



Mobile Food Vehicles & Pushcart Permit Application

City of Springville
P.O. Box 919
160 Walker Drive
Springville, AL 35146
BusinessLicense@cityofspringville.com

CONTACT INFORMATION:				
Business Name			Contact	
Mailing Address			Phone #	
City	State	Zip Code	Email	
Will you be operating your business in a specific location?			Yes *	No
REQUIREMENTS:				
City of Springville Business License				
Copy of Food Service Permit Issued by the County Health Department				
Copy of Insurance				
Picture of the Mobile Food Vehicle & Tag Number				
Letter of approval to operate on property (if applicable) *				
Annual Inspection by the City of Springville Fire Department				
Annual Permit Fee \$25, renewed annually.				
APPLICANT ACKNOWLEDGMENT:				
<p>I have read and understand that I must comply with all mobile food vehicle and pushcart regulations set forth in Local Ordinance # 2020-23. The hours of operation shall be 9:00 a.m. to 9:00 p.m. and shall not exceed 3 consecutive days in any one location. It is the responsibility of the Mobile Food Vehicle or Pushcart vendor to obtain and follow the procedures to remit all applicable sales tax.</p>				
Signature _____			Date _____	
(FOR MUNICIPAL USE ONLY)				
Business License #: _____		Food Truck Permit #: _____		
Permit Fee: \$25	Receipt # _____	Date Issued: _____	Expires 1 year from issued date	
Payment Method: <u> </u> Cash <u> </u> Check: _____		Date/Received By: _____		

ORDINANCE 2020-23

AN ORDINANCE PROVIDING FOR THE REGULATION OF MOBILE FOOD VEHICLES AND PUSHCARTS.

WHEREAS, the City of Springville (the “City”) has the authority to promulgate laws and regulations for the general health, safety and welfare of the citizenry as well as to prohibit and abate nuisances and regulate business within the City; and

WHEREAS, the City desires to regulate the sale of food by way of mobile food vehicles and pushcarts (as hereinafter defined) within its corporate limits pursuant to Alabama Code §11-47-130, *et. seq.*

NOW THEREFORE, BE IT ORDAINED by the City Council of Springville, Alabama, as follows:

Section 1. - Definitions.

Business licenses shall mean an annual license required of any business to operate within the City pursuant to the City license Ordinance.

Commissary means a permitted food establishment to which a mobile food vehicle, pushcart or transportation vehicle returns daily for such things as discharging liquid or solid wastes, refilling water tanks and ice bins, and boarding food.

Mobile food vehicle shall mean, except for pushcarts (which are hereinafter defined and which are also a mobile food vehicle), a unit mounted on or pulled by a self-propelled vehicle where food including prepackaged foods, for individual portion service is prepared, or dispensed; is self-contained with its own drinking water tank and waste water tank; is designed to be readily movable; and is moved daily to return to its commissary.

Mobile food vendor shall mean the entity that is legally responsible for the operation of the mobile food vehicle such as the permittee, the permittee’s agent, or other person; and possesses a valid permit to operate a mobile food vehicle.

Peddlers license shall mean a one-day license issued by the city to operate on a day-to-day basis not to exceed 4 days per calendar year.

Permit shall mean the written authorization to operate a mobile food vehicle or pushcart (hereinafter

defined) within the City limits which is required for the operation of a mobile food vehicle pursuant to this article.

Person shall mean any natural person, firm, partnership, association, or corporation. Whenever the word "person" is used in any section in this Article prescribing a penalty or fine as applied to a partnership or association, the word shall include the partners or members thereof; such word as applied to corporations shall include the officers, agents, or employees thereof who are responsible for any violation of such section.

Pushcart shall mean a mobile food unit that is not self-propelled and is lightweight enough, designed, and intended to be moved by one person. A pushcart shall be used to prepare and serve only:

- i. potentially non-hazardous foods such as popcorn, lemonade, hot dogs, or flavored ice; or
- ii. foods pre-wrapped at the commissary and maintained at the required temperatures per the County Health Department regulations.

Restaurant shall mean a brick and mortar establishment where meals are generally served and eaten on premises or which prepares and serves food and/or drink to customers for consumption on or off the premises.

Special event shall mean any city-sanctioned event (whether by proclamation or otherwise) or any pre-approved event opens to the general public for the purpose of entertainment, education or celebration and that benefits the citizens of the City of Springville.

Common Open Space shall mean any greenbelt, park, or area which is owned in common or private and located in or maintained by a homeowners' association or other neighborhood association.

Section 2. - License required: license fees: compliance with laws.

- (a) No person shall operate a mobile food vehicle or pushcart without first having obtained a business or peddlers license from the City. A peddler's license shall be required when an annual license is not purchased.
- (b) All mobile food vehicles and pushcarts must display a current food service permit issued by the St. Clair County Health Department. In the case of special events, a temporary food service permit obtained by the event organizer from the St. Clair County Health Department will be accepted.
- (c) Business Licenses for mobile food vehicles are non-transferable and may be revoked in accordance with the City's Business License Ordinance.
- (d) For single day or special events, a peddler's license may be issued. Mobile food vehicles

which possess a city business license are not required to obtain a peddler's license. All other provisions of this Ordinance shall apply.

(e) All mobile food vehicles and vendors are responsible for obtaining and following all procedures for the remittance of any and all applicable sales tax.

(f) All mobile food vehicles and mobile food vendors shall comply in all respects with all applicable federal, state and local laws, ordinances, rules and regulations of any kind as they exist or are hereafter adopted or amended, including without limitation, those pertaining to the manufacture, preparation, display and service of foods, confections and beverages, and /or pertaining to the operation of licensing of mobile food vehicles in general.

(g) Prior to the same being located on any publicly owned property, all mobile food vendors shall furnish and maintain public liability, food products liability and property damage insurance for all claims for damage to property or bodily injury, including death which may arise from the operations under the license or in connection therewith. Such insurance shall provide coverage of not less than One Hundred Thousand Dollars (\$100,000.00) per person and Three Hundred Thousand Dollars (\$300,000.00) per accident or occurrence. Proof of insurance must be shown on each mobile food vehicle and pushcart in operation on public property.

(h) All mobile food vehicles must comply with any setback regulations of the city.

Section 3. - Permit required.

(a) All mobile food vehicles and pushcarts shall be permitted by the city of Springville in order to operate within the city limits.

(b) Prior to commencement of operations within the City, all mobile food vehicles and pushcarts with heat source or electrical connections must be inspected by the city's fire marshal. Mobile food vendor is responsible for providing proof of inspection in every vehicle or pushcart. Inspections are required annually for the term of the license and each mobile food vehicle is subject to reinspection at any time. Mobile food vendor is responsible for maintaining proof of inspection in every mobile food vehicle or pushcart. Each mobile food vehicle or pushcart is subject to reinspection at any time.

(c) Permits shall include the applicant's name, address and, where applicable, its trade name, the address of commissary and proof of insurance adequate to indemnify the City if located upon public property. The application for the permit shall include a picture of the mobile food vehicle and tag number, if applicable, copy of St. Clair County Health Department food service permit, copy of City Fire Marshall Inspection Report and proof of applicable insurance coverage as required herein. The city shall be notified within ten days of any address change.

(d) Permits shall be renewed annually (for those vehicles applying for a one-year license) or on a per-event basis. This is done by filing a renewal application at business license renewal time. Permits are non-transferrable.

(e) The city reserves the right at any time and from time to time to suspend a permit issued hereunder in order to accommodate a city-sanctioned special event, parade, marathon or run, city project or public works activity.

(f) A permit fee in the amount of \$25.00 will be charged.

(g) A permit issued pursuant to the provisions of this section shall be invalid at any time the insurance, food service permit

Section 4 - Rules and regulations.

(a) All mobile food vehicles shall offer a waste container for public use that the operator shall empty at his/her expense. Said container must be within three feet of the mobile food vehicle. The mobile food vendor shall keep the permitted premises and adjacent public property clean and free from all trash, litter, debris, or waste generated from the operation of the business.

(b) Any auxiliary power, water or sewer utilities required for the operation of the mobile food vehicle shall be self-contained.

(c) Mobile food vehicles must have the following fire extinguisher on board during operation: minimum 2A10BC rated extinguisher for non-propane mobile food vehicles or pushcarts using propane, minimum 4A40BC rated extinguisher for mobile food vehicle that use propane, and minimum 1A5BC rated extinguisher for food carts without propane. If food preparation involves deep-frying, a Class K fire extinguisher must also be on the mobile food vehicle. Fire extinguishers shall be maintained pursuant to National Fire Protection Association (NFPA) standard 10.

(d) No mobile food vehicle shall provide or allow any dining area, including but not limited to tables, chairs, booths, bar stools, benches, and stand-up counters, unless for such purposes of a special event.

(e) No mobile food vehicle shall make or cause to be made any unreasonable or excessive noise and shall not use lights or noisemakers, such as bells, horns, or whistles to attract customers.

(f) No mobile food vehicle, pushcart or mobile food vendor shall (i) create or maintain a public nuisance,

(ii) damage or alter public property or infrastructure, and/or (iii) erect or utilize any permanent or fixed structures in any public place pursuant to the license issued hereunder.

(g) No signs shall be used to advertise the conduct of the mobile food vehicle at the premises other than that which is physically attached to the vehicle. Menu boards or other signs indicating pricing, etc. may be used.

(h) Hours of operation for any mobile food vehicle shall be 9:00 a.m. to 9:00 p.m. A maximum set up and break down time of 30 minutes before and after these allotted hours will be allowed. The hours of operation may be altered by the permit issued hereunder and the city reserves this right.

Section 5 - Location of mobile food vehicles and pushcarts.

- (a) Mobile food vehicles and pushcarts must maintain a 15-foot clearance from fire hydrants, driveway entrances, and handicap parking spaces/ramps.
- (b) Mobile food vehicles and pushcarts must maintain a five-foot clearance from any fire lane, sidewalk, utility box or building entrance.
- (c) Mobile food vehicles and pushcarts shall only operate on Common Open Spaces as defined herein, or on public property as approved by the City for special events.
- (d) Mobile food vehicles and push carts shall not occupy parking spaces required to fulfill the minimum requirements of a principal use unless the hours of operation of the principal use do not coincide with those of the mobile food vehicle.
- (e) No mobile food vehicle, pushcart or vendor may obstruct the use of any public right-of-way, street intersection or pedestrian crosswalk and may not obstruct pedestrian space.
- (f) No mobile food vehicle and/or pushcart shall make or solicit any sales to occupants of vehicles or engage in any activities which impede vehicular traffic.
- (g) If the mobile food vehicle is operating within a parallel parking space; the service of food must be done on the side away from vehicular traffic.
- (h) No pushcart shall be authorized to operate within a parallel parking space.
- (i) No mobile food vehicle shall operate within 150 feet of the nearest public entrance of any restaurant in operation unless it is the mobile food vendor's principal place of business or unless there has been unrevoked written consent of the owner or manager of such restaurant obtained in advance and available for inspection upon request of any city official at any time during the operation of the mobile food unit. If the owner or manager of such restaurant grants permission to the mobile food vendor for the operation of a mobile food vehicle to operate within 150 feet as stated herein the permission may contain such reasonable conditions and restrictions upon which the parties agree.
- (j) No mobile food vehicle shall operate within 150 feet of a school unless at a special event sponsored by that school or approved by the City. Distance shall be measured to the nearest lot line of the school's campus.
- (k) Access to neighboring buildings or uses shall not be impeded.
- (l) Mobile food vehicles shall not be located on public property without prior written approval from the City. This shall include property owned or leased by the City, City park property, and city rights-of-way.
- (m) Mobile food vehicles may not be operated in such a way as to block or otherwise obstruct

any motor vehicle, bicycle, or pedestrian traffic on any street, bicycle lane, sidewalk, public way, or public place, nor shall any mobile food vehicle obstruct sight distance at any roadway intersection.

(l) Mobile food vehicles shall not occupy an area greater than four parking spaces.

(m) Mobile food vehicles must provide sufficient artificial lighting during non-daylight hours.

(n) All on-site food preparation shall be performed inside the primary vehicle only. Grills or other cooking facilities are not allowed outside the vehicle.

Section 6 - Operation of mobile food vehicles.

(a) Any mobile food vehicle being operated without a valid City of Springville business license and permit shall be deemed a public safety hazard and may be ticketed and impounded.

(b) No mobile food vehicle shall be parked on the street overnight or left unattended and unsecured at any time food is kept in the mobile food vehicle. Any mobile food vehicle found to be unattended shall be considered a public safety hazard and may be ticketed and impounded.

(c) Any mobile food vehicle operating outside of an approved location shall be deemed in violation of this ordinance and may be subject to enforcement as provided for herein.

(d) No mobile food vehicle shall be allowed to operate in excess of three consecutive days in any one location, unless operating at mobile food vendor's principal place of business.

(e) No mobile food vehicle shall operate on more than two individual sites within the city per day.

(f) No more than one mobile food vehicle shall operate on the same site per day unless at a special event and/or upon approval by the city.

Section 7. Enforcement: penalties.

Any violation of this article shall, upon conviction, be subject to punishment by imprisonment of up to six (6) months or fine of up to Five Hundred and No/100 Dollars or both. This shall not be deemed to otherwise limit or restrict any other legal remedy the City may have in ordinary course.

Section 8. - Severability.

If any part, provision or section of this Ordinance is declared to be unconstitutional or invalid by any court of competent jurisdiction, all other parts, provisions, or sections of this Ordinance not thereby affected shall remain in full force and effect.

Section 9. - Effective Date.

These amendments to the above-described ordinance shall become effective upon its passage, approval, and publication as required by law. Any and all mobile food vehicles currently operating within the City of Springville which do not conform to the above-mentioned regulations, will be given 60 days in which to conform to this ordinance.

ADOPTED and APPROVED this the 19 day of October, 2020.

CITY OF SPRINGVILLE, ALABAMA

By: William Isley
William Isley, Mayor

ATTEST: [Signature]
City Clerk

CERTIFICATION

I, the undersigned, City Clerk of the City of Springville, Alabama, do hereby, certify that the above is a true and correct copy of an Ordinance duly adopted by the City Council at its meeting held on October 19, 2020 and as same appears of record in Minute Book of said City, and approved by the City Council on the 19 day of October, 2020.

GIVEN UNDER MY HAND AND CORPORATE SEAL of the City of Springville, Alabama, this 19 day of October, 2020.

[Signature]
City Clerk