

ORDINANCE NUMBER 1523- 20

AN ORDINANCE TO ESTABLISH OPERATING STANDARDS AND DEFINITIONS FOR MOBILE FOOD UNITS OPERATING WITHIN THE CITY OF MUSCLE SHOALS, ALABAMA AND TO PROVIDE FOR PENALTIES FOR VIOLATION THEREOF

WHEREAS, the City Council of Muscle Shoals, Alabama has determined that establishing definitions and standards for the operation of Mobile Food Units within the City is necessary and intended to promote the health, safety and welfare of the public and all citizens of Muscle Shoals to include the following:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSCLE SHOALS, ALABAMA, FOR THE PURPOSE OF ESTABLISHING DEFINITIONS AND STANDARDS FOR MOBILE FOOD UNITS AS FOLLOWS:

Section 1. Definitions.

a. Mobile Food Unit - A self-contained vehicle, trailer or pushcart that serves prepared foods or prepares and serves food, beverages or any item to be consumed by a person in various locations of the City.

b. City - Inside the city limits of The City of Muscle Shoals, Alabama, Alabama.

c. Code Official - The License or Building Inspector for the City of Muscle Shoals, Alabama.

Section 2. Standards and Requirements for Operation.

a. All Mobile Food Unit operators shall obtain an annual business license issued by the City of Muscle Shoals prior to commencing any food sales in the City. Said license shall be assigned an NAICS Code as determined by the City

Revenue Officer and the City's Business License Ordinance. Said license shall be provided for both the Mobile Food Unit as well as the commissary from which the food is obtained.

b. In addition to an annual business license all Mobile Food Unit operators shall obtain an annual operating permit for each unit to be issued by Clerk of the City of Muscle Shoals, unless otherwise exempted in this Chapter. Permits shall be issued for the period beginning January 1 and ending December 31 of each year. All required permits shall be posted in a visible location on the Mobile Food Unit at all times while in operation. In order to obtain said permit, operators shall submit copies of all required and current health department approvals for both commissary and each Mobile Food Unit and current City business license. Applicants shall be responsible for having each unit inspected and approved by the City's Fire Marshal prior to issuance of a permit.

c. All Mobile Food Units must be located off the public rights-of-way.

d. Location and/or operation of all Mobile Food Units shall be only in areas and/or districts zoned B-1, B-2, M-1 and M-2.

e. Mobile Food Unit operators shall have approval of the property owner for each location at which the Mobile Food Unit operates. This approval shall be in writing, signed by the property owner and must be displayed at all times during the operation of the Mobile Food Unit.

f. No Mobile Food Unit shall be allowed to operate in excess of eight (8) hours per day; operational meaning food sales (excluding food prep).

g. During hours and days of non-operation, the Mobile Food Unit and all associated vehicles and equipment, etc., must be removed from the premises.

h. Hours of operation for all Mobile Food Units shall be limited to 6:00 AM to 9:00 PM, local time.

i. No Mobile Food Unit shall operate on city owned property except during specially approved festivals, celebrations, etc., or with the written consent of the Mayor. All such Mobile Food Units shall be subject to the same regulations as set forth herein.

j. Mobile Food Units shall not be located within two hundred (200) feet of the main entrance of the nearest restaurant during the restaurant's posted hours of operation.

k. Mobile Food Units shall be located a minimum of five (5) feet away from any fire hydrant, sidewalk, utility boxes, handicap ramps and/or building entrances.

l. Mobile Food Unit operators are responsible for the proper disposal of waste and trash associated with the operation of the unit. Operators shall remove all waste and trash every 24 hours to maintain the health and safety of the public and to prevent any adverse or noxious odors. City trash receptacles shall not be used for this purpose.

m. All associated equipment, including trash receptacles, must be located within three (3) feet of the Mobile Food Unit.

n. No fire lanes, vehicular access ways or pedestrian walkways may be obstructed or encroached upon by the Mobile Food Unit.

o. No amplified microphones or bull horns, no flashing lights or any other distraction shall be permitted as a part of the Mobile Food Unit operation.

p. Mobile Food Units shall not occupy parking spaces required to fulfill the minimum requirements of a principal use, unless the hours of operation of the principal use do not coincide with those of the Mobile Food Unit except at the approval of the Code Official.

q. Signage is limited to signage located on the Mobile Food Unit. No portable signage is allowed.

r. Licensed operators of mobile food trucks within the City of Muscle Shoals, Alabama shall be exempt from the requirements imposed by Section 22-65 of the Code of Muscle Shoals, Alabama.

Section 3. Penalties.

Any person who violates any provision of this ordinance by failing, neglecting or refusing to comply with the provisions hereof, after one written warning to cease such violation, may be issued a citation by the Muscle Shoals Police Department or at the request of the Code Official or his designee be issued a summons or civil citation and shall be required to appear in the Muscle Shoals Municipal Court. Upon conviction of any violation hereof, a person shall be subject to any fines and other applicable court costs which may be assessed by the Muscle Shoals Municipal Court, which fines may be in an amount not less than One Hundred (\$100.00) Dollars but not more than Five Hundred (\$500.00) Dollars and such person may be imprisoned in the municipal jail for a term not to exceed one hundred eighty days or by both fine and imprisonment.

Section 4. Exceptions.

The Mayor shall, at his discretion, be authorized to issue an exemption to any Mobile Food Unit which is operating in an organized civic event, festival, celebration, non-profit event or any other event where it is deemed as being in the public's interest in order to exempt the operator of the Mobile Food Unit from business license fees and permitting requirements; however, all operators are still responsible for the collection and remittance of sales taxes associated with the sale of their inventory, as well as inspection of food preparation facilities by the Fire Marshal and Health Department.

Section 5. Severability.


If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

Section 6. Effective Date.


This Ordinance, and its provisions, shall become effective upon publication or posting pursuant to law or as otherwise provided for by law.

APPROVED and ADOPTED this the 17th day of August, 2020.

**COUNCIL OF THE CITY OF MUSCLE
SHOALS, ALABAMA**

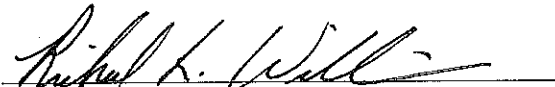
BY: 
ALLEN NOLES
President of the Council

ATTEST:


RICHARD L. WILLIAMS,
City Clerk


TRANSMITTAL

I hereby certify that the foregoing Ordinance Number 1523 - 20 was passed on the 17th day of August, 2020 by the City Council of the City of Muscle Shoals and was transmitted to the Mayor on the 18th day of August, 2020 at 2:00 p.m. o'clock.



City Clerk

APPROVED on 8-19-20 at 8:00 am o'clock



DAVID H. BRADFORD
Mayor of the City of Muscle Shoals, Alabama

CERTIFICATE OF POSTING

I, Richard L. Williams, City Clerk for the City of Muscle Shoals, Alabama, hereby certify that the above and foregoing Ordinance was duly and properly adopted by the Council of the City of Muscle Shoals, Alabama at a regular meeting of the said Council held on the 17th day of August, 2020 at 6:00 o'clock p.m. in said City.

The said Ordinance has been duly and properly published or posted on the 19th day of August, 2020 pursuant to and in compliance with Act. 2011-680 of the Acts of Alabama, by posting a copy of said Ordinance at the Office of the Mayor at City Hall in the City of Muscle Shoals, Alabama; Muscle Shoals Public Library; Muscle Shoals Recreation Building # 1, Gattman Park; and First Metro Bank, Muscle Shoals Branch; being four conspicuous public places lying and being within the City of Muscle Shoals, Alabama, there being no newspaper published and of general circulation in the City of Muscle Shoals, Alabama.

I certify that a copy of the said Ordinance has been posted to the City's website which may be found at

www.cityofmuscleshoals.com

Reasonable steps will be undertaken to maintain the postings for not less than thirty (30) days.

This 19th day of August, 2020.


RICHARD L. WILLIAMS, City Clerk



Muscle Shoals Fire Rescue

Post Office Box 2624, 1002 East Avalon Avenue

Muscle Shoals, Alabama 35662

Telephone: (256) 386-9230



SHAWN MALONE

FIRE CHIEF

FOOD TRUCK / CONCESSION TRAILERS / TENTS

GENERAL SAFETY	SAT	UNSAT	N/A	FIRE SUPPRESSION SYSTEM	SAT	UNSAT	N/A
1) Current City Business License				1) Portable ABC Fire Extinguisher (5 lb. min)			
2) Current Health Department Permit				A. Minimum 2A:10BC (Non Propane Units)			
3) No public seating inside unit				B. Minimum 4A:40BC (Propane Units)			
4) Minimum 10 ft. clearance around unit				C. Travel distance <30 feet			
5) Adequate fire department access				D. Current certification tag			
POWER SOURCE (GENERATORS) & FUEL SUPPLY				E. Visible and accessible			
1) Fuel tanks filled to capacity				2) Portable Class K Fire Extinguisher			
REFUELING IS ONLY ALLOWED DURING NON-OPERATING HOURS				A. Minimum 2.5 gallon Class K			
2) Portable Generator Exhaust System				B. Travel distance <30 feet			
A. Min 10 ft from opening and intakes				C. Current certification tag			
B. Min 10 ft from means of egress				D. Visible and accessible			
C. Directed away from buildings				3) Hood System			
D. Directed away from other vendors				TYPE 1 HOOD SYSTEM REQUIRED FOR FRYING OR GRILLING OPERATIONS			
3) All electrical complies with NFPA 70				A. Current certification tag (6 Months)			
4) Protective barrier around generator				B. Manual pull station			
LP-GAS SYSTEM				C. Filters clean / in place			
1) Main shut off valve accessible				D. UL-300 compliant			
2) Portable containers upright and secure				E. Proper head placement with appliances			
3) Leak test completed and documented				F. Utility controls / Auto shutoffs installed			
4) Leak test supplies available at event				SOLID FUEL SAFETY (WOOD, CHARCOAL, OTHER SOLID FUEL USE)			
5) Flex connector at regulator/fixed pipe				1) No fuel storage above appliances/vents			
6) Gas detector installed and tested				2) Fuel storage >3 ft to cooking appliance			
7) Container within 10 yr manufacturer date				3) Fuel storage not near any combustibles			
8) Tank Condition (rust, pits, dents, damage)				4) Fuel storage not in path of ash removal			
9) Hose assembly marked for LPG use				5) Fuel storage not near removed ashes			
10) Hose equipped with factory fittings				6) Firebox emptied (minimum once per day)			
11) No CSST Piping installed in trailer/truck				7) Ash stored in closed, metal container			
12) Gas connections/ T's located beneath unit				8) Removed ash > 3 ft. to any appliance			
13) Grommets around all pipe penetrations				TENT/CANOPY/MEMBRANE STRUCTURE			
LPG CYLINDERS THAT APPEAR TO BE OVERFILLED OR HAVE ANY DISCREPANCIES MUST BE REMOVED PROPERTY PRIOR TO THE EVENT				1) Original Manufacture Label present			
OPERATIONAL SAFETY				LABEL MUST PROVIDE INFORMATION ON SIZE, FABRIC AND FIRE RESISTANCE RATING			
1) Hot surfaces attended at all times				2) No Smoking / Exit Signs posted			
2) Gas valves closed when not in use				3) No Flammable liquids inside tent / canopy			
3) Cooking equipment in clean condition				4) No combustible material inside tent / canopy			
4) Operate units with vents / window open				5) Properly secure / fastened down			

VENDOR/COMPANY NAME: _____ DATE: _____

CONTACT NAME (Print): _____ PHONE#: (____) _____

Notes: _____

This APPROVED inspection form serves as your permit in Muscle Shoals for one (1) year from this date. Any modifications or alterations of appliances, operating procedures, or safety equipment may void this permit, and the Fire Marshal's office shall be notified to schedule a reinspection.

**CORRECTIVE ACTION SHALL BE CARRIED OUT IMMEDIATELY TO CORRECT ALL VIOLATIONS NOTED.
THE FIRE MARSHAL'S OFFICE DOES NOT GRANT PERMISSION OR APPROVAL OF A BUSINESS/OPERATION WHERE VIOLATIONS EXIST.
NOTIFY THIS OFFICE AS CORRECTIVE ACTIONS ARE COMPLETED.**

FIRE OFFICIAL (Signature): _____ OCCUPANT (Signature): _____