

BILL NO. 2022-24

ORDINANCE NO. _____

INTRODUCED BY _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF HERMANN, MISSOURI BY ADDING A NEW CODE CHAPTER 670 FOOD TRUCKS.

WHEREAS, the Board of Aldermen has determined that regulation of the use of Food Trucks would serve a legitimate public purpose and is in the best interest of the citizens of City of Hermann, Missouri.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF HERMANN, MISSOURI, AS FOLLOWS:

SECTION ONE: A new Chapter 670 is added to the Hermann Municipal Code, as follows:

CHAPTER 670: FOOD TRUCKS

SECTION 670.010. DEFINITIONS.

FOOD TRUCK: Any vehicle, including, but not limited to motorized vehicles and trailers, used for cooking, preparation, assembling and/or serving food.

FOOD TRUCK VENDOR: Someone who operates a Food Truck.

SECTION 670.020. CHAPTER APPLIES TO FOOD TRUCKS.

The requirements and regulations pertaining to Food Trucks provided herein apply to all Food Trucks located on private and public property.

SECTION 670.030. LICENSE AND PERMIT.

A. A food truck permit shall be valid for one (1) year. All Food Truck Vendors shall obtain a business license from the City of Hermann (“City”); provided, however, that Food Trucks operating on public property during a festival are not required to obtain a business license if they get a vendor space permit pursuant to Code Chapter 615.

B. A Food Truck Vendor who is operating a licensed and permitted food truck pursuant to the terms of this Chapter and who intends to operate the food truck during a Festival, as defined in Section 615.020, will not be required to obtain a Vendor Permit pursuant to Code Chapter 615 if, at all times during the Festival, the Food Truck will be operating at the same location as indicated on the Food Truck Permit application.

C. A property owner will not be required to obtain a Vendor Space Permit pursuant to Code Chapter 615 for any Food Truck which has obtained a Food Truck Permit prior to the Festival and which will be operating, during the Festival, in the same location as indicated on the Food Truck Permit application.

D. All Food Truck Vendors shall also obtain a Food Truck Permit from the City. The Food Truck Permit fee shall be Twenty-Five Dollars (\$25). The Food Truck permit application shall include the following information:

1. All locations where the Applicant anticipates operating the Food Truck. If the Food Truck Vendor intends to operate the Food Truck at a location other than those indicated on the application, the Food Truck Vendor will notify the City Clerk's office.

2. A copy of an inspection report from the Gasconade County Health Department ("County Inspection Report").

3. Proof of license and registration of the vehicle to be used as a Food Truck.

4. A description and color photo of how the Food Truck will be set up, including the exterior (front, side and back) of the Food Truck.

5. A copy of the Food Truck Vendor's sales tax license issued by the State of Missouri, provided, however, that such shall not be required if the Food Truck Vendor is on the City's annual report of sales tax payees provided by the Missouri Department of Revenue.

SECTION 670.040. REGULATIONS.

A. All Food Trucks shall comply with the sanitation standards and processes contained in the Department of Health and Senior Services Missouri Food Code Manual, which is incorporated herein by reference.

B. All Food Trucks shall comply with all items on any checklist or requirements list provided in the County Inspection Report.

C. A Food Truck Vendor shall only sell food and non-alcoholic beverages. A Food Truck Vendor is prohibited from selling intoxicating liquor. Beverages shall be dispensed in non-glass containers. All federal, state and local regulations pertaining to the quality of food products offered for sale shall be met.

D. Food Trucks shall be permitted to operate in all zoning districts of the City, except for residential districts (R-1, R-2 and R-3).

E. Signs shall be confined to those attached, affixed or applied to the Food Truck. Under no circumstances shall any signs be permitted which violate the City's Municipal Code.

F. Canopies, awnings or umbrellas attached to the Food Truck are permitted.

G. The Food Truck Vendor may provide tables, chairs or other customer seating so long as clear paths for pedestrian traffic are maintained.

H. If a Food Truck is operated on public property, then the Food Truck Vendor shall at all times ensure that a minimum of four (4) feet of unobstructed sidewalk remains open for pedestrian and wheelchair traffic and that points of sale do not occur on a sidewalk.

I. At the end of each business day, the Food Truck Vendor shall remove all items, containers, debris, etc. The Food Truck Vendor shall collect and dispose of all litter and garbage incidental to the operation of his/her business. The cleanliness of the Food Truck's area of operation shall be the sole responsibility of the Food Truck Vendor. The Food Truck Vendor shall not place refuse from the operation in or beside any public trash container or in any drain along the streets and sidewalks.

J. All Food Truck operations (cooking, sales and supplies) shall occur within the Food Truck.

K. A Food Truck Vendor shall provide, at the Food Truck Vendor's expense, all equipment necessary to operate the Food Truck and to provide the items to be sold. All equipment used shall be in a self-contained unit. The City will not provide utilities directly to any Food Truck unless appropriate connections are made and fees have been paid per the Code.

L. Food Truck Vendors shall not engage in any disorderly behavior or misconduct.

M. A Food Truck Vendor shall not vend before 6:00 A.M. or after 1:00 A.M.

N. A copy of the Food Truck permit and business license shall be displayed on the exterior of the Food Truck in a conspicuous place, such that Food Truck customers can see it.

O. No form of intimidation, disorderly behavior or misconduct shall be tolerated. This applies not only to the public, but actions toward other vendors operating under these rules and regulations.

SECTION 670.050. PERMIT NOT ASSIGNABLE TO ANOTHER VENDOR.

A Food Truck Vendor's permit shall not be assignable, in whole or in part, nor shall any portion of the Food Truck be sublet to another vendor.

SECTION 670.060. PERMIT REVOKED.

A permit issued under this Chapter may be suspended or revoked, or otherwise subject to adverse permit action for any violation of this Ordinance.

SECTION 670.070. CRIMINAL PENALTY

In addition to any other remedy of the City hereunder, any person who violates any part of this Chapter shall be guilty of a misdemeanor.

SECTION TWO: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION THREE: This Ordinance shall be in full force and effect from and after its passage and adoption.

SECTION FOUR: The publisher of the City of Hermann ordinances shall be permitted to re-designate the section or sub-section number of this revised code section to fit within an appropriate portion of the Hermann City Code, within the discretion of the publisher.

First Reading: _____

Second Reading: _____

VOTE:

| Name | First Reading | | | Second Reading | | |
|-----------------------|---------------|-----|-----|----------------|-----|-----|
| | Aye | Nay | Abs | Aye | Nay | Abs |
| Alderman Ash Geers | | | | | | |
| Alderman Derek LeRoy | | | | | | |
| Alderman Jim Schirmer | | | | | | |
| Alderman Susan Lenger | | | | | | |

Passed and approved this ___ day of _____, 2022.

BRUCE COX, Mayor

PATRICIA HEANEY, City Clerk

W:\G-H-I-J-K\HERMANN, CITY OF\ORD\2022\Amend Code - Food Trucks CLEAN 042122.docx