

ORDINANCE 08-17-21-D
FOOD TRUCK ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENTERPRISE, ALABAMA as follows:

Section One. Definitions.

Food truck means a food service establishment 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. Food truck operators shall mean individuals or business entities who operate a food truck.

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 within the corporate limits and 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, including private property as may be permitted by the property owner and as may be permitted by the City's zoning ordinance. Provided, that Food trucks may not operate on the public right-of-way or City owned property as described above within one hundred and fifty (150) feet of the seating area of any type of restaurant located within or attached to a permanent structure or building during regular posted business hours of said restaurant. Notwithstanding the preceding sentence as to the 150 foot limitation, such limitation shall not apply to special events approved or sanctioned by the City, or as to those Food truck vendors having a special event license, or within the City's Entertainment District subject to Entertainment District rules and regulations.

Section Three. Specific Regulations.

In addition to any and all other ordinances, laws, rules, and regulations, food truck operators shall:

- a) Display a valid City of Enterprise business license and any food or health permit required by law.
- b) Continuously contain the distribution of, 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 or raucous noise (except for generators as further set forth in this ordinance); or operate any loudspeaker, 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 or in a City park, remain at least twenty (20) feet from any intersections of service or access roads.
- m) If operating on a public right-of-way as referenced above in this Ordinance, distribute food/beverage away from vehicular traffic flow.
- n) If operating on a public right-of-way as referenced above in this Ordinance, utilize no more than two parking spaces.
- o) Only operate on public right-of-way as referenced above in this Ordinance, between the hours of 6:00 a.m. and 10:00 p.m., provided, however, that Food trucks may operate within the Entertainment 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, subject however, to the provision that for special events in a City park sanctioned or approved by the City, such as festivals and larger events, the fee for a Food Truck operating in said park may be up to \$150.00 per event and the cumulative \$150.00 per year limitation shall not apply.
- r) Not obstruct traffic or the public right-of-way or public sidewalks or walkways.
- s) If operating on the public right-of-way as referenced above in this Ordinance, not to 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, as referenced above in this Ordinance.
- u) Proof of Insurance – If operating on public right-of-way as referenced above in this ordinance or any city owned property, food truck operator shall provide proof of insurance as follows: evidence of liability policy insuring food truck operator as to bodily injury or death of third parties in an amount no less than \$1 million per occurrence; and liability insurance in the amount of not less than \$100,000 per occurrence as to property damage.
- v) Food trucks shall be subject to annual fire inspection by the Fire Chief or his designee.
- w) Food truck operators shall wait at least 20 minutes for a cool down period before packing up and ceasing operations.

Section Four. Penalty

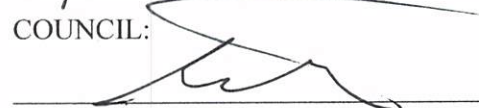
It shall be unlawful for any person or entity to violate any of the provisions of this Ordinance. Any person or entity found guilty of violating any provision of this Ordinance shall, upon conviction for each violation, be punished by a fine of one hundred fifty dollars (\$150.00) as determined by the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

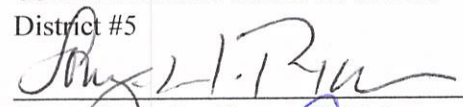
BE IT FURTHER ORDAINED that:

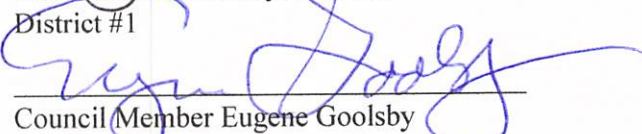
- a) All City Ordinances in express conflict with the express provisions of this Ordinance are hereby repealed to the extent of such conflict; otherwise, all such existing Ordinances remain in full force and effect.
- b) The provisions of this Ordinance are severable. If any part of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, that declaration shall not affect the part or parts that remain.
- c) This Ordinance shall be effective within the corporate limits and the police jurisdiction of the City of Enterprise immediately upon its enactment and publication as required by law.

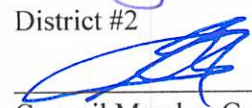
Duly Passed and Adopted this 21st day of September, 2021.

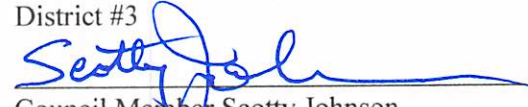
COUNCIL:


Council President Turner Townsend
District #5

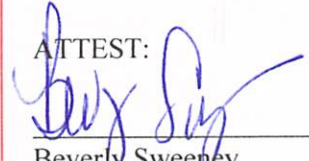

Council Member Sonya W. Rich
District #1


Council Member Eugene Goolsby
District #2

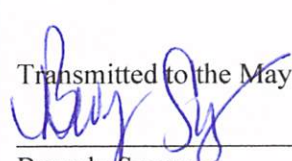

Council Member Greg Padgett
District #3


Council Member Scotty Johnson
District #4

ATTEST:

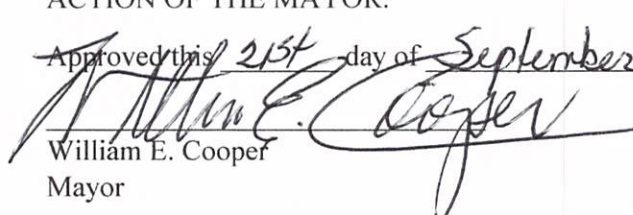

Beverly Sweeney
City Clerk

Transmitted to the Mayor this 21st day of September, 2021.

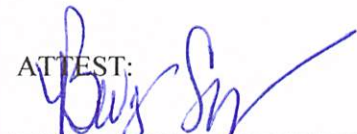

Beverly Sweeney
City Clerk

ACTION OF THE MAYOR:

Approved this 21st day of September, 2021.


William E. Cooper
Mayor

ATTEST:


Beverly Sweeney
City Clerk