

## CHAPTER 119: MOBILE FOOD UNITS

---

### Section

- 119.01 Definitions
- 119.02 Licensing and permit required
- 119.03 General regulations of mobile food unit vendors and mobile food units
  
- 119.99 Penalty

### § 119.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"MOBILE FOOD UNIT." Food establishment which is on wheels and which sells food and/or beverages.

"MOBILE FOOD UNIT VENDOR." A merchant who conducts business from a mobile food unit.

"MOBILE FOOD UNIT VENDOR LICENSE." A license which authorizes a person to conduct business from a mobile food unit. This license is in addition to the city's business license which is also required.

(Ord. 01:2017, passed 1-9-17; Am. Ord. 23:2017, passed 7-27-17)

### § 119.02 LICENSING AND PERMIT REQUIRED.

(A) The licensing of a mobile food unit vendor shall be on a per unit basis, with each different mobile food unit vendor acquiring a separate license for each mobile food unit.

(B) Mobile food unit vendors shall be required to have a city occupational business license.

(C) All applications for Licenses shall be accompanied with the required certificate of general liability insurance, proof of Health Department approval, proof of a city business license and required fee. The annual license fee shall be two-hundred and fifty dollars (\$250.00)

(D) Any person operating more than one (1) mobile food unit shall pay an additional twenty-five dollar (\$25.00) fee for each additional unit. This fee will not be prorated and will be in effect for the same period of time as the license for the primary mobile food unit.

(E) Vendors shall submit the license application and fee to the Code Enforcement Officer in the Building Inspector/City Planner's Department. Licenses are valid for twelve (12) months unless otherwise invalidated, revoked, or terminated prior to the end of the twelve (12) month term. Mobile food unit vendors must reapply and pay the fee each year.

(F) The mobile food unit vendor shall notify the Code Enforcement Officer when their location changes and provide any additional information requested for the new location.

(G) It shall be unlawful for any person to intentionally provide false information or to intentionally omit requested information on an application for any license pertaining to mobile food unit vendors.

(H) As a condition of issuance of any license, the mobile food unit vendor, agrees to indemnify, hold harmless and defend the city and its officials, officers, employees, representatives, and agents against liability and/or loss arising from activities connected with and/or undertaken pursuant to the license. The city is not liable for any business loss, property loss, or other damage that may result from use of the license or suspension or revocation of the license, or the discontinuances of the practice of permitting such activity, and no such vendor shall maintain any claim or action against the City of Morehead and/or its officials, officers, employees, or agents on account of any suspension, revocation or

discontinuance.

(I) If a mobile food unit vendor will be operating on private property, then said vendor shall provide a written authorization from the property owner or the business owner. Said authorization shall be presented to the Code Enforcement Officer at least ten (10) hours before use.

(Ord. 01:2017, passed 1-9-17; Am. Ord. 23:2017, passed 7-27-17)

### **§ 119.03 GENERAL REGULATIONS OF MOBILE FOOD UNIT VENDORS AND MOBILE FOOD UNITS.**

All mobile food unit vendors must comply with the following:

(A) Mobile food unit vendors shall be permitted to operate between the hours of 7:00 a.m. and 10:00 p.m. No mobile food unit may be at any one (1) location for more than five (5) consecutive days.

(B) The requirements of all applicable city ordinances and regulations, including zoning, occupational tax and restaurant tax shall apply to said operations. Except, that the regulations regarding temporary structures, in Title 15 of the Code of Ordinances shall not apply to mobile food unit vendors, so long as said unit is not in one (1) place for more than five (5) consecutive days.

(C) The vendors shall at all times operate in a manner that ensures the safety of patrons, pedestrians and the public.

(D) Food trucks are permitted on private property only with written permission from the property owner which will be displayed with the occupational license, mobile food vending permit and Rowan County Health Department permit.

(E) The vendors shall only use lighting which is permanently or semipermanently affixed to their unit and which does not cause any glare that could be considered a public hazard, nuisance or distraction to vehicular movement, neighboring business operation or residential uses. No flashing or strobe lighting shall be permitted.

(F) The vendors shall not use any electrical outlets located within the public right of way or on public property, unless specifically authorized by the City of Morehead or if required, the utility company. A vendor shall not create any tripping or hazard related to its use of electricity.

(G) The vendor shall not block access to or use of any public utility pole or set up any chairs or tables on the public right-of- way.

(H) The vendor shall not in any manner damage public property of the public right-of-way. The vendors shall be solely responsible for any such damage.

(I) The vendor shall not locate or operate within an area closed or not accessible due to an emergency.

(J) Charitable/non-profit organizations may operate mobile food vendors without the necessity of a mobile food unit permit.

(K) No mobile food unit vendor shall sell or vend from his or her unit or within one hundred and fifty (150) feet of any restaurant, cafe, or eating establishment offering as a main featured item or items similar to that restaurant, cafe, or eating establishment at the time it is opened for business unless approval is obtained in writing from the owner of the business.

(L) Every mobile food unit vendor shall ensure that the interior, including the windows, shall be maintained in a clean and safe condition, free of grease, dirt, debris, or other trash.

(M) The exterior of the unit and surrounding area shall also be maintained in a clean, undamaged condition and present a favorable appearance including, but not limited to, the body of the vehicle, the paint, all glass, hubcaps(if installed), head and tail lights and grill and bumper. Additionally the exterior of the unit and surrounding area shall be free of grease, dirt, debris and any and all other trash.

(Ord. 01:2017, passed 1-9-17)

### **§ 119.99 PENALTY.**

(A) If the vendor of a mobile food unit does not move after five (5) days and the unit is on public property, the city will give a towing notice to the vendor by posting it on the mobile food unit. If the mobile food unit is not moved within twenty-four (24) hours from the time of the notice, the city will have the unit towed and the vendor will be required to pay all towing

and storage fees before the mobile food unit is returned.

(B) For all other violations, the Code Enforcement Officer shall issue a notice of violation along with a towing notice. If said violation is not timely corrected, the city shall have the mobile food unit towed and the vendor will be required to pay all towing and storage fees before the mobile food unit is returned.

(Ord. 01:2017, passed 1-9-17)