

City of Davis



ORDINANCE – 5-2020

An ordinance amending City of Davis, Oklahoma Code Title 4, Business and License Regulations, Chapter 4 Peddlers and Solicitors included in such extensions; Repealing all ordinances or parts of ordinances in conflict herewith; providing that if any part or parts be held invalid or ineffective, the remaining portions shall not be affected.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF DAVIS, OKLAHOMA

Section I: Regulations adopted.

The latest edition of the "Oklahoma State Department of Health Rules and Regulations pertaining to Food Establishments" is hereby adopted and incorporated by reference in this Code. At least one copy of the rules and regulations shall be on file in the office of the city clerk. The rules and regulations shall govern except in case of conflict with the provisions of this article, in which case the more restrictive terms shall prevail.

Section II: Food service licenses generally.

No person shall operate a food service establishment that does not have a valid annual or mobile license issued to it. Only an establishment which complies with the requirements of this Code shall be entitled to receive or retain such a license. Licenses are not transferable. A valid license shall be posted in every food service establishment.

Section III: Temporary, seasonal, and mobile food vendor licenses.

(a) A temporary and seasonal food and beverage vendor is a person, partnership, corporation or other form of business entity which offers for sale to the general public, either for consumption on or off any premises, food or beverage in a context normally associated with, or constituting, food booths, carnivals, circuses, community festivals, snow cone stands, and barbecue stands.

(b) Zoning and building regulations.

(1) No temporary and seasonal food beverage vendor shall operate or conduct sales in the city, unless licensed in compliance with the zoning regulations, Title 11 of the Davis City Code including uses allowed within specified zoning districts, setback requirements and adequate parking facilities.

(2) All water, sewer, electrical service shall be provided by connections that meet all requirements of the Oklahoma State Department of Health.

(3) Electrical service shall be connected and shall meet adopted electrical codes.

(4) Structures with permanent utility connections shall be secured on an approved foundation with approved anchoring/tie down methods.

(5) Restroom facilities are recommended on-site. A written agreement with a business operating on the same site allowing use of an existing restroom during all business hours may be submitted for review and approval.

(6) Occupancy permit application and approval is required and shall be approved by the Public Works Director and Fire Chief.

(c) Approval from the county health department shall be required and proof of which shall be presented to the city. All temporary and seasonal food and beverage vendors shall be open to the inspection by state, county, and city officials during the normal business hours of the vendor's operations.

(d) A mobile temporary food service license shall be for facilities that are vehicle-mounted and readily moveable. A person desiring to operate a mobile food service establishment may apply for either a 1 day, 30-day, 180-day, or annual mobile temporary food vendor 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 the application by the county health authority and city clerk. The temporary license may be renewed for an additional 180 days following approval by the county health authority and city clerk.

(e) Application process.

(1) Applicants for a permit under this section 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:

- a. Name and description of applicant.
- b. Address.
- c. Brief description of business, goods to be sold, and location desired.
- d. Time period for which the applicant wishes to do business.
- e. License number and description of vehicle to be used, if any.
- f. Verification that applicant is bonded as 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.
- g. Proof that a county health permit and inspection has been obtained.
- h. At time of filing, the fee as provided in the fee schedule shall be paid to the city clerk.
- i. Each applicant, if the applicant does not operate a fixed, permanent restaurant within the city, shall file with the application a \$1,000 License and Permit B bond with the City of Davis as the obligee from the appropriate insurer that the applicant has and vehicular insurance in the amount required by the state.
- j. Physical address or detailed map of location to where the vehicle will be placed.

- (2) The city clerk shall review the application to ensure:
 - a. The applicant is aware of his responsibility to collect and pay sales tax and that the applicant is properly registered with the state tax commission. If the applicant is not properly registered with the state tax commission, the permit will not be issued.
 - b. That a valid county health permit and inspection is obtained.
- (3) Within seven days after receipt of the 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 non-approval and the city clerk shall notify the applicant within three days after non-approval. A notice sent to the proper mailing address or email address shown on the application shall be adequate notification to the applicant.
- (f) Conditions of permit issuance.
 - (1) All mobile temporary food vendors must have the permission of the property owner prior to operating on the subject property. City staff will approve the location and placement of the vehicle at city events.
 - (2) No mobile temporary food vendor may operate for longer than 12 hours at a single location or address in a 24-hour period. A single location or address shall include a single parking lot shared by multiple businesses. This subsection shall not apply to food sales at events that are not open to general public or are sponsored, catered, or hosted by a business group.
 - (3) Mobile temporary food vendors may not sell food on public rights-of-way except for a brief stop for point of sale. For purposes of this subsection, the term "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) Except for sales associated with an approved city event or with written city approval, no such sales shall be conducted at or within 75 feet of any city-owned parks.
- (5) Permit issuance.
 - a. Permits shall be issued by the city clerk.
 - b. A permit must be issued not less than 24 hours prior to any actual selling activity by the applicant.
 - c. The permit shall be prominently displayed at the applicant's selling location.

(6) Permit fees. The application fee to be paid to the city clerk upon submission of the application for a temporary food license shall be established by the fee schedule of the city.

(g) The code enforcement division of the city shall enforce the provisions of this section and may initiate any proper proceedings to enforce compliance herewith.

(h) Violations of this section shall be misdemeanors, and any person, partnership, corporation or other form of business entity, which violates any of the provisions of this section, shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished as provided in section 1-4-1 of this code. Each day's offense shall be deemed a separate offense.

(i) No temporary and seasonal food and beverage vendor shall operate or conduct sales in the city, unless licensed in compliance with City of Davis, OK Ordinance Title 4-Chapter 4-Section 9.

EMERGENCY CLAUSE: It being immediately necessary for the preservation of the peace, health, safety and public good of the City of Davis and the inhabitants thereof that the provisions of this Ordinance be put into full force and effect, an emergency is hereby declared to exist, by reason whereof, this Ordinance shall take effect and be in force and effect after its passage, as provided by law.

PASSED AND APPROVED this 13th day July of 2020

CITY OF DAVIS, OKLAHOMA

a Municipal Corporation

By _____

Brian Davis, Mayor

ATTEST:

Cheryl Dodds

Cheryl Dodds, City Clerk

STATE OF OKLAHOMA)

COUNTY OF MURRAY) SS

Subscribed and sworn to before me this 13th day of July, 2020 by
Brian Davis, Mayor of the City of Davis, Oklahoma, a municipal corporation.

My Commission No. 05002040

My Commission Expires 2-25-21

