

ORDINANCE NO. 2021-14

**AN ORDINANCE REGULATING THE LICENSING AND OPERATION OF MOBILE
FOOD UNITS WITHIN THE CITY OF OXFORD**

Definition:

Mobile Food Unit- a self-contained vehicle, trailer, pushcart, or tent that serves prepared foods or prepares food in various locations of the City.

Standards and Requirements for Operation:

1. All Mobile Food Unit operators shall obtain an annual business license issued by the City of Oxford prior to commencing any food sales in the City. The license shall be assigned Schedule G and shall be subject to the applicable fee schedule and other applicable provisions in Business License Code of the City of Oxford. The license shall be provided for both the Mobile Food Unit as well as the commissary from which the food is obtained.
2. In addition to an annual business license, all Mobile Food Unit operates shall obtain an annual operating permit for each unit to be issued by the City of Oxford Fire Department. Permits shall be issued for the period beginning January 1 and ending December 31 of each year. The permit shall be posted in a visible location on the Mobile Food Unit at all times while in operation. In order to obtain a permit, an operator shall submit copies of all required and current health department approvals for both commissary and each Mobile Food Unit, as well as a current city business license. The applicant for a permit shall be responsible for having each unit inspected and approved by the City of Oxford Fire Department and or City of Oxford Building Department prior to issuance of a permit.
3. All Mobile Food Units must be able to provide a copy of up-to-date ServSafe Certification before obtaining a business license.
4. All Mobile Food Units may be inspected at any time by the City of Oxford including but not limited to the Fire Department and Building Department.

5. All Mobile Food Units must be located off the public rights-of-way unless approved by the City.
6. Location and or operation of all Mobile Food Units shall be only in area and or districts zoned non-residential or allowed in HOA public areas.
7. Mobile Food Unit operators shall have approval of the property owner for each location at which the Mobile Food unit operates. This approval shall be in writing, signed by the property owner, and must be available for inspection upon request of any City Official at any time during the operation of the Mobile Food Unit.
8. No Mobile Food Unit shall be allowed to operate in excess of eight (8) hour per day unless approved by the City; operational meaning food sales (excluding food prep)
9. Mobile Food Units shall not be located within two hundred (200) feet of the main entrance of the nearest restaurant during the restaurant's posted hours of operation. Any unit that has been in a fixed location for a period longer than twelve (12) months preceding the adoption of this ordinance is hereby exempted from this provision.
10. Mobile Food Units shall be located a minimum of five (5) feet away from any fire hydrant, sidewalk, utility box, handicap ramps and or building entrances.
11. Mobile Food Unit operators are responsible for the proper disposal of waste and trash associated with the operation. Operators shall remove all waste and trash every 12 hours to maintain the health and safety of the public and to prevent any adverse odors. City trash receptacles shall not be used for this purpose.
12. All associated equipment, including trash receptacles shall not be obstructed or encroached upon the Mobile Food Unit.
13. No amplified microphones or bull horns, no flashing lights or any other distraction shall be permitted as a part of the Mobile Food Unit operation unless approved by the City.
(This would exclude traditional music for Ice Cream trucks)
14. Mobile Food Units shall not occupy parking spaces required to fulfill the minimum requirements of a principal use, unless the hours of operation of the principal use do not coincide with those of the Mobile Food Unit, except at the approval of the City.
15. Signage is limited to signage located on the Mobile Food Unit. No portable signage is allowed unless approved by the City.

16. The operator of a Mobile Food Unit shall comply with all applicable sales, use, and other tax ordinances and regulations.
17. Mobile Food Units will be allowed to operate in all residential areas. In order not to impede traffic, no food truck shall remain stationary any longer than three (3) minutes in residential areas, with the exception of ice cream trucks which may remain stationary no longer than fifteen (15) minutes.
18. No Mobile Food Unit will be allowed to remain stationary longer than three (3) consecutive days unless otherwise exempted by the Mayor. Any unit that has been in a fixed location longer than twelve (12) months preceding the adoption of this ordinance is hereby exempted from this provision.

Penalties:

Any violation of this ordinance shall be considered a misdemeanor and punishable by fine of not more than \$500 and/or 5 days in jail. Each day of operation in violation of this ordinance shall be considered a separate offense.

Exceptions:

The Mayor shall be authorized to issue an exemption, at his or her discretion, to any operator of a Mobile Food Unit which is operating in an organized civic event, festival, celebration, non-profit event or any other event where it is deemed as being in the public's interest in order to exempt the operator of the Mobile Food Unit from business license fees and permitting requirements; however, all operators are still responsible for the collection and remittance of sales and other taxes associated with the sale of said inventory, as well as inspection of food preparation facilities by the Fire Marshal.

Severability:

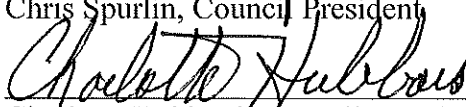
If any part, section or subdivision of this resolution shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this resolution, which shall continue in full force and effect notwithstanding such holding.

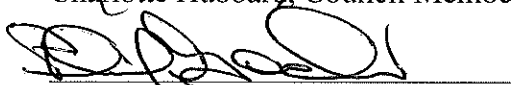
This Ordinance shall become effective upon its passage by the Council and publication as required by law.

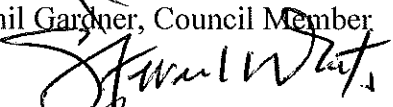
APPROVED and ADOPTED this the 22nd day of June, 2021.

CITY COUNCIL OF THE CITY OF OXFORD, ALABAMA


Chris Spurlin, Council President

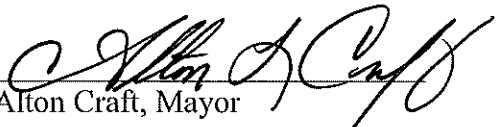

Charlotte Hubbard, Council Member


Phil Gardner, Council Member


Steven Warts, Council Pro Tempore


Mike Henderson, Council Member

APPROVED:


Alton Craft, Mayor

ATTEST:


Alan Atkinson, City Clerk

CERTIFICATE OF ADOPTION

I hereby certify that the attached Ordinance was duly adopted by the City County in regular session assembled on the 22nd day of June, 2021, as recorded in the official minutes of the Oxford City Council.


Alan Atkinson, City Clerk

CERTIFICATE OF PUBLICATION

I, Alan Atkinson, City Clerk of the City of Oxford, Alabama, do hereby certify this Ordinance was posted in three public places with the City of Oxford and at City Hall beginning on the ~~22nd~~^{23rd} day of June, 2021, in accordance with the provision of Code of Alabama, 1975, Section 1145-8.



Alan Atkinson, City Clerk