

Ordinance No. O-2526-10

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTIONS 20-1008 (“LICENSE REQUIRED”) THROUGH 20-1013 (“OUTSIDE SALES”) OF ARTICLE 20-X (“FOOD SERVICES”) WITHIN CHAPTER 20 (“LICENSES AND OCCUPATIONS”) AND APPENDIX A (“CITY OF NORMAN FEE SCHEDULE”) TO THE CODE OF THE CITY OF NORMAN TO IMPLEMENT CHANGES CONSISTENT WITH NEW STATE LAWS RELATING TO THE LICENSURE, REGULATION AND INSPECTION OF MOBILE FOOD ESTABLISHMENTS AND MOBILE FOOD PREPARATION VEHICLES; PROVIDING AN EFFECTIVE DATE OF NOVEMBER 1, 2025; AND PROVIDING FOR THE SEVERABILITY THEREOF.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

§ 1. That Section 20-1008 of the Code of the City of Norman shall be amended as follows:

SEC. 20-1008. – FOOD SERVICE ESTABLISHMENT LICENSE REQUIRED.

(a) Annual or temporary Food Service Establishment new-license(s), as applicable, are required for food service establishments operating within the City of Norman and shall be issued by the City Clerk following approval of such by the Fire Marshal, Planning and Community Development Department, County Health Department, City Clerk, Sign Inspection Division, and Environmental Services, and as needed.–required by applicable law:

(1) Annual or temporary licenses shall be issued to fixed and mobile food establishments. A license is specific to the operation type, location or establishment described in the application. Where more than a single type, location or number of operations are carried on by an applicant, licenses are required for each such operation, location or establishment.

(2) Fixed food service establishments are those operating at a particular and identifiable location upon real property that do not meet the definition of mobile food establishment under applicable state law or regulations.

(b) Annual Food Service Establishment License. Annual food service establishment licenses are offered for both fixed and mobile food establishments operating within the City of Norman. Respecting the operation of a mobile food establishment, as defined by state law, an annual city license shall be sought and issued by the city in recognition of the applicant’s compliance with the licensing and operation requirements enforced through the Oklahoma Department of Health, and any requirements of the City of Norman not inconsistent with Oklahoma Department of Health regulations or other applicable law.

(bc) Temporary Food Service Establishment License. A person desiring to operate a temporary food service establishment may apply for either a one-day, 30-day or a 180-day temporary 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 such application by the County Health Department and City

Clerk. ~~The~~Any temporary license may be renewed for an additional ~~180 day~~term and payment of fee following approval by the County Health Department and City Clerk. There shall be two types of temporary licenses issued as follows:

~~(e) There shall be two types of licenses issued as follows:~~

(1) *Fixed temporary food service license.* This temporary license shall be for temporary food service businesses operating at a fixed location for a maximum of 180 days. This license may not be renewed for an additional 180 days at the same location. These food service businesses must comply with all provisions of the City zoning code.

(2) *Mobile temporary food service license.* ~~Temporary~~his licenses shall also be available for ~~facilities that are vehicle mounted and are readily moveable~~mobile food establishments, as defined by Oklahoma law, which may apply for a temporary license to be issued by the City in recognition of the applicant's compliance with licensing and operation requirements enforced through the Oklahoma Department of Health, and any requirements of the City of Norman not inconsistent with Oklahoma Department of Health regulations or state law.

§ 2. That Section 20-1009 of the Code of the City of Norman shall be amended as follows:

Sec. 20-1009. – Application Procedure for Temporary-Food Service Establishment License.

(a) *Contents of application.* Applicants for a ~~permit~~license 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, except to the extent that the provision of any information is inconsistent with Oklahoma Department of Health requirements or other applicable state law:

- (1) Name and description of applicant;-
- (2) Permanent or mailing Address;-
- (3) Brief description of business, goods to be sold, location desired, if applicable;-
- (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 a 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 has been obtained;-
- (8) ~~At time of filing, the fee, as provided in NCC 20-1011, shall be paid to the City Clerk.~~As applicable, proof that a food service establishment license was obtained pursuant to applicable state law;
- (9) ~~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.~~As applicable to mobile food preparation vehicles/food vending vehicles, proof of the State Fire Marshal's approved vehicle inspection within one (1) year of the date of application (and where such inspection is renewed during the term of operation, provision

of any renewed inspection approval), and other necessary approvals according to state law, as applicable.

(b) Payment of fee. At the time of filing, the fee, as provided in NCC 20-109 and Appendix A, shall be paid to the City Clerk.

(c) Insurance. 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. Where any such licensee operates at a City event or otherwise upon City property, including a park, the licensee shall provide a certificate of insurance naming the City of Norman as additional insured for the purposes of that event.

(b)c) Review of application.

(1) The City Clerk shall review the application to ensure:

- a. That applicant is aware of his responsibility to collect and pay sales tax and that applicant is properly registered with the State Tax Commission. If applicant is not properly registered with the State Tax Commission, the permit will not be issued.
- b. That the chosen location for issuance of a fixed annual or temporary food service establishment license is commercially zoned and does not extend onto the public right-of-way (except where the licensee is operating at a City event in compliance with the Chapter).
- c. That the applicant's business operation will not obstruct a safe line of sight from any street or private drive used to exit the subject property, ~~or~~ cause other sight distance related problems, or otherwise obstruct the free pass of pedestrians or vehicles along any street, sidewalk or parkway.
- d. That NCC ~~Ch.~~ 28 is to be properly complied with during applicant's business activity.
- e. That applicant's business operations will not reduce the required off-street parking of the host business, if any.
- f. That a valid county health permit, or license as issued pursuant to applicable state law, is obtained and maintained for the license term.

(2) Within ~~seven~~ five (5) business days after receipt of ~~the~~ a complete application, the City Clerk shall either approve or disapprove of the application.

- a. If the application is approved, the Clerk shall issue the permit ~~within three days after the approval.~~
- b. If the application is not approved, the City Clerk must state with specificity the reasons for nonapproval and the City Clerk shall notify the applicant within three days after nonapproval. Proper mailing to the address shown on the application shall be adequate notification to the applicant.

§ 3. That Section 20-1010 of the Code of the City of Norman shall be amended as follows:

Sec. 20-1010. – Conditions of Permit Issuance

(a) ~~All temporary food vendors must have~~ The issuance of a temporary food service establishment license shall not be construed to provide the permission of the property owner(s), which must be obtained by a licensee prior to operating a temporary food vending unit on the subject property.

(b) ~~No mobile temporary food vendor, whether they be an annual or temporary licensee, may stop for longer than 12 hours at a single location at one time, and shall operate on private property upon permission or invitation of the property owner(s), designee(s) or lessor(s) pursuant to applicable law, or address in a 24-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 the general public or are sponsored, catered, or hosted by a business or group.

(2) This section shall not apply on University of Oklahoma home football game days or licensed Special Events.

(c) ~~Except where operating with permission as a part of a City event, or during a licensed Special Event, m~~ Mobile temporary food vendors may not sell food on public right-of-way except for a brief stop for point of sale. For the 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.

§ 4. That Section 20-1011 of the Code of the City of Norman shall be amended as follows:

Sec. 20-1011. –Permit Issuance

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

(b) ~~A permit is effective on the first day following the day of issuance by the City Clerk. must be issued not less than 24 hours prior to any actual selling activity by the applicant.~~

(c) The format of such permit will generally follow the format of licenses, as provided in NCC 20-101, and such permit shall be prominently displayed at the applicant's selling location.

§ 5. That Section 20-1012 of the Code of the City of Norman shall be amended as follows:

Sec. 20-1012. –Permit Fee

The application fee to be paid to the City Clerk upon submission of the application for a temporary food service establishment license shall be, as provided in the City fee schedule for annual or temporary ~~a (one-day permit, for a 30-day permit, or for a 180-day permit).~~

§ 6. That Section 20-1013 of the Code of the City of Norman shall be amended as follows:

Sec. 20-1013. –Outside Sales for Fixed Food Service Establishments

(a) Fixed food service establishments holding an annual City license may have outside sales on their premises if all conditions of the Food Service Establishment Regulations, zoning ordinances and fire code are met.

(b) Fixed food service establishments with temporary licenses issued by the City may have outdoor sales if all conditions of the Food Service Establishment Regulations, zoning ordinances and fire code are met.

§ 7. That Appendix A to the Code of the City of Norman shall be amended as follows:

APPENDIX A – CITY OF NORMAN FEE SCHEDULE

<i>Code Section</i>	<i>Description</i>	<i>Fee</i>
<i>Chapter 1 – General Provisions</i>		
1-114	Court Costs	Not to exceed \$30.00
* * *		
<i>Chapter 20 – Licenses and Occupations</i>		
20-104	Duplicate License	\$10.00
* * *		
20-109	Occupational Tax Fee	
* * *		
(n)	Food Service Establishments	
(1)	Annual (and renewal)	\$50.00
(2)	Temporary <u>One-day</u>	\$20.00
(3)	Temporary <u>30-day</u>	<u>\$30.00</u>
(4)	Temporary <u>180-day</u>	<u>40.00</u>
(5)	Temporary renewal	<u>Same as original fee</u>
<u>* * * *</u>		

§ 8. Effective date. That the amendments implemented by this ordinance shall be effective November 1, 2025.

§ 9. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance, except that the effective date provision shall not be severable from the operative provisions of the ordinance.

ADOPTED this 23 day
of September, 2025.

[Signature]
(Mayor)

NOT ADOPTED this _____ day
of _____, 2025.

(Mayor)

ATTEST:

[Signature]
(City Clerk)

