

## ORDINANCE 21-09

### SECTION 20-201 PURPOSE.

This Chapter recognizes the unique physical and operational characteristics of mobile food vending and establishes standards for the typical range of activities and mitigates or prohibits practices that are contrary to the health, safety, and welfare of the public.

### SECTION 20-202 DEFINITIONS.

Food Trucks are vehicles from which the operator cooks, prepares, or assembles food items (including products sold by Ice Cream Trucks) with the intent to sell such items to the general public and which may market their products to the public via advertising, including social media.

Food Truck Rallies are coordinated and advertised gatherings of more than four (4) Food Trucks in one location on a date certain with the intent to serve the public.

Ice Cream Trucks are vehicles from which the operator vends only pre-packaged frozen dairy or frozen water-based food products, soft serve, or hand-dipped frozen dairy products or frozen water-based food products, and pre-packaged beverages.

Location means any single property parcel and all other parcels that are contiguous or cumulatively contiguous to that owned or controlled by a single or affiliated entities.

Mobile Food Service Permit means a permit issued by the City for the operation of Food Trucks, special events, City co-sponsored events, or an approved Food Truck Rally.

Mobile Food Service Vehicle means a Food Truck or an Ice Cream Truck and includes any other portable unit that is attached to a motorized vehicle that is intended for use or in service to the operations of the food service vehicle.

Operate means to promote or sell food, beverages, and other permitted items from the Mobile Food Service Vehicle.

Operator means any person owning, operating, or permitted to operate a Mobile Food Service Vehicle and collectively refers to all such persons.

Vehicle, as used in this Chapter, means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

### SECTION 20-203 GENERALLY.

(A) It is a violation to operate a Mobile Food Service Vehicle at any location except in compliance with the requirements of this Chapter.

- (B) Mobile Food Service Vehicle operators must comply with all state and local business tax regulations.
- (C) Mobile Food Service Vehicle operators must comply with all federal, state and local ordinances and regulations.

**SECTION 20-204 LOCATIONS AND HOURS OF OPERATION.**

(A) *Food Trucks*

- (1) *Rights-of-way.* Food Trucks may operate consistent with this section from the right-of-way only at the locations listed on the City's website as right-of-way upon which Food Trucks can operate.
- (2) *Public Property.* Food Trucks may operate on City property, including City parks, only at the times and locations listed on the City's website as public property upon which Food Trucks can operate.
- (3) *Private property.* Food Trucks may operate on private property where there is a commercial, office, educational, or industrial use. Food Trucks shall not operate on any private property without the prior consent of the property owner (s). The applicant shall provide a notarized, written permission statement from the property owner (s) including a 24-hour contact number of the property owner (s) for each location the food truck intends to operate shall be provided along with the permit application.
- (4) *Restroom Facility.* Food Trucks operating at a location for a duration of more than three (3) hours must provide a notarized, written permission statement of the property owner(s) that permits employees to have access to a flushable restroom no more than 450 feet from the vending location during all the hours of operation.
- (5) *Frequency:* Food Trucks may operate no more than two (2) days per calendar week at a location on privately owned property for a maximum of four (4) days within the city limits.
- (6) *Hours of Operation:* Food Trucks may operate from 6:00 a.m. to 8:00 p.m., Sunday through Saturday.
- (7) *Location:* All Food Trucks shall be located a minimum of 200 feet from any eating establishment and 100 feet from any retail store that sells food unless both the property owner(s) and leaseholder(s) of said eating establishment/retail store grant written notarized permission.
- (8) *Maximum Number of Food Trucks:* No more than two (2) mobile food trucks may operate at any location with coordinated advertising to the public unless a Special Event Permit has been secured.
- (9) *Unattended Food Trucks:* Food Trucks and any accessory items shall not be left unattended or stored for any period of time on the permitted site when vending is not taking place or outside of the permitted hours of operation.

(B) *Ice Cream Trucks*

- (1) *Locations.*
  - (a) *Right-of-way.* An Ice Cream Truck may not operate from the right-of-way at any one location for more than 15 minutes without relocating to another location not less than one-quarter mile from the previous location.
- (2) *Hours of Operation.* Ice Cream Trucks may operate after 11:00 a.m. and before sunset.

## **SECTION 20-205 OPERATING REQUIREMENTS.**

### **(A) *Vehicle Requirements.***

- (1) *Design and Construction.* Mobile Food Service Vehicles must be specifically designed and constructed for the purpose of preparation and sale of the specific type of food being sold and may not operate in any manner that is not safe and is not compatible with the purpose for which the vehicle has been designed and constructed.
- (2) *Licensing.* Mobile Food Service Vehicles must be licensed in accordance with the rules and regulations of any local, state, and federal agency having jurisdiction over motor vehicles and all products sold therein must be properly licensed, permitted, and allowed by local, state, and, federal laws or regulations.

### **(B) *Right-of-Way.***

- (1) Mobile Food Service Vehicles may not operate, stop, stand, or park in any area of the right-of-way that is intended for use by vehicular travel or that in any way impedes the use of the right-of-way or that present an unsafe condition for patrons, pedestrians, or other vehicles.
- (2) Food Trucks may operate within right-of-way only at times and locations designated as Food Truck locations on the City's website, and it is the duty of all Operators to obtain current knowledge of the right-of-way designations prior to establishing operations in any area.
- (3) Unless authorized in writing by the City, all Mobile Food Service Vehicles are prohibited from operating in public alleys.
- (4) Food Trucks shall park in the same direction as traffic, with no more than eighteen inches (18") between the curb face or edge of pavement and with the service window of the Unit facing the curb.
- (5) No Mobile Food Service Vehicle may remain in the right-of-way designated as a permitted Food Truck location non-operational and not open to the public for more than two (2) hours.
- (6) A Food Truck may park in more than one parking space in the right-of-way.
- (7) Food Trucks are prohibited from operating in angled parking spaces in the public right-of-way.

(C) *Business Access.* No Mobile Food Service Vehicle may operate in a location that impedes the ingress to, egress from, or signage of another business or otherwise cause undue interference with access to other businesses or emergency areas, paths, or facilities.

(D) *Pedestrians.* A Mobile Food Service Vehicle may not reduce the clear pedestrian path of travel on the sidewalk to less than six feet (6'). This includes all components of the Unit and any patron queue.

(E) *Distance between Units.* A Mobile Food Service Vehicle may not operate within three (3) feet of any other Mobile Food Service Vehicle, unless at a Food Truck Rally.

(F) *Types of Cooking Apparatuses.* Open flame cooking (other than with a gas range specifically constructed and designed within the Food Truck) either within or outside a Mobile Food Service Vehicle is prohibited; except where such activity is specifically permitted by the Fire Department.

(G) *Noise.* Amplified music or other sounds from any Mobile Food Service Vehicle may not at any time unreasonably disturb nearby businesses, pedestrians, or vehicles.

(H) *Commissary.* If the Operator has a fixed, non-mobile establishment for the purpose of supply storage, food preparation or vehicle servicing, such a commissary location must comply with

all applicable laws, zoning regulations, building code requirements, and requirements of the Springfield Water and Sewer Department.

- (I) *Utilities.* All Mobile Food Service Vehicles shall comply with the version of the electrical code currently adopted by the City and any power, water, or sewage required for the Mobile Food Service Vehicle shall be self-contained and shall not use utilities drawn from other sources. Generators used to produce electrical power shall not produce sound higher than 70 db.
- (J) *Fire Extinguishers Required.* All Mobile Food Service Vehicles must be equipped with a 2-A:10-B:C fire extinguisher that is certified annually by a licensed company. Additionally, any Mobile Food Service Vehicle that produces grease laden vapors (e.g., those units with deep fat fryers or flat top griddles) must be equipped with a K- Class fire extinguisher that is certified annually by a licensed company.
- (K) *Support Methods.* No Mobile Food Service Vehicle may use stakes, rods, or any method of support that must be drilled, driven, or otherwise fixed, into or onto asphalt, pavement, curbs, sidewalks, or buildings.
- (L) *Pedestrian Service Only.* Mobile Food Service Vehicles operating in the right-of-way shall serve pedestrians only; drive-up, drive-thru, or drive-in service is prohibited.
- (M) *Spills.* To prevent discharges into the storm drain system, each Unit shall comply with all stormwater regulations of the City. In addition, each Unit shall have a spill response plan and kit on board to contain and remediate any discharge from the Unit. In the event of a spill, Operators are required to call Springfield Fire Department to assist with the clean-up of spills and to determine the need for a more extensive response.
  - (1) Spill Plan – Food Trucks must post, on the interior of the vehicle, instructions for containing spills; at a minimum such plan should include a) description of and typical quantities of materials that may be spilled; b) procedures for containing potentially spilled materials including proper disposal of spilled materials; c) procedures for storage, use, handling and transfer of materials to reduce potential for spilling; d) emergency notification requirements; and
  - (2) Spill Kit – Food Trucks must have a response kit on the vehicle including a) minimum 5-gallon storage and clean-up container capacity with lid; b) minimum of 10 adsorbent pads and 2 adsorbent socks or equivalent; c) disposable bag adequate to hold contents of spill kit and spilled materials; d) 1 pair of disposable gloves.
- (N) *Waste Collection.* The area of a Mobile Food Service Vehicle operation must be kept neat and orderly at all times. Operation of a Mobile Food Service Vehicle in an area is deemed acceptance by the Operator of the responsibility for cleanliness of the reasonable area surrounding the operations (not less than 20 feet from all parts of the Vehicle) regardless of the occurrence or source of any waste in the area. The Operator must provide proper trash receptacles for public use that are sufficient and suitable to contain all trash generated by the Mobile Food Service Vehicle during the period of operation at a location. All trash within the area of operations regardless of the source must be removed and all garbage, trash, and trash receptacles must be removed when full and prior to departure of a Mobile Food Service Vehicle from a location.
- (O) *Signage.* Mobile Food Service Vehicles are limited to signs mounted to the exterior of the mobile food establishment and one (1) sandwich board sign with dimensions no larger than six (6) square feet. All signs mounted on the Unit shall be secured and mounted flat against the Unit and shall not project more than six inches (6") from the exterior of the Unit. Sandwich board signs shall not obstruct or impede pedestrian or vehicular traffic. All signage must conform to community standards of decency.
- (P) *Alcohol sales.* Mobile Food Service Vehicles may not sell alcoholic beverages.

(Q) *Insurance Requirements.* Mobile Food Service Vehicles shall obtain, at a minimum, any motor vehicle insurance required by any local, state, or federal laws and regulations. Food Trucks are required at all times to maintain insurance coverage in the form and amounts required by the City. In the event the required coverage is not properly maintained, the Operator's Mobile Food Service Permit will be immediately revoked. The failure of the Operator to notify the City of any change in coverage will preclude the Operator from obtaining a permit for a period of six months from the date the City learns of the failure to provide the required notification of change.

## **SECTION 20-206 MOBILE FOOD SERVICE PERMITS.**

(A) *Applicable.* No Mobile Food Service Vehicle may operate within the City without a Mobile Food Service Permit issued by the City. A Mobile Food Service Permit authorizes the holder to engage only in the vending of products from a Mobile Food Service Vehicle in compliance with City Codes and as specified on the permit. The Mobile Food Service Permit must be prominently displayed when the Mobile Food Service Vehicle is in operation.

(B) *Application.* A Mobile Food Service Vehicle operator shall apply for a Mobile Food Service Permit by payment of a \$250 application fee and the following: -

(1) Complete an application form provided by the City Clerk, which shall include the following information:

(a) Name and address of the owner of the vehicle;

(b) Name and address of the operator of the vehicle;

(c) Three color photographs of the exterior (front, side, and back) and interior food service portions of the vehicle in the final condition and with all markings under which it will operate;

(d) A copy of the vehicle license and registration form reflecting the vehicle identification number (VIN) of the Mobile Food Service Vehicle.

(e) A copy of the state or county health department license or permit applicable to mobile food providers; and

(f) A certificate of insurance coverage.

(C) Permittee has an on-going duty to provide the City with notice of any change to any of the information required by the City to obtain a Mobile Food Service Permit, including current photographs of the Mobile Food Service Vehicle in the event of any change in the appearance of or signage on the vehicle.

(2) This section does not apply to contractual arrangements between a Mobile Food Service Vehicle Operator and an individual, group, or the City for catering at a specific location, for a period of not more than four (4) hours that is not open to or serving the public.

(C) *Issuance.* A Mobile Food Service Permit shall be issued upon full completion and review of the application required by this section except that no Mobile Food Service Permit will be issued to an Operator, or any person affiliated with the Operator, for purposes of operating a Mobile Food Vehicle that is the subject of a suspended Mobile Food Service Permit or has had a Mobile Food Service Permit revoked within the prior twelve (12) months.

(D) *Expiration.* All Mobile Food Service Permits expire at the end of the calendar year during which the permit was issued. A new application with supporting documentation is required for renewal and issuance of a permit for the following calendar year.

(E) *Transferability.* A Mobile Food Service Permit may not be transferred.

(F) *Enforcement.*

- (1) *Enforcing Authority.* The City of Springfield Police Department and the City of Springfield Codes Department shall have authority to investigate and address violations of the regulations set forth in Title 20, Chapter 2.
  - (2) *Violations.* If an Operator is found to be in violation of any part including the failure to obtain a permit, the violation will be enforced by warning or citation.
    - (a) *Warnings.* The enforcing authority may issue one (1) warning to any Operator for a violation of this section except in the case of an Operator's failure to obtain a permit.
    - (b) *Citation.* The enforcing authority will issue citations to any Operator as notice of the violation and a scheduled time to appear to answer the violation.
  - (3) *Penalties.* An Operator cited for a violation is subject to the penalties set forth below:
    - (a) *Failure to Obtain a Permit.* Any Mobile Food Service Vehicle failing to obtain a permit is in violation of this section and is subject to pay double the current permit fee on the first offense. On second and subsequent offenses, the operator may pay an increased fee or be disallowed from operating within the City.
    - (b) *Suspension.* A Mobile Food Service Permit shall be suspended upon the issuance of a citation and pending the disposition of violation proceedings and the satisfactory completion of any requirements to become compliant with all regulations.
    - (c) *Revocation.* The City shall revoke a Mobile Food Service Permit after two (2) suspensions within a twelve (12) month period or if the Operator fails to show satisfactory compliance within ninety (90) days after being cited for a violation.
    - (d) *Fees.* The Operator will pay a fee of \$250 to offset the City's costs of compliance measures, inspections, and correction of any circumstance resulting from Operator's failure to comply with the provisions of Title 20, Chapter 2.
  - (4) *Reinstatement*
    - (a) *Suspension.* An Operator may apply for reinstatement of a suspended Mobile Food Service Permit after the payment of the fee set forth in § 20-206(F)(3)(d), completion of necessary inspections, and the correction of any circumstance that lead to the suspension.
    - (b) *Revocation.* The City may allow an Operator to reapply for a Mobile Food Service Permit after three (3) months from the date of revocation. The Operator must show that all circumstances that lead to the violations have been corrected, and the Operator must pay the fee of \$250 to offset the City's costs of compliance measures, completion of necessary inspections, and the correction of any circumstance that lead to the suspension.
- (G) *Notice.* Upon denial, suspension or revocation of a Mobile Food Service Permit, the City shall give notice to the Operator in writing. There shall be no refund of any other fee paid to the City.

#### **SECTION 20-207 FOOD TRUCK RALLIES.**

All Food Truck Rallies on public property require a Parade/Special Event Permit.