

FOOD TRUCK ORDINANCE

Sponsored by: Councilmember Manzie

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that Chapter 57, Article II, Division 2 of the Mobile City Code, 1991, is hereby amended to be titled with the heading "Food Trucks" and to add new code sections therein as follows:

Section One. Definitions.

Food truck means a food service establishment (as defined in Chapter 34, Mobile City Code, 1991) that is mobile and located upon or within a vehicle, or which can be pulled by a vehicle, or which can be pulled or pushed by human or animal power (such as a pushcart), where food or beverage is cooked, prepared and/or served. This definition shall not apply to coffee, frozen dessert or ice cream trucks that move from place to place and are stationary in the same location for no more than 15 minutes at a time.

Section Two. Locations.

Subject to the restrictions and limitations set forth in this ordinance, Food trucks may operate in parking spaces within the public right-of-way, on City owned property at locations and times as may be approved by the City department in primary control of such property, and in such other areas as may be permitted by the City's zoning ordinance. Provided, that Food trucks may not operate on the public right-of-way within one hundred and fifty (150) feet of the seating area of any type of restaurant, as defined in Sec. 64-2, Mobile City Code, 1991, located within or attached to a permanent structure or building.

Section Three. Specific Regulations.

In addition to any and all other ordinances, laws, rules and regulations, Food trucks shall:

- a) Display a valid City of Mobile business license and any food or health permit required by law.
- b) Continuously contain and police waste and refuse.
- c) Provide a trash receptacle for use by customers.
- d) Service/replenish the Food truck on a daily basis. This includes getting fresh water, disposing of waste and refuse and restocking supplies.
- e) Provide exterior lighting which must be hooded or shielded so that the light source is not scattering light to surroundings other than to the Food truck and its adjacent service area.
- f) Not utilize City utility connections.
- g) Not leave any location without first picking up, removing and disposing of all waste and refuse remaining from sales made by the Food truck.
- h) Not solicit or conduct business with occupants of a motor vehicle.

- i) Not create sound or permit sound to emit from any device, including but not limited to, loud mechanisms, or equipment which produces a loud and raucous noise (except for generators as further set forth in this ordinance); or operate any loud speaker, public address system, radio, music player, sound amplifier or similar device to attract attention of the public or otherwise.
- j) Not operate generator(s) with a total sound level that exceeds sixty-five (65) dbA.
- k) If operating on a public right-of-way or City property contain food preparation within the Food truck.
- l) If operating on a public right-of way park at least twenty (20) feet from any intersection.
- m) If operating on a public right-of-way distribute food/beverage away from vehicular traffic flow.
- n) If operating on a public right-of-way utilize no more than two parking spaces.
- o) Only operate on public right-of-way between the hours of 6:00 a.m. and 10:00 p.m., provided, however, that Food trucks may operate within the Downtown Development District during the same hours bars and restaurants may operate within that area.
- p) Be subject to payment of any and all applicable parking fees.
- q) If operating in a City park, obtain a permit, follow applicable park rules, regulations and policies, and pay a permit fee, on an annual, quarterly, or daily basis, in an amount to be established by the City Parks and Recreation Department but not to cumulatively exceed \$150.00 per year.
- r) Not obstruct traffic or the public right-of-way or public sidewalks or walkways.
- s) If operating on the public right-of-way not be left overnight or unattended at any time.
- t) Not burn wood or charcoal or produce smoke while operating on the public right-of-way.

Section Four. Penalty.

It shall be unlawful for any person or entity to violate any of the provisions of this Ordinance. Any person or entity found guilty of violating any provision of this Ordinance shall, upon conviction for such violation, be punished by a fine of one hundred fifty dollars (\$150.00).

BE IT FURTHER ORDAINED that Sec. 1-31, Mobile City Code, 1991, is hereby amended to include and reference this Ordinance on the table(s) set forth therein.


BE IT FURTHER ORDAINED that Sec. 1-32, Mobile City Code, 1991, the Schedule of Fines, is hereby amended to include and reference this Ordinance and the above stated minimum fine in the table(s) set forth therein.

BE IT FURTHER ORDAINED that:

- a) All City Ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.
- b) The provisions of this Ordinance are severable. If any part of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, that declaration shall not affect the part or parts that remain.

c) The Ordinance shall be effective within the corporate limits and police jurisdiction of the City of Mobile immediately upon its enactment and publication as required by law.

ADOPTED: FEB 17 2021



City Clerk