

SUBDIVISION 2. - MOBILE FOOD VENDING

Sec. 6.1600. - Definitions.

As used in this article, the following terms or phrases are defined as follows:

Mobile food vending means the act of selling food and/or beverages by operating a mobile food truck, a mobile food cart, or a mobile packaged food delivery truck.

1. Mobile food cart. A non-self-propelled vehicle or stand limited to serving:
 - a. Non-potentially hazardous foods, as defined by the Jackson County Environmental Health Department,
 - b. Commissary-wrapped food maintained at proper temperatures, or
 - c. Limited to the preparation and serving of hot dogs or similar sausages.
2. Mobile food truck. An enclosed vehicle, truck or trailer licensed to operate on public roads in which a person travels from place to place to serve food or beverage.
3. Mobile packaged food delivery truck. An enclosed vehicle or truck licensed to operate on public roads in which a person travels from place to place to deliver packaged food that has been previously ordered.
4. Single-unit mobile food truck. A Federal Highway Administration (FHWA) Class 1-7 vehicle, with vehicle weight less than 33,000 pounds, that is licensed to operate on public roads in which a person travels from place to place to sell packaged food items.

Sec. 6.1610. - Permit required.

Except as otherwise provide in Section 6.1620 of this article, a mobile food vendor permit is required for the following:

- A. Mobile food carts, when:
 1. Located on a public sidewalk; or
 2. Located in public or private parking spaces
- B. Mobile food trucks.

Sec. 6.1620. - Exemptions.

A mobile food vendor permit is not required for the following:

- A. Mobile food carts, when:
 1. Conducted in front of a store on private property;
 2. The property owner permission has been obtained;
 3. Not occupying a parking space; and
 4. Not impacting pedestrian, bicycle, or motor vehicle traffic circulation or other safety issues.
- B. Mobile packaged food delivery trucks.
- C. Neighborhood refreshment stands and other similar products.

Sec. 6.1630. - Fees for mobile food vendor permits.

Application fee. An application fee shall be required upon submittal of each mobile food vendor permit application, in accordance with the City's Schedule of Fees and Charges.

Sec. 6.1640. - Application requirements.

- A. Applicants for mobile food vendor permits must comply with the application requirements set forth in Section 6.1560 of this article.
- B. If on private property, no site plan shall be required.

Sec. 6.1650. - Performance standards.

- A. Location on private property. Mobile food vending is permitted in all zoning districts on private property if: a) the vendor has obtained the permission of the property owner; and b) the vendor is in compliance with all provisions of this division, including those sections addressing permits; and c) the vendor must be located on a paved surface.
- B. Location in right-of-way.
 - 1. The vendor shall not locate within a 60-foot radius from the primary entry of a brick and mortar restaurant during posted hours of operation, unless they have written permission from the restaurant owner.
 - 2. Mobile food vending is prohibited from the right-of-way in residential areas, with the following exception:
 - a. Single-unit mobile food trucks that do not exceed a 15-minute parking duration for sales/services are permitted.
- C. Location during an entertainment event (festival). The vendor shall not locate within one-half mile from the boundary of any entertainment event (festival) requiring street closure, except when:
 - 1. The vendor has written authorization from the festival/event coordinator to operate within the festival boundaries or within one-half mile thereof.
- D. Hours of operation and duration. Mobile food vendors can operate with no limitations on days and hours, with the following exception:
 - 1. Mobile food trucks in the CBD (Central Business District) area, shall be limited to 9:00 p.m. to 2:00 a.m. any night of the week, except that mobile food vendors participating in entertainment events (festivals) in the CBD shall be limited to the hours of the festival. Other hours can be approved by Director of Planning and Development on a case by case basis.
- E. Compliance with other laws and regulations. Vendors must at all times comply with all applicable legal and regulatory provisions, including, without limitation, health code regulations.
- F. Restoration of site. Immediately upon cessation of the vending, the site shall be returned to its previous condition, including the removal of all litter, or other evidence of the vending. If the site is not returned to its previous condition, the City may restore the site at the expense of the applicant.
- G. Health and safety criteria. Mobile Food Vending shall not impair the normal, safe and effective operation of a permanent use on the same site. Mobile food vending shall not endanger or be detrimental to the public health, safety or welfare or injurious to property or improvements in the immediate vicinity of the vending, given the nature of the activity, its location on the site and its relationship to it.
- H. Traffic circulation. Mobile food vending shall not cause undue traffic congestion or accident potential given anticipated attendance and the design of adjacent streets, intersections, parking and traffic controls. All sidewalks shall be left open for pedestrian traffic unless special approval is received for blockage. No alleys, driveways, fire lanes or other access points shall be blocked by the vending unless specific approval is granted for the vending.
- I. Off-street parking.
 - 1. All off-street parking surfaces used for mobile food vending shall be concrete or asphalt.

2. No more than 20 percent of the parking stalls required for the structure associated with the parking lot in which the vending occurs shall be permitted to be used for mobile food vending.
3. Mobile food vending shall not cause a shortage of parking for the primary use on the property on which they are located. Mobile food vending shall not create a shortage of parking for uses on properties surrounding the property on which they are located.

J. Anchoring devices. No spikes, nails, anchors or other devices shall be driven into any public street or sidewalk. Such devices may be used on private parking lots provided any damage resulting therefrom shall be repaired upon cessation of the event and removal of the devices.

K. Nuisances. The mobile food vending shall not generate excessive noise, dust, smoke, litter, glare, spillover lighting or other forms of environmental or visual pollution.

Sec. 6.1660. - Mobile food vending signs.

- A. No separate sign permit shall be required for signs related to mobile food vending.
- B. Signs related to a mobile food vendor shall be limited to signs that can only be affixed to the vehicle and one sandwich board sign in immediate proximity of the vendor unit or truck.

Sec. 6.1670. - Consideration of mobile food vendor application.

A. The Director may approve any mobile food vendor permit after determining that the event will comply with all mobile food vending performance standards and application criteria and requirements.

B. Appeal of denial.

1. The denial of any application by the Director shall be in writing.
2. The applicant, in the event of a denial of a mobile food vendor permit, and a permit holder, in the event of the revocation of a mobile food vendor permit, shall have the right to appeal a decision of the Director to the City Council.
3. Appeal to City Council. Applicants denied a mobile food vendor permit may appeal to the City Council by filing such appeal with the City Clerk, with full documentation supporting his or her application, within ten days of the denial.
4. Schedule. Appeals shall be placed on the first available City Council meeting agenda for consideration.
5. City council consideration. The City Council action shall be final and may include additional fees to cover the cost of providing city services and/or any other conditions deemed necessary to protect the general welfare of the City and the public.

C. Prohibition on transfer. No mobile food vendor permit issued under the provisions of this section shall be assignable or transferable to any other person or transferable to another location for the operation of mobile food vending by that person or at a different location.