

ORDINANCE NUMBER 2502

AN ORDINANCE TO AMEND CHAPTER 8 OF THE VESTAVIA HILLS CODE OF ORDINANCES, REPUBLISHED 2014 ENTITLED “LICENSES AND BUSINESS REGULATIONS” TO ADD AN ARTICLE TO ESTABLISH A NAICS CODE, OPERATING STANDARDS AND DEFINITIONS FOR MOBILE FOOD UNITS OPERATING WITHIN THE CITY OF VESTAVIA HILLS, ALABAMA AND TO PROVIDE FOR PENALTIES FOR VIOLATION THEREOF

WITNESSETH THIS ORDINANCE NUMBER 2502 WHICH IS CONSIDERED AND APPROVED ON THIS THE 14th DAY OF JULY, 2014.

WITNESSETH THESE RECITALS

WHEREAS, on April 28, 2014, the City Council of the City of Vestavia Hills (“City”) adopted and approved Ordinance Number 2498 to adopt a Code of Ordinances for the City of Vestavia Hills as republished in 2014; and

WHEREAS, Chapter 8 of the Vestavia Hills Code of Ordinance, republished 2014, (“City Code”) entitled “Licenses and Business Regulations” sets forth the requirements for operation of commercial businesses within the City of Vestavia Hills; and

WHEREAS, the Mayor and City Council have determined that establishing standards for the operation of Mobile Food Units is intended to promote the public health, safety and welfare by amending Article 8 to establish standards and a definition for the operation of Mobile Food Units within the City to be detailed as follows:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA, AS FOLLOWS:

1. Chapter 8 of the City’s Code is hereby amended for the addition of the following:

Article X - Establishing Standards and Definitions for Mobile Food Units

Section 1. Definitions.

Mobile Food Unit – A self-contained vehicle, trailer or pushcart that serves prepared foods or prepares and serves food in various locations of the City.

Section 2. Standards and Requirements for Operation.

1. All Mobile Food Unit operators shall obtain an annual business license issued by the City of Vestavia Hills Finance Department prior to

commencing any food sales in the City. Said license shall be assigned the NAICS code 722330 and shall be subject to the Schedule 5A as detailed in Section 8-37, License Classifications. Said license shall be provided for both the Mobile Food Unit as well as the commissary from which the food is obtained.

2. In addition to an annual business license all Mobile Food Unit operators shall obtain an annual operating permit for each unit to be issued by City of Vestavia Hills City Clerk, unless otherwise exempted in this Chapter. Permits shall be issued for the period beginning January 1 and ending December 31 of each year. This permit shall be posted in a visible location on the Mobile Food Unit at all times while in operation. In order to obtain said permit, operators shall submit copies of all required and current health department approvals for both commissary and each Mobile Food Unit and current City business license. Applicant shall be responsible for having each unit inspected and approved by the City's Fire Marshal prior to issuance of permit.
3. All Mobile Food Units must be located off the public rights-of-way.
4. Location and/or operation of all Mobile Food Units shall be only in areas and/or districts zoned non-residential.
5. Mobile Food Unit operators shall have approval of the property owner for each location at which the Mobile Food Unit operates. This approval shall be in writing, signed by the property owner and must be made available for inspection upon request of any City Official at any time during the operation of the Mobile Food Unit.
6. No Mobile Food Unit shall be allowed to operate in excess of eight (8) hours per day; operational meaning food sales (excluding food prep).
7. No Mobile Food Unit shall be allowed to operate in excess of three (3) consecutive days in any one location. During days of non-operation, the Mobile Food Unit and all associated vehicles, etc., must be removed from the premises.

8. Hours of operation for all Mobile Food Units shall be limited to 6:00 AM to 9:00 PM, local time.
9. No Mobile Food Unit shall operate on more than two (2) individual sites within the City per day.
10. No more than one (1) Mobile Food Unit shall operate on the same site per day unless specially approved festivals, celebrations, etc., and at the approval of the City Manager.
11. Mobile Food Units shall not be located within two hundred (200) feet of the main entrance of the nearest restaurant during the restaurant's posted hours of operation.
12. Mobile Food Units shall be located a minimum of five (5) feet away from any fire hydrant, sidewalk, utility boxes, handicap ramps and/or building entrances.
13. Mobile Food Unit operators are responsible for the proper disposal of waste and trash associated with the operation. Operators shall remove all waste and trash every 24 hours to maintain the health and safety of the public and to prevent any adverse odors. City trash receptacles shall not be used for this purpose.
14. All associated equipment, including trash receptacles, must be located within three (3) feet of the Mobile Food Unit.
15. No fire lanes, vehicular access ways or pedestrian walkways may be obstructed or encroached upon by the Mobile Food Unit.
16. No amplified microphones or bull horns, no flashing lights or any other distraction shall be permitted as a part of the Mobile Food Unit operation.
17. Mobile Food Units shall not occupy parking spaces required to fulfill the minimum requirements of a principal use, unless the hours of operation of the principal use do not coincide with those of the Mobile Food Unit except at the approval of the Zoning Official.
18. Signage is limited to signage located on Mobile Food Unit. No portable signage is allowed.

Section 3. Penalties.

Any person violating any provision of this article may be issued a citation by the Vestavia Hills Police Department or at the request of the Finance Director or his designee be issued a summons and shall be required to appear in the Vestavia Hills Municipal Court. Upon conviction, any person shall be subject to any fines and other applicable court costs which may be assessed by the Vestavia Hills Municipal Court.

Section 4. Exceptions.

The City Manager shall, at his discretion, be authorized to issue an exemption to any Mobile Food Unit who is operating in an organized civic event, festival, celebration, non-profit event or any other event where it is deemed as being in the public's interest in order to exempt the operator of the Mobile Food Unit from business license fees and permitting requirements; however, all operators are still responsible for the collection and remittance of sales taxes associated with the sale of said inventory, as well as inspection of food preparation facilities by the Fire Marshal.

Section 5. Severability.

If any part, section or subdivision of this resolution shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this resolution, which shall continue in full force and effect notwithstanding such holding.

Section 6. Effective Date:

This Ordinance Number 2502 shall become effective August 1, 2014 following adoption and publishing/posting pursuant to Alabama law.

DONE, ORDERED, ADOPTED and APPROVED this the 14th day of July, 2014.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca H. Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance Number 2502 is a true and correct copy of such Ordinance that was duly adopted by the City Council of the City of Vestavia Hills on the 7th day of July 14, 2014, as same appears in the official records of said City.

Posted at Vestavia Hills Municipal Center, Vestavia Hills Library in the Forest, and Vestavia Hills Recreational Center this the _____ day of _____, 2014.

Rebecca Leavings
City Clerk