

ORDINANCE NO. 548

MOBILE FOOD TRUCKS

ORDINANCE REVOKING ORDINANCE NO. 545

WHEREAS, Alabama municipalities are authorized to regulate the use of public streets, sidewalks and rights-of-way for public health, safety, welfare and convenience; and

WHEREAS, no person, firm, association, or corporations is authorized or permitted to use the streets, avenues, alleys, or public rights-of-way of any municipality for the operation of any private enterprise, without first obtaining the consent of the proper authorities of such municipality Code of Alabama, 1975, §11-49-1 (a); and

WHEREAS, mobile food trucks, pushcarts or “food vehicles or food trucks”, are a national trend and provide the useful service of convenient and varied dining options in business areas and in areas that lack businesses providing nutritional dietary options; and

WHEREAS, the City Council of Rainbow City finds it in the interest of the public health, safety, welfare and convenience to authorize the operation of mobile food trucks and pushcart vendors with the City of Rainbow City, subject to regulations to protect the safe and convenient use of public rights-of-way.

SECTION A. DEFINITIONS

- a. Mobile Food Vehicle shall mean a food establishment that is located upon a vehicle, which is pulled by a vehicle, or which may be pushed or pulled by an individual, where food or beverage is cooked, prepared and/or served for individual portion service, such as a mobile food kitchen.
- b. Mobile Food Truck shall mean a mobile food vehicle.
- c. Mobile Food Cart shall mean a mobile food vehicle.
- d. Mobile Food Vendor shall mean the owner of the mobile food vehicle.
- e. Mobile Food Commissary shall mean a fixed food facility as determined by the Etowah County Health Department.
- f. **Special Event** shall mean a church event, school event, parade, private owned business event open to the general public for the purpose of entertainment, education, or celebration and that benefits the citizens of the City of Rainbow City and any event the Mayor or Director of Revenue may deem as a special event. Location must be approved by the Building Dept.
- g. Special Event Sponsor shall be any person, business or public entity, responsible for a special event.

SECTION B. RULES AND REGULATIONS

- a. All mobile food vehicles must be approved by the Etowah County Health Department. A valid permit must be displayed in each Mobile Food Vehicle. Operators must submit copies of all required and current health department approvals for both commissary and each mobile food truck.
- b. No person shall operate a mobile food vehicle, without first having obtained a business license from the Rainbow City Revenue Dept. and a permit from the Building Dept. and must be displayed in each mobile food truck.
Applicant shall be responsible for having each unit inspected and approved by the Rainbow City Fire Chief, Assistant Chief, or officer prior to issuance of a business license. All mobile food vehicles shall offer a waste container for public use and must be removed when the mobile food vehicle leaves a location. Waste materials and refuse must be self-contained and must be taken to the designated commissary for disposal.
Mobile food vehicles must maintain a **15' clearance from fire hydrants**, driveway entrances, and handicap parking spaces/ramps.
- c. No mobile food vehicle shall provide or allow any dining area, including but not limited to tables, chairs, booths, bar stools, benches, and standup counters.
- d. No mobile food vehicle shall make or cause to be made any unreasonable or excessive noise or lights.

- e. A mobile food vehicle may not operate on public property; EXCEPT during special approved events.
- f. **Signage will be limited to the sign on the unit (maximum size of 5' x 4') and one (1) portable sign (maximum size of 3' x 2' of display area per side, ex: to display menu or prices.). NO FLAGS.**
- g. Any auxiliary power, water, sewer utilities required for the operation of the mobile food vehicle shall be self-contained.
- h. A mobile food vehicle may not be located on any portion of a parking lot when and where such location would prevent the use of required parking spaces during the regular hours of operation of the primary businesses on the lot. Must have at least 5 parking places per mobile vehicle. Must be 200 ft. from corner to structure of brick & mortar restaurant.
- i. No operator of a mobile food vehicle shall park, stand, or move a mobile food vehicle and conduct business within areas of the city without written permission from the property owner and RBC building department. A copy of written agreement will be required for each location and include the name of property (deed) owner, address location of mobile food vehicle, length of time permitted (from MM/DD/YEAR to MM/DD/YEAR), times of day permitted to operate.
- j. Mobile food vehicle cannot operate in Rainbow City for more than six (6) months in a calendar year and time begins when the first permit is issued.

SECTION C. RULES AND REGULATIONS FOR SPECIAL EVENTS

- a. Mobile food vehicles must have the following fire extinguisher on board during operation: minimum Class 2A, 10B and C rated extinguisher. If food preparation involves deep frying, a Class K fire extinguisher must also be on the mobile food vehicle. Fire extinguishers shall be maintained pursuant to National Fire Protection Association (NFPA) Standard 10.
- b. **Mobile food vehicles shall only operate on special event sponsor's property and entirely off-street rights-of-way unless specifically authorized by the City.**

SECTION D. OPERATIONS OF MOBILE FOOD TRUCKS

- a. Operation without license. Any mobile food vehicle being operated without a valid City of Rainbow City business license shall be deemed a public safety hazard and may be ticketed and impounded.
- b. Unattended mobile food vehicles prohibited. No mobile food vehicle shall be parked on the street overnight, or left unattended and unsecured at any time food is kept in the mobile food vehicle. Any mobile food vehicle, which is found to be unattended, shall be considered a public safety hazard and may be ticketed and impounded.
- c. A mobile food vehicle operating outside of an approved location shall be deemed in violation of this section and may be subject to enforcement.
- d. Hours of operation will be limited to 6:00 a.m. – 9:00 p.m.

SECTION E. LICENSE FEES AND PERMIT FEES

The license fee to operate a mobile food vehicle shall be:

- a. For special events: calculated according to the current fee schedule. The license shall only be good for the duration of the special event. Mobile food vendors only operating during special events and not purchasing an annual license shall be required to purchase a separate license for each special event.
- b. All other mobile food vendors shall purchase an annual mobile food vehicle license calculated according to the fee **schedule** of the City of Rainbow City, Alabama.
- c. Permit fees - \$50.00 for first location permit. If mobile food vehicle changes locations within six (6) months, a \$25.00 fee will be assessed.

SECTION F. ENFORCEMENT

The Code of Alabama 1975, §22-2-14 states that violations of health department rules and

regulations are misdemeanor offenses.

SECTION 2. SEVERABILITY

If any provision, clause, sentence or paragraph of this ordinance or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.


SECTION 3. REPEALER

All Ordinances or part of Ordinances, in any manner, conflicting here are hereby repealed.

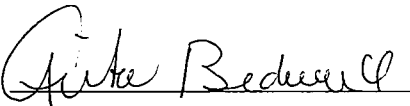
SECTION 3. EFFECTIVE DATE

This ordinance shall become effective upon its adoption and publication as required by law.

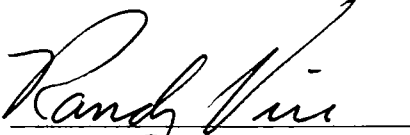
PASSED AND ADOPTED by the City Council of the City of Rainbow City, Alabama this the **13th** day of **December, 2021**.



Joe Taylor, Mayor



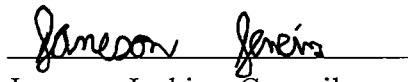
Anita Bedwell, Council member



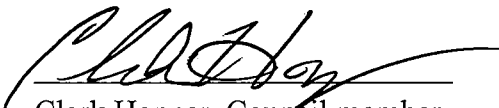
Randy Vice, Council member



Jeff Prince, Council member



Jameson Jenkins, Council member



Clark Hopper, Council member

ATTEST:



Beth Lee, City Clerk/Treasurer

CERTIFICATION OF ADOPTION

I, Beth Lee, City Clerk/Treasurer of the City of Rainbow City, Alabama hereby certify that the above and

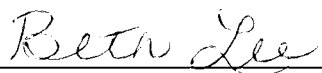
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foregoing copy of Ordinance No. 548 is a true and correct copy of such Ordinance that was duly adopted by the City Council of Rainbow City in regular session assembled on the 13th day of December 2021 and is recorded in the official minutes of said City.


Beth Lee, City Clerk/Treasurer

CERTIFICATION OF PUBLICATION

I, Beth Lee, City Clerk for the City of Rainbow City, Alabama, do hereby certify that Ordinance No. 548 was duly posted at the Rainbow City Municipal Building, Local Joe's, Rainbow City Library, and Winn Dixie on the 14th day of December 2021, in accordance with the provisions of Code of Alabama, 1975, §11-45-8.


Beth Lee, City Clerk/Treasurer