

COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 23-18

AN ORDINANCE AMENDING CODE OF ORDINANCES CHAPTER 240
MOBILE FOOD UNITS

SUMMARY

This ordinance amends Chapter 240: Mobile Food Units to require applications for food truck licenses to be submitted to Planning and Zoning Administrator instead of the Codes Enforcement officers; it reduces the application fee from \$50.00 to \$25.00; it requires proof of an occupational license; it requires written permission from a private property owner if applicable; it changes the permitted locations and times for mobile food units; and it changes the regulations for mobile food units making them more accessible to the public.

BE IT ORDAINED BY THE CITY OF MAYSVILLE, KENTUCKY, that Code of Ordinances Chapter §240 is hereby amended to read in its entirety as follows:

CHAPTER 240: MOBILE FOOD UNITS

Section

- 240.01 Definitions
- 240.02 License required
- 240.03 Issuance of permit
- 240.04 Regulation of mobile food unit vendors
- 240.05 Clean and safe conditions
- 240.99 Penalty

§ 240.01 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. A mobile food unit is an enclosed unit, truck, or trailer, cart, or similar

vehicle-mounted unit that is

- (A) mobile or capable of being moved by a licensed motor vehicle;
- (B) independent with respect to water, wastewater, and power and utilities;
- (C) contain (s) a service window;
- (D) used for the preparation, sale, or donation of food products or beverages; and
- (E) no larger than 35 feet in length.

Mobile food unit vendor. An itinerant merchant who conducts business from a mobile food unit.

§ 240.02 LICENSE REQUIRED.

The licensing of the vendor shall be on a per unit (food truck/vehicle) basis with each different mobile food unit vendor acquiring a separate license for each mobile food unit.

(A) All applications for permits shall be submitted to the [~~Codes Enforcement Officer~~] Planning and Zoning Administrator and accompanied with the required certificate of insurance, proof of health department approval, [~~and~~] the required fee of \$~~[50]~~ 25 for a mobile food vending permit, and proof of an Occupational License from the City of Maysville.

(B) Permits are valid for 12 months unless otherwise invalidated, revoked or terminated prior to the end of the 12 month term. Mobile food unit vendors must reapply and pay the permit fee each year.

§ 240.03 ISSUANCE OF PERMIT.

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

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

(C) Any permit issued to a mobile food unit vendor shall be valid for the time period specified thereon. Re-application shall be required upon expiration of said permit if the person wishes to continue such activity.

(D) Every mobile food unit vendor to whom a permit is issued shall, at all times while engaged in that business, have a City of Maysville occupational license, City of Maysville mobile food vending permit, ~~[location form and]~~ Mason County Health Department permit, and written permission from a private property owner, if applicable, in his or her possession, prominently displayed for public viewing, and shall produce the same at the request of any City of Maysville official or at the request of any individual to whom the vendor is exhibiting his or her food or attempting to sell same.

(E) Each mobile food unit vendor must obtain all necessary licenses and permissions and comply with all requirements imposed by the health department and/or regulatory agencies.

(Ord. 14-14, passed 6-12-2014) Penalty, see § 240.99

§ 240.04 REGULATION OF MOBILE FOOD UNIT VENDORS. Mobile food unit vendor acquiring a separate license for each mobile food unit.

All mobile food unit vendors must comply with the following:

(A) The requirements of all applicable ordinances and regulations, including zoning.

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

~~[(C) Mobile food units are allowed in the Entertainment District only on the McDonald Parkway parking lot and Wall Street parking lot on Monday through Sunday from 7:00 a.m. until 2:00a.m. the following day; mobile food units are on West Second Street between Market Street and Sutton Street from 6:00 p.m. until 1:30 a.m. Monday through Saturday and on Sunday from 8:00 a.m. until 10:00 p.m.; mobile food units may also set up directly in front of a business in the Entertainment Destination Center in one parking spot by written invitation of the business which shall be on display. Vendors shall not operate on a public way or in the Entertainment Destination Center except for the stated hours and times and they may not locate, operate, or vend at an event open to the public unless they have express written permission of the event organizer. The City reserves the right to close these locations to mobile food units temporarily at its discretion if necessary for maintenance and special events. 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 Mason County Health Department permit.]~~

(C) Mobile food units are allowed in the Entertainment District at the following locations during the following times:

- (1) The McDonald Parkway and Wall Street parking lots from 7:00 a.m. until 10 p.m. Monday through Sunday; mobile food units may not be located beneath parking lot tents.
- (2) Second Street between Limestone Street and Sutton Street from 6:00 p.m. until midnight Monday through Saturday and from 8:00 a.m. until 10: 00 p.m. Sunday.
- (3) Third Street between Limestone Street and Market Street from 6:00 p.m. until midnight Monday through Saturday and from 8:00 a.m. until 10:00 p.m. 10:00 p.m. Sunday.
- (4) In front of a business or property by invitation or permission of the business or property owner from 10:00 a.m. until 10:00 p.m. Monday through Saturday and from 8:00 a.m. until 10:00 p.m. Sunday.
- (5) On private property with written permission from the property owner from 10:00 a.m. until 10:00 p.m. Monday through Saturday and from 8:00 a.m. until 10:00 p.m. Sunday.

Vendors shall not operate on a public way or in the Entertainment District except for the stated hours and times, they may not utilize more than two parking spaces, and they may locate and operate at an event open to the public only by invitation from the event organizer. The city reserves the right to close these locations to mobile food units temporarily at its discretion if necessary for maintenance and special events. If a mobile food unit is invited by a business owner to the Entertainment District and subsequently occupies a parking space in front of another business, the business owner who invited the mobile food unit shall provide notice to the affected business at least three days in advance.

~~[(D) — The vendors shall only use lighting which is permanently or semi-permanently 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 operations or residential uses. No flashing or strobe lighting shall be permitted.]~~

(D) In all other areas of the City of Maysville, including the Industrial Parks, vendors shall only be permitted to locate and operate between the hours of 6:00 a.m. and 10:00 p.m. daily unless otherwise specified. No mobile food unit may be at any one location for more than five consecutive days. The mobile food unit vendor shall not leave the mobile food unit at the location after the five consecutive days but shall move the vehicle off the property. If vendors locate and operate on private property that is not zoned for eating/drinking establishments, excluding Industrial Parks, they may only do so for one day per year per property. Vendors are

permitted on private property only with written permission only with written permission from the property owner.

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

(F) ~~[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.]~~ The vendor may set up tables and chairs for its customers; if table and chairs are set up on a public sidewalk, there shall be four feet of accessibility on the public sidewalk for ADA compliance. Tables and chairs are not permitted on a public street unless the street is closed for a public event.

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

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

~~[(I) — The vendors shall only be permitted to locate and operate between the hours of 6:00 a.m. and sunset daily including the Industrial Parks. No mobile food unit may be at any one location for more than five consecutive days. In the industrial park, the mobile food unit will be removed after 1:00 p.m. each day. The mobile food unit vendor shall not leave the mobile food unit at the location after the five consecutive days but shall move the vehicle off the property.]~~

(I) The vendors shall only use lighting which is permanently or semi-permanently 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 operations or residential uses. No flashing or strobe lighting shall be permitted.

(J) The decibels on any generator may not exceed “60dBA”. The operator must provide the manufacturer’s specifications on decibels generated by his or her particular generator. Mobile food units shall not play music.

§ 240.05 CLEAN AND SAFE CONDITIONS.

(A) Every mobile food unit vender 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.

(B) The exterior of the vehicle shall also be maintained in a clean, undamaged condition and present a favorable appearance, including:

- (1) The body of the vehicle;
- (2) The paint;
- (3) All glass;
- (4) Hubcaps (if installed);
- (5) Head and tail lights; and
- (6) Grill and bumpers.

§ 240.99 PENALTY.

If the vendor does not move the mobile food unit after five days, the City of Maysville 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 24 hours from the time of the notice, the city will tow the mobile food unit. The vendor will be required to pay all towing and storage fees before the mobile food unit is returned. Violation of any provision of this Chapter shall be a Class I violation punishable under § 11.01.

ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MAYSVILLE,
KENTUCKY, this 14 November 2023.

Debra L. Cotterill, Mayor

Passed on 1 st reading	12 October 2023.
Adopted on 2 nd reading	14 November 2023.
Recorded by Clerk	14 November 2023.
Signed by Mayor	14 November 2023.
Published by Summary	17 November 2023.

ATTEST:

Lisa Dunbar, City Clerk

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CERTIFICATE

I hereby certify that I am an attorney licensed to practice law in the Commonwealth of Kentucky, that I prepared the Summary above of the foregoing Ordinance of the City of Maysville,

Kentucky, and that such Summary constitutes a general summary of the essential provisions of said Ordinance, reference to the full text of which Ordinance is hereby made for a complete statement of its provisions and terms.

W. Kelly Caudill
City Attorney
CLARKE AND CAUDILL
119 Sutton Street, PO Box 427
Maysville, Kentucky 41056
606 564-4012