

ORDINANCE NUMBER 839-16

AN ORDINANCE TO ESTABLISH OPERATING STANDARDS AND DEFINITIONS FOR MOBILE FOOD UNITS OPERATING WITHIN THE CITY OF HELENA, ALABAMA AND TO PROVIDE FOR PENALTIES FOR VIOLATION THEREOF

WITNESSETH THESE RECITALS

WHEREAS, the Mayor and City Council have determined that establishing standards for the operation of Mobile Food Units will promote the public health, safety and welfare of the citizens of the City of HELENA,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HELENA, ALABAMA, AS FOLLOWS:

Section 1. Definition.

Mobile Food Unit – A self-contained vehicle, trailer or pushcart that serves prepared foods or prepares and serves food in various locations of the City.

Section 2. Standards and Requirements for Operation.

1. All Mobile Food Unit operators shall obtain an annual business license issued by the City of Helena prior to commencing any food sales in the City. The license shall be assigned a business code 722320 and shall be subject to the applicable fee schedule and other applicable provisions in Business License Code of the City of HELENA. The license shall be provided for both the Mobile Food Unit as well as the commissary from which the food is obtained.
2. In addition to an annual business license, all Mobile Food Unit operators shall obtain an annual operating permit for each unit to be issued by the Helena City Clerk, unless otherwise exempted under the terms of this ordinance. Permits shall be issued for the period beginning January 1 and ending December 31 of each year. The permit shall be posted in a visible location on the Mobile Food Unit at all times while in operation. In order to obtain a permit, an operator shall submit copies of all required and current health department approvals for both commissary and each Mobile Food Unit, as well as a current city business license. The applicant for a

permit shall be responsible for having each unit inspected and approved by the City's Fire Marshal prior to issuance of a permit.

3. All Mobile Food Units must be located off the public rights-of-way.
4. Location and/or operation of all Mobile Food Units shall be only in areas and/or districts zoned non-residential or allowed in HOA public area.
5. Mobile Food Unit operators shall have approval of the property owner for each location at which the Mobile Food Unit operates. This approval shall be in writing, signed by the property owner, and must be made available for inspection upon request of any City Official at any time during the operation of the Mobile Food Unit.
6. No Mobile Food Unit shall be allowed to operate in excess of eight (8) hours per day; operational meaning food sales (excluding food prep).
7. No Mobile Food Unit shall be allowed to operate in excess of three (3) consecutive days in any one location. During days of non-operation, the Mobile Food Unit and all associated vehicles, etc., must be removed from the premises.
8. Hours of operation for all Mobile Food Units shall be limited to 6:00 AM to 9:00 PM, local time.
9. No Mobile Food Unit shall operate on more than two (2) individual sites within the City per day.
10. No more than two (2) Mobile Food Units shall operate on the same site per day unless specially approved festivals, celebrations, etc., and at the approval of the Mayor.
11. Mobile Food Units shall not be located within two hundred (200) feet of the main entrance of the nearest restaurant during the restaurant's posted hours of operation.
12. Mobile Food Units shall be located a minimum of five (5) feet away from any fire hydrant, sidewalk, utility boxes, handicap ramps and/or building entrances.
13. Mobile Food Unit 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.

14. All associated equipment, including trash receptacles, must be located within three (3) feet of the Mobile Food Unit.
15. No fire lanes, vehicular access ways or pedestrian walkways may be obstructed or encroached upon by the Mobile Food Unit.
16. No amplified microphones or bull horns, no flashing lights or any other distraction shall be permitted as a part of the Mobile Food Unit operation. (This would not impact traditional music for Ice Cream trucks)
17. Mobile Food Units 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 Unit, except at the approval of the Building Inspector or his/her representative.
18. Signage is limited to signage located on the Mobile Food Unit. No portable signage is allowed.
19. The operator of a Mobile Food Unit shall comply with all applicable sales, use and other tax ordinances and regulation.

Section 3. Penalties.

A violation of this ordinance shall constitute an offense against the City of Helena. Any person violating any provision of this ordinance may be issued a citation by the Helena Police Department or at the request of the Revenue Officer or his/her designee be issued a summons and shall be required to appear in the Helena Municipal Court. Upon conviction, any person shall be subject to any fines and other applicable court costs which may be assessed by the Helena Municipal Court for offenses against the City. Each day a violation continues shall be a separate offense.

Section 5. Exceptions.

The Mayor shall be authorized to issue an exemption, at his or her discretion, to any operator of a Mobile Food Unit which is operating in an organized civic event, festival, celebration, non-profit event or any other event where it is deemed as being in the public's interest in order to exempt the operator of the Mobile Food Unit from business license fees and permitting requirements; however, all operators are still responsible for the collection and remittance of sales and other taxes associated with the sale of said inventory, as well as inspection of food preparation facilities by the Fire Marshal.

Section 6. Severability.

If any part, section or subdivision of this resolution shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this resolution, which shall continue in full force and effect notwithstanding such holding.

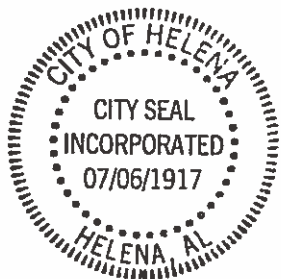
Section 7. Effective Date:

This Ordinance Number 839-16 shall become effective 7-30, 2016 following adoption and publishing/posting pursuant to Alabama law.

DONE, ORDERED, ADOPTED and APPROVED this the 25 day of July, 2016.

APPROVED AND ADOPTED THIS 25 DAY OF July, 2016.

[SEAL]



ATTEST:

Amanda C. Traywick
Amanda C. Traywick, City Clerk

Mark R. Hall
Mark R. Hall, Mayor

Leigh Hulsey
Leigh Hulsey, Council Member

Mike Jones
Mike Jones, Council Member

Cris A. Nelson
Cris A. Nelson, Council Member

Leslie Bartlett
Leslie Bartlett, Council Member

Harold Woodman
Harold Woodman, Council Member