

ORDINANCE # 06-15-05

AN ORDINANCE TO REGULATE THE OPERATION OF FOOD CARTS

WHEREAS, food vending in public areas can promote the public interest by contributing to an active and attractive pedestrian environment; and

WHEREAS, reasonable regulation of food carts is necessary to protect the public health, safety, and welfare; and

WHEREAS, the granting of permits and business licenses for the temporary use of public streets and sidewalks, subject to such conditions as the council may impose, is authorized by § 11-49-1, Code of Ala. 1975, so long as such use does not constitute a public nuisance;

NOW, THEREFORE, BE IT ORDAINED BY THE City COUNCIL OF THE CITY OF COLUMBIANA, ALABAMA, AS FOLLOWS:

Section 1. Definition of “food cart.” As used in this ordinance, the term “food cart” means any non-motorized cart, wagon, vehicle, or device which is not required to be licensed or registered under Alabama law as a motor vehicle, which is used for the preparation, cooking, sale, and serving of food or beverages.

Section 2. Permit and business license required. It shall be unlawful to operate a food cart within the city limits or police jurisdiction of the City of Columbiana without first obtaining a food cart permit and business license.

Section 3. Application and issuance of permit.

(a) Application for a food cart permit must be submitted to the City Clerk, or other official designated by the Mayor, in writing and must contain the following information:

- (i) Name, home, and business address of applicant and owner, if other than the applicant, of the food cart to be used;
- (ii) Description of the type of food or beverage to be sold;
- (iii) Description or photograph of the food cart to be used; and
- (iv) Copy of valid, current health department certificate of inspection and approval.

(b) Upon verification that the proposed operation of the food cart is in compliance with the provisions of this ordinance, and upon payment of a permit fee of \$20 fee plus a \$2 issuance fee, the City Clerk, or other official designated by the Mayor, shall issue a food cart permit containing the same information as provided in the application. The permit must be displayed on the food cart at all times it is in operation. A permit shall remain in effect until December 31st of the year said permit was purchased unless revoked.

Section 4. Restrictions on operation of food carts.

(a) The food cart must be inspected and approved by the Shelby County Health Department. A valid, current certificate of such approval must be displayed on the food cart at

all times it is in operation.

(b) No food cart may be operated in a residential zone. A food cart may only operate in areas specifically designated by the City Council for food cart operation.

(c) The food cart operator is responsible for disposal of waste and trash associated with the operation. Operators must remove all waste and trash every 24 hours. City trash receptacles shall not be used for this purpose, except that consumers of products purchased from a food cart may use city trash receptacles to dispose of wrappers and utensils.

(d) The food cart operator is responsible for collecting and remitting all applicable sales taxes and other taxes.

Section 5. Penalty; denial or revocation of permit.

(a) Any person, firm, or entity violating any provision of this ordinance shall be fined not less than \$100 nor more than \$500 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(b) A food cart permit may be denied or revoked for any of the following reasons:

(i) Fraud or misrepresentation contained in permit application;

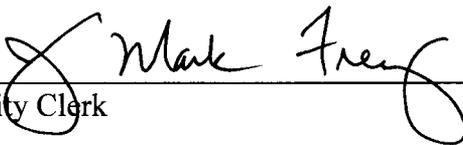
(ii) Operation of the food cart in such manner as to create a public nuisance or to constitute a danger to the public health, safety, or welfare.

(iii) Operation of the food cart in violation of the provision of this ordinance, the business license ordinance, or the County or State health department regulations.

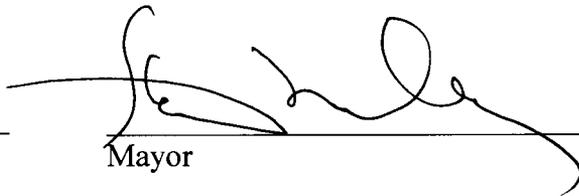
Section 6. Effective date. This Ordinance shall become effective immediately upon its adoption and publication or posting as required by law.

ADOPTED AND APPROVED THIS THE 16th DAY OF June, 2015.

Attest:



City Clerk



Mayor

