

# THE CITY OF TRUSSVILLE, ALABAMA

ORDINANCE NO. 2017-026-ADM

AN ORDINANCE TO PROVIDE FOR AND TO REGULATE MOBILE FOOD VEHICLES AND VENDORS WITHIN THE CITY OF TRUSSVILLE FOR THE PURPOSE OF PROVIDING USEFUL, CONVENIENT AND VARIED DINING OPTIONS WHILE PROTECTING THE INTERESTS OF PUBLIC HEALTH, SAFETY AND WELFARE OF THE CITIZENS AND PATRONS OF THE CITY

THAT, In accordance with Section 11-45-1 of the Code of Alabama (1975), Municipal corporations may from time to time adopt ordinances and resolutions not inconsistent with the laws of the state to carry into effect or discharge the powers and duties conferred by the applicable provisions of this title and any other applicable provisions of law and to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort, and convenience of the inhabitants of the municipality, and may enforce obedience to such ordinances.

THAT, the City of Trussville desires to provide for and to regulate mobile food vehicles and vendors within the City of Trussville for the purpose of providing useful, convenient and varied dining options while protecting the interest of public health, safety and welfare of the citizens and patrons of the City.

THEREFORE, BE IT ORDAINED by the City Council of the City of Trussville, Alabama, as follows:

## Section 1. Definitions

- a. Mobile Food Vehicle shall mean a food establishment that is motorized or non-motorized and located upon a vehicle, pulled by a vehicle, or which may be pushed or pulled by an individual, where food or beverage is cooked, prepared and/or served for individual portion service, such as a mobile food kitchen. This includes a truck, cart, wagon and the like. This Regulation shall not apply to ice cream trucks that move from place to place and are stationary in the same location for no more than 30 minutes at a time.
- b. Mobile Food Vendor shall mean the owner or operator of a mobile food vehicle.
- c. Business License shall mean the license or licenses required of any business to operate within the City pursuant to license code.
- d. Permit shall mean the permit for a mobile food vehicle which is required for the operation of a mobile food vehicle pursuant to this ordinance.
- e. Restaurant shall mean a brick and mortar establishment where meals are generally served and eaten on premises or which prepares and serves food and/or drink to customers for consumption on or off the premises.
- f. Special Event shall mean any city-sanctioned event (whether by proclamation or otherwise) or any pre-approved church event, school event, parade, privately-owned

business event open to the general public for the purpose of entertainment, education or celebration and that benefits the citizens of the City of Trussville and any event the City Council may deem a special event.

Section 2 License Required; License Fees; Compliance with laws

- a. No person shall operate a mobile food vehicle without first having obtained a business license from the City in accordance with the City Code of Ordinances. A separate license shall be required for each special event as described below, when an annual license is not purchased.
- b. All mobile food vehicles and vendors must be approved by the Jefferson County or St. Clair County Health Department, whichever is applicable. Proof of the Health Department approval must be displayed on the mobile food vehicle.
- c. All mobile food vehicles must be inspected initially by the City's Fire Marshall and the mobile food vendor must provide proof of same. Annual inspections are required for the term of the license and each mobile food vehicle is subject to re-inspection at any time.
- d. Each License for a mobile food truck is non-transferable and may be revoked in accordance with the City Code of Ordinances.
- e. For special events, a one-time per event fee shall apply and is calculated in accordance with the City of Trussville license fee schedule. Mobile food vehicles only operating during special events and not purchasing an annual license shall be required to purchase a separate license for each special event. All other provisions of this section apply to the license for special events.
- f. All mobile food vehicles and vendors are responsible for obtaining and following all procedures for the remittance of any and all applicable sales tax.
- g. All mobile food vehicles and mobile food vendors shall comply in all respects with all applicable Federal, State and Local laws, ordinances, rules and regulations of any kind as they exist or are hereafter adopted or amended, including without limitation, those pertaining to the manufacture, preparation, display and service of foods, confections and beverages, and /or pertaining to the operation of licensing of mobile food vehicles in general.
- h. All mobile food vehicles must comply with any setback regulations of the City.

Section 3. Permit Required.

- a. All mobile food vehicles must obtain a permit from the City in order to operate within the city limits.
- b. Permits shall include the applicant's name and address and, where applicable, its trade name, the address of any location used for storage of mobile food vehicles, carts, supplies, equipment, or inventory and proof of insurance adequate to indemnify the city. The application for the permit shall include a photo ID of the

vendor and picture of the mobile food vehicle and tag number, if applicable. The City shall be notified within ten (10) days of any address change.

- c. Permits shall be renewed annually (for those vehicles applying for a one-year license) or on a per-event basis. This is done by filing a renewal application at business license renewal time. Permits are not transferrable.
- d. The city reserves the right at any time and from time to time to suspend a permit issued hereunder in order to accommodate a city-sanctioned special event, parade, marathon or run, city project or public works activity.
- e. The fee for a permit is \$25.00 for a one-day permit, \$50.00 for a month long permit and \$100.00 for a one-year permit.
- f. The number of mobile food vehicles allowed at an event will be dependent upon the space available where the event is held.
- g. The city reserves the right to eliminate "same type" vendors when issuing permits where space limitations are involved.
- h. Notwithstanding the above, when limited space is available, permits will be issued on a "first come" basis.

#### Section 4. Rules and Regulations

- a. All mobile food vehicles shall offer a waste container for public use that the operator shall empty at his/her expense. Said container must be within 3 feet of the mobile food vehicle. The mobile food vendor shall keep the permitted premise and adjacent public property clean and free from all trash, litter, debris, or waste generated from the operation of the business.
- b. Any auxiliary power, water or sewer utilities required for the operation of the mobile food vehicle shall be self-contained.
- c. Mobile food vehicles must have the following fire extinguisher on board during operation: minimum Class 2A, 10B and C rated extinguisher. If food preparation involves deep-frying, a Class K fire extinguisher must also be on the mobile food vehicle. Fire extinguishers shall be maintained pursuant to National Fire Protection Association (NFPA) standard 10.
- d. No mobile food vehicle shall provide or allow any dining area, including but not limited to tables, chairs, booths, bar stools, benches and stand-up counters.
- e. No mobile food vehicle shall make or cause to be made any unreasonable or excessive noise and shall not use lights or noisemakers, such as bells, horns or whistles to attract customers.
- f. No mobile food vehicle or mobile food vendor shall (i) create or maintain a public nuisance, (ii) damage or alter public property or infrastructure, and/or (iii) erect or utilize any permanent or fixed structures in any public place pursuant to the License issued hereunder.
- g. No signs shall be used to advertise the conduct of the mobile food vehicle at the premises other than that which is physically attached to the vehicle. Menu boards or other signs indicating pricing, etc. may be used.

- h. Hours of operation for any mobile food vehicle shall be 6:00 a.m. to 9:00 p.m. A maximum set up and break down time of 30 minutes before and after these allotted hours will be allowed. The hours of operation may be altered by the permit issued hereunder and the city reserves this right.

Section 5. Location of Mobile Food Vehicles

- a. Mobile food vehicles must maintain a 15' clearance from fire hydrants, driveway entrances, and handicap parking spaces /ramps.
- b. Mobile food vehicles must maintain a 5' clearance from any fire lane, sidewalk, utility box or building entrance.
- c. Mobile food vehicles shall only be operated in areas or districts zoned non-residential or on public property as approved by the City for special events.
- d. Mobile food vehicles shall not occupy parking spaces required to fulfill the minimum requirements of a principal use, unless the hours of operation of the principal use do not coincide with those of the mobile food vehicle.
- e. No mobile food vehicle or vendor may obstruct the use of any public right of way, street intersection or pedestrian crosswalk and may not obstruct pedestrian space.
- f. If the mobile food truck is operating within a parallel parking space, the service of food must be done on the side away from vehicular traffic.
- g. No mobile food vehicle shall operate within 150 feet of the nearest public entrance of any restaurant in current operation unless it is the mobile food vendor's principal place of business or unless there has been unrevoked written consent of the owner or manager of such restaurant obtained in advance and available for inspection upon request of any city official at any time during the operation of the mobile food unit. If the owner or manager of such restaurant grants permission to the mobile food vendor for the operation of a mobile food vehicle to operate within 150 ' as stated herein, the permission may contain such reasonable conditions and restrictions upon which the parties agree.
- h. No mobile food vehicle shall operate within 150 feet of a school unless at a special event sponsored by that school or approved by the City.
- i. Access to neighboring buildings or uses shall not be impeded.
- j. Mobile food vehicles shall not be located on public property without prior written approval from the City. This shall include property owned or leased by the City of Trussville, city park property, and city rights-of-way.
- k. Mobile food vehicles may not be operated in such a way as to block or otherwise obstruct any motor vehicle, bicycle, or pedestrian traffic on any street, bicycle lane, sidewalk, public way, or public place, nor shall any mobile food vehicle obstruct sight distance at any roadway intersection.
- l. Mobile food vehicles shall not occupy an area greater than two parking spaces.
- m. Mobile food vehicles must provide sufficient artificial lighting during non-daylight hours.

- n. All on-site food preparation shall be performed inside the primary vehicle only. Grills or other cooking facilities are not allowed outside the vehicle.

Section 6. Operation of Mobile Food Vehicles

- a. Any mobile food vehicle being operated without a valid City of Trussville business license shall be deemed a public safety hazard and may be ticketed and impounded.
- b. No mobile food vehicle shall be parked on the street overnight, or left unattended and unsecured at any time food is kept in the mobile food vehicle. Any mobile food vehicle found to be unattended shall be considered a public safety hazard and may be ticketed and impounded.
- c. A mobile food vehicle operating outside of an approved location shall be deemed in violation of this ordinance and may be subject to enforcement as provided for herein.
- d. No mobile food vehicle shall be allowed to operate in excess of three consecutive days in any one location.
- e. No mobile food vehicle shall operate on more than two individual sites within the city per day.
- f. No more than one mobile food vehicle shall operate on the same site per day unless specifically approved for city events and the like, and upon approval by the city.

Section 7. Enforcement; Penalties;

Violation of this ordinance is a violation of Section 18-38 of the City Code of Ordinances which states:

It shall be unlawful for any person, taxpayer, or agent of a person or taxpayer to engage in businesses or vocations in the municipality for which a license is required without first having procured a license. A violation of this division of the ordinance [from which this article derives] passed hereunder fixing a license shall be punishable by a fine not to exceed the sum of \$500.00 for each offense, and if a willful violation, by imprisonment, not to exceed six months, or both, at the discretion of the court trying the same. Each day shall constitute a separate offense.

Section 8. All ordinances and parts of ordinances inconsistent herewith are hereby repealed to the extent of such conflict.

Section 9. All other provisions of the City Code of Ordinances shall remain in full force and effect and shall not be affected by this ordinance.

Section 10. If any part, provision, or section of this Ordinance is declared to be unconstitutional or invalid by any court of competent jurisdiction, all other parts, provisions or sections of this Ordinance not thereby affected shall remain in full force and effect.

Section 11. This ordinance shall become effective immediately upon its adoption and publication as required by law.

THEREFORE, the City Council of the City of Trussville, Alabama does hereby enact the foregoing Ordinance for the City of Trussville.

PASSED and ADOPTED this the 23<sup>rd</sup> day of May, 2017.



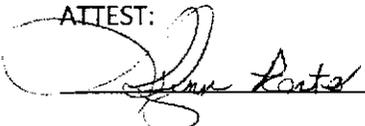
City Council President

APPROVED:



Mayor Buddy Choat

ATTEST:



Lynn Porter, City Clerk