vegetables	No	No	No	Yes ³	Yes	No	Yes	Yes	Yes
Class D: Non-potentially hazardous unpackaged or packaged foods; e.g., boiled frankfurters and sausages, brewed coffee and tea, donuts, pastries, rolls and bagels buttered or topped with cream cheese at a commissary, popcorn, cotton candy, nuts, candied nuts, soft pretzels, chestnuts	Yes ²	No	No	Yes ³	Yes	No	Yes ³	Yes ³	Yes ³
Class E: Non-potentially hazardous uncut fruit and vegetables (including Green Carts)	No	No	No	No	No	No	No	No	No
<p>Notes:</p> <p>1. Food and ware washing sinks may be separate or multi-compartment. A single sink is acceptable for food and ware washing if food is washed in a food-grade colander.</p> <p>2. Waste water tanks are required when generating liquid waste from brewing coffee or tea, boiling frankfurters, or serving or using ice. See, §6-04(h) (3) of this Chapter.</p> <p>3. Hot and cold holding equipment or methods required for potentially hazardous foods such as hot dogs, sausages and knishes.</p>									

§6-06 Size and placement of mobile food vending units.

(a) *Non-truck units.* No new permit shall be issued after October 31, 2013 for any mobile food vending unit pushcart that exceeds ten (10) feet in length and five (5) feet in width, including wheels, axles and other appurtenances to such wheels. When vending on a sidewalk, the operator must place the unit so that the longer side is adjacent and parallel to the curb abutting the sidewalk.

(1) Current permits for units that exceed the size restrictions, and that expire on or before October 31, 2013, shall be renewed only once. Subsequent renewal permits shall be approved only for units that comply with these size restrictions.

(2) Current permits that expire on or after November 1, 2013 shall be approved for renewal only for units that comply with these size restrictions.

(b) *Food trucks*. These size restrictions do not apply to food trucks.

§6-07 Green carts.

(a) The Department will permanently affix on two sides of each green cart, as that term is defined in §17-306 (s) of the Administrative Code, either identical permit plates or identical permit decals that are easily identifiable and distinguishable from all other plates or decals on the green cart. Such plates or decals shall contain the fresh fruits and vegetables permit number issued to the owner of each such green cart and the borough and police precincts in which the green cart is authorized to operate. Permit decals may not be removed or transferred to any other mobile food vending unit.

(b) At the time an initial green cart permit is issued, the Department will provide a distinctive and readily recognizable “green cart” umbrella to each green cart permittee. The umbrella must be safely secured to the green cart and maintained in good condition and repair at all times by the permit holder, and must be displayed in an open position above the green cart whenever the green cart is being used to vend. For any replacement umbrella, the green cart permittee must pay a fee of fifty dollars (\$50.00) reimbursing the Department for the cost of the umbrella. In addition to the above requirements specific to green carts, green carts must comply with all other applicable requirements pertaining to Class E mobile food vending units.

(c) Exemption of police precincts where green carts may vend. Notwithstanding any provision in §17-307(b)(4)(b) of the Administrative Code, no fresh fruits and vegetables permit may be designated for use within either the 45th or 72nd police precincts of the City of New York.

§6-08 Facilities for servicing Class D and Class E mobile food vending units.

(a) Use of a facility that services four or fewer Class D and/or Class E mobile food vending units that are not food trucks, or one Class D or Class E food truck, may be approved by the Department at or prior to the pre-permit inspection of such Class D and/or Class E units.

(b) A person holding a permit for a Class D or Class E mobile food vending unit who requests approval from the Department for use of a facility other than a commissary shall identify the location of such facility, and provide the Department with the individual or business name, address, telephone number(s), and e-mail contact information, if available, for the owner of the facility. The owner of the facility, or the permittee, if the permittee is the owner of the property where the facility is located, shall certify to the Department that the facility complies with all of the following conditions:

(1) The facility is not used to store or discard food.

(2) The facility is constructed of materials whose surfaces are easily cleanable, non-toxic, non-absorbent and smooth and designed to protect the mobile food vending unit at all times from environmental contamination.

- (3) The facility is adequately lighted; equipped with potable hot and cold running water and drainage for liquid wastes; provides adequate space and facilities for cleaning and storing the unit; and is located entirely on private property.
- (4) The facility has all required permits other than a commissary permit and its use complies with all applicable fire safety, zoning and building laws. At the request of the Department, the user shall provide copies of any required permits.
- (5) No more than four Class D and/or Class E mobile food vending units are serviced at the facility.
- (6) Any mobile food vending units stored in the facility and the facility must be kept in a sanitary condition.
- (7) No units may be cleaned on public streets or sidewalks.
- (8) No live animals shall be kept or allowed within any storage or cleaning facility.
- (9) Garbage, refuse and other solid and liquid wastes shall be collected and stored at the mobile food vending unit while the unit is in use, and removed from the unit and disposed of at a commissary or other approved facility so as not to create a nuisance in accordance with Health Code §89.25.

§6-09 Manufacturer or exclusive distributor lease agreements.

- (a) “Lease” or “Lease agreement” submitted for Department approval pursuant to Administrative Code §17-314.1(d)(2), as used in this section, means a written agreement between an exclusive distributor or a manufacturer (lessor) holding more than one temporary mobile food unit permit and a mobile food vendor licensee (lessee). The agreement is for the transfer, for a stated period of time and for a fixed amount as set forth in such written agreement, the possession of a mobile food unit owned by such exclusive distributor or manufacturer with such exclusive distributor’s or manufacturer’s temporary mobile food unit permit attached to the mobile food unit.
- (b) All lease agreements involving the leasing of multiple temporary mobile food unit pushcarts and food trucks by manufacturers and exclusive distributors and licensed mobile food vendors that are submitted to the Department for review and approval pursuant to §17-314.1(d)(2) of the Administrative Code must contain a rider to such lease agreements, in a form provided or approved by the Department, that is dated and signed by both parties. The department will maintain copies of an approved lease agreement form on its website and make copies available to any person on request.
- (c) The provisions of §17-314.1(d)(2) of the Administrative Code and this section apply to only the manufacturers and exclusive distributors of food products who held multiple temporary or seasonal permits prior to 1995, were authorized to renew up to 60 of those multiple temporary permits, and were exempted from application of Administrative Code §17-307(b)(2)(f), that provides that a person (an individual or any other entity) may renew or obtain only one permit.

§6-10 Violations.

- (a) “A” violations defined. For the purposes of mobile vending permit or license renewal, or issuance of a new license or permit, “A” violations are all violations of the Health Code, the State Sanitary Code, these rules and the violations of the Administrative Code listed in subdivision (d) of this section where the licensee, permittee or applicant is found in violation as a result of a

hearing on the merits or by default.

(b) “A” violation penalties to be paid. Every person renewing a mobile food vending license or a mobile food unit permit, or applying for a new mobile food vending license or mobile food unit permit shall pay all fines and penalties for all “A” violations as defined by subdivision (b) of this section that have been adjudicated, or for which the licensee, permittee or applicant for a license or permit has been found in default. Proof of payment of all such fines and penalties must be submitted prior to issuance of a new or renewal license or permit, notwithstanding the provisions of New York City Charter §1049-a (d)(1)(i).

(c) Basis for revocation, suspension, or denial of new or renewal permit or license. The Commissioner may refuse to issue a mobile food vending license or a mobile food unit permit and may, after due notice and an opportunity to be heard, in addition to any other penalties, refuse to renew, suspend or revoke such a license or permit. Such action may be taken when the applicant, licensee, permittee, its officers, directors, shareholders, members, managers or employees (i) have been found to be in violation of four or more of the provisions of subchapter 2 of chapter 3 of title 17 of the Administrative Code that are classified as “A” violations in subdivision (d) of this section within a two-year period, (ii) have been found to be in violation of any of the provisions of part fourteen of the State Sanitary Code or of the Health Code, or (iii) the applicant, licensee, permittee, its officers, directors, shareholders, members, managers or employees have pending any unanswered summonses for a violation of a provision of subchapter 2 of chapter 3 of title 17 of the Administrative Code that is classified as an “A” violation in subdivision (d) of this section.

(d) Administrative Code “A” violations. For the purposes of revocation or suspension of mobile food vending permits or licenses, or of determining whether such permits or licenses may be renewed or new licenses and permits issued, “A” violations mean violations of the following provisions of subchapter 2 (“Food Vendors”) of chapter 3 (“Licenses and Permits”) of title 17 of the Administrative Code or successor provisions, as listed below in §6-10 Table 1, where the licensee, permittee or applicant is found in violation as a result of a hearing on the merits or by default:

§6-10 Table 1. Administrative Code “A” Violations	
Section	Description
§17-307(a)	Unlicensed mobile food vendor.
§17-307(b)	Unpermitted mobile food unit.
§17-307(d)	Vending unapproved items.
§17-311	Failure to display mobile food vending license, mobile food vending unit permit, or mobile food vending unit decal, plate or insignia.
§17-314(a)	Failure to permit regular inspections.
§17-314(b)	Failure to give supplier/depot/commissary information.
§17-314(c)	Sale of unauthorized foods without written approval.
§17-314.1	Sale, loan, lease or transfer of license, permit or decal, plate or insignia.
§17-315(a)	Vendor on sidewalk that allows less than 12 feet as pedestrian path; or unit not at, or abutting curb.
§17-315(e)	Vendor within bus stop, within 10 feet of any driveway, any subway entrance or exit, or any crosswalk at any intersection.

(e) Permittees liable for mobile food vending unit operation; service of notices of violation. In accordance with Health Code §§5.13 and 89.13, permittees are jointly and severally liable for violations of the Health Code, the State Sanitary Code, the Administrative Code and any other applicable law that occur in the course of operation of mobile food vending units bearing their permits. A person operating a mobile food vending unit who is not the permittee shall be deemed an agent of the permittee, and the mobile food vending unit being operated by such person shall be deemed the place of business of the permittee, for the purpose of service of any notice of violation issued to the permittee by the Department. The notice of violation may also be issued by any other agency of the City authorized to issue notices of violation in the course of enforcement of any law applicable to mobile food vending. If, in the course of operation of a mobile food vending unit, a person other than the permittee is served with such notice of violation or order issued to the permittee, the person other than the permittee shall deliver the notice of violation or order to the permittee within two business days of receiving such notice of violation, and the Department or other agency issuing the notice of violation shall mail such notice of violation to the permittee by first class mail, maintaining and submitting a record of the mailing to the Environmental Control Board as proof of service.

§6-11 Inspections; permit issuance and renewal.

No unit shall be approved for use unless such unit has passed a pre-permit inspection by the Department and found to be constructed and equipped in compliance with this Chapter and Article 81 and Article 89 of the Health Code.

(a) Renewal applications to be submitted timely. An application for renewal of any permit shall not be accepted unless the applicant submits a complete renewal application, the tax clearance certificates required by §17-310 of the Administrative Code, and proof of payment of all fines and penalties owing for notices of violation as required by §17-317(b) and §6-10 of this Chapter, no later than thirty (30) days before the date of expiration of the permit. The Department may accept a late renewal application only if the applicant submits proof that may be verified by the Department that the delay in submission of the completed application and clearances resulted because of delays in issuing the clearances. In such cases, the permittee must show that applications for tax and penalty clearances were submitted at least sixty (60) days before the date of renewal of the permit.

(b) Inspections to be scheduled timely. In accordance with §17-307(e) of the Administrative Code, a new or renewal permit shall not be issued if the applicant's mobile food vending unit fails to pass a pre-permit inspection by the Department within six (6) months after the permit application has been certified or accepted by the Department. The Department may conduct such an inspection more than six (6) months after the application has been submitted only if Department records indicate that the Department caused the delay in scheduling the inspection.

(c) Permit holder photographs. All individual applicants for a new or renewed permit, and persons who require a replacement or substitute permit or decal for a mobile food vending unit, shall personally appear at a location designated by the Department so that a current identifying photograph may be taken.

(d) Pre permit inspections and reinspections. Permit applicants or permittees must bring the mobile food vending unit in for inspection, at a place designated by the Department, and present

(i) a currently valid mobile food vendor's license, and (ii) another government issued photo identification acceptable to the Department in the following circumstances:

- (1) Before the issuance of a new or renewed mobile food vending permit and decal;
- (2) When a permittee seeks to replace a mobile food vending unit with another unit;
- (3) When a permittee seeks to amend a permit classification from non-processing to processing or processing to non-processing;
- (4) When a mobile food vending unit has sustained a material alteration, as defined in §89.03 (e) of the Health Code; or
- (5) When any permit decal has been removed.

(e) Applicants other than natural persons. If an entity other than a natural person is an applicant or permittee, such as a corporation or limited liability company, the person who brings a mobile food vending unit in for inspection on behalf of such entity must be a person authorized by law to accept service of process on behalf of such entity pursuant to Article 3 of the New York CPLR. Such persons may include an officer, director or managing agent of a corporation; a partner of a partnership or limited partnership; or a member of a limited liability company. No other person may bring any mobile food vending unit to the Department for the non-operational inspections required by this section.

(f) Identifying operators of mobile food vending units. The applicant for a new or renewal permit must (1) complete a form provided by the Department listing the name(s), address(es), telephone number(s) and the currently valid mobile food vending unit license number(s) of each person who will be operating the mobile food vending unit, and (2) provide a statement describing the legal relationship of such person to the permit holder, in accordance with §17-309(b)(1) of the Administrative Code. The completed form shall be signed and notarized by the permit applicant.

(g) Service contract or agreement from a commissary or other approved facility. At the pre-permit inspection, the permittee or permit applicant must provide an original agreement or contract signed by a commissary operator, or a person in charge of a facility other than a commissary that provides services to no more than four Class D or Class E units that are not food trucks, or one Class D or Class E food truck, indicating the specific goods and services provided for the permittee's mobile food vending unit. The permittee must maintain a copy of such agreement on the mobile food vending unit at all times of operation and make it available for inspection by the Department. Such goods and services must include, but are not be limited to:

- (1) Storage of the unit and foods.
- (2) Cleaning and sanitizing of the unit, equipment and utensils.
- (3) Disposing of liquid and solid waste and refuse generated by operation of a unit.
- (4) Amount of potable water supplied.
- (5) Foods provided, including those prepared at the commissary and prepackaged; and name of person preparing foods.
- (6) Non-food supplies provided by the commissary.

(h) Reinspection of damaged, repaired or materially altered mobile food vending units. Any mobile food vending unit that has been damaged and repaired, or materially altered so as to change or result in a change in the size of the unit, or has undergone replacement of any part of the body

structure or equipment of the unit shall be brought to the Department for reinspection prior to reuse or continued use of the unit. Repair or replacement of a tire or an axle, and straightening a dent in a panel are not considered material alterations.

(i) Decals. No decal may be placed on any mobile food vending unit unless a Department inspector has determined at a pre-permit inspection that the unit is constructed and equipped in accordance with this Chapter, and that the person renewing or applying for a permit has completed and submitted all forms required by this section.

(j) Units to be photographed. The Department may take photographs of mobile food units at any time, so that the Department may verify that the unit has passed a pre-permit inspection.

(k) Notification of changes in operations. Permittees must notify the Department, in writing, on forms approved or provided by the Department, no later than ten business days after any there has been a change in:

- (1) Persons operating each unit as indicated on the form described in Section 6-12(c) of these Rules, or
- (2) Commissary used. Permittees must provide a copy of an agreement from the new commissary with such notice.

(l) Enforcement. A new or renewal decal and permit may be denied for:

- (1) Failing to allow photographs of the permittee or the unit.
- (2) Failing to appear in person for pre-permit inspections of a mobile food vending unit.
- (3) Failing to provide information about the operators of the units or foods sold on the unit, or
- (4) Failing to maintain and submit an agreement with a commissary.

§6-12 Records of commissaries and other approved facilities.

Commissaries and other approved facilities providing services to four or fewer Class D or Class E units that are not food trucks, or one Class D or Class E food truck, shall keep records in a daily log, in a form provided or approved by the Department, documenting the daily use of commissary services and facilities by mobile food vendors in accordance with §89.27 (b) of the Health Code. The log must indicate the date and time of day each unit is brought in and leaves the commissary.

§6-13 Disabled veterans mobile food unit vending permits.

Disabled veterans who hold currently valid (i) specialized vendor licenses issued pursuant to General Business Law §35-a, (ii) general vendor licenses issued by the Department of Consumer Affairs and (iii) mobile food vending licenses issued by the Commissioner, may apply for and be issued permits to operate mobile food vending units on sidewalks surrounding parks within the jurisdiction of the New York City Department of Parks and Recreation, or successor City agency, in accordance with the following conditions:

- (a) An applicant for such a restricted area permit may not hold any other currently valid mobile food vending unit permit, and only one such permit may be issued to any applicant.
- (b) In accordance with General Business Law §35-a, such permit authorizes vending only on sidewalks surrounding park lands.

(c) Operation of the mobile vending unit is subject to all provisions of General Business Law §35-a.

(d) During all times that a mobile food vending unit issued a permit under this section is in operation, as the term “operation” is defined in Health Code §89.03 (j) or successor provision, a disabled veteran shall be present, but may be assisted by an employee who is a licensed mobile food vendor. Department inspection reports which note the absence of a disabled veteran licensee are deemed proof that a disabled veteran is not operating the unit, in violation of General Business Law §35-a.

§6-14 Government agency and charitable organization exemptions.

In accordance with §17-320 (a) of the Administrative Code, the Commissioner may exempt any area within the control of a government agency or charitable organization from provisions of Title 17 of the Administrative Code that limit the total number of full-term or temporary mobile food vending permits that may be issued, or the number of permits that may be issued to any one person. The Commissioner may make this exemption provided that (i) the request for issuance is made in writing by the agency or organization and (ii) permittees comply with all other applicable provisions, limitations and conditions imposed by the New York City Administrative Code, the Health Code, the State Sanitary Code and these rules.

§6-15 Modification.

When the strict applicability of any provision of this Chapter presents practical difficulties or unusual or unreasonable hardships, the Department, in a specific instance, may modify the application of such provision consistent with the general purpose of this Chapter and upon such conditions as are deemed necessary.



Subchapter 2 of Chapter 3 of Title 17 of the New York City Administrative Code: Food Vendors

§17-306	Definitions	44
§17-307	Licenses, permits required; restrictions; term	45
§17-308	Fees	53
§17-308.1	Domestic Partners	53
§17-309	Applications; hearings	53
§17-310	Procedures for renewal of license or permit and finance rules	54
§17-311	Display of license or plate	54
§17-312	Notification of change	55
§17-313	Bookkeeping requirements	55
§17-314	Duties of licensees and permittees	55
§17-314.1	Transferability	56
§17-315	Restrictions on the placement of vehicles and pushcarts; vending in certain areas restricted or prohibited	57
§17-316	Prohibitions	59
§17-317	Issuance, renewal, suspension and revocation of licenses and permits	59
§17-318	Notice; hearings	60
§17-320	Exemptions	61
§17-321	Enforcement	61
§17-322	Forfeitures	62
§17-323	Seizure of perishable food	62
§17-324	Rules	62
§17-325	Penalties	62
§17-325.1	Failure to display and produce license or permit; presumptive evidence of unlicensed or unpermitted activity	63
§17-325.2	Reports on vendor license and permit renewals, suspensions and revocations	64

§ 17-306 Definitions. Whenever used in this subchapter the following terms shall mean:

- a. *“Commissary”*. A service room, catering establishment, restaurant or any other place in which food, containers or supplies are processed, prepared, handled, packed, transferred or stored and directly from which food is distributed to a food vendor or from which any vehicle or pushcart offering food to the public in any public space is supplied.
- b. *“Food”*. Any raw, cooked or processed edible substances, beverages, ingredients, ice or water used or intended for use or for sale in whole or in part for human consumption.
- c. *“Food vendor” or “vendor”*. A person who hawks, peddles, sells or offers food for sale at retail in any public space.
- d. *“Food vending business”*. The business of selling or offering food for sale at retail in a public space engaged in by a food vendor.
- e. *“Public space”*. All publicly owned property between the property lines on a street as such property lines are shown on city records including, but not limited to, a park, plaza, roadways, shoulder, tree space, sidewalk or parking space between such property lines. It shall also include, but not be limited to, publicly owned or leased land, buildings, piers, wharfs, stadiums and terminals.
- f. *“Pushcart”*. 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. The term “pushcart” shall include any green cart, as that term is defined by subdivision s of this section.
- g. *“Vehicle”*. A motor vehicle or trailer, as defined in the vehicle and traffic law.
- h. *“Vend”*. To hawk, peddle, sell or offer to sell food at retail in a public space, delivered immediately upon consummation of purchase.
- i. *“Person”*. A natural person, partnership, corporation or other association.
- j. *“Veteran”*. Any person who was in active service in the armed forces of the United States and was honorably discharged from such service.
- k. *“Disabled veteran”*. A veteran who is certified by the United States department of veterans’ affairs as having a disability rated at ten per centum or more that was incurred by such person during active service in the armed forces of the United States and which disability is in existence at the time of application for a permit under this sub-chapter.
- l. *“Honorable discharge”*. Any type of discharge or release from the armed forces of the United States other than a dishonorable discharge.
- m. *“Disabled person”*. Any person who has or had a physical or mental impairment that substantially limits one or more major life activities and has a record of such an impairment. For the purposes of this subdivision, “physical impairment” means a physiological disorder or condition, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; genitourinary; hemic and lymphatic; or skin and endocrine. It includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, muscular dystrophy, and multiple sclerosis. For the purposes of this subdivision, “mental impairment” means any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning

disabilities. For the purposes of this subdivision, “major life activities” means functions such as walking, seeing, hearing and speaking. For the purposes of this subdivision, a record of such an impairment shall be established by submission to the commissioner of either:

(a) A letter or certificate describing the physical or mental impairment of the applicant which must include the notarized signature of one of the following:

(i) A licensed physician, ophthalmologist, optometrist or psychologist; or

(ii) An authorized representative of a social agency that conducts programs for the disabled in cooperation with an official agency of the state and from which the applicant is receiving services such as, but not limited to, the state office of vocational rehabilitation; or

(b) A previous certification not more than one year old establishing the physical or mental impairment of the applicant such as, but not limited to, verification of an income tax exemption or social security benefits on the basis of physical or mental impairment.

n. *“Unemancipated child”*. Any son, daughter, step-son or step-daughter who is under the age of eighteen, unmarried and living in the same household.

o. *“Exclusive distributor”*. A person who has a written agreement with a manufacturer of a food product for the sale of that product by a food vendor licensed pursuant to this subchapter from a vehicle or pushcart to the exclusion of any similar food product manufactured by any other manufacturer.

p. *“Manufacturer”*. A person who processes or fabricates food products from raw materials for commercial purposes.

q. *“Fresh fruits and vegetables”*. Unprocessed unfrozen raw fruits and vegetables that have not been combined with other ingredients.

r. *“Fresh fruits and vegetables permit”*. A full-term permit for the vending at retail solely of fresh fruits or vegetables, or both, from a pushcart or vehicle in a public place. Unless otherwise specified, a fresh fruits and vegetables permit shall be a permit in accordance with the provisions of this subchapter.

s. *“Green cart”*. A pushcart used exclusively by those issued fresh fruits and vegetables full-term permits pursuant to section 17-307 of this subchapter and which, in addition to being in compliance with all other legal requirements applicable to non-processing pushcarts, must also have a distinctive and easily recognizable appearance in accordance with rules to be established by the commissioner.

§ 17-307 Licenses, permits required; restrictions; term. a. 1. It shall be unlawful for any individual to act as a food vendor without having first obtained a license therefor from the commissioner in accordance with the provisions of this subchapter.

(2) In addition to the conditions set forth in section 17-310 of this subchapter a license shall be renewable by the licensee provided that the licensee meets all other requirements for renewal, the license has not been revoked or suspended and the licensee has not committed a violation or violations which could be a basis for license revocation or suspension.

b. 1. It shall be unlawful to vend food from any vehicle or pushcart in a public space without having first obtained a permit for such vehicle or pushcart from the commissioner in

accordance with the provisions of this subchapter. The commissioner shall establish standards relating to the size and design of such vehicles and pushcarts. No vendors shall vend from any vehicle or pushcart which does not comply with the standards established by the commissioner. No vendor shall vend from other than a vehicle or pushcart. No food vendor issued a fresh fruits and vegetables permit shall vend from other than a vehicle or a green cart. No food vendor issued a fresh fruits and vegetables permit shall vend any food other than fresh fruits and vegetables from the green cart or vehicle for which the permit was issued.

2. (a) On and after July thirtieth, nineteen hundred eighty-three, no new full-term permits shall be issued until the number of such permits which are in effect is less than three thousand. Thereafter, the maximum number of such permits which may be in effect shall be three thousand and no new permits shall be issued in excess of such maximum number. Notwithstanding the limitations on the issuance of new full-term permits, a permit issued prior to July thirtieth, nineteen hundred eighty-three which is in effect shall be renewable by the licensee to whom the permit was issued subject to the provisions of subparagraph (f) of this paragraph and provided that all other requirements for renewal under the provisions of this subchapter and any rules promulgated pursuant thereto are complied with, the license of the person to whom the permit was issued or the permit has not been revoked or suspended and the licensee has not committed a violation or violations which could be a basis for permit or license revocation or suspension.

(b) (i) On and after March fifteenth, nineteen hundred ninety-five, without increasing the number of full-term permits which may be in effect in accordance with subparagraph (a) of this paragraph, two hundred full-term permits shall be designated for use exclusively in specified boroughs as follows:

(A) fifty of such full-term permits shall authorize the holders thereof to vend food from any vehicle or pushcart in any public place in the borough of the Bronx where food vendors are not prohibited from vending;

(B) fifty of such full-term permits shall authorize the holders thereof to vend food from any vehicle or pushcart in any public place in the borough of Brooklyn where food vendors are not prohibited from vending;

(C) fifty of such full-term permits shall authorize the holders thereof to vend food from any vehicle or pushcart in any public place in the borough of Queens where food vendors are not prohibited from vending; and

(D) fifty of such full-term permits shall authorize the holders thereof to vend food from any vehicle or pushcart in any public place in the borough of Staten Island where food vendors are not prohibited from vending.

(ii) After the initial issuance of such permits, the commissioner shall establish a separate waiting list for each of the relevant boroughs to be administered in accordance with procedures to be established by rules of the commissioner. The commissioner may by rule limit the number of places on each such waiting list.

(c) On and after January first, nineteen hundred ninety-five, full-term permits shall be issued only to persons who at the time of application for a permit have not had a full-term permit revoked or suspended and who satisfy the commissioner that they are fit and able to conduct,

maintain or operate a food vending business. Except as otherwise provided in item (B) of clause (ii) of subparagraph (a) of paragraph three of subdivision f of this section, no person shall be issued more than one permit, whether full-term or temporary.

(d) The issuance or renewal of a full-term permit pursuant to this subchapter shall be subject to the permittee within three months after the certification of a complete application therefor presenting a pushcart or vehicle for inspection by the department and within six months after such certification, passing such inspection.

(e) The commissioner shall establish a separate waiting list for the issuance of full-term permits pursuant to this subchapter to be administered in accordance with requirements to be established by rules of the commissioner. The commissioner may by rule limit the number of places on such waiting list.

(f) Except as otherwise provided in item (B) of clause (ii) of subparagraph (a) of paragraph three of subdivision f of this section, on and after January first, nineteen hundred ninety-six, and on every renewal date thereafter, a permit holder may not renew more than one permit, whether full-term or temporary. Such permit shall be renewed provided that all other requirements for renewal under the provisions of this subchapter and any rules promulgated pursuant thereto are complied with, the license of the person to whom the permit was issued or the permit has not been revoked or suspended and such person has not committed a violation or violations which could be a basis for permit or license suspension or revocation.

(g) Other than subparagraphs (c), (d) and (f), this paragraph shall not apply to the issuance of fresh fruits and vegetable permits.

3. (a) Notwithstanding the provisions of paragraph two of this subdivision limiting the number of full-term permits that are authorized to be issued, the commissioner may issue up to a maximum of one hundred additional full-term permits authorizing the holders thereof to vend food from any vehicle or pushcart in any public place in the city of New York where food vendors are not prohibited from vending. Such permits shall be issued only to natural persons who at the time of application for a permit hereunder are not holders of a full-term permit issued pursuant to paragraph two of this subdivision and who have not had a full-term permit revoked or suspended. No person shall be issued more than one permit. Such permits shall be issued in the order in which applications for such permits are received in accordance with the preferences specified in subparagraph (b) of this paragraph and the procedures established by the commissioner. The issuance or renewal of a full-term permit pursuant to this paragraph shall be subject to the permittee within three months after the certification of a complete application therefor presenting a pushcart or vehicle for inspection by the department and, within six months after such certification, passing such inspection. After the initial issuance of such permits, the commissioner shall establish a waiting list, not to exceed four hundred in number, to be administered in accordance with procedures to be established by rules of the commissioner.

(b) Preferences shall be given in the issuance of permits pursuant to this paragraph and in the placement on such waiting list to the following categories of persons in the following order:

(i) Veterans who on August second, nineteen hundred ninety-one held a valid general vendor's license issued by the department of consumer affairs pursuant to subchapter twenty-seven of chapter two of title twenty of the code by virtue of having claimed a disability.

(ii) Disabled veterans.

(iii) Disabled persons.

(iv) Veterans.

(c) A person who has been issued a permit pursuant to this paragraph shall not be eligible to obtain a full-term permit authorized by paragraph two of this subdivision if at the time of application for a full-term permit authorized by such paragraph two such person is a holder of a full-term permit issued pursuant to this paragraph or such person has had a full-term permit issued pursuant to this paragraph revoked or suspended.

(d) This paragraph shall not apply to fresh fruits and vegetables permits.

4. (a) Notwithstanding the provisions of paragraph two of this subdivision limiting the total number of full-term permits that are authorized to be issued, the commissioner may issue up to a maximum of one thousand fresh fruits and vegetable permits, as that term is defined in subdivision r of section 17-306 of this chapter. The initial issuance of these one thousand fresh fruits and vegetables permits shall be phased in over a two-year period. No more than five hundred permits shall be issued during the first year of permit availability, nor shall more than one-half of the number of fresh fruits and vegetables permits designated for use in a borough be issued during the first year of permit availability. During the second year of permit availability the commissioner may issue the remaining five hundred permits along with any permits from the initial five hundred not issued during the first year of permit availability. Thereafter, the maximum number of such permits which may be in effect shall be one thousand and no new permits shall be issued in excess of such number. Each of the one thousand fruits and vegetables permits to be issued pursuant to this paragraph shall be designated for use exclusively in a specified borough as follows:

(i) three hundred fifty of such fruits and vegetables permits shall authorize the holders thereof to vend fresh fruits and vegetables from any vehicle or any green cart in the borough of the Bronx in the areas designated in clause (i) of subparagraph b of this paragraph.

(ii) three hundred fifty of such fruits and vegetables permits shall authorize the holders thereof to vend fresh fruits and vegetables from any vehicle or any green cart in the borough of Brooklyn in the areas designated in clause (ii) of subparagraph b of this paragraph.

(iii) one hundred fifty of such fresh fruits and vegetables permits shall authorize the holders thereof to vend fresh fruits and vegetables from any vehicle or any green cart in the borough of Manhattan in the areas designated in clause (iii) of subparagraph b of this paragraph.

(iv) one hundred of such fresh fruits and vegetables permits shall authorize the holders thereof to vend fresh fruits and vegetables from any vehicle or any green cart in the borough of Queens in the areas designated in clause (iv) of subparagraph b of this paragraph.

(v) fifty of such fresh fruits and vegetables permits shall authorize the holders thereof to vend fresh fruits and vegetables from any vehicle or any green cart in the borough of Staten Island in the areas designated in clause (v) of subparagraph b of this paragraph.

(b) The issuance or renewal of a full-term permit issued pursuant to this paragraph shall be subject to the permittee within three months after the certification of a complete application therefore presenting a green cart or vehicle for inspection by the department and, within six months after such certification, passing such inspection. No person shall be issued

more than one permit. Fresh fruits and vegetables permits, in addition to being designated for use exclusively in a borough as specified in subparagraph (a) of this paragraph, shall be designated for use exclusively within the police precincts specified below and shall be subject to the same time and place restrictions for vending in such areas as other food vendors:

- (i) Bronx: Police Precincts 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 52;
- (ii) Brooklyn: Police Precincts 67, 70, 71, 72, 73, 75, 77, 79, 81, 83;
- (iii) Manhattan: Police Precincts 23, 25, 26, 28, 30, 32, 33, 34;
- (iv) Queens: Police Precincts 100, 101, 103, 113; and
- (v) Staten Island: Police Precinct 120.

(c) Notwithstanding any provision of this section to the contrary, within eight months of the effective date of the local law adding this paragraph, the commissioner may exempt by rule any police precinct specified in subparagraph b of paragraph four of this section upon determining that the rate of consumption of fresh fruits and vegetables in the precinct is not substantially lower than the citywide average and that the precinct does not have an elevated rate of nutrition-related health problems compared to the rest of the city.

(d) Fresh fruits and vegetables permits shall be issued in accordance with the preferences specified in subparagraph (e) of this paragraph and the procedures established by the commissioner. The commissioner shall establish a separate waiting list for each borough, to be administered in accordance with procedures to be established by rules of the commissioner. The commissioner may by rule limit the number of places on each such waiting list.

(e) Preferences shall be given in the issuance of fresh fruits and vegetables permits pursuant to this paragraph and in the placement on any waiting list for such permits to the following categories of persons in the following order:

- (i) Persons who, on the effective date of the local law which added this provision, are on any of the existing waiting lists established by the commissioner for the issuance of mobile food unit permits for pushcarts and vehicles. From among those persons within this preference category, additional preference in both the issuance of fresh fruits and vegetables permits and placement on any waiting list for such permits shall be given to those persons who fall within the following groups of persons in the following order: disabled veterans; disabled persons; veterans.
- (ii) Disabled veterans.
- (iii) Disabled persons.
- (iv) Veterans.

(f) A person who has been issued a permit pursuant to this paragraph shall not be eligible to obtain a full-term permit authorized by paragraphs two or three of this subdivision if at the time of application for a full-term permit authorized by such paragraphs such person is a holder of a full-term permit issued pursuant to this paragraph or such person has had a full-term permit issued pursuant to this paragraph revoked or suspended.

c. It shall be unlawful for any person to operate a commissary, or place of food distribution, or a place wherein five or more pushcarts, or more than one vehicle are stored, without first obtaining a permit.

d. A food vendor's license shall entitle the holder thereof to vend any food which the commissioner or board may authorize or otherwise approve, except that a food vendor vending from a green cart or vehicle with a fresh fruits and vegetables permit shall only be authorized to vend fresh fruit and vegetables. No food vendor while acting as such shall vend any item which the commissioner or board has not authorized or otherwise approved.

e. All licenses and permits issued pursuant to this subchapter shall be valid for two years unless sooner suspended or revoked. The commissioner may issue such licenses and permits to expire at various times during a year. To achieve such staggered expiration dates, initial licenses or permits may be issued for a period up to three years.

f. 1. The commissioner may issue temporary licenses and permits upon the furnishing of information and an application in such form and detail as such commissioner may prescribe and the payment of a fee pro-rated in accordance with the schedule of fees set forth in section 17-308 of this subchapter, but in no event shall the fee for such temporary license be less than ten dollars or the fee for such temporary permit be less than fifteen dollars.

2. In addition to the conditions set forth in section 17-310 of this subchapter a temporary license shall be renewable by the licensee within one year of its expiration date provided that the licensee meets all other requirements for renewal, the license has not been revoked or suspended and the licensee has not committed a violation or violations which could be a basis for license revocation or suspension.

3. (a) (i) On and after July thirtieth, nineteen hundred eighty-three, no new temporary permits shall be issued until the number of such permits which are in effect is less than one thousand. Thereafter, the maximum number of such permits which may be in effect shall be one thousand and no new permits shall be issued in excess of such maximum number. Notwithstanding the limitations on the issuance of new temporary permits, a temporary permit issued prior to July thirtieth, nineteen hundred eighty-three shall be renewable by the licensee to whom the permit was issued within one year of its expiration date subject to the provisions of clause (ii) of this subparagraph and provided that all other requirements for renewal under the provisions of this subchapter and any rules promulgated pursuant thereto are complied with, the license of the person to whom the permit was issued or the permit has not been revoked or suspended and the licensee has not committed a violation or violations which could be a basis for license or permit revocation or suspension.

(ii)(A) Except as otherwise provided in item (B) of this clause, on and after January first, nineteen hundred ninety-six, and on every renewal date thereafter, a permit holder may not renew more than one permit, whether full-term or temporary. Such permit shall be renewed provided that all other requirements for renewal under the provisions of this subchapter and any rules promulgated pursuant thereto are complied with, the license of the person to whom the permit was issued or the permit has not been revoked or suspended and such person has not committed a violation or violations which could be a basis for permit or license suspension or revocation.

(B)(I) Notwithstanding any other provision of law to the contrary, on and after the effective date of the local law which added this subitem, any person who is an exclusive distributor or a manufacturer of a food product and who on February third, nineteen hundred ninety-five was an exclusive distributor or a manufacturer of such food product who held more than one temporary permit issued pursuant to this subchapter, may be issued the number of

additional temporary permits such person held on February third, nineteen hundred ninety-five and, in addition, may continue to hold one full-term permit issued pursuant to this subchapter if such exclusive distributor or manufacturer held one full-term permit issued pursuant to this subchapter on the effective date of the local law which added this subitem. A written agreement evidencing an exclusive distributorship shall be proof satisfactory that an applicant for multiple temporary permits was an exclusive distributor of a food product on February third, nineteen hundred ninety-five and is an exclusive distributor of such food product at the time of such application. Any written agreement evidencing an applicant's status as an exclusive distributor on February third, nineteen hundred ninety-five shall have been in effect on such date.

(II) Any person who is eligible for the issuance of additional temporary permits pursuant to subitem (I) of this item shall be issued a maximum of sixty temporary permits.

(III) Additional temporary permits shall be issued pursuant to subitem (I) of this item only to persons who are eligible therefor who have not at the time of application for such additional temporary permits had a permit issued pursuant to this subchapter revoked or suspended and who satisfy the commissioner that they are fit and able to conduct, maintain and operate a food vending business. Such permits shall be renewed provided that all other requirements for renewal under the provisions of this subchapter and any rules promulgated pursuant thereto are complied with, the license of the person to whom the permits were issued or the permits have not been revoked or suspended and such person has not committed a violation or violations which would be a basis for permit or license suspension or revocation.

(IV) Nothing contained in subitem (I) of this item shall be construed as authorizing the issuance of full-term or temporary permits in excess of the numbers of such permits that are authorized to be issued pursuant to paragraph two of subdivision b of this section or clause (i) of this subparagraph.

(b) On and after January first, nineteen hundred ninety-five, temporary permits shall be issued only to persons who have not had a temporary permit revoked or suspended and who satisfy the commissioner that they are fit and able to conduct, maintain or operate a food vending business.

(c) The issuance or renewal of a temporary permit pursuant to this subchapter shall be subject to the permittee within three months after the certification of a complete application therefor presenting a pushcart or vehicle for inspection by the department and within six months after such certification, passing such inspection.

(d) The commissioner shall establish a separate waiting list for the issuance of temporary permits pursuant to this subchapter to be administered in accordance with procedures to be established by rules of the commissioner. The commissioner may by rule limit the number of places on such waiting list.

(e) Temporary permits and temporary licenses issued pursuant to this subchapter shall be valid only during the period of time beginning on April first and ending on October thirty-first of each calendar year.

g. For purposes of determining the number of full-term or temporary permits held by a permittee pursuant to subdivisions b and f of this section, the following provisions shall apply:

1. A natural person shall be deemed to hold the full-term or temporary permits issued in the name of such natural person's unemancipated child, a partnership in which such natural person is a partner, a corporation in which such natural person is an officer, director or shareholder, or a limited liability company in which such natural person is a member, manager or officer.

2. A corporation shall be deemed to hold the full-term or temporary permits issued in the name of:

- (a) an officer, director or shareholder of such corporation;
- (b) another corporation where such corporation and such other corporation share a common officer, director or shareholder, or such corporation or any of its officers, directors or shareholders has any direct or indirect interest in such other corporation;
- (c) a limited liability company where such corporation or any of its officers, directors or shareholders is a member, manager or officer of such limited liability company, or such corporation or any of its officers, directors or shareholders has any direct or indirect interest in such limited liability company; or
- (d) a partnership where such corporation or any of its officers, directors or shareholders is a partner in such partnership, or such corporation or any of its officers, directors or shareholders has any direct or indirect interest in such partnership.

3. A limited liability company shall be deemed to hold the full-term or temporary permits issued in the name of:

- (a) a member, manager or officer of such limited liability company;
- (b) another limited liability company where such limited liability company and such other limited liability company share a common member, manager or officer, or such limited liability company or any of its members, managers or officers has any direct or indirect interest in such other limited liability company;
- (c) a corporation where such limited liability company or any of its members, managers or officers is an officer, director or shareholder in such corporation, or such limited liability company or any of its members, managers or officers has any direct or indirect interest in such corporation; or
- (d) a partnership where such limited liability company or any of its members, managers or officers is a partner in such partnership, or such limited liability company or any of its members, managers or officers has any direct or indirect interest in such partnership.

4. A partnership shall be deemed to hold the full-term or temporary permits issued in the name of:

- (a) a partner of such partnership;
- (b) another partnership where such partnership is a partner in such other partnership, such partnership and such other partnership share a common partner, or such partnership or any of its partners has any direct or indirect interest in such other partnership;
- (c) a corporation where such partnership or any of its partners is an officer, director or shareholder in such corporation, or such partnership or any of its partners has any direct or indirect interest in such corporation; or

(d) A limited liability company where such partnership or any of its partners is a member, manager or officer in such limited liability company, or such partnership or any of its partners has any direct or indirect interest in such limited liability company.

§ 17-308 Fees. a. The annual fees for licenses and permits set forth in subdivisions b and c of this section shall be payable at the time of application for a license or permit or renewal thereof, except as otherwise provided in subdivision e of section 17-307 of this subchapter.

b. The annual fee for a license or renewal thereof shall be twenty-five dollars; provided, however, that for an initial license issued for more than two years the applicable license fee shall be increased proportionally to the nearest quarter year.

c. The annual fee for a permit or renewal thereof shall be:

1. For a pushcart or vehicle selling prepackaged food or for a fresh fruits and vegetables permit: fifty dollars for the first year and twenty-five dollars for each year thereafter.
2. For a vehicle selling foods prepared or processed therein: one hundred dollars.

d. The fee for issuing a duplicate license, permit or plate when the original has been lost, destroyed or mutilated shall be: ten dollars.

e. A person holding a license pursuant to the provisions of article four of the general business law shall be exempt from the payment of fees set forth in this section.

f. The fees provided for herein shall be in addition to any fees required pursuant to the New York city health code or the New York state sanitary code.

§ 17-308.1 Domestic Partners. For purposes of this subchapter, the rights and benefits bestowed upon the surviving spouse of an honorably discharged member of the armed forces of the United States pursuant to article four of the general business law shall also be bestowed upon the surviving domestic partner of such veteran.

§ 17-309 Applications; hearings. a. All applications for a license or permit shall be accompanied by payment of the fee and shall be in such form and detail as the commissioner may prescribe.

b. In addition to any other information required, the commissioner shall require the following information:

1. The name, home and business address of the applicant. If the applicant is applying for a permit to vend food from a vehicle or pushcart in a public place, the name, home address and license number of every food vendor who will be authorized to operate such applicant's vehicle or pushcart and the legal relationship between such applicant and such food vendor.
2. A description of the food to be offered for sale and a description of the vehicle or pushcart to be used and a statement whether or not the application is for a fresh fruits and vegetables permit.
3. Three prints of a full-face photograph of the applicant taken not more than thirty days prior to the date of the application.
4. Proof that the applicant has obtained a certificate of authority to collect sales taxes pursuant to section eleven hundred thirty-four of the tax law and has a tax clearance certificate from the state tax commission of the state of New York.

5. Whether such applicant is an individual, partnership or other association, or a corporation or limited liability company, and if such applicant is an individual applying for a permit to vend food from a vehicle or pushcart in a public place, whether any of such applicant's unemancipated children hold such permits; if a partnership, limited liability company or other association, the name and address of each partner, member, officer or manager of such entity; if a corporation, the names and addresses of the officers, directors and shareholders.

6. An applicant who is a non-resident of the city shall provide the name and address of a registered agent within the city or designate the commissioner as his or her agent upon whom process or other notification may be served.

7. No City officer or employee shall inquire about an applicant's immigration or citizenship status as part of an application made pursuant to this section. Information about an applicant's immigration or citizenship status shall not affect the consideration of the application for a food vendor's license or renewal thereof.

8. Proof that the applicant has obtained the appropriate seal of approval from a weights and measures official for his or her weighing or measuring device or system as required under section one hundred eighty-three of the agriculture and markets law.

c. Only a licensed food vendor may be issued a vehicle or pushcart permit. The application for such permit shall set forth the information required in paragraphs one, two, four, five, six and seven of subdivision b of this section and such other information as the commissioner may prescribe.

d. Upon approval of an application the commissioner shall issue a license to the applicant for a license and a permit and plate to the applicant for a vehicle or pushcart permit. Such license shall contain the name and address of the licensee, his or her license number and a non-removable photograph of such licensee. The plate shall indicate whether or not the permit is a fresh fruits and vegetable permit.

§ 17-310 Procedures for renewal of license or permit and finance rules. a. An application for renewal of a license or permit shall be filed with the appropriate fee for such renewal, with a tax clearance certificate issued by the state tax commission of the state of New York, and with a tax clearance certificate issued by the commissioner of finance, in such form and containing such information as he or she shall require, indicating payment of all applicable taxes imposed by title eleven of the code and administered by the commissioner of finance, at least thirty days prior to the expiration date of the existing license or permit. The commissioner of finance shall charge and collect a fee of ten dollars for issuing a tax clearance certificate.

b. The commissioner of finance shall promulgate rules and regulations establishing (1) such standards of sales tax payments sufficient to indicate that operating as a food vendor is a full-time or part-time occupation of the licensee and (2) that a minimum payment of all applicable sales and business taxes imposed by title eleven of the code and administered by the commissioner of finance have been paid during the preceding calendar year.

§ 17-311 Display of license or plate. a. Each food vendor shall carry his or her license upon his or her person and it shall be exhibited upon demand to any police officer, public health sanitarian or other authorized officer or employee of the city.

b. The food vendor's license shall be worn conspicuously by him or her at all times while he or she is operating as a food vendor.

c. The permit plate shall be firmly affixed to the vending vehicle or pushcart in a conspicuous place.

d. Vendors issued fresh fruits and vegetables permits pursuant to paragraph four of subdivision b of section 17-307 of the administrative code of the city of New York shall carry upon their person a laminated or similarly durable and easily readable map, prepared and issued to them by the commissioner, designating those areas of the city in which they are authorized to vend. Those persons issued a fresh fruits and vegetables permit found to be vending from green carts and vehicles in precincts other than those designated on their borough-specific permits shall be deemed to be operating such vehicle or pushcart without a permit.

§ 17-312 Notification of change. The commissioner shall be notified of any change in the information provided on an application for a license or a permit within ten days of such change.

§ 17-313 Bookkeeping requirements. Each food vendor shall keep such written records as the commissioner or board may prescribe of daily gross sales, purchases and expenses, including receipts for expenditures, and shall make such records available for inspection by any authorized officer or employee of the city.

§ 17-314 Duties of licensees and permittees. Each person issued a food vendor license or a permit to vend food from a vehicle or pushcart in a public place shall:

- a. Permit regular inspections by the department of any vehicle or pushcart used in the operation of his or her business, any premises under his or her control in which food intended to be sold or offered for sale by him or her as a food vendor is prepared, processed or stored and present such vehicle or pushcart for inspection at such place and time as may be designated by the department;
- b. Provide to the commissioner or any other authorized officer or employee of the city, the addresses and names of the owners of such service rooms, commissaries or distributors from whom such licensee receives his or her food and also the address at which such vendor stores his or her food and vehicle or pushcart;
- c. Not use or permit anyone else to use a food vending vehicle or pushcart for vending any foods other than those authorized for sale by the commissioner or board unless prior written approval has been obtained from the commissioner or board; provided, however, that an exclusive distributor who has been issued more than one temporary permit pursuant to subitem (l) of item (B) of clause (ii) of subparagraph (a) of paragraph three of subdivision f of section 17-307 of this subchapter must primarily vend or permit anyone else using a pushcart or vehicle for which such exclusive distributor has a temporary permit to primarily vend, the food product that was the subject of the exclusive distribution agreement that such exclusive distributor had with a manufacturer on February third, nineteen hundred ninety-five, and, provided further, that a manufacturer who has been issued more than one temporary permit pursuant to subitem (l) of item (B) of clause (ii) of subparagraph (a) of paragraph

three of subdivision f of section 17-307 of this subchapter must primarily vend or permit anyone else using a pushcart or vehicle for which such manufacturer has a temporary permit to primarily vend, the product that such manufacturer sold from a pushcart or vehicle on February third, nineteen hundred ninety-five;

d. Surrender his or her license, permit and plate promptly to the commissioner upon revocation, suspension, termination or expiration of his or her license or permit;

§ 17-314.1 Transferability. a. No license, permit or plate issued under this subchapter shall be assignable or transferable.

b. No vehicle or pushcart used to vend food in a public place shall be assignable or transferable with a license, permit or plate that has been issued under this subchapter attached thereto.

c. A transfer in violation of this section shall be deemed to have occurred where, if a corporation is the permittee, there has been a change in fifty percent or more of the ownership interest in such corporation from the ownership interest existing on the date the permit was issued, or where the permittee is a limited liability company, where there has been the addition of any member, and where the permittee is a partnership, where there has been the addition of any partner. Furthermore, any such transfer in an exclusive distributor or a manufacturer who has been issued more than one temporary permit pursuant to item (B) of clause (ii) of subparagraph (a) of paragraph three of subdivision f of section 17-307 of this subchapter shall result in the automatic revocation of all such additional temporary permits issued to such persons pursuant to such provision. d. Notwithstanding the provisions in subdivisions a, b and c of this section:

1. the commissioner may, in his or her discretion, transfer a permit to a dependent husband, wife, domestic partner or child of an incapacitated or deceased person to whom the permit was issued under this subchapter;

2. an exclusive distributor or a manufacturer who has been issued more than one temporary permit pursuant to item (B) of clause (ii) of subparagraph (a) of paragraph three of subdivision f of section 17-307 of this subchapter may lease a vehicle or pushcart owned by such exclusive distributor or manufacturer with such exclusive distributor's or manufacturer's temporary permit attached thereto to a person licensed as a food vendor pursuant to this subchapter if (a) such exclusive distributor or manufacturer files with the department the bill of sale or other proof of ownership for such vehicle or pushcart with a duly issued sales tax receipt attached thereto; (b) such lease agreement sets forth the food product which may be primarily sold using such vehicle or pushcart; and (c) such lease agreement is approved by the department, provided, however, that if such lease agreement is not approved or disapproved within thirty calendar days after such lease agreement is filed with the department, such lease agreement shall be deemed to be approved by the department. The commissioner shall promulgate rules establishing the standards by which the department shall evaluate such lease agreements and such standards shall include, but not be limited to, requirements that such lease agreements contain fair and reasonable terms based upon such factors as the cost of purchasing and maintaining such pushcart or vehicle and that the terms of such lease agreement are the result of an arm's length negotiation between the parties thereto. Subleasing of any such vehicle or pushcart owned by such exclusive distributor or

manufacturer with such exclusive distributor's or manufacturer's temporary permit attached thereto is strictly prohibited. Authorized officers and employees of the department of small business services and the department of investigation may assist the commissioner and the department in effectuating the provisions of this paragraph. Any violation or violations of the provisions of this paragraph or any rules promulgated hereunder by an exclusive distributor or a manufacturer who has been issued more than one temporary permit pursuant to item (B) of clause (ii) of subparagraph (a) of paragraph three of subdivision f of section 17-307 of this subchapter may be the basis for suspension or revocation of all of the permits issued to such exclusive distributor or manufacturer pursuant to this subchapter.

§ 17-315 Restrictions on the placement of vehicles and pushcarts; vending in certain areas

restricted or prohibited. a. No pushcart shall be placed upon any sidewalk unless said sidewalk has at least a twelve foot clear pedestrian path to be measured from the boundary of any private property to any obstruction in or on the sidewalk, or if there are no obstructions, to the curb. In no event shall **any pushcart be placed on any part of a sidewalk other than that which abuts the curb.**

b. No vending vehicle or pushcart or any other item related to the operation of a food vendor's business shall touch, lean against, or be affixed permanently or temporarily in any building or structure including, but not limited to, lamp posts, parking meters, mail boxes, traffic signal stanchions, fire hydrants, tree boxes, benches, bus shelters, taxi stands, refuse baskets or traffic barriers.

c. All items relating to the operation of a food vending business shall be kept in or under the vending vehicle or pushcart, except that samples of the non-perishable items sold may be displayed on the vending vehicle or pushcart. No items relating to the operation of a food vending business other than an adjoining acceptable waste container shall be placed upon any public space adjacent to the vending vehicle or pushcart, and no food shall be sold except from an authorized vehicle or pushcart.

d. No vending pushcart shall be located against display windows of fixed location businesses, nor shall they be within twenty feet of any entranceway to any building, store, theatre, movie house, sports arena or other place of public assembly, or within twenty feet from exits, including service exits, to buildings that are exclusively residential at the street level.

e. No food vendor shall vend within any bus stop, taxi stand, within the portion of the sidewalk abutting any no standing zone adjacent to a hospital as defined in subdivision one of section 2801 of the New York state public health law, within ten feet of any driveway, any subway entrance or exit, or any crosswalk at any intersection.

f. Each food vendor who vends from a pushcart or vehicle in the roadway shall obey all traffic and parking laws, rules and regulations as now exist or as may be promulgated, but in no case shall a food vendor vend so as to restrict the continued maintenance of a clear passageway for vehicles.

h. No food vendor shall vend on the median strip of a divided roadway unless such strip is intended for use as a pedestrian mall or plaza.

i. No vendor shall vend within areas under the jurisdiction of the department of parks and recreation unless written authorization therefor has been obtained from the commissioner

of such department, but nothing therein contained shall exempt any vendor from obtaining a license and permit in accordance with this subchapter.

j. Where exigent circumstances exist and a police officer or other authorized officer or employee of the city gives notice to a food vendor to temporarily move from a location such vendor shall not vend from such location. For the purpose of this subdivision, exigent circumstances shall include but not be limited to, unusually heavy pedestrian or vehicular traffic, existence of any obstructions in the public space at or near such location, an accident, fire or other emergency situation at or near such location, or a parade, demonstration, or other such event or occurrence at or near such location.

k. No food vendor shall vend on any street at any time where and when the operation of any food vending business is prohibited pursuant to either local law or section 20-465.1 of the code and any rules promulgated pursuant thereto. No food vendor shall vend in the area including and bounded on the east by the easterly side of Broadway, on the south by the southerly side of Liberty Street, on the west by the westerly side of West Street and on the north by the northerly side of Vesey Street.

l. Food vendors shall be prohibited from vending on the following streets at the following days and times:

BOROUGH OF MANHATTAN

Third Avenue: East 40th to East 57th Street, Monday through Friday, 8 am to 6 pm; East 58th to East 60th Street, Monday through Saturday, 8 am to 9 pm; Lexington Avenue: East 40th to East 57th Street, Monday through Saturday, 8 am to 7 pm; East 58th to East 60th Street, Monday through Saturday, 8 am to 9 pm; East 61st to East 69th Street, Monday through Saturday, 8 am to 6 pm; Park Avenue: East 34th to East 42nd Street, Monday through Friday, 8 am to 7 pm; East 55th to East 59th Street, Monday through Friday, 10 am to 7 pm; Vanderbilt Avenue: East 42nd to East 45th Street, Monday through Friday, 8 am to 7 pm; Madison Avenue: East 34th to East 45th Street, Monday through Friday, 8 am to 6 pm; East 46th to East 59th Street, Monday through Saturday, 10 am to 7 pm; Fifth Avenue: 32nd to 59th Street, Monday through Saturday, 8 am to 7 pm; Avenue of the Americas: West 32nd to West 59th Street, Monday through Saturday, 8 am to 7 pm; Broadway: West 32nd to West 52nd Street, Everyday, 8 am to 8 pm; Seventh Avenue: West 33rd to West 34th Street, Monday through Saturday, 8 am to 6 pm; West 35th to West 45th Street, Monday through Saturday, 8 am to midnight; West 46th to West 52nd Street, Monday through Saturday, 2 pm to 7 pm; Fourteenth Street: Broadway to Seventh Avenue, Monday through Saturday, noon to 8 pm; West Thirty-fourth Street: Fifth Avenue to Seventh Avenue, Monday through Saturday, 8 am to 7 pm; Forty-second Street: Third Avenue to Eighth Avenue, Monday through Saturday, 8 am to 7 pm; West Forty-third Street: Broadway to Eighth Avenue, Wednesday and Saturday, noon to 11 pm; Sunday, noon to 6 pm; Other days, 7 pm to 11 pm; West Forty-fourth Street: Broadway to Eighth Avenue, Wednesday and Saturday, noon to 11 pm; Sunday, noon to 6 pm; Other days, 7 pm to 11 pm; West Forty-fifth Street: Broadway to Eighth Avenue, Wednesday and Saturday, noon to 11 pm; Sunday, noon to 6 pm; Other days, 7 pm to 11 pm; West Forty-sixth Street: Seventh to Eighth Avenues, Wednesday and Saturday, noon to 11 pm; Sunday, noon to 6 pm; Other days, 7 pm to 11 pm; West Forty-seventh Street: Fifth to Eighth Avenues, Wednesday and Saturday, noon to 11 pm; Sunday, noon to 6 pm; Other days, 7 pm to 11 pm; West Forty-eighth Street: Broadway to Eighth

Avenues, Wednesday and Saturday, noon to 11 pm; Sunday, noon to 6 pm; Other days, 7 pm to 11 pm; West Forty-ninth Street: Broadway to Eighth Avenues, Wednesday and Saturday, noon to 11 pm; Sunday, noon to 6 pm; Other days, 7 pm to 11 pm; West Fiftieth Street: Broadway to Eighth Avenues, Wednesday and Saturday, noon to 11 pm; Sunday, noon to 6 pm; Other days, 7 pm to 11 pm; West Fifty-first Street: Broadway to Eighth Avenues, Wednesday and Saturday, noon to 11 pm; Sunday, noon to 6 pm; Other days, 7 pm to 11 pm; West Fifty-second Street: Broadway to Eighth Avenues, Wednesday and Saturday, noon to 11 pm; Sunday, noon to 6 pm; Other days, 7 pm to 11 pm; West Fifty-third Street: Broadway to Eighth Avenues, Wednesday and Saturday, noon to 11 pm; Sunday, noon to 6 pm; Other days, 7 pm to 11 pm.

§ 17-316 Prohibitions. No person shall sell, give or otherwise transfer any food to an unlicensed food vendor for resale.

§ 17-317 Issuance, renewal, suspension and revocation of licenses and permits.

a. The commissioner may refuse to issue a food vendor license or a permit to vend food from a vehicle or pushcart in a public place, and may, after due notice and an opportunity to be heard, in addition to any other penalties provided herein, refuse to renew, suspend or revoke a food vendor license or a permit to vend food from a vehicle or pushcart in a public place, upon the occurrence of any one or more of the following conditions:

1. the applicant, licensee, permittee, its officers, directors, shareholders, members, managers or employees have made a material false statement or concealed a material fact in connection with:

(a) an application for a food vendor license or a permit to vend food from a vehicle or pushcart in a public place; or

(b) the sale of any item of food.

2. the applicant, licensee, permittee, its officers, directors, shareholders, members, managers or employees have been found guilty of four or more violations of this subchapter or any rules promulgated pursuant thereto within a two-year period or have been found guilty of a violation of the provisions of part fourteen of the state sanitary code or of the New York city health code, or the applicant, licensee, permittee, its officers, directors, shareholders, members, managers or employees have pending any unanswered summonses for violation of this subchapter or any rules promulgated pursuant thereto.

3. the applicant, licensee, permittee, its officers, directors, shareholders, members, managers or employees have been convicted of any offense which, in the judgment of the commissioner, has a direct relationship to such person's fitness or ability to perform any of the activities for which a license or permit is required under this subchapter or has been convicted of any other offense which, in accordance with article twenty-three-a of the correction law, would provide a justification for the commissioner to refuse to issue or renew, or to suspend or revoke, such license or permit.

4. with respect to renewal of a food vendor license, a licensee is not in compliance with the rules promulgated by the commissioner of finance pursuant to subdivision b of section 17-310 of this subchapter.

5. A licensee issued a “fresh fruits and vegetables” permit, pursuant to paragraph 4 of subdivision b of section 17-307 of this subchapter, is found to be vending food other than fresh fruits and vegetables or is found to be vending in a police precinct other than one in which the licensee is authorized to vend in accordance with his (her) borough-specific permit.

b. The commissioner shall not issue or renew a food vendor license or a permit to vend food from a vehicle or pushcart in a public place if the applicant, licensee, permittee, its officers, directors, shareholders, members, managers or employees have failed to pay any fine, penalty or judgment duly imposed pursuant to the provisions of this subchapter or any rules promulgated thereunder.

c. The commissioner, for good cause, may, prior to giving notice and an opportunity to be heard, suspend a license or permit issued pursuant to this subchapter for a period of up to ten days. Notice of such suspension shall be served on the licensee or permittee. The commissioner shall provide the licensee or permittee with the opportunity for a hearing within ten days after the notification of suspension, after which the commissioner shall forthwith make a determination as to whether such suspension should continue and the length of such suspension, and in addition may impose any penalty or sanction authorized by this subchapter or any rules promulgated pursuant thereto.

d. Unless otherwise provided in section 17-314.1 of this subchapter, the commissioner shall not renew a permit to vend food from a vehicle or pushcart in a public place where the permittee has died if the permittee is a natural person, or if the permittee is a corporation, where there has been a change in fifty percent or more of the ownership interest in such corporation from the ownership interest existing on the date the permit was issued; where the permittee is a limited liability company, where there has been the addition of any member or where such limited liability company has been dissolved, and where the permittee is a partnership, where there has been the addition of any partner or where such partnership has been dissolved.

e. Each applicant, licensee and permittee shall notify the department in writing by registered mail, return receipt requested, within three business days of receipt of a notice of service of a summons for a violation relating to conducting, maintaining or operating a food vending business and a conviction of such applicant, licensee, permittee, its officers, directors, shareholders, members, managers or employees for any offense occurring after the filing date of the application for a license or permit or a renewal thereof or occurring during the term of the license or permit.

f. Any person issued a food vendor license pursuant to this subchapter who commits three or more violations of the provisions of this subchapter and any rules promulgated thereunder within a two year period shall have his or her food vendor license revoked.

§ 17-318 Notice; hearings. Unless otherwise specifically provided, notice and hearing upon denial of an application or suspension or revocation of a license shall be in accordance with applicable provisions of the New York city health code.

§ 17-320 Exemptions. a. The commissioner or board may promulgate rules exempting any non-profit association, including but not limited to a government agency, charitable, educational, religious or other such organization, from compliance with any of the provisions of this subchapter.

b. Notwithstanding any other provision of this subchapter, a person may be issued more than one full-term or temporary food vendor permit to vend in any area under the jurisdiction of the department of parks and recreation pursuant to an agreement entered into in accordance with chapter fourteen of the charter. Such person shall be exempt from any provisions of this subchapter restricting the number of full-term or temporary food vendor permits that may be issued to any one person and the full-term or temporary food vendor permits issued to such persons also shall be exempt from any provisions of this subchapter restricting the total number of full-term and temporary food vendor permits that may be issued. Such permits shall be subject to all other provisions, limitations and conditions imposed by this code or the health code, and all rules promulgated thereunder.

§ 17-321 Enforcement. a. Public health sanitarians or other authorized officers or employees of the department and police officers shall have the power to enforce all laws, rules and regulations relating to food vendors. This provision shall in no way restrict any other power granted by law to any officer or employee of the city.

b. If a food vendor does not move his or her vehicle or pushcart when directed to do so by a police officer or other authorized officer or employee of the city in compliance with the provisions of subdivision k of section 17-315 of this subchapter, such officer or employee may provide for the removal of such vehicle or pushcart to any garage, automobile pound or other place of safety, and the owner or other person lawfully entitled to the possession of such vehicle or pushcart may be charged with reasonable costs for such removal and storage, payable prior to the release of such vehicle or pushcart.

c. An officer or employee designated in subdivision a of this section may seize any vehicle or pushcart which (i) does not have a permit or (ii) is being used to vend on property owned by the city and under the jurisdiction of a city agency including, but not limited to, the department of parks and recreation or the department of small business services, without the written authorization of the commissioner of such department, or (iii) is being used by an unlicensed vendor, or (iv) is being used to vend in the area including and bounded on the east by the easterly side of Broadway, on the south by the southerly side of Liberty Street, on the west by the westerly side of West Street and on the north by the northerly side of Vesey Street, or (v) is selling food not authorized by the permit, and may seize any food sold or offered for sale from such vehicle or pushcart. Such vehicle, pushcart or food shall be subject to forfeiture as provided in section 17-322 of this subchapter. If a forfeiture proceeding is not commenced, the vendor may be charged with the reasonable costs for removal and storage payable prior to the release of such food, vehicle or pushcart unless the charge of vending without a permit or vending without a license or vending without the authorization of such commissioner is dismissed.

d. If a food vendor operates any food vending business on any street at any time where and when the operation of any food vending business is prohibited pursuant to the provisions of section 20-465.1 of the code and any rules promulgated pursuant thereto, or if a food vendor operates a food vending business in the area including and bounded on the east by the easterly side of Broadway, on the south by the southerly side of Liberty Street, on the west by the westerly side of West Street and on the north by the northerly side of Vesey Street, any authorized officer or employee of the city or member of the New York city police department is authorized to provide for the removal of such food vendor's food, vehicle or pushcart to any garage, automobile pound or other place of safety, and the owner or other person lawfully entitled to the possession of such vehicle or pushcart or food may be charged with reasonable costs for removal and storage.

e. Any notice of violation issued to a food vendor by an officer or employee described in subdivision a of this section that is returnable to the environmental control board shall state the permit number of the vehicle or pushcart associated with such notice of violation.

§ 17-322 Forfeitures. a. In addition to any penalties imposed pursuant to subdivision a of section 17-325 of this subchapter upon any person found guilty of violating subdivision a, b or c of section 17-307 of this subchapter, all property seized pursuant to this subchapter shall be subject to forfeiture upon notice and judicial determination. Notice of the institution of the forfeiture proceeding shall be in accordance with the provisions of the civil practice law and rules.

b. The police department having custody of the seized property, after judicial determination of forfeiture shall, upon a public notice of at least five days, sell such forfeited property at public sale. The net proceeds of such sale, after deduction of the lawful expenses incurred, shall be paid into the general fund of the city of New York.

§ 17-323 Seizure of perishable food. In the event that a seizure made pursuant to this subchapter shall include any perishable item of food which cannot be retained in custody without such item becoming unwholesome, putrid, decomposed or unfit in any way, the commissioner may order such item destroyed or otherwise disposed of provided, however, that written notice of such destruction or other disposition setting forth an itemized description of the property, the reason for its destruction or other disposition, and the date when it was destroyed or otherwise disposed of be mailed to the food vendor from whom it was seized within twenty-four hours after such disposition. A copy of such notice shall be kept on file by the department for a period of one year.

§ 17-324 Rules. The commissioner or board shall make such rules as deemed necessary for the proper implementation and enforcement of this subchapter.

§ 17-325 Penalties. a. Any person who violates the provisions of subdivision a, b, or c of section 17-307 of this subchapter shall be guilty of a misdemeanor, punishable by a fine of not less than one hundred fifty dollars nor more than one thousand dollars, or by imprisonment for not more than three months or by such fine and imprisonment.

b. Except as provided in subdivision a of this section, a person who violates any provision of this subchapter or any of the rules or regulations promulgated hereunder shall be guilty of an offense punishable by the court as follows:

1. For the first violation, a fine of not less than twenty-five nor more than fifty dollars.
 2. For the second violation issued for the same offense within a period of two years of the date of a first violation, a fine of not less than fifty dollars nor more than one hundred dollars.
 3. For a third violation issued for the same offense within a period of two years of the date of a first violation, a fine of not less than one hundred dollars nor more than two hundred and fifty dollars, in addition to the remedy provided for in subdivision f of section 17-317 of this subchapter.
 4. For any subsequent violations issued for the same offense within a period of two years of the date of a first violation, a fine of not more than five hundred dollars.
- c. 1. In addition to the penalties prescribed by subdivision a of this section, any person who violates, or any person aiding another to violate, the provisions of subdivision a, b, or c of section 17-307 of this subchapter shall be liable for a civil penalty of not less than one hundred fifty dollars nor more than one thousand dollars together with a penalty of one hundred dollars per day for every day during which the unlicensed business operated.
2. In addition to the penalties prescribed by subdivision b of this section, any person who violates any of the provisions of this subchapter, other than subdivision a, b, or c of section 17-307 of this subchapter, or any of the rules and regulations promulgated hereunder shall be liable for a civil penalty as follows:
- (a) For the first violation, a penalty of not less than twenty-five nor more than fifty dollars.
 - (b) For the second violation issued for the same offense within a period of two years of the date of a first violation, a penalty of not less than fifty dollars nor more than one hundred dollars.
 - (c) For the third violation issued for the same offense within a period of two years of the date of a first violation, a penalty of not less than one hundred dollars nor more than two hundred and fifty dollars, in addition to the remedy provided for in subdivision f of section 17-317 of this subchapter.
 - (d) For any subsequent violations issued for the same offense within a period of two years of the date of a first violation, a penalty of not more than five hundred dollars.
- d. A proceeding to recover any civil penalty authorized pursuant to the provisions of subdivision c of this section shall be commenced by the service of a notice of violation which shall be returnable to the environmental control board or the administrative tribunal established by the board of health. The environmental control board or the board of health's administrative tribunal shall have the power to impose the civil penalties prescribed by subdivision c of this section.

§ 17-325.1 Failure to display and produce license or permit; presumptive evidence of unlicensed or unpermitted activity. a. In any civil or criminal action or proceeding, failure by a food vendor who is required to be licensed pursuant to the provisions of this chapter to display and exhibit upon demand a food vendor's license in accordance with the provisions of this chapter to any police officer, public health sanitarian or other authorized officer or employee of the department or other city agency shall be presumptive evidence that such food vendor is not duly licensed.

b. In any civil or criminal action or proceeding, the failure of any vehicle or pushcart which is required to be permitted pursuant to the provisions of this chapter to have a permit plate affixed thereto in accordance with the provisions of this chapter shall be presumptive evidence that such vehicle or pushcart is not duly permitted.

17-325.2 Reports on vendor license and permit renewals, suspensions and revocations.

Commencing on June 1, 2013, and every twelve months thereafter, the department shall issue an annual report to the council with respect to food vendor licenses and pushcart or vehicle permits. Each report shall include the following information for the twelve-month period prior to the issuance of the report: (i) the number of food vendor license renewals denied and the basis for each such denial, including but not limited to outstanding or multiple violations of the provisions of subchapter two of chapter three of title 17 of the administrative code; (ii) the number of food vending pushcart or vehicle permit renewals denied and the basis for each such denial, including but not limited to outstanding or multiple violations of the provisions of subchapter two of chapter three of title 17 of the administrative code; (iii) the number of food vendor license suspensions pursuant to section 17-317 of the administrative code and the basis for each such suspension; (iv) the number of food vending pushcart or vehicle permit suspensions pursuant to section 17-317 of the administrative code and the basis for each such suspension; (v) the number of food vendor license revocations pursuant to section 17-317 of the administrative code and the basis for each such revocation; and (vi) the number of food vending pushcart or vehicle permit revocations pursuant to 17-317 of the administrative code and the basis for each such revocation.

