



# CITY OF OWENS CROSS ROADS ORDINANCE NO. 23-004

## ORDINANCE TO REGULATE FOOD TRUCKS OPERATING WITHIN THE CITY LIMITS OF OWENS CROSS ROADS

BE IT ORDAINED BY THE CITY COUNCIL OF OWENS CROSS ROADS, ALABAMA AS FOLLOWS:

**WHEREAS**, Alabama municipalities are authorized to regulate the use of public streets, sidewalks and rights-of-way for public health, safety, welfare and convenience; and

**WHEREAS**, no person, firm, association, or corporation is authorized or permitted to use the streets, avenues, alleys, or public rights-of-way of any municipality for the operation of any private enterprise, without first obtaining the consent of the proper authorities of such municipality Code of Alabama, 1975, §11-49-1 (a); and

**WHEREAS**, mobile food trucks, pushcarts or “food vehicles or food trucks”, are a national trend and provide the useful service of convenient and varied dining options in business areas and in areas that lack businesses providing nutritional dietary options; and

**WHEREAS**, the City of Owens Cross Roads finds it in the interest of the public health, safety, welfare and convenience to authorize the operation of mobile food trucks and push cart vendors within the City of Owens Cross Roads, subject to regulations to protect the safe and convenient use of public rights-of-way.

### **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/Push Cart** shall mean a mobile food vehicle.
- c. **Mobile Food Vendor** shall mean the owner of the mobile food vehicle.
- d. **Mobile Food Commissary** shall mean a fixed food facility as determined by the Madison County Health Department.
- e. **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 that benefits the citizens of the City of Owens Cross Roads and any event the Mayor may deem as a special event.
- f. **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 Madison County Health Department. A valid permit must be displayed in each Mobile Food Vehicle. Operators must submit copies of all required and current health department approvals for both commissary and each mobile food truck when purchasing a business license.

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- b. No person shall operate a mobile food vehicle, without first having obtained a business license from the City of Owens Cross Roads and license must be displayed in each mobile food truck. Any mobile food vehicle being operated without a valid City of Owens Cross Roads business license shall be deemed a public safety hazard and may be ticketed, fined and closed down.
- c. Applicant shall be responsible for having each unit inspected and approved by the Madison County Fire Inspection office prior to issuance of a business license and must provide a copy of this approval.
- d. All mobile food vehicles shall offer a waste container for public use and must be removed when the mobile food vehicle leaves a location. Waste materials and refuse must be self-contained and be located within three (3) feet of the mobile food vehicle. Mobile food vehicle operators are responsible for the proper disposal of waste and trash associated with the operation. Operators shall remove all waste and trash every 24 hours to maintain the health and safety of the public and to prevent any adverse odors. City trash receptacles shall **NOT** be used for this purpose.
- e. Mobile food vehicles must maintain a **15' clearance from fire hydrants**, driveway entrances, and handicap parking spaces/ramps.
- 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, *unless* for such purpose as a special event.
- g. No mobile food vehicle shall make or cause to be made any unreasonable or excessive noise or lights.
- h. A mobile food vehicle may not operate on private property without written permission from the owner of the property.
- i. Signage will be limited to the sign on the unit and one (1) portable sign to display menu or prices.
- j. Any auxiliary power, water, sewer utilities required for the operation of the mobile food vehicle shall be self-contained.
- k. 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. Must have at least 5 parking places per mobile vehicle. Mobile food vehicles shall not be located within one hundred (100) feet of the main entrance of the nearest restaurant during the restaurant's posted hours of operation without the written consent of the restaurant's owner.
- l. 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.

**SECTION C. RULES AND REGULATIONS FOR SPECIAL EVENTS**

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.

**SECTION D. OPERATIONS OF MOBILE FOOD TRUCKS**

- a. A mobile food vehicle operating outside of an approved location shall be deemed in violation of this section and may be subject to enforcement.
- b. Hours of operation will be limited to 6:00 a.m. – 10:00 p.m., or until event closes.

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**SECTION E. LICENSE FEES AND FINES**

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

- a. Mobile food vendors shall purchase an annual mobile food vehicle license at the cost of \$100.00, plus the current issuance fee required by the state, *except* during special events, when fees shall be at the discretion of the Mayor.
- b. Any mobile food vehicle found to be in operation without a current business license with the City of Owens Cross Roads will be subject to the following fines:
  - 1<sup>st</sup> offense at \$50.00 plus the cost of a regular business license and the current issuance fee.
  - 2<sup>nd</sup> offense at \$100.00 plus the cost of a regular business license and the current issuance fee.
  - 3<sup>rd</sup> offense at \$150.00 plus the cost of a regular business license and the current issuance fee.

**SECTION F. ENFORCEMENT**

The Code of Alabama 1975, §22-2-14 states that violations of health department rules and regulations are misdemeanor offenses.

ADOPTED THIS 14<sup>th</sup> DAY OF MARCH 2023.

**Approved By:**

  
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Tony K. Craig, Mayor

**Attest By:**

  
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Christie D. Eason, City Clerk

**City of Owens Cross Roads, Alabama, certificate of publication.**

This is to certify that Ordinance No. 23-004, City of Owens Cross Roads, Alabama, was published by posting on the City website, and on at least five (5) bulletin boards within the City.



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