

ORDINANCE NO. 19-24

AN ORDINANCE OF THE CITY OF RICHMOND, KENTUCKY GOVERNING THE OPERATION OF MOBILE FOOD UNIT VENDORS IN THE CITY

WHEREAS, the City does not currently have in force any regulations governing the operation of mobile food unit vendors in the city limits; and

WHEREAS, the Board of Commissioners wishes to provide for the operation of such vendors in the City while also providing for the public safety and convenience of City residents relative to those vendors;

NOW, THEREFORE, BE IT ORDAINED that:

**SECTION I
Definition and Applicable Laws and Regulations**

1. The term “mobile food unit vendor” (hereinafter, “Vendor”) as used in this ordinance shall be defined to mean a merchant who conducts business from a food establishment which is on wheels or is otherwise mobile but not including, however, vendors such as ice cream trucks who are primarily mobile and who stop only at undetermined locations and for very brief times to service customers.

2. A Vendor operating within the City of Richmond shall be subject to the provisions of this ordinance as well as to all applicable ordinances and regulations currently in effect or enacted or adopted in the future unless otherwise expressly provided herein. These include, but are not necessarily limited to, those matters pertaining to zoning, public safety, pedestrian and state traffic laws, restricted sales or vending areas, parking, and licensing.

**SECTION II
Permitted Areas of Operation**

A Vendor shall operate only within areas of the City designated as B (business) or I (industrial) zones; provided, however, that a Vendor may also operate in an R zone if, but only if: (i) its operation is wholly on private property; (ii) the Vendor has procured consent from the property owner; and (iii) the Vendor is servicing a special event such as a family reunion, block party, wedding, or the like.

Within a B or an I zone, no Vendor shall operate:

1. On streets or sidewalks within the downtown area of the City bounded as follows: Commencing at the junction of W. Irvine Street and Church Street; thence south on Church Street to Main Street; thence crossing Main Street to Lancaster Avenue; thence south on Lancaster Avenue to Water Street; thence east on Water Street to Collins Street; thence north on Collins Street to W. Irvine Street; thence west on W. Irvine Street to the point of beginning;

2. Within 15 feet of any driveway or other main vehicular entrance;
3. Within any City parking lot without the express written consent of the City;
4. On privately-owned property without the property owner's written consent;
5. During any City-special event within the event footprint without registering for the event through the event coordinator and following all event guidelines.
6. Using electrical power from any outside source involving extension cords or cables used to bring power to the mobile unit unless both the mobile food unit and any extension cords or cables are wholly on private property with the owner's express and written consent;
7. Using chairs or tables located on a public right-of-way;
8. Within a City park without permission from the Richmond Parks and Recreation Department;
9. Within one hundred feet of the property line of a dwelling unit located in an R (residential) zoning district;
10. On any street within the campus of Eastern Kentucky University without written consent from Eastern Kentucky University.

SECTION III Required Licenses and Permits

A Vendor operating within the City shall obtain and have in possession during all times of operation:

1. A City business license, the cost of which shall be the sum of \$100.00 per calendar year;
2. Any necessary permit from the Madison County Health Department;
3. If operating on privately-owned property, the written consent of the property owner.
4. The signed inspection report from the Office of the Richmond Fire Marshal showing that the Vendor's mobile food unit used in the City has passed the inspection performed by that office.

SECTION IV Other Operational Requirements

All Vendors shall:

1. Provide, in a prominent location, trash containers sufficient in size to collect all waste generated by customers and staff of the Vendor. All trash and debris related to the operation shall be collected by the Vendor throughout the duration of their vending and deposited in their own trash containers and removed from the site by the Vendor; such waste shall not be placed in City government trash receptacles.
2. Use lighting which does not cause any glare that could be considered a public hazard, nuisance, or distraction to vehicular movement, neighboring business operations, or residential uses. No flashing or strobe lighting shall be permitted.
3. Refrain from in any manner damaging public property or the public right-of-way, e.g., the Vendor shall not use stakes, rods, or any method of support that is required to be drilled, driven, or otherwise fixed in asphalt or concrete pavement, curbs, sidewalks, or buildings.
4. Vendors who operate on City property other than streets or at a City-sponsored event shall be required to procure and maintain liability insurance naming the City as an additional insured with policy limits of not less than \$1,000,000.00 per occurrence. All Vendors shall indemnify and save the City harmless from any claim, whether to property or to person, arising from or in any way associated with the carrying on of the Vendor's business regardless of the Vendor's location within the City.
5. Vendors shall remove their units when they close for business.

SECTION V

Annual Inspection Prior to Operation; Compliance With Applicable Regulations of the Richmond Fire Department and of the Commonwealth of Kentucky

No Vendor shall at any time operate at any location within the City during any calendar year unless the Vendor's mobile food unit used in the City shall first, in that calendar year, have passed a fire safety inspection performed by an employee of the Richmond Fire Department certified to act as an inspector for the office of the state fire marshal. Each Vendor shall at all times be in complete compliance with all regulations of the Richmond Fire Department and of the Commonwealth of Kentucky pertaining to the condition and operation of the mobile food unit used in the City.

SECTION VI

Penalties

Any person in violation of this ordinance shall be subject to a fine of \$250.00, and each day a violation occurs shall constitute a separate offense. No vendor shall operate within the City who shall not have paid any assessed fine after the date when such fine became final.

SECTION VII

This ordinance shall become effective immediately upon its enactment following second reading, and publication in accordance with the requirements of applicable Kentucky law.

DATE OF FIRST READING: November 26, 2019
MOTION BY: Commissioner McDaniel
SECONDED BY: Commissioner Brewer

DATE OF SECOND READING: December 10, 2019
MOTION BY: Commissioner McDaniel
SECONDED BY: Commissioner Brewer

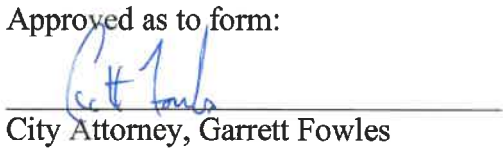
VOTE	YES	NO
Commissioner Brewer	x	
Commissioner Grant	x	
Commissioner McDaniel	x	
Commissioner Morgan	x	
Mayor Blythe	x	



Mayor Blythe

ATTEST:


City Clerk

Approved as to form:


City Attorney, Garrett Fowles