

## ORDINANCE 797 (15)

**AN ORDINANCE AMENDING PART 8, CHAPTER 6, ARTICLE A, SECTION 8-603 ESTABLISHING A MOBILE FOOD VENDOR APPLICATION PROCESS; ESTABLISHING MOBILE FOOD VENDOR LICENSE USE AND RESTRICTIONS; ESTABLISHING A MOBILE FOOD VENDOR LICENSE FEE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER;**

### SECTION 8-603

### Temporary, Seasonal and Mobile Food Vendor Licenses

A. A temporary and seasonal food and beverage vendor is a person, partnership, corporation or other form of business entity which offers for sale to the general public, either for consumption on or off any premises, food or beverage in a context normally associated with, or constituting; food booths, carnivals, circuses, community festivals, snow cone stands, barbecue stands during the months of May through September, or during other specified times as approved by the community development director.

#### B. Zoning and Building Regulations

1. No temporary and seasonal food beverage vendor shall operate or conduct sales in the City of Moore, unless licensed in compliance with the Zoning Regulations, Chapter 12 of the Moore City Code include uses allowed within specified zoning districts, setback requirements and adequate parking facilities.

2. All water and sewer service shall be provided by permanent connections to city municipal water and sewer service and meet all requirements of the adopted plumbing codes and utility connection requirements.

3. Permanent electrical service shall be provided and shall meet adopted electrical codes.

4. Structures with permanent utility connections shall be secured on an approved foundation with approved anchoring/ tie down methods.

5. Restroom facilities shall be required on site. A written agreement with a business operating on the same site allowing use of an existing restroom during all business hours may be submitted for community development director review and approval.

6. Occupancy Permit application and approval is required and shall be approved by the building official, fire marshal and community development director.

C. Approval from the county health department shall be required and proof of which shall be presented to the city. All temporary and seasonal food and beverage vendors shall be open to the inspection by state, county and city officials during the normal business hours of the vendor's operations.

D. Mobile Temporary Food Service License shall be for facilities that are vehicle mounted and readily moveable. A person desiring to operate a mobile food service establishment may apply for either a thirty-day or one hundred eighty-day mobile temporary food vendor license at least twenty-four (24) hours prior to any sales at said establishment. This temporary license shall be issued by the City Clerk following approval of the application by the Cleveland County Health Authority and City Clerk. The temporary license may be renewed for an additional one hundred eighty (180) days following approval by the Cleveland County Health Authority and City Clerk.

E. Application Process

A. Applicants for a permit under this article must file with the City Clerk a (verified) sworn application in writing on a form to be furnished by the City Clerk, which shall give the following information:

- (1) Name and description of applicant.
- (2) Address
- (3) Brief description of business, goods to be sold, location desired.
- (4) Time period for which applicant wishes to do business.
- (5) License number and description of vehicle to be used, if any.
- (6) Verification that applicant is bonded as group II vendor by the State Tax Commission or other proof that sales tax has been or is being paid on the merchandise sold or to be sold, if applicable.
- (7) Proof that a county health permit and inspection has been obtained.
- (8) At time of filing, fee as provided in the fee schedule shall be paid to the City Clerk.
- (9) Each applicant, if the applicant does not operate a fixed, permanent restaurant within the City of Moore, shall file with the application a certificate of insurance from the appropriate insurer that the applicant has general liability and vehicular insurance in the amount required by the State of Oklahoma.
- (10) Detailed map of location to where the vehicle will be placed.

B. The City Clerk shall review the application to ensure:

- (1) The applicant is aware of his responsibility to collect and pay sales tax and that applicant is properly registered with the Oklahoma Tax Commission. If applicant is not properly registered with the Oklahoma Tax Commission, the permit will not be issued.
- (2) That a valid county health permit and inspection is obtained.

C. Within seven (7) days after receipt of the application, the City Clerk shall either approve or disapprove of the application.

- (1) If the application is approved, the Clerk shall issue the permit within three (3) days after the approval.
- (2) If the application is not approved, the City Clerk must state with specificity the reason(s) for non-approval and the City Clerk shall notify the applicant within three (3) days after non-approval. Proper mailing address shown on the application shall be adequate notification to the applicant.

F. Conditions of Permit Issuance

a. All mobile temporary food vendors must have the permission of the property owner prior to operating on the subject property. City staff will approve the location and placement of the vehicle at City events.

b. No mobile temporary food vendor may stop for longer than twelve (12) hours at a single location or address in a twenty-four hour period. A single location or address shall include a single parking lot shared by multiple businesses.

(1) This section shall not apply to food sales at events that are not open to general public or are sponsored, catered, or hosted by a business group.

c. Mobile Temporary food vendors may not sell food on public right-of-way except for a brief stop for point of sale. For purposes of this section, public right-of-way means any street or highway and property adjacent to streets and highways which is dedicated to public use and over which the Federal, State or municipal government, or any agency, department or subdivision thereof, exercises control and dominion; or any bridge alley, sidewalk, pedestrian way, stairs or elevator which is dedicated to public use and over which the Federal, State or municipal government, or any agency, department, or subdivision thereof, exercises control and dominion.

d. Except for sales associated with an approved city event or with written city approval, no such sales shall be conducted at or within 75 feet of any city – owned parks.

e. Permit Issuance

(a) Permits shall be issued by the City Clerk.

(b) A permit must be issued not less than twenty-four (24) hours prior to any actual selling activity by the applicant.

(c) The permit shall be prominently displayed at the applicant's selling location.

f. Permit Fees

The application fee to be paid to the City Clerk upon submission of the application for a temporary food license shall be established by the Fee Schedule of the City of Moore.

G. The Code Enforcement Division of the City of Moore shall enforce the provisions of this section and may initiate any proper proceedings to enforce compliance herewith.

H. Violations of this section shall be misdemeanors, and any person, partnership, corporation or other form of business entity, which violates any of the provisions of this section, shall be deemed guilty of a misdemeanor and upon conviction shall be punished as provided in Section 1-108 of this code. Each day's offense shall be deemed a separate offense.

I. No temporary and seasonal food and beverage vendor shall operate or conduct sales in the city, unless licensed in compliance with Section 8-602.

**Severability**

If any of the provisions of this ordinance are determined to be unconstitutional or unlawful by any court of competent jurisdiction, the remainder shall be severable and unaffected.

**Repealer**

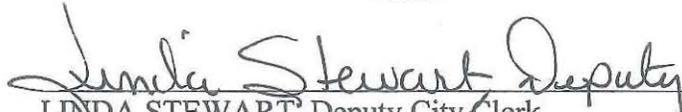
Any ordinance or parts thereof in conflict with this section are hereby repealed.

PASSED AND APPROVED THIS 3<sup>RD</sup> DAY OF August, 2015.

  
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GLENN LEWIS, Mayor



ATTEST: (Seal)

  
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LINDA STEWART, Deputy City Clerk

APPROVED AS TO FORM AND LEGALITY:

  
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RANDY C. BRINK, City Attorney