

ORDINANCE NO. 288-09

(MOBILE FOOD UNITS)

Schedule FF - Mobile Food Units - \$100.00 plus .075 percent of gross receipts between \$100,000.00 and \$15,000,000.00. No additional license for gross receipts over \$15,000,000.00.

To establish standards and a definition for the operation of Mobile Food Units within the City of Pelham to be detailed as follows:

Section 1. Definitions.

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

Section 2. Standards and Requirements for Operation.

1. All Mobile Food Unit operators shall obtain an annual business license issued by the City of Pelham Finance Department prior to commencing any food sales in the City. Said license shall be assigned the NAICS code 7223 and shall be subject to Schedule A. Said license shall be provided for both the Mobile Food Unit as well as the commissary from which the food is obtained.
2. Business licenses shall be issued for the period beginning January 1 and ending December 31 of each year. This license shall be posted in a visible location on the Mobile Food Unit at all times while in operation. In order to obtain said license, operators shall submit copies of all required and current health department approvals for both commissary and each Mobile Food Unit. Applicant shall be responsible for having each unit inspected and approved by the City Fire Marshal prior to issuance of a business license.
3. All Mobile Food Units must be located off the public rights-of-way.
4. Mobile Food Units shall only be located and operated in areas and/or districts zoned non-residential unless they are temporarily operated for specific events held at a church that is located on a parcel zoned for residential use.
5. Mobile Food Unit operators shall have approval of the property and business owner(s) for each location at which the Mobile Food Unit operates. This approval shall be in writing, signed by the property and business owner(s) and must be made available for inspection upon request of any City Official at any time during the operation of the Mobile Food Unit.
6. No Mobile Food Unit shall be allowed to operate in excess of three (3) consecutive days in any one location, unless they have the Mayor's written approval to operate at one location for an extended period of time related to special events lasting more than three (3) days. If an exception request is denied by the mayor, the applicant has the right to appeal to the city council. During days of non-operation, the Mobile Food Unit and all associated vehicles, etc., must be removed from the premises.
7. Hours of operation for all Mobile Food Units shall be limited to 6:00 a.m. to 9:00 p.m. local time unless they have the Mayor's written approval to operate for extended hours related to special events. If an exception request is denied by the mayor, the applicant has the right to appeal to the city council.
8. No Mobile Food Unit shall operate on more than two (2) individual sites within the City per day.

9. No more than one (1) Mobile Food Unit shall operate on the same site per day unless the Mayor provides written approval for an exception to this related to specially approved festivals, celebrations, etc. If an exception request is denied by the mayor, the applicant has the right to appeal to the city council.
10. 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.
11. Mobile Food Units shall be located a minimum of twenty-five (25) feet away from any fire hydrant, sidewalk, utility boxes, handicap ramps and/or building entrances.
12. 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 24 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.
13. All associated equipment, including trash receptacles, must be located within three (3) feet of the Mobile Food Unit.
14. No fire lanes, vehicular access ways or pedestrian walkways may be obstructed or encroached upon by the Mobile Food Unit.
15. 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. Any variance to this requirement must have written approval from the Mayor. If an exception request is denied by the mayor, the applicant has the right to appeal to the city council.
16. Mobile Food Units shall not occupy parking spaces required to fulfill the minimum requirements of a principal use, unless they have the written approval of the Zoning Official or the hours of operation of the principal use do not coincide with those of the Mobile Food Unit.
17. Signage is limited to signage located on the Mobile Food Unit. No portable signage is allowed.

Section 3. Penalties.

Any person violating any provision of this article may be issued a citation by the Pelham Police Department or issued a summons and shall be required to appear in the Pelham Municipal Court. Upon conviction, any person shall be subject to any fines and other applicable court costs which may be assessed by the Pelham Municipal Court.

Section 4. Exceptions.

The Mayor shall, at his discretion, be authorized to issue a business license exemption to any Mobile Food Unit who 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; however, all operators are still responsible for the collection and timely remittance of sales taxes associated with the sale of said inventory, as well as inspection of food preparation facilities by the City Fire Marshal and the County Health Dept.

No person, firm or corporation shall be licensed under this schedule to avoid paying a license on gross receipts from sales or services required by any other schedule of this ordinance.

