

ORDINANCE 2020 - 013 - ADM

AN ORDINANCE AMENDING ORDINANCE 2017-026-ADM, AS CODIFIED IN ARTICLE IV OF CHAPTER 18 OF THE CODE OF ORDINANCES OF THE CITY OF TRUSSVILLE, PROVIDING FOR THE REGULATION OF MOBILE FOOD VEHICLES.

WHEREAS, the City adopted Ordinance 2017-026-ADM on May 23, 2017 that regulated mobile food vehicles vendors; and

WHEREAS, since its adoption, a need to amend and clarify some requirements has arisen in order to provide for easier enforcement and clarifying the duties and responsibilities of mobile food vehicle vendors; and

WHEREAS, the City may adopt and amend its ordinances as provided in section 11-45-1 of the Code of Alabama (1975).

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Trussville, Alabama, that Ordinance 2017-026-ADM, that is codified in Article IV of Chapter 18 of the Code of Ordinances of the City of Trussville, be and is hereby amended to state the following:

Section 1. (Sec. 18-201) – Definitions.

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.

Mobile food vendor shall mean the owner or operator of a mobile food vehicle.

Permit shall mean the permit for a mobile food vehicle which is required for the operation of a mobile food vehicle pursuant to this article.

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.

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 opens 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 as recommended by the Public Safety Committee.

Common Open Space shall mean any greenbelt, park, or area which is owned in common or private and located in or maintained by a homeowners' association or other neighborhood association.

Section 2. (Sec. 18-202) - 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 marshal 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 reinspection 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. (Sec. 18-203) - 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 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 per year to help offset the cost of the City for inspecting the mobile food truck.

(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. (Sec. 18-204) - 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 three feet of the mobile food vehicle. The mobile food vendor shall keep the permitted premises 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. (Sec. 18-205) - Location of mobile food vehicles.

(a) Mobile food vehicles must maintain a 15-foot clearance from fire hydrants, driveway entrances, and handicap parking spaces/ramps.

(b) Mobile food vehicles must maintain a five-foot 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, on Common Open Spaces as defined herein, 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 feet 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 and the Trussville City Board of Education.

(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 four 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. (Sec. 18-206) - 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. (Sec. 18-207) - Enforcement: penalties.

Any violation of this article shall, upon conviction, be subject to punishment as provided in section 18-38 of the Code of Ordinances of the City of Trussville. This shall not be deemed to otherwise limit or restrict any other legal remedy the City may have in ordinary course.

Section 8. - Saving Clause.

All other provisions of Ordinance 2017-026-ADM as codified in Article IV of Chapter 18 of the City of Trussville Code of Ordinances shall remain in full force and effect and shall not be affected by this ordinance amendment.

Section 9. - Severability.

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 10. - Effective Date.

These amendments to the above-described ordinance shall become effective upon its passage, approval, and publication as required by law.

ADOPTED this the 12th day of May, 2020.

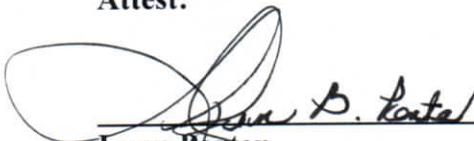


Zack Steele
Council President



Buddy Choad
Mayor

Attest:



Lynn Porter
City Clerk