ORDINANCE NO. 1076.26

AN ORDINANCE AMENDING PART 8, CHAPTER 6, SECTION 8-603, REMOVING THE REQUIREMENT OF A PERMIT TO OPERATE A MOBILE TEMPORARY FOOD SERVICE AND PROVIDING CONDITIONS FOR FOOD TRUCK OPERATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR REPEALER.

NOW THEREFORE, BE IT ORDAINED BY THE City Council of the City of Moore, Oklahoma: **THAT PART 8, CHAPTER 6, SECTION 8-603 IS HEREBY AMENDED TO READ AS FOLLOWS:**

Sec 8-603 Temporary, Seasonal And Mobile Food Vendors

1. 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, and barbecue stands during the months of May through September, or during other specified times as approved by the community development director or designee.
2. Zoning and building regulations – Temporary and Seasonal Food Vendors
    1. No temporary and seasonal food beverage vendor shall operate or conduct sales in the city, unless licensed in compliance with the zoning regulations, part 12 of the Moore City Code including 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, or designee 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 or designee.
3. All temporary and seasonal food vendors shall obtain approval from the county health department 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.
4. Mobile temporary food service vendors (Food Trucks) are vehicle-mounted and readily moveable. No permit shall be required from the City of Moore to operate a Food Truck within the corporate city limits of the City of Moore.
5. If the food truck will be operating at a City permitted Special Event or on City owned property, the applicant for the Special Event permit or for the event on City owned property shall be required to provide the following information about each food truck scheduled to be at the Special Event or operating on City property:

1. Name of food truck.
2. Business address for the food truck.
3. Name and address of the owners of the food truck if different than business address of food truck.
4. Brief description of business, goods to be sold, and location desired.
5. A copy of health department permit for the food truck to operate.
6. A copy of the most recent inspection by the Oklahoma State Fire Marshal for the food truck to operate.
7. A copy of the permit from the Oklahoma Liquefied Petroleum Gas Administration if the food truck is utilizing electric energy, liquefied petroleum gas, compressed natural gas, or any combination thereof for cooking.
8. A copy of the special event permit from the Oklahoma Tax Commission and a demonstration of the ability to remit sales tax.

6. Conditions of food truck operation.
    1. All mobile temporary food vendors must have the permission of the property owner prior to operating on the subject property. All mobile food truck vendors shall only set up a temporary stationary location in a C-2 through I-3 zoning district with the exception of a city-sanctioned or other city approved special event. All food truck vendors and their employees and customers must park on an approved sealed surface, with the exception of a city-sanctioned event or other city approved special event.
    2. No mobile temporary food vendor may stop for longer than 12 hours at a single location or address in a 24-hour period. A single location or address shall include a single parking lot shared by multiple businesses. Food trucks must move the truck to an off-site location for a minimum of 12 hours every 24 hour period. This subsection 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.
    3. Mobile temporary food vendors may not sell food on public rights-of-way except for a brief stop for point of sale. For purposes of this subsection, the term "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.
    4. No portable toilets are allowed in conjunction with a food truck vendor with the exception of a city sanctioned event or other city approved special event.
    5. All generators shall be located a minimum of 50 feet from residentially used or zoned property.
    6. Trash receptacles are permitted on site and all trash shall be removed from site.
    7. All food trucks must display and provide a valid OK State Department of Health License, the State Fire Marshal Permit Decal and LP Gas Permit Decal (if using propane).
    8. All food trucks are required to carry a class ABC fire extinguisher, plus a class K if fire suppression system or produce grease vapors.
7. The code enforcement division of the city shall enforce the provisions of this section and may initiate any proper proceedings to enforce compliance herewith.
8. 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. Each day's offense shall be deemed a separate offense.
9. 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 2 DAY OF MARCH, 2026.

MARK HAMM, Mayor

ATTEST: *(Seal)*

CITY OF MOORE CORPORATE SEAL MOORE, OKLAHOMA

VANESSA KEMP, City Clerk

APPROVED AS TO FORM AND LEGALITY:

BRIAN K. MILLER, City Attorney

ORDINANCE NO. 1076.26

AN ORDINANCE AMENDING PART 8, CHAPTER 6, SECTION 8-603, REMOVING THE REQUIREMENT OF A PERMIT TO OPERATE A MOBILE TEMPORARY FOOD SERVICE AND PROVIDING CONDITIONS FOR FOOD TRUCK OPERATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR REPEALER.

NOW THEREFORE, BE IT ORDAINED BY THE City Council of the City of Moore, Oklahoma: **THAT PART 8, CHAPTER 6, SECTION 8-603 IS HEREBY AMENDED TO READ AS FOLLOWS:**

Sec 8-603 Temporary, Seasonal And Mobile Food Vendors ~~Licenses~~

1. 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, and barbecue stands during the months of May through September, or during other specified times as approved by the community development director or designee.
2. *Zoning and building regulations* – Temporary and Seasonal Food Vendors
    1. No temporary and seasonal food beverage vendor shall operate or conduct sales in the city, unless licensed in compliance with the zoning regulations, part 12 of the Moore City Code including 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, or designee 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 or designee.
3. All temporary and seasonal food vendors shall obtain 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.
4. ~~A M~~mobile temporary food service ~~license shall be for facilities that~~ vendors (Food Trucks) are vehicle-mounted and readily moveable. ~~A person desiring to operate a mobile food service establishment may apply for either a one day, 30 day or 180 day mobile temporary food vendor license at least 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 county health authority and city clerk. The temporary license may be renewed for an additional 180 days following approval by the county health authority and city clerk.~~ No permit shall be required from the City of Moore to operate a Food Truck within the corporate city limits of the City of Moore.

~~5. *Application process.*~~ If the food truck will be operating at a City permitted Special Event or on City owned property, the applicant for the Special Event permit or for the event on City owned property

shall be required to provide the following information about each food truck scheduled to be at the Special Event or operating on City property:

~~1. Applicants for a permit under this section 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~~ food truck.
2. Business Address for the food truck.
3. Name and address of the owners of the food truck if different than business address of food truck.
4. Brief description of business, goods to be sold, and location desired.
5. ~~Time period for which the applicant wishes to do business~~. A copy of health department permit for the food truck to operate.
6. ~~License number and description of vehicle to be used, if any~~. A copy of the most recent inspection by the Oklahoma State Fire Marshal for the food truck to operate.
7. ~~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~~. A copy of the permit from the Oklahoma Liquefied Petroleum Gas Administration if the food truck is utilizing electric energy, liquefied petroleum gas, compressed natural gas, or any combination thereof for cooking.
8. ~~Proof that a county health permit and inspection has been obtained.~~ A copy of the special event permit from the Oklahoma Tax Commission and a demonstration of the ability to remit sales tax.
9. ~~At time of filing, the fee as provided in the fee schedule shall be paid to the city clerk.~~
10. ~~Each applicant, if the applicant does not operate a fixed, permanent restaurant within the city, 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.~~
11. ~~Detailed map of location to where the vehicle will be placed.~~

~~2. 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 the applicant is properly registered with the state tax commission. If the applicant is not properly registered with the state tax commission, the permit will not be issued.~~
2. ~~That a valid county health permit and inspection is obtained.~~

~~3. Within seven 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 days after the approval.~~
2. ~~If the application is not approved, the city clerk must state with specificity the reasons for non-approval and the city clerk shall notify the applicant within three days after non-approval. A notice sent to the proper mailing address shown on the application shall be adequate notification to the applicant.~~

6. *Conditions of ~~permit issuance~~ food truck operation*.
   1. 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~~. All mobile food truck vendors shall only set up a temporary stationary location in a C-2 through I-3 zoning district with the exception of a city-sanctioned or other city approved special event. All food truck vendors and their employees and customers must park on an approved sealed surface, with the exception of a city-sanctioned event or other city approved special event.

2. No mobile temporary food vendor may stop for longer than 12 hours at a single location or address in a 24-hour period. A single location or address shall include a single parking lot shared by multiple businesses. Food trucks must move the truck to an off-site location for a minimum of 12 hours every 24 hour period. This subsection 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.
3. Mobile temporary food vendors may not sell food on public rights-of-way except for a brief stop for point of sale. For purposes of this subsection, the term "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.
4. ~~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.~~ No portable toilets are allowed in conjunction with a food truck vendor with the exception of a city sanctioned event or other city approved special event.
5. ~~*Permit issuance.*~~ All generators shall be located a minimum of 50 feet from residentially used or zoned property.
    1. ~~Permits shall be issued by the city clerk.~~
    2. ~~A permit must be issued not less than 24 hours prior to any actual selling activity by the applicant.~~
    3. ~~The permit shall be prominently displayed at the applicant's selling location.~~
6. ~~*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.~~ Trash receptacles are permitted on site and all trash shall be removed from site.
7. ~~7.~~ All food trucks must display and provide a valid OK State Department of Health License, the State Fire Marshal Permit Decal and LP Gas Permit Decal (if using propane).
8. ~~8.~~ All food trucks are required to carry a class ABC fire extinguisher, plus a class K if fire suppression system or produce grease vapors.
7. The code enforcement division of the city shall enforce the provisions of this section and may initiate any proper proceedings to enforce compliance herewith.
8. 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. Each day's offense shall be deemed a separate offense.
9. 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 _____ DAY OF JULY, 2025.

MARK HAMM, Mayor

ATTEST: *(Seal)*

VANESSA KEMP, City Clerk

APPROVED AS TO FORM AND LEGALITY:

BRIAN K. MILLER, City Attorney