

ORDINANCE NO. 65-2013

AN ORDINANCE CREATING SECTIONS 15-11.5 AND 15-11.6 OF THE CODE OF ORDINANCES, LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT, PERTAINING TO THE GENERAL REGULATION OF MOBILE FOOD UNIT VENDORS AND PROVIDING PUBLIC SAFETY; PERMIT REQUIREMENTS; LOCATION RESTRICTIONS; TRASH PICKUP; LIGHTING RESTRICTIONS; AND OTHER REQUIREMENTS; AND ESTABLISHING A FINE OF NOT LESS THAN \$250 NOR MORE THAN \$500 FOR EACH VIOLATION; ALL EFFECTIVE UPON DATE OF PASSAGE.

BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That Section 15-11.5 of the Code of Ordinances be and hereby is created and enacted to read as follows:

Sec. 15-11.5

All mobile food unit vendors must comply with the following:

- (1) The requirements of all applicable ordinances and regulations, including but not limited to the following:
 - a. Sections 18-119 through 18-129 of the code;
 - b. Sections 17-129 of the code and the Americans with Disabilities Act; and
 - c. Sections 14-70 through 14-80 of the code.
- (2) Shall at all times operate in a manner that ensures the safety of patrons, pedestrians and the public.
- (3) Shall not park or operate in a manner which prohibits others from parking in otherwise available spaces or areas.
- (4) Shall obtain any necessary permits and comply with the requirements of any applicable rules and regulations of the Fayette County Health Department.
- (5) Shall provide and use a tarp, roofing paper, or similar impermeable material or protective barrier under and around the mobile food unit in order to prevent spilling, staining or contamination onto or into any public property.
- (6) Shall not locate or operate within fifteen feet (15') of any driveway or other main entrance to a building without the express written permission of the affected property owner or her or his authorized agent.
- (7) Shall provide, in a prominent location, trash and recycling container(s) sufficient in size to collect all waste and recyclables generated by customers and staff of the vendor. All trash and debris related to the operation shall be collected by the vendor throughout the duration of their vending and deposited in their own trash or recycling container(s) and removed from the site by the vendor. Such waste shall not be placed in urban county government trash receptacles. The vendor shall be responsible for any litter or debris located within a five feet (5') radius of their unit, including sidewalks in the immediate vicinity.
- (8) Shall not, during any LFUCG-recognized Special Event, locate, operate or vend inside the Event footprint or without the express written permission of the Special Event coordinator.
- (9) Shall only use lighting which is permanently or semi-permanently affixed to its unit and which does not cause any glare that could be considered a public hazard, nuisance or distraction to vehicular movement, neighboring business operations or residential uses. No flashing or strobe lighting shall be permitted.
- (10) Shall not use any electrical outlet located within the public right-way or on public property, unless specifically authorized by the urban county government or, if required, the utility company. A vendor shall not create any tripping or other hazard related to its use of electricity.
- (11) Shall not block access to or use of, any public bench or any public utility pole or set up any chairs or tables on the public right-of-way.
- (12) Shall not in any manner damage public property or the public right-of-way. Examples, include, but are not necessarily limited to, using stakes, rods or any method of support that is required to be drilled, driven or otherwise

fixed in asphalt pavement, curbs, sidewalks or buildings. The vendor shall be solely responsible for any such damage.

(13) Must not locate or operate within an area zoned as a Residential District under the Lexington-Fayette County Zoning Ordinance. A limited exception is provided if permission is obtained from the legally recognized Homeowner's Association for the affected property, or if the property at issue is used by the neighborhood as a community property, such as a swimming pool, and permission is obtained from the entity responsible for managing that property.

(14) Shall not locate or operate within an area closed for an emergency.

Section 2 - That Section 15-11.6 of the Code of Ordinances be and hereby is created and enacted to read as follows:

Sec. 15-11.6

Any person convicted of violating any provision of sections 15-11.1 through 15-11.5 of the code shall be subject to a fine of not less than two hundred fifty dollars (\$250.00), nor more than five hundred dollars (\$500.00). Each day a violation occurs shall constitute a separate offense.

Section 3 - That this Ordinance shall become effective upon date of passage.

PASSED URBAN COUNTY COUNCIL: June 6, 2013

/s/Jim Gray
MAYOR

ATTEST:

/s/ Susan Lamb

CLERK OF URBAN COUNTY COUNCIL

Published: June 13, 2013