

**AN ORDINANCE OF THE CITY COUNCIL OF NIXA, MISSOURI,
AMENDING CHAPTER 12-LICENSES, TAXES AND MISCELLANEOUS
REGULATIONS, TO ADOPT ARTICLE V-MOBILE FOOD VENDING
AND INCLUDE ALL PERTINENT SECTIONS
OF THE ORDINANCES OF THE CITY OF NIXA, MISSOURI**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NIXA, MISSOURI, AS
FOLLOWS:

THAT Chapter 12 – Article IV Garage Sales is hereby amended to reserve sections 12-85 – 12-100.

THAT Chapter 12-Licenses, Taxes and Miscellaneous Regulations is hereby amended to add the following Article V-Mobile Food Vending and all pertinent sections to read as follows:

Sec. 12- 101 Purpose:

The purpose of this ordinance is to preserve and promote the health, safety, and general welfare of the public. Promoting compatibility among land uses within the community through regulations intended to minimize the harmful or nuisance effects resulting from noise, location, and other objectionable activities associated with the Mobile Food Vending industry.

Sec. 12-102 Defined

Mobile Food Truck: For the purposes of these regulations a mobile food truck means a licensed, motorized vehicle that includes a self-contained or attached trailer kitchen in which food is prepared, processed, or stored and such vehicle is used to sell and dispense food to the general public.

Sec. 12-103 Use Standards

A person operating a mobile food truck on private property shall be allowed subject to the following regulations:

- a. Mobile Food Truck business activity to be temporary: All business activity related to mobile food operations shall be of a temporary nature subject to the following requirements:
 - i. A mobile food truck may not park in one individual location for more than twelve (12) hours during any twenty four (24) hour period.
 - ii. No overnight parking is allowed in the location at which business is being conducted.
 - iii. A mobile food vendor may not operate between the hours of 10:00 p.m. and 7:00 a.m.
- b. Locates on an approved surface that is at least 100 feet from the door of a lawfully established eating place unless the owner of the eating place provides a letter of consent, a copy of which shall be kept within the food truck.
- c. Any auxiliary power required for the operation of the mobile food truck shall be self-contained. No use of public or private power sources are allowed without providing written consent from the owner.

- d. All materials generated from a mobile food business that are to be disposed of should be disposed of properly. It is illegal to discharge or dispose of any substance, material, food, or waste into the storm drain system.
- e. All grounds utilized by a mobile food truck shall at all times be maintained in a clean and attractive manner. Trash and recycling containers shall be provided for use by the Mobile Food Truck patrons. All trash or debris accumulating within twenty (20) feet of any mobile operation should be collected by the vendor and deposited into a trash container.
- f. One (1) sign, no larger than 24" X 36", shall be allowed in addition to those signs physically attached to the vehicle. Said sign shall not be placed further than ten (10) feet from the mobile food truck.
- g. The mobile food truck shall not have a drive-through.

Sec. 12-104 Location and Placement Requirements

- a. Mobile Food Truck operations are only allowed within the following zoning districts: HC (highway commercial), GC (general commercial), NC (neighborhood commercial), M1 (light industrial), and M2 (heavy industrial).
- b. Operations are only allowed on private property and City owned property, subject to written approval from the property owner. Written approval must be present on the mobile food truck and available upon request.
- c. Parking is only allowed on an approved hard surface as provided in *Sec. 111-207 (a)*, parking is not allowed on grass or other landscaped area.
- d. Mobile Food Truck must be parked so that neither the vehicle nor the customers block driveways of existing buildings or uses, or in such a manner as to create a traffic hazard.
- e. No Mobile Food Truck shall interfere with the internal parking lot circulation.
- f. Mobile Food Trucks shall not occupy any handicap accessible parking space.
- g. Mobile Food Trucks shall not use the public right of way unless otherwise allowed by ordinance.

Sec. 12-105 Permit Required

- a. No Mobile Food Truck operator shall operate within the boundaries of the City of Nixa without first obtaining a business license in conformance with *Chapter 12, Article II.- Business License*.
- b. A permit and current health department inspection shall be obtained and maintained by the owner of the Mobile Food Truck.
- c. All City and County permitting and inspections must be displayed on the Mobile Food Truck in a place visible by customers.

Sec. 12-106 Exemptions

- a. Mobile Food Trucks operating at special events, so long as the mobile unit is located totally within property owned, occupied, or leased by the operators of the special event. For the purpose of this provision a special event shall mean an event that has received a permit for such activity in conformance with Sec. 16-356 thru 361. Mobile Food Truck operators shall operate under the terms and conditions of the issuance of the Special Events Permit for the times and place permitted.

- a. The operator does not stop on the public R.O.W. for a period longer than one minute;
- b. The operator does not impede the flow of traffic.
- c. The operator complies with *Article V.-General Rules of Vehicle Operation*

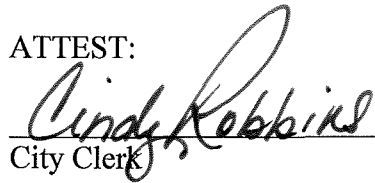
Secs. 12-107 – 12-125. Reserved

All ordinances or portions of ordinances in conflict with this ordinance are hereby repealed.

This ordinance shall be in full force and effect from and after the date of its passage.

READ TWO (2) TIMES AND PASSED BY THE CITY COUNCIL FOR THE CITY OF NIXA, MISSOURI THIS 18th DAY OF MAY 2015.

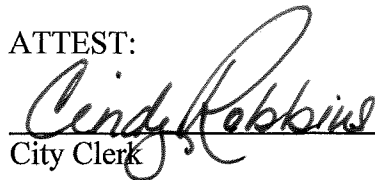
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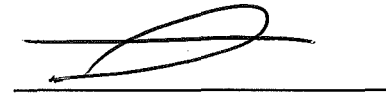

City Clerk


Presiding Officer

APPROVED THIS 18th DAY OF MAY, 2015

ATTEST:


City Clerk


Mayor