

FOOD TRUCK ORDINANCE

Sponsored by: Councilmember Manzie

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, as follows:

Section One. Definitions.

- a) *Food truck* means a food service establishment (as defined in Chapter 34 of the Mobile City Code) that is mobile and located upon or within a vehicle, or which can be pulled by a vehicle, or which can be pulled or pushed by human or animal power (such as a pushcart), where food or beverage is cooked, prepared and/or served for individual portion service. This definition shall not apply to coffee, frozen dessert or ice cream trucks that move from place to place and are stationary in the same location for no more than 15 minutes at a time.
- b) *Commissary* means a designated facility or fixed food establishment that the food truck operates from and reports to for supplies and for cleaning and service operations.

Section Two. License Requirements.

- a) It shall be unlawful for any food truck to sell, or offer for sale, any food or beverage without first obtaining a business license as provided in Chapter 34 of the Mobile City Code.
- b) In addition to any other requirements, each applicant for a food truck business license must provide:
- 1) The name, home and business address of the applicant and copy of their current food permit and any other permits required by state or county health departments.
 - 2) A description of the food and/or beverage to be sold.
 - 3) A description and photograph or drawing of the food truck for which a license is sought.
 - 4) Proof of at least one million dollars (\$1,000,000) of liability/personal injury insurance coverage.
 - 5) Such information as the applicant may choose or as may be reasonably requested by the city.

Section Three. Locations.

- a) Subject to the restrictions and limitations set forth in this ordinance, food trucks shall be permitted on private property, and at locations in the public right-of-way and in public parking lots that have posted permanent signs identifying parking reserved for food trucks.
- b) Food trucks may not:

- 1) Operate within three-hundred (300) feet of any restaurant located within a permanent structure or building.
- 2) Operate at any city park or other city property unless:
 - A) At a special event hosted by the city; or,
 - B) At a designated mobile food vending site approved by the city planning department (designated as such by appropriate signage).
- 3) Operate in R-1, R-2 or R-3 zoning districts without first obtaining a special, single use/single day permit for operation for no more than two hours, from the City of Mobile. No such permit shall be issued for the same location more than two times per year.

Section Four. Specific Regulations.

- a) A food truck shall only sell food and beverages. No other merchandise or items of any kind shall be sold at a food truck. A food truck shall meet or exceed all federal, state and local regulations pertaining to the quality of food products offered for sale.
- b) In addition to any and all other ordinances, laws, rules and regulations, the food truck shall:
 - 1) Display a valid City of Mobile business license.
 - 2) Display a valid permit issued by the Mobile County Health Department.
 - 3) If operating on private property, provide, upon request, a written agreement between the property owner and the food truck operator stating permission has been granted to operate at said location. An agreement must be provided for each location of operation.
 - 4) Contain food preparation completely within the food truck.
 - 5) Not obstruct the flow of traffic on the public right-of-way.
 - 6) If parked other than on the public right-of-way, meet setback requirements for all respective zoning districts.
 - 7) Be parked a minimum of twenty (20) feet from any street intersection.
 - 8) If operating on a public right-of-way, be parked so that the food/beverage distribution side is away from traffic.
 - 9) Not occupy an area that would be greater than two parking spaces.
 - 10) Not utilize public utility connections. Utility service is the responsibility of the operator.
 - 11) Constantly contain and police waste materials and refuse.
 - 12) Provide a trash receptacle for use by customers.
 - 13) Not set out or provide tables or chairs for customer use.
 - 14) Not be left overnight at any location or left unattended at any time.
 - 15) Only operate, and only be parked on public right-of-way or property, between the hours of 6:00 a.m. and 10:00 p.m.
 - 16) Return to commissary on a daily basis to service the food truck. This includes getting fresh water, dumping waste, restocking supplies and disposing of garbage.
 - 17) Not leave any location without first picking up, removing and disposing of all trash and refuse remaining from sales made by the food truck.

- 18) Not set up, maintain or permit the use of any table, crate, carton, rack or any other device to increase the selling or display capacity of the food truck.
- 19) Not solicit or conduct business with persons in a motor vehicle; that is, no drive-up business.
- 20) Not create sound or permit sound to emit from any device, including but not limited to, loud mechanisms, or equipment which produces a loud and raucous noise (except for generators as further set forth in this ordinance); or operate any loud speaker, public address system, radio, music player, sound amplifier or similar device to attract attention of the public or otherwise.
- 21) Not burn wood or charcoal or produce smoke.
- 22) Permit any advertising on the food truck except to identify the name or identity of the food/beverage for sale, the name of the owner and/or business, and the posting of prices.
- 23) Secure all signs flat against the food truck. Signs may not project more than six inches from the exterior of the food truck.
- 24) Provide exterior lighting which must be hooded or shielded so that the light source is not scattering light to surroundings other than to the food truck and its adjacent service area.
- 25) Obtain electrical service only by an onboard generator, or, if the food truck is set up on private property, from a source on the private property. The total decibel level for any generator(s) shall not exceed eighty (80) dbA at any time.
- 26) If parking in public right-of-way or city owned parking lots with parking meters or fee based parking, pay on a daily basis all parking fees.

Section Five. Special Events.

The City of Mobile may issue a special event permit to allow the operation of food trucks outside of normal requirements. Applications will be accepted by the city department hosting or in charge of the event and permits will be issued on a first come, first serve basis until the maximum number of allowed food trucks, as determined by such department, is reached. The number of food trucks allowed at an event will be dependent on the space available where the event is being held. In order to provide variety, the City of Mobile reserves the right to refuse to permit "same type" food trucks when issuing permits where space limitations are involved. Special event hours will be the duration of the event itself. Setup may occur beginning one hour prior to the start of the event and clean-up must be completed within one hour of the end of event.

Section Six. Repealer.

All city ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section Seven. Severability.

The provisions of this Ordinance are severable. If any part of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, that declaration shall not affect the part or parts that remain.

Section Eight. Effective Date.

The Ordinance shall be effective within the corporate limits and police jurisdiction of the City of Mobile on January 1 of the first year following its enactment and publication as required by law.

ADOPTED: _____

City Clerk