

BILL NUMBER: 2023-23

ORDINANCE NUMBER: 3109

AN ORDINANCE AMENDING CHAPTER 12, BUSINESS, ARTICLE I. IN GENERAL SECTION 12-1 DEFINITIONS AND CHAPTER 12 BUSINESSES, ARTICLE II. LICENSES, DIVISION 3 – MOBILE FOOD VENDORS SECTION 12-76 – 12-80 OF THE CODE OF ORDINANCES OF THE CITY OF ODESSA, MISSOURI, RELATING TO MOBILE FOOD VENDORS

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

WHEREAS, the City of Odessa, Missouri Code of Ordinances was recodified in April 2021; and

WHEREAS, from time to time, the Code of Ordinances may be amended, supplemented, modified, or repealed by the Board of Aldermen; and

WHEREAS, after staff review of Chapter 12 Business, it was determined the Chapter required necessary updates to reflect appropriate regulations on mobile food vending; and

WHEREAS, it is desirous to the City to encourage mobile food vendors within its limits; and

WHEREAS, Chapter 12, Business – Mobile Food Vendors has been added to reflect changes associated with adding mobile vending to Chapter 12; and

WHEREAS, Appendix A – Schedule of Fees and Charges has been amended to reflect changes associated with adding mobile vending to Chapter 12; and

WHEREAS, the Board of Aldermen is authorized by 79.110, RSMo. to enact any and all ordinances that are not repugnant to the Missouri Constitution and Missouri law and that are deemed expedient for the good government of the City, the preservation of peace and good order, the benefit of trade, commerce, and the health of the inhabitants of Odessa; and

WHEREAS, the Board of Aldermen believes the amendments and updates to Chapter 12 and Appendix A are in the best interest of the citizens of the City of Odessa.

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

SECTION 1. Chapter 12 Businesses, Article 1. In General, Section 12-1. Definitions. shall be amended to include the following Definitions:

Food shall mean any edible substance, beverage, or ingredient used or intended for use or for sale in whole or in part of human consumption.

Mobile Food Vending shall mean, including but not limited to, the direct sale of food and other retail goods to a customer from a mobile unit.

Mobile Food Vendor shall mean, including but not limited to, any person, corporation, association, or other entity, however, organized, that uses a mobile unit to offer direct sale of foods and other retail goods to a customer from a mobile unit.

Mobile Food Unit shall mean any non-permanent structure that is a self-contained vehicle, trailer, cart, manually propelled pushcart or other type of conveyance form in which food and goods are offered for sale. Mobile units typically stand stationary in the same place for more than ten (10) minutes at a time.

City-Sponsored Event shall mean any community event taking place on city or park property that is hosted, organized, or sponsored, at least in part, by the City.

SECTION 2. Chapter 12 Businesses, Article II. Licenses, Division 3 - Mobile Food Vendors Sec. 12-76 - 12-80 shall be created and shall read as follows:

Sec. 12-76 License Required

It shall be unlawful for any Mobile Food Vendor to conduct any business or nonprofit enterprise or operate a mobile unit within the City limits without first obtaining a City business license and paying the license fee in the amount provided in the schedule of fees and charges. License fees paid, and licenses obtained pursuant to this article shall be in addition to any other fees or permits required pursuant to this Code or any other ordinances of this City.

Sec 12-77 Mobile Food Vendor Business License Requirements

An applicant for a mobile vendor business license shall submit a completed business license application to the City Clerk accompanied by the license fee in the amount provided in the schedule of fees and charges. The license shall be effective upon approval and expire on June 30th of each year. Mobile vendor business licenses are nontransferable. Each unit operating in the City is required to obtain its own business license. City business licenses must be conspicuously displayed in the mobile unit while it is operating within the City limits. Mobile units shall comply with all required State Federal, and City laws, including, without limitation, building and fire codes related to their equipment and operations, and shall obtain applicable Lafayette County health permits and any other City-required inspections and/or permits before beginning operations. Failure to do so may result in suspension or revocation of the business license.

Sec. 12-78 Mobile Food Vendor Operating Regulations

- A. Mobile Food Units may operate in the public right-of-way open to traffic or parking, but only from a parked location where a motor vehicle is authorized to park by law, signage, or permit. The location must not block fire hydrants, fire lanes, or fire department connections.
- B. The Mobile Food Unit must be wholly contained within designated on-street or off-street parking spaces. The Mobile Food Unit may not utilize more than one parking space at one time. Parking in handicap-accessible parking spaces or permit-required parking spaces is prohibited.

- C. Mobile food vending may only occur with the serving side of the Mobile Food Unit horizontally facing the sidewalk and away from the street when in the public right-of-way, except as part of a City-sponsored event where such activity may be allowed.
- D. Mobile Food Units may not park on the sidewalk.
- E. Mobile food operations, including but not limited customer queues, designated spaces for eating, and the size of the Mobile Food Unit, shall not impede or hinder vehicular or pedestrian traffic or impede the sight triangle.
- F. If directed by a police officer or other authorized City personnel, operations may be suspended and a Mobile Food Unit may be ordered to move to avoid congestion or impeding traffic.
- G. Mobile vendors may only park their Mobile Food Units on improved surfaces, except as part of a City-sponsored event where such activity may be allowed.
- H. Mobile Food Units may not be left unattended in a public right-of-way nor parked overnight in a public right-of-way, except as part of a City-sponsored event where such activity may be allowed.
- I. No Mobile Food Vendor shall have any exclusive or perpetual right to any location in the City.
- J. Mobile Food Vendors may not operate on private property without the expressed written consent of the private property owner. Such written consent shall be exhibited upon request. Mobile Food Vendors may not operate on City Park property, with the exception of Railroad Park, without the expressed written consent of the Park Director or his/her designee. Such written consent shall be exhibited upon request.
- K. At Railroad Park, a maximum of four (4) licensed Mobile Food Vendors are allowed to operate between 6 a.m. and 9 p.m. The operating slots will be on a first-come, first-serve basis. It is prohibited for any Mobile Food Vendor to operate when a Board-approved Special Event Permit has been issued unless the Special Event Permit Applicant has provided written consent.
- L. The use of outdoor lighting is prohibited, except for adequate lighting around the Mobile Food Unit to ensure customer safety and for the lighting of a menu attached to or next to the side of the mobile unit.
- M. Mobile Food Vendors shall comply with all City ordinances regulating signage.
- N. Mobile Food Vendors shall comply with all City ordinances regulating noise.
- O. Mobile Food Vendors shall operate all aspects of the business (cooking, sales, storage, etc.) within the Mobile Food Unit.
- P. A refuse container must be provided by the vendor for use by customers when food is sold. The container shall be sufficient size and placed close to the Mobile

Food Unit and not impede vehicular or pedestrian traffic. Prior to leaving a location, the Mobile Food Vendor shall pick up and properly dispose of any trash or litter within twenty (20) feet of the location. Refuse containers and their contents shall be removed from the location by the Vendor. Contents shall not be deposited in public trash containers on City property.

- Q. Mobile Food Vendors shall supply, at the Vendor's expense, all equipment necessary to conduct the business. Any power required for the Mobile Food Unit shall be self-contained and will not draw its power from the public right-of-way. No power cable or equipment shall be extended at grade unless covered to prevent tripping hazards. No power cable or equipment shall be extended overhead across any public street, alley, or sidewalk.
- R. Mobile Food Units may operate in the City seven (7) days a week between the hours of 6 a.m. and 9 p.m. Approval by the Board of Alderman is required for Mobile Food Units operated outside of 6 a.m. and 9 p.m., except as part of a City-sponsored event.
- S. Mobile Food Vendors may not park directly in front of a business without express written permission from the business. Mobile vendors selling food or drink may not park within fifty (50) feet of the main entrance of a restaurant during the hours in which food or drink is sold within such restaurant without express written permission from the restaurant. All measurements shall be made from the closest point on a mobile food unit to the main entrance of the restaurant.
- T. It shall be unlawful for Mobile Food Units to sell any alcoholic drinks or food without obtaining proper State, County and City permits.

Sec. 12-79 Mobile Unit Standards

All Mobile Food Units shall be maintained in good, operable condition and shall, at all times, be capable of being moved, except for the hours that the Mobile Food Unit is engaging in preparing and selling food. The exterior of all Mobile Food Units shall be maintained in good repair, shall be sound, shall be free from peeling paint, and shall be clean and sanitary so as not to pose a threat to public health, safety, and welfare of the City and customers. All mobile units shall have operable fire suppression equipment or devices as required by local, state, or federal law.

Sec. 12-80 Other ordinances applicable

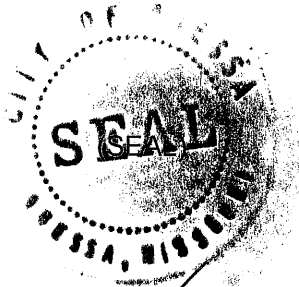
All Mobile Food Unit business licenses are subject to all City ordinances, including procedures for obtaining, suspending, and revoking business licenses as provided in Chapter 12, Article II.


SECTION 3. Appendix A – See City Fee Schedule for license fee amount.

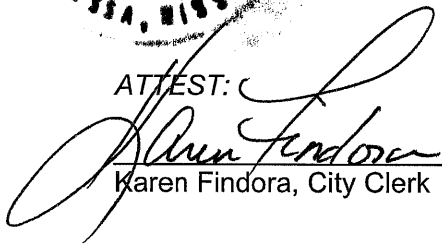
SECTION 4. This ordinance shall be in full force and effect from and after the date of its passage and approval and shall remain in effect until amended or repealed by the Board of Aldermen.

SECTION 5. That all ordinances or parts of ordinances in conflict with the provisions hereof are hereby repealed.

READ TWICE and passed by the Board of Aldermen of the City of Odessa, Missouri, and approved by the Mayor of Odessa this 23rd day of October 2023.




Stephen L. Wright, Mayor

ATTEST: 
Karen Findora, City Clerk

APPROVED: 
Stephen L. Wright, Mayor