

**COMMONWEALTH OF KENTUCKY  
CITY OF LONDON  
ORDINANCE NO: 2017-10**

**AN ORDINANCE FOR MOBILE SELF-CONTAINED FOOD UNIT VENDORS TO OPERATE IN DESIGNATED PUBLIC AREAS AND ON PRIVATE PROPERTY 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 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 “Program”).
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. Mobile units must be mobile at all times during operation. The unit must be on wheels at all times.
  - The unit must be constructed in an approved manner with overhead protection.
  - a) If food or beverages are prepared on the unit, the following are required:
    - The appropriate sinks are required on the vehicle if sinks are not located at the commissary, either
      - A commercial dishwasher with an approved 2-bowl sink and attached drainboards or a 3-bowl sink with drainboards, or
      - A 2 bowl sink with attached drainboards, and
      - For coffee (excluding cappuccino) a 1-bowl sink with attached drainboard.
    - Approved cooking and hot holding equipment
    - An approved exhaust system installed for grease-type cooking with an approved source of make-up air. The exhaust system must also conform to the current (NFPA) National Fire Protection Code. (This does not apply to push carts.
    - Approved refrigeration
    - A handwash sink
    - Approved food preparation table(s)
    - Approved source of water supply on the mobile food unit
    - 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
    - Approved food storage areas with adequate shelves
    - Approved sneeze protection
  - b) If only pre-packaged foods are available on the vehicle the following are required:
    - Approved refrigeration for cold foods

- Approved hot holding units for hot foods
- Approved storage areas with adequate shelves.
- Commissary

Mobile food units may operate from a commissary or other fixed food facility and report daily to such location for all food and supplies and again for all cleaning, servicing operations and waste disposal.

- The commissary (if located in a residence) must be separate from a residential kitchen
- Approved source for water supply on the mobile food unit
- Utensil washing facilities may be located either at the commissary or on the mobile food unit; but shall be either
  - A commercial dishwasher in addition to a commercial 2-bowl sink with attached drainboards or a commercial 3-bowl sink with attached drainboards, or
  - A commercial 2-bowl sink with attached drainboard, and
  - For coffee (excluding cappuccino) a commercial 1-bowl sink with attached drainboard.
- Designated food preparation sink(s) with approved indirect waste line(s)
- Commercial cooking and hot holding equipment
- An exhaust system installed for grease-type cooking with an approved source of make-up air. The exhaust system must conform to the current (NFPA) National Fire Protection Association Code.
- Adequate ventilation to prevent excessive steam, heat, vapor condensation, etc.
- Commercial refrigeration
- A handwash sink in each food preparation area
- Food preparation tables
- A mop sink located within the facility
- Approved food storage areas with adequate shelves
- Employee restroom(s) (also refer to ACHD Plumbing Code)
- Adequately shielded lighting when food is exposed
- Floors, walls and ceilings must be smooth, durable, and easily cleanable.

Additional equipment may be required upon review of plans. All equipment and utensils must conform to National Sanitation Foundation (NSF) Standards or other equivalent standards in food industries where NSF Standards do not apply.

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 public property either Streets, public parking lots or City property as identified by Motion of the London City Council, except,
  - b) The Program shall also be limited to private property wherein the mobile self-contained 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 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 or for a license in the amount of One Hundred Twenty Five Dollars (\$125.00) per year.
  - d) The maximum size of any mobile self-contained unit on public property 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 or it is on private property, 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 – Sunday 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 or on private property as allowed in this ordinance. In addition to the hours stated hereinabove, vendors may also be allowed to operate on City property 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 self-contained 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 self-contained unit.
- n) Prior to the location of any mobile self-contained 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 self-contained 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 setting up or breaking down the unit. No mobile self-contained unit may remain on public or private property while not in use and shall not remain on public or private property overnight. The self-contained vendor unit must be removed from the property at the end of each day. The licenses issued herein may be suspended if the location of the mobile self-contained 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 self-contained food unit must allow for proper vehicular and pedestrian access and circulation on the side, including required fire access.
- q) The mobile self-contained 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 or water line 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

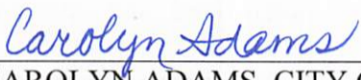
public utility pole or set up any chairs or any table on the public right of way. The vendor shall not in any manner damage public property or the public right of way. Examples include but are not necessarily limited to the use of stakes, rods, or any method that is required to be drilled, driven, or otherwise fixed in an asphalt pavement, curb, bricks, sidewalks, or buildings. The vendors shall be solely responsible for any such damage. The vendor must provide their own water and electric source.

- 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.

  
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 TROY RUDDER, MAYOR

ATTEST:   
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 CAROLYN ADAMS, CITY CLERK

FIRST READING:     October 2, 2017  
 SECOND READING:   October 9, 2017  
 PUBLICATION:       October 13, 2017