

**COMMONWEALTH OF KENTUCKY
CITY OF LONDON
ORDINANCE NO: 2016-05**

AN ORDINANCE ESTABLISHING A SIX (6) MONTH LIMITED PILOT PROGRAM FOR CERTAIN MOBILE FOOD UNIT VENDORS TO LAWFULLY OPERATE IN DESIGNATED STREET PARKING AREAS AND PROVIDING FOR LICENSING; COMPLIANCE WITH ORDINANCE AND PROGRAM REQUIREMENTS; FOOD VENDING ZONES; HOURS OF OPERATION; INSURANCE; AND FINES NOT TO EXCEED TWO HUNDRED FIFTY DOLLARS (\$250.00) FOR EACH VIOLATION; ALL EFFECTIVE UPON DATE OF PUBLICATION.

WHEREAS, the City Council of the City of London has been requested to consider mobile food and beverage unit vendors and

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

WHEREAS, the mobile 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

WHEREAS, the City Council desires to establish a pilot program in order to further study whether public property should be made available for use or if the same maybe operated on private property, how to best regulate the mobile food unit vendors;

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

1. That there is hereby established a pilot program for mobile food unit vendors to lawfully operate on limited public property and certain designated private property which is zoned Commercial but is otherwise limited as herein stated below, to otherwise be known as the "Mobile Food Unit Pilot Program" (hereinafter referred to as the "Program").
2. The Program is established for an initial duration of six (6) months from and after the date of the passage and publication of this Ordinance. Additional action shall be required by the City of London City Council in order to extend the Program for any additional period of time.
3. The Program shall be conducted as follows:
 - a) This Program shall be limited to the use of public property which is Public Street, or public parking lot property as identified by Motion of the London City Council.
 - b) The Program shall also be limited to private property wherein the mobile food unit vendor has a written lease with the property owner but not within One Hundred Feet (100) of any currently located vendor who pays a "Restaurant Tax" as defined by other Ordinances of the City of London.
 - c) An applicant for the Program must possess a mobile food unit vendor permit or license for each mobile 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 or for a license in the amount of One Hundred Twenty Five Dollars (\$125.00) per year.
 - d) The maximum size of any mobile unit shall not exceed the width of any marked parking space in the areas designated by the City Council of the City of London. If the space is not marked, the width of the unit shall not exceed a total of eight (8) feet.
 - e) A non-refundable application fee of Twenty Five Dollars (\$25) shall accompany each application for a license.
 - f) 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.

- g) 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.
- h) The license so issued is not transferrable and the issuance of the license does not create or confer a property interest of any kind.
- i) 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 Building Inspector of the City of London or his designee based upon a finding that the licensee has failed to abide by the requirements of this Ordinance.
- j) Licensees shall be allowed to lawfully operate Monday – Saturday between the hours of 7:00 a.m. and 9:00 p.m. in City owned parking spaces in the areas designated by the City Council to be on street food vending zones. In addition to the hours stated hereinabove, vendors may also be allowed to operate during other occasions and times as determined by the City Council of the City of London.
- k) 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. No vendor issued a license under this Ordinance shall sell any alcoholic beverages.
- l) 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 as determined and approved by the London City Council.
- m) Prior to the location of any mobile food unit vendor, the affidavit referred to hereinabove must be supported by a written statement and documentation from the Laurel County Health Department of inspection of the mobile unit.
- n) Prior to the location of any mobile unit, the application must be signed by the Chief of the City of London Police Department or his designee and the Chief of the City of London Fire Department or his designee that the vendors location does not endanger the public health, safety, or welfare of the citizens of the City of London.
- o) The mobile vendor shall remain open for business at all times while located on public property that is made available as a part of this program “Open for Business” includes setting up or breaking down the unit. No mobile unit may remain on public property while not in use and shall not remain in a public area overnight. The licenses issued herein may be suspended if the location of the mobile unit presents a hazard to the health and safety of the citizens of the City of London for any reason.
- p) The location of the mobile food unit must allow for proper vehicular and pedestrian access and circulation on the side, including required fire access.
- q) 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 pay to the City of London for the trash and recycling containers at the same fee and expense of other businesses in the City of London. 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 an event authorized by the City of London without the express written permission of the City Council of the City of London and the special event coordinator; this includes any London Downtown, City of London Tourism and Commission Convention, London-Laurel County Tourism, or the London Chicken Festival events.
- r) No vendor shall use any electrical outlet located within the public right of way or on public property unless specifically authorized by the City of London. 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.

- s) Any person convicted of violating any provision of this ordinance shall be subject to a fine of not less than Two Hundred Fifty Dollars (\$250.00) or no more than Five Hundred Dollars (\$500.00). Each day shall constitute a separate violation under this Ordinance.

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.


 TROY RUDDER, MAYOR

ATTEST: 
 CAROLYN ADAMS, CITY CLERK

FIRST READING: May 2, 2016
 SECOND READING: June 6, 2016
 PUBLICATION: June 10, 2016