

COMMONWEALTH OF KENTUCKY
CITY OF LONDON
ORDINANCE NO. 2020-05

**A SUMMARY OF CITY OF LONDON ORDINANCE NO. 2020-05
AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 2017-10
ENTITLED “AN ORDINANCE FOR MOBILE SELF-CONTAINED FOOD UNIT
VENDORS (FOOD TRUCKS) TO OPERATE IN DESIGNATED PUBLIC AREAS AND
ON PRIVATE PROPERTY AND PROVIDING FOR LICENSING; COMPLIANCE WITH
ORDINANCE AND PROGRAM REQUIREMENTS; HOURS OF OPERATION;
INSURANCE; ALL EFFECTIVE UPON DATE OF PUBLICATION.”**

This Summary is prepared pursuant to KRS 83A.060(4). The following is intended to be a summary of Ordinance No. 2020-05 as herein above stated. This summary is prepared by Larry G. Bryson, the attorney for the City of London, Kentucky, who is authorized to practice law in the Commonwealth of Kentucky and who further states that this document is a true and correct summary of Ordinance No. 2020-05.

The purpose of this Ordinance is that the City Council wishes to encourage and support local business and provide a mechanism to allow the operation of mobile self-contained food unit vendors but so as to not interfere with restaurant businesses.

This Program is limited to the use of City of London property. The Program shall also be limited to private property wherein the mobile self-contained food unit vendor has a written agreement with the property owner. The licensee may not operate or locate within One Hundred Feet (100) from the primary entrance of any business establishment that pays a City Restaurant Tax. No vendor issued a license under this Ordinance shall sell any alcoholic beverages from the mobile unit. No such vendor may locate or operate within an area zoned as a residential district under the City of London Development Ordinance or within One Hundred Feet (100) of the property line of a dwelling unit located in an area zoned as a residential district except in City Parks.

An applicant for the Program must possess a mobile self-contained food unit vendor permit or license for each mobile self-contained unit operated by said vendor.

Licensees shall be allowed to lawfully operate Sunday – Thursday between the hours of 7:00 a.m. and 10:00 p.m. and Friday - Saturday between the hours of 7:00 a.m. and 12:00 a.m. as allowed in this ordinance. No mobile unit may remain on public property while not in use and shall not remain on public property overnight unless otherwise stated by City of London Mayor, Building Inspector, or City of London Tourism Chair.

The mobile food unit vendor shall provide trash and recycling containers sufficient in size to collect all waste and recyclables generated by customers and staff of the vendor. No vendor shall use any electrical outlet, water line, or sewer line or drain located within the public right of way or on public property or of an existing private property owner.

No vendor shall locate, operate, or vend during the World Chicken Festival without the express written consent of the World Chicken Festival. Any vendor who does not have a food vendor license for any other event which does not last more than three (3) days shall be viewed as in compliance with this Ordinance by submitting an application and accompanying documents with the Twenty Five Dollar (\$25) application fee; the intent of this section is to allow for example: out of town vendors to participate in events such as the Laurel County Homecoming, Christmas Parade, Boo on Main, and other such events.

Any Ordinances or parts of Ordinances in conflict with this Ordinance are repealed and this Ordinance is effective on publication. The full text of the Ordinance is on file in the Office of the City of London Clerk, 501 South Main Street, London, Kentucky where it may be inspected.

This summary is intended to comply with KRS 83A.060(4) as a true and accurate summary of this Ordinance. The Summary of this Ordinance is certified pursuant to KRS 83A.060(9), by Attorney Larry G. Bryson, an attorney licensed to practice law in the Commonwealth of Kentucky and will be effective upon publication of the Summary.


LARRY G. BRYSON
ATTORNEY FOR THE CITY OF LONDON

COMMONWEALTH OF KENTUCKY
CITY OF LONDON
ORDINANCE NO: 2020-05

AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 2017-10 ENTITLED “AN ORDINANCE FOR MOBILE SELF-CONTAINED FOOD UNIT VENDORS (FOOD TRUCKS) TO OPERATE IN DESIGNATED PUBLIC AREAS AND ON PRIVATE PROPERTY AND PROVIDING FOR LICENSING; COMPLIANCE WITH ORDINANCE AND PROGRAM REQUIREMENTS; HOURS OF OPERATION; INSURANCE; ALL EFFECTIVE UPON DATE OF PUBLICATION.”

WHEREAS, the City Council wishes to encourage and support local business and provide a mechanism to allow the operation of mobile self-contained food unit vendors but so as to not interfere with restaurant businesses already established, and to protect the public health, and

WHEREAS, the mobile self-contained food unit vendors should be located in areas with pedestrian traffic but in a manner that protects public safety and does not detract from the aesthetics of the surrounding streets and

NOW THEREFORE, be it Ordained by the City Council of the City of London as follows:

1. That there is hereby established a program for mobile self-contained food unit vendors to lawfully operate on limited public property and certain designated private property which are zoned Commercial but is otherwise limited as herein stated below, to otherwise be known as the “Mobile Self-contained Food Unit Program” (hereinafter referred to as the “Food Unit”). Each Food Unit must have proper certification by the Laurel County Health Department to operate as a Food Unit.
2. The mobile food unit must be a self-contained, limited service food facility which is mechanically, electrically, manually, or otherwise propelled vehicle or pulled by a vehicle or by a person. Mobile units must be mobile at all times during operation. The unit must be on wheels at all times.
 - a) If food or beverages are prepared on the unit, the unit must comply with all Health Department rules and guidelines and display Health Department Certification to operate. No waste lines from the mobile foot unit onto the property
 - No mobile food unit may use any water, sewer or electrical source that is not self contained on the mobile unit itself, except as otherwise stated herein.
 - b) If only pre-packaged foods are available on the vehicle the unit must comply with all Health Department rules and guidelines.
3. Non-profit (501 (3)(c)) organizations are exempt from the requirements of this Ordinance.
4. The Program shall be conducted as follows:
 - a) This Program shall be limited to the use of City property (including City of London Tourism and Convention Commission property).
 - b) The Program shall also be limited to private property wherein the mobile self-contained food unit vendor has a written agreement with the property owner, but not within One Hundred Feet (100) of any currently located restaurant which pays a “Restaurant Tax” as defined by other Ordinances of the City of London, unless with the express written permission of the restaurant owner; this written permission shall be filed with the application.
 - c) An applicant for the Program must possess a mobile self-contained food unit vendor permit or license for each mobile self-contained unit operated by said vendor; the City Clerk of the City of London shall issue such a license upon the vendor meeting the requirements of this Ordinance for a license in the amount of One Hundred Twenty Five Dollars (\$125.00) per year.
 - d) A non-refundable application fee of Twenty Five Dollars (\$25.00) shall accompany each application for a license.
 - e) As a condition of participating in the Program, each person receiving a license must sign a verified statement that he or she agrees to conform and abide by the requirements of this Ordinance and shall maintain a comprehensive general liability

- insurance policy in a minimum amount of not less than One Million Dollars (\$1,000,000.00) with the City of London listed as an additional insured. A copy of the same shall be attached with all applications before a license is issued.
- f) The City Clerk of the City of London shall issue a form which shall be displayed by the vendor at all times while conducting business as a part of this Program.
 - g) The license so issued is not transferrable and the issuance of the license does not create or confer a property interest of any kind.
 - h) In addition to those penalties as further provided in this Ordinance, a violation of this Ordinance shall result in the automatic revocation of the program license. A license may also be suspended or revoked by the London City Police or the Code Enforcement Officer or their designee based upon a finding that the licensee has failed to abide by the requirements of this Ordinance.
 - i) Licensees shall be allowed to lawfully operate Sunday – Thursday between the hours of 7:00 a.m. and 10:00 p.m. and Friday - Saturday between the hours of 7:00 a.m. and 12:00 a.m. as allowed in this ordinance.
 - j) The licensee may not operate or locate within One Hundred Feet (100) from the primary entrance of any business establishment that pays a City Restaurant Tax as that tax is determined or stated in other City of London Ordinances except as otherwise stated herein. No vendor issued a license under this Ordinance shall sell any alcoholic beverages from the mobile unit.
 - k) No such vendor may locate or operate within an area zoned as a residential district under the City of London Development Ordinance or within One Hundred Feet (100) of the property line of a dwelling unit located in an area zoned as a residential district except in City Parks.
 - l) The mobile vendor shall remain open for business at all times while located on public or private property that is made available as a part of this program, “Open for Business” includes with the exception of setting up or breaking down the unit. No mobile unit may remain on public property while not in use and shall not remain on public property overnight unless otherwise stated by City of London Mayor, Building Inspector, or City of London Tourism Chair. The self-contained vendor unit must be removed from the public property at the end of each day unless otherwise stated by the London City Council or Mayor.
 - m) The location of the mobile self-contained food unit must allow for proper vehicular and pedestrian access and required fire access.
 - n) (1) The mobile food unit vendor shall provide trash and recycling containers sufficient in size to collect all waste and recyclables generated by customers and staff of the vendor. The vendor shall also be responsible for any litter or debris located within a Twenty (20) foot radius of their unit, including sidewalks in the immediate vicinity. No vendor shall locate, operate, or vend inside during the World Chicken Festival events without the express written consent of the World Chicken Festival.
 - (2) Any vendor who does not have a food vendor license for any other event which does not last more than three (3) days shall be viewed as in compliance with this Ordinance by submitting an application and accompanying documents with the Twenty Five Dollar (\$25) application fee; the intent of this section is to allow for example: out of town vendors to participate in events such as the Laurel County Homecoming, Christmas Parade, Boo on Main, and other such events.
 - o) No vendor shall use any electrical outlet, water line, or sewer line or drain located within the public right of way or on public property or of an existing private property owner; the vendor must have the express written permission of the private property owner to use the private property owner’s electricity and/or water and the written permission must be filed with the application with the City Clerk. The vendor shall not block access to use of, any public bench or any public utility pole or set up any chairs or any table on the public right of way. The vendor shall not in any manner damage public property or the public right of way. Examples include but are not necessarily limited to the use of stakes, rods, or any method that is required to be drilled, driven, or otherwise fixed in an asphalt pavement, curb, bricks, sidewalks, or buildings. The vendors shall be solely responsible for any such damage. The vendor must provide their own water and electric source.

If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall not affect the

validity of the Ordinance as a whole, or any portion thereof, other than the section so declared to be unconstitutional or invalid.

This Ordinance shall be effective immediately upon publication in accordance with the applicable provisions of Kentucky law. Any Ordinances or part of Ordinances in conflict herewith are hereby repealed.

FIRST READING: September 8, 2020
SECOND READING: September 30, 2020
PUBLICATION: October 7, 2020



TROY RUDDER, MAYOR

ATTEST: Carolyn Adams
CAROLYN ADAMS, CITY CLERK