

ORDINANCE NO. 0-550-13

**To Create Chapter 7, Businesses,
Article VIII Mobile Food Vehicles**

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

SECTION 1.

Chapter 7, Businesses, Article VIII Mobile Food Vehicles is hereby created to read as follows:

"SECTION A. Definitions.

- a. Mobile Food Vehicle shall mean a food establishment that is located upon a vehicle, which is 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.
- b. Mobile Food Truck shall mean a mobile food vehicle.
- c. Mobile Food Cart shall mean a mobile food vehicle.
- d. Mobile Food Vendor shall mean the owner of the mobile food vehicle.
- e. Mobile Food Commissary shall mean a fixed food facility as determined by the Calhoun County Health Department.
- f. Special Event shall mean a church event, school event, parade, private 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 Jacksonville and any event the City Council may deem as a special event.
- g. Special Event Sponsor shall be any person, business or public entity, responsible for a special event.

SECTION B. Rules and Regulations.

- a. All mobile food vehicles must be approved by the Calhoun County Health Department.
- b. No person shall operate a mobile food vehicle, without first having obtained a business license from the city in accordance with all of Chapter 7 of the Code of Ordinances of the City of Jacksonville, Alabama.
- c. All mobile food vehicles shall offer a waste container for public use that the operator shall empty at his own expense.
- d. Mobile food vehicles must maintain a 15' clearance from fire hydrants, driveway entrances, and handicap parking spaces/ramps.
- e. 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.
- f. No mobile food vehicle shall provide or allow any dining area, including but not limited to tables, chairs, booths, bar stools, benches, and standup counters.
- g. No mobile food vehicle shall make or cause to be made any unreasonable or excessive noise.
- h. A mobile food vehicle may not operate on public property except as allowed in Section C.
- i. No mobile food vehicle shall use lights or noisemakers, such as bells, horns or whistles, to attract customers.

- j. No mobile food vehicles may use any residential district to conduct business except as part of a special event as allowed in section A definitions.
- k. 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.
- l. Any auxiliary power, water, sewer utilities required for the operation of the mobile food vehicle shall be self-contained.
- m. A mobile food vehicle may not be located on any portion of a parking lot when and where such location would prevent the use of required parking spaces during the regular hours of operation of the primary businesses on the lot.
- n. No operator of a mobile food vehicle shall park, stand, or move a mobile food vehicle and conduct business within areas of the city without written permission from the property owner.

SECTION C. Rules and Regulations for Special Events.

- a. All mobile food vehicles must be approved by the Calhoun County Health Department.
- b. No person shall operate a mobile food vehicle, without first having obtained a business license from the city in accordance with all of Chapter 7 of the Code of Ordinances of the City of Jacksonville, Alabama.
- c. All mobile food vehicles shall offer a waste container for public use that the operator shall empty at his own expense.
- d. Mobile food vehicles must maintain a 15' clearance from fire hydrants, driveway entrances and handicap parking spaces/ramps.
- e. 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.
- f. Mobile food vehicles shall only operate on special event sponsor's property and entirely off street rights-of-way unless specifically authorized by the City.
- g. No operator of a mobile food vehicle shall park, stand, or move a mobile food vehicle and conduct business within areas of the city without written permission from the property owner.

SECTION D. Operation of Mobile Food Vehicles.

- a. Operation without license. Any mobile food vehicle being operated without a valid City of Jacksonville business license shall be deemed a public safety hazard and may be ticketed and impounded.
- b. Unattended mobile food vehicles prohibited. 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, which is 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 section and may be subject to enforcement under Section F.

SECTION E. License Fees

The license fee to operate a mobile food vehicle shall be:

- a. For special events: \$8.00 plus issuance fee. The license shall only be good for the duration of the special event. Mobile food vendors only operating during special events and not purchasing an annual license shall be required to purchase a separate license for each special event.
- b. All other mobile food vendors shall purchase an annual mobile food vehicle license calculated according to the fee schedule A in section 7-23 of the Code of Ordinances of the City of Jacksonville, Alabama.

SECTION F. Enforcement.

Any person violating any section of this ordinance may be subject to a fine of one hundred (\$100.00) dollars per day. Each day of violation shall constitute a separate and distinct offense."

SECTION 2. SEVERABILITY.

If any provision, clause, sentence or paragraph of this ordinance or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 3. EFFECTIVE DATE.

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

PASSED AND ADOPTED this the 13th day of May, 2013.

(absent)
Council President Mark Jones

Truman Norred
Council Member Truman Norred

Jerry Parris
Council Member Jerry Parris

Sandra Sudduth
Council Member Sandra Sudduth

Johnny L. Smith
Approved by Mayor Johnny L. Smith

ATTEST:

Dorothy P. Wilson
City Clerk Dorothy P. Wilson CMC

(absent)
Council Member Jonathan Tompkins