



City of Enid
401 W. Owen K. Garriott Road
Enid, Oklahoma 73701
580-234-0400

BOARD OF COMMISSIONERS

NOTICE OF STUDY SESSION

Mayor and Board of Commissioners of the City of Enid, Oklahoma, the Trustees of the Enid Municipal Authority, a Public Trust, the Trustees of the Enid Economic Development Authority, a Public Trust, and the Trustees of the Enid Public Transportation Authority, a Public Trust.

Notice is hereby given that the Mayor and Board of Commissioners of the City of Enid, Oklahoma, the Trustees of the Enid Municipal Authority, a Public Trust, the Trustees of the Enid Economic Development Authority, a Public Trust, and the Enid Public Transportation Authority, a Public Trust will meet in regular session at 5:00 p.m. on the 15th day of August, 2017, in the Lower Level Conference Room of the City Administration Building, located at 401 W. Owen K. Garriott Road in said city, and the agenda for said meeting is as follows:

- AGENDA -

REGULAR STUDY SESSION AGENDA

1. **CALL TO ORDER/ROLL CALL.**
2. **AT THE COMMISSIONERS' REQUEST, DISCUSS ANY ITEM OF CONCERN ON THE REGULAR SESSION AGENDA OF AUGUST 15, 2017.**
3. **PRESENT KAW LAKE PHASE II QUARTERLY UPDATE.**
4. **DISCUSS AND UPDATE ON THE JOINT LAND USE STUDY.**
5. **DISCUSS MOBILE FOOD TRUCK ORDINANCE.**
6. **ADJOURN.**

City Commission Study Session

5.

Meeting Date: 08/15/2017

SUBJECT:

DISCUSS MOBILE FOOD TRUCK ORDINANCE.

Attachments

Ordinance

ORDINANCE NO. 2017-_____

AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE, 2014, TITLE 3, ENTITLED "BUSINESS AND LICENSES," CHAPTER 3, ENTITLED "FOOD SERVICE ESTABLISHMENTS," SECTION 3-3-12, ENTITLED "MOBILE FOOD VENDORS"; TO PROVIDE FOR MULTIPLE LOCATIONS; TO INCLUDE A SALES TAX EXEMPTIONS FOR FARM PRODUCTS WHEN SOLD WHERE GROWN; TO SHORTEN AND SIMPLIFY THE APPLICATION PROCESS; AND TO LIMIT BACKGROUND CHECKS TO MOBILE FOOD VENDORS THAT CANVAS RESIDENTIAL AREAS CATERING TO CHILDREN; AND TO ADOPT SECTION 3-3-13, ENTITLED "SEASONAL FOOD ESTABLISHMENTS" WHICH INCLUDES PRIOR REGULATIONS FOR SNOW CONE AND FRUIT AND VEGTABLE STANDS; TO INCLUDE A SALES TAX EXEMPTIONS FOR FARM PRODUCTS WHEN SOLD WHERE GROWN; TO SHORTEN AND SIMPLIFY THE APPLICATION PROCESS; TO ALLOW SEATING TO BE APPROVED FOR SEASONAL FOOD ESTABLISHMENTS BY THE PROGRAM ADMINISTRATOR, PROVIDING FOR REPEALER, SAVINGS CLAUSE, SEVERABILITY AND CODIFICATION.

ORDINANCE

BE IT ORDAINED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF ENID, OKLAHOMA:

Section I: That Title 3, Chapter 3, Section 3-3-12 of the Enid Municipal Code, 2014, is hereby amended to read as follows:

3-3-12: MOBILE FOOD VENDORS:

A. Separate License ~~Each Location~~ ; Eligibility:

1. A mobile food vendor that has more than one ~~location~~ mobile unit shall have a separate license for each ~~location~~ unit.
2. With the exception of growers who are selling only their own fruits and vegetables, applicants must have a valid license from the Oklahoma state department of health.
3. ~~Applicants and employees shall not have been convicted of any violent crime or a crime which requires sex offender registry.~~

B. Application; Fee:

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1. Application: Every application for a mobile food vendor license shall be in writing, signed and sworn to by the applicant, and shall be filed with the city clerk. The application shall be on a form provided by the city clerk and shall contain the following:
 - a. If the applicant is an individual, the name, date of birth, telephone number and address of the applicant; if a partnership, the business name of the partnership and the name, date of birth, telephone number and address of each partner; if a corporation, the names, telephone numbers and addresses of its principal officers and the names, telephone numbers and addresses of all directors thereof.
 - b. The names under which the applicant has engaged, does engage and proposes to engage in food service.
 - c. Proof that the food service establishment is licensed by the Oklahoma department of health.
 - d. Copy of Oklahoma sales tax permit: except for growers of farm, orchard, or garden products sold directly to the consumer when the products are sold where grown.
2. Fee: Applications shall be accompanied by the appropriate fee, as set out in subsection 2-6B-8D of this code.

C. Types of Mobile Food Vendors; Additional Restrictions:

~~1. Seasonal Food Service Establishments:~~

~~a. Includes:~~

~~(1) Snow cone stands.~~

~~(2) Coffee/drink stands.~~

~~b. Geographical And Other Restrictions:~~

~~(1) Authorized on private property in commercial and industrial zones.~~

~~(2) Drive through/drive by service and seating are is not authorized.~~

~~(3) Garbage receptacles shall be provided for customer use.~~

~~(4) Seating must be approved by the program administrator.~~

~~e. — Plat Required; Contents: The application shall be accompanied by a plat or drawing of the proposed seasonal food service establishment showing:~~

~~(1) — The anticipated duration.~~

~~(2) — Its location and dimensions.~~

~~(3) — The location and size of vehicle entrances and exits.~~

~~(4) — The location and type of surface of parking.~~

~~d. — Issuance Or Denial: Not later than thirty (30) days after the filing of a completed application, the applicant shall be notified by the administrator of the decision on the issuance or denial of the permit.~~

~~2. — Seasonal Fruit And Vegetable Stand:~~

~~a. — Includes:~~

~~(1) — Fruit and/or vegetable stands.~~

~~(2) — Farmers' markets. Only one license is required for a market. Individual sellers within the market are required to comply with applicable state law.~~

~~b. — Geographical And Other Restrictions:~~

~~(1) — Authorized on private property in agricultural, commercial and industrial zones.~~

~~(2) — Drive through/drive by service and seating are not authorized.~~

~~(3) — Garbage receptacles shall be provided for customer use.~~

~~c. — Plat Required; Contents: The application shall be accompanied by a plat or drawing of the proposed seasonal fruit and vegetable stand showing:~~

~~(1) — Its location and dimensions.~~

~~(2) — The anticipated duration.~~

~~(3) — The location and size of vehicle entrances and exits.~~

~~(4) — The location and type of surface of parking.~~

~~d. Issuance Or Denial: Not later than thirty (30) days after the filing of a completed application, the applicant shall be notified by the administrator of the decision on the issuance or denial of the permit.~~

1. Mobile Food Sales:

a. Includes:

- (1) Mobile food service establishments (food trucks).
- (2) Mobile retail food service establishments.
- (3) Pushcarts.
- (4) Pedal carriers.
- (5) Temporary stands.

b. Geographical and Other Restrictions:

- (1) Authorized on private property in commercial and industrial zones.
- (2) Licensee shall not sell within one hundred fifty feet (150') of any public or private school during school hours or during school related events except when authorized in writing by said school.
- (3) Licensee shall not sell within one hundred fifty feet (150') of the entrance to a stationary business establishment which is open for business and is offering for sale the same or similar product as an item offered for sale by the licensee unless authorized in writing by said stationary business establishment.
- (4) Licensee shall not sell within one hundred fifty feet (150') of a restaurant, cafe or other stationary eating establishment which is open for business unless authorized in writing by the stationary eating establishment.
- (5) Licensee shall not sell within one hundred fifty feet (150') of a public park where a city authorized concession stand is located while the concession stand is open for business unless authorized in writing by the city.
- (6) Licensee shall not sell within one hundred fifty feet (150') of a special event on public property unless licensee is taking part in the special event.

- (7) Drive-through/drive-by service and seating are not authorized.
- (8) Garbage receptacles shall be provided for customer use. Licensee shall be responsible for cleaning all of the public way surrounding the licensee's location of all debris, trash and litter generated by the vendor's activities at that location.

c. Motorized Vehicles:

- (1) Shall be enclosed with top and sides.
- (2) Interior walls, floor, ceiling and counters shall be of smooth, durable material, capable of withstanding repeated washing and scrubbing.
- (3) Shall be kept well painted, in good repair, and in good sanitary condition.
- (4) Shall not be used for any other purpose.

d. Special Events: Licensees taking part in a special event on public property must comply with the special event ordinance, title 1, chapter 15 of this code. No additional cost will be assessed.

2. Mobile Prepackaged Food Sales:

a. Includes:

- (1) Motorized vehicles.
- (2) Trailers.
- (3) Pushcarts.
- (4) Pedal carriers.
- (5) Temporary stands.

b. Geographical and Other Restrictions:

- (1) Authorized on private property in agricultural, commercial and industrial zones.
- (2) Authorized in residential zones between the hours of eight o'clock (8:00) A.M. and eight o'clock (8:00) P.M. Applicants and employees of vendors that cater to children such as ice cream

trucks shall not have been convicted of any violent crime or a crime which requires sex offender registry.

- (3) Licensee shall not sell within one hundred fifty feet (150') of any public or private school during school hours or during school related events except when authorized in writing by said school.
 - (4) Licensee shall not sell within one hundred fifty feet (150') of the entrance to a stationary business establishment which is open for business and is offering for sale the same or similar product as an item offered for sale by the licensee unless authorized in writing by said stationary business establishment.
 - (5) Licensee shall not sell within one hundred fifty feet (150') of a restaurant, cafe or other stationary eating establishment which is open for business unless authorized in writing by the stationary eating establishment.
 - (6) Licensee shall not sell within one hundred fifty feet (150') of a public park where a city authorized concession stand is located while the concession stand is open for business unless authorized in writing by the city.
 - (7) Licensee shall not sell within one hundred fifty feet (150') of a special event on public property unless licensee is taking part in the special event and holds a special event vendor permit.
 - (8) Drive-through/drive-by service and seating are not authorized.
 - (9) Garbage receptacles shall be provided for customer use. Licensee shall be responsible for cleaning all of the public way surrounding the licensee's location of all debris, trash and litter generated by the vendor's activities at that location.
- c. Temporary Stops: Licensees may make temporary stops to sell food or beverages on the public right of way. Such stops shall last no longer than ten (10) minutes, shall not impede the normal flow of traffic and shall not constitute a traffic hazard. No customer shall be served on the street side of the vehicle.
- d. Special Events: Licensees taking part in a special event on public property must comply with the special event ordinance, title 1, chapter 15 of this code. No additional cost will be assessed.

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D. Mobile Food Vendor Food Court:

1. Separate License Each Location: A mobile food vendor food court owner that has more than one location shall have a separate license for each location.
2. Application; Fee:
 - a. Application: Every application for a mobile food vendor food court license shall be in writing, signed and sworn to by the applicant, and shall be filed with the city clerk. The application shall be on a form provided by the city clerk and shall contain the following:
 - (1) If the applicant is an individual, the name, date of birth, telephone number and address of the applicant; if a partnership, the business name of the partnership and the name, date of birth, telephone number and address of each partner; if a corporation, the names, telephone numbers and addresses of its principal officers and the names, telephone numbers and addresses of all directors thereof.
 - b. Fee: Applications shall be accompanied by the appropriate fee, as set out in subsection 2-6B-8E of this code.
3. Required Facilities: Mobile food vendor food court owners shall provide the following:
 - a. Public restrooms.
 - b. Trash facilities.
 - c. Public parking.
 - d. Tables and seating.
 - e. Utilities.
4. Plat Required; Contents: The application shall be accompanied by a plat or drawing of the proposed mobile food vendor food court showing:
 - a. Its location and dimensions.
 - b. The locations available for mobile food vendors.
 - c. The location and size of vehicle entrances and exits.
 - d. The location and type of surface of parking.

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- e. The location and size of tables, chairs and other furniture.
 - f. The location and dimensions of restrooms.
 - g. The location and type of utilities.
 - h. If any portion of the mobile food vendor food court will be located inside of a building, the location and type of heating and/or cooling to be used in the building.
5. Vendor's Responsibilities: When a licensed mobile food vendor is located in a licensed mobile food vendor food court, the vendor shall be responsible for complying with all federal, state and local laws and regulations regarding mobile food vendors with the exception of restrooms and trash receptacles, which shall be provided by the mobile food vendor food court licensee.
6. Issuance or Denial: ~~Not later than thirty (30) days after the filing of a completed application,~~ The applicant shall be notified by the administrator of the decision on the issuance or denial of the permit as soon as possible. Applications may be emailed to the administrator to allow quick processing.

(Ord. 2015-41, 11-17-2015)

Section 2: That Title 3, Chapter 3 of the Enid Municipal Code, 2014, is hereby amended to add Section 3-3-13 which reads as follows:

3-3-13: SEASONAL FOOD ESTABLISHMENT:

A. Separate License Each Location; Eligibility:

- 1. A seasonal food establishment that has more than one location shall have a separate license for each location.
- 2. With the exception of growers who are selling only their own fruits and vegetables, applicants must have a valid license from the Oklahoma state department of health.

B. Application; Fee:

- 1. Application: Every application shall be in writing, signed and sworn to by the applicant, and shall be filed with the city clerk. The application shall be on a form provided by the city clerk and shall contain the following:

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- a. If the applicant is an individual, the name, date of birth, telephone number and address of the applicant; if a partnership, the business name of the partnership and the name, date of birth, telephone number and address of each partner; if a corporation, the names, telephone numbers and addresses of its principal officers and the names, telephone numbers and addresses of all directors thereof.
 - b. The names under which the applicant has engaged, does engage and proposes to engage in food service.
 - c. Proof that the food service establishment is licensed by the Oklahoma department of health.
 - d. Copy of Oklahoma sales tax permit except for growers of farm, orchard, or garden products sold directly to the consumer when the products are sold where grown.
 - e. A description or drawing that details the establishment's location, the dimensions of the structure, the location and size of vehicle entrances and exits, and the location and type of parking and parking surface.
2. Fee: Applications shall be accompanied by the appropriate fee, as set out in subsection 2-6B-8D of this code.
 3. Issuance Or Denial: The applicant shall be notified by the administrator of the decision on the issuance or denial of the permit as soon as possible. Applications may be emailed to the administrator to allow quick processing.

B. Seasonal Food Service Establishments:

1. Includes:
 - (a) Snow cone or drink stands;
 - (b) Seasonal fruit and vegetable stand: and,
 - (c) Farmers' markets. Only one license is required for a market. Individual sellers within the market are required to comply with applicable state law.
2. Geographical And Other Restrictions:
 - (a) Authorized on private property in commercial and industrial zones.
 - (b) Drive-through/drive-by service is not authorized.

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- (c) Garbage receptacles shall be provided for customer use.
- (d) Seating must be approved by the program administrator.

Section 3: Repealer. All ordinances or parts thereof, which are inconsistent with this ordinance, are hereby repealed.

Section 4: Savings Clause. Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceedings now pending in any court, or any rights acquired or liability incurred, nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this ordinance.

Section 5: Severability. If any one or more of the sections, sentences, clauses or parts of this ordinance, chapter or section shall, for any reason, be held invalid, the invalidity of such section, clause or part shall not affect or prejudice in any way the applicability and validity of any other provision of this ordinance. It is hereby declared to be the intention of the City Commission of the City of Enid that this section of the Enid Municipal Code would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part not been included.

Section 6: Codification. This ordinance shall be codified as Title 3, Chapter 3, Sections 3-3-12 and 3-3-13 of the Enid Municipal Code, 2014.

PASSED AND APPROVED by the Mayor and Board of Commissioners of the City of Enid, Oklahoma, on this __ day of August, 2017.

CITY OF ENID, OKLAHOMA

William E. Shewey, Mayor

(SEAL)

ATTEST:

Alissa Lack, City Clerk

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Approved as to Form and Legality:

Carol Lahman, Interim City Attorney