

CHECK LIST FOR FOOD TRUCK

- 1. If on private property a written Lease from the property owner**
- 2. A Mobile Food Unit License - \$125.00 per year**
- 3. Application fee of \$25.00**
- 4. Signed Affidavit stating they shall maintain a comprehensive general liability insurance policy in a minimum amount of One Million Dollars (\$1,000,000.00) with the City of London listed as an additional insured. A copy of same shall be attached with the application.**
- 5. Statement from Laurel County Health Department of inspection**
- 6. The Application must be signed by Chief of Police and Chief of Fire Department**

**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 food 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, CITY CLERK

AFFIDAVIT

I, _____ hereby certify that I shall maintain a comprehensive general liability insurance policy in a minimum amount of One Million Dollars (\$1,000,000.00) with the City of London listed thereon as an additional insurance.

A copy of same shall be attached hereto.



MONTHLY RETURN OF RESTAURANT TAX
CITY OF LONDON, KENTUCKY

MONTH PAID: _____

EMPLOYER EIN: _____

BUSINESS NAME: _____

ADDRESS: _____

PHONE: _____

- 1. Gross Receipts _____
- 2. Restaurant Tax (Line 1 x 3%) _____
- 3. DoorDash Exempt _____
- 4. Restaurant Tax Due _____
- 5. Penalty _____
- 6. Interest _____
- 7. Total Payment Due _____

<i>Make check or money order payable to:</i>	Director of Finance, City of London
	501 South Main Street
	London, Kentucky 40741

The return is due on or before the 15th of each month. A timely return must be filed, even if no sales were made or no tax is due.

I hereby certify that the information contained herein and in any supporting schedules are true, correct, and complete to the best of my knowledge.

Signature of Individual Preparing Return

Official Title

Date

COMMONWEALTH OF KENTUCKY
CITY OF LONDON
ORDINANCE NO. 2014-04

AN ORDINANCE ESTABLISHING A RESTAURANT RETAIL SALES TAX

BE IT ORDAINED by the City of London, Kentucky as follows: Whereas the City Council has determined that the citizenry of London would benefit from the revenues generated by a restaurant retail sales tax, The City Council enacts the following:

Sections

1. Imposed
2. Restaurant defined
3. Temporary food stands, booths, street concessions and similar type operations-Applicability
4. Amount-Payment submission
5. Late payment penalties and interest charges
6. Maintenance of supporting documents--Inspection authority
7. Violations-Penalty
8. Maintenance of funds-Use
9. Bond requirements for individual handling and disbursing funds
10. Liens
11. Confidential information
12. Enactment

1) Imposed. A. For the purpose of operation of the City of London Tourism Commission and to finance the cost of acquisition, construction, operation and maintenance of facilities useful in the attraction and promotion of tourist and convention business, including the city park system, there is imposed and levied a special tax of three percent (3%) of the gross retail sales of restaurants doing business within the city.

B. The tax imposed herein shall be in addition to other general taxes and the occupational or business license taxes payable to the City of London.

2) Restaurant defined. As used in this chapter, "restaurant" means any fixed or mobile commercial establishment that engages in the preparation and serving of ready to eat foods in portions to the consumer, including, but not limited to grills, tearooms, sandwich shops, soda fountains, taverns, cocktail lounges, delicatessens, roadside stands, street vendors, catering kitchens, commissaries, non package ice cream and/or yogurt, service stations or similar places in which food is prepared for sale for consumption on the premises or elsewhere. It does not include schools or food vending machines nor does it include any organization identified by the Commonwealth of Kentucky or the Internal Revenue service as a non-profit charitable organization.

3) Temporary food stands, booths, street concessions and similar type operations-Applicability. Temporary food stands, booths, street concessions and similar type operations, when food is prepared and sold for immediate consumption, are not exempt from this tax.

4) Amount-Payment submission. Every person, company, corporation, or other like or similar persons, groups or organizations doing business as restaurants located in the city shall pay monthly to the City Treasurer a tax of three percent (3%) of the gross retail sales collected by them during the preceding month. Such tax shall be due and payable to the City Treasurer fifteen (15) days after the last day of each month, together with a return on a form furnished by or obtained from the City Treasurer, setting forth as aggregate amount of gross retail sales charged and collected during the period to which the tax applies, together with such other pertinent information as the treasurer may require. Restaurants would begin collecting July 1, 2014.

5) Late payment penalties and interest charges. Any tax imposed by this chapter which remains unpaid after it becomes due, as set forth herein, shall have added to it a penalty of ten percent (10%) together with interest at the rate of twelve (12%) percent against the total amount of tax overdue at any time. After sixty (60) days, the amount of penalty shall be compounded each month.

6) Maintenance of supporting documents-Inspection authority. It will be the responsibility of the taxpayer to maintain books, records and papers in support of all amounts reported on the monthly return. The city will be permitted to examine the books, records and papers of the taxpayer upon notification in writing to the taxpayer.

7) Violations-Penalty. Any Person who purposefully refuses to file a return, pay the tax due, or who knowingly files a false or fraudulent return required herein, shall be guilty of a misdemeanor subject to a fine of not more than one hundred dollars (\$100.00) for each violation, imprisonment for not more than thirty (30) days, or both. Each violation shall constitute and be punishable as a separate offense.

8) Maintenance of funds-Use. The funds collected from this tax shall be maintained by the City Treasurer in a special fund and disbursed to the commission monthly in accordance with its annual budget. All such money shall be used solely for the purpose of promoting recreational, convention and tourist activity and the maintenance and operation of the facilities related hereto, in the city as set out in KRS 91 A 390, and shall not be used to provide a subsidy in any form to any hotel, motel, or restaurant. Any money not expended by the City of London Tourism Commission during any fiscal year will be used to make up a part of the City of London Tourism Commission's budget for the next fiscal year. The City Council forbids the City of London Tourism Commission from issuing revenue bonds or borrowing money beyond the fiscal year without the express approval of the City of London Council Members. The fiscal year shall be from July 1 to June 30.

9) Bond requirements for individuals handling and disbursing funds. The treasurer and any other officer of the commission writing checks or handling funds shall be bonded in an amount commensurate to the largest amount of money on hand in any given month.

10) Lien. A lien is granted unto the City of London upon all property, real and personal, of any restaurant facility, to secure the unpaid tax receipts due from that restaurant. The lien shall be perfected by filing a notice of tax due and statement of lien in the Office of the County Court Clerk, describing the property on which the lien is asserted.

11) Confidential Information. No present or former commissioner or employee of the Tourist and Convention Commission or City or any other person shall divulge any information acquired by him of the affairs of any person, or information regarding tax schedules, returns or reports required to be filed with the commission or other proper officer, or any information produced by a hearing or investigation, insofar as the information may have to do with the affairs of the

person's business. This prohibition does not extend to information required in prosecutions for making false reports or any other infraction of this ordinance, nor does it extend to any matter which is in any way made a matter of public record nor does it preclude furnishing any taxpayer or his properly authorized agent with information respecting his own report. Further, this prohibition does not preclude the commission or any employee of the commission or City from testifying in any court, or from introducing as evidence returns or reports filed with the commission or City, in an action for violation of state or federal tax laws.

12) Enactment. Except as otherwise stated herein, this ordinance shall become effective upon reading, vote and publication as required by law.


TROY RUDDER, MAYOR

Attested: 
Carolyn Adams, City Clerk

First Reading March 5, 2014
Second Reading March 20, 2014
Publication date: March 24, 2014