



# City of Bay Minette

## Mobile Food Vending Unit – Zoning Ordinance Excerpt

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### Excerpt from the City of Bay Minette Zoning Ordinance, Amended Through Ordinance 1057

#### 9.08 Mobile Food Vending Vehicles and Mobile Merchandise Vending Units

**9.08.01 Mobile Vending Units, Generally.** For the purposes of this section, a "Mobile Vending Unit" refers to both Mobile Food Vending Vehicles and Mobile Merchandise Vending Units.

- 9.08.01.01 Mobile Vending Units are permitted to operate in non-residential zoning districts (B-1, B-2, M-1 or M-2) on private property with express written permission from the property owner. Units are encouraged to locate on sites developed with a principle building that has a current City business license and an operating use.
- 9.08.01.02 Mobile Vendors are required to obtain a business license and Mobile Vending Permit from the City of Bay Minette prior to commencing operations within the city.
- 9.08.01.03 Vendors must operate in a safe and sanitary manner and kept in a clean, well-maintained condition to ensure units are free of excessive dirt, rust, mud, grease or other unsightly, unsanitary or otherwise undesirable condition.
- 9.08.01.04 Mobile Vending Units shall be permitted to a location that does not block drive aisles, ingress or egress from the property, or fire and emergency access.
- 9.08.01.05 Mobile Vending Units shall be removed at times other than the hours of operation and the set-up and take-down periods. Vehicles shall not be left unattended or stored at any time on an authorized operating site when vending is not taking place or during restricted hours of operation.
- 9.08.01.06 Mobile Vending Units shall not use or maintain any outside sound amplifying equipment, lights, or noisemakers, such as bells, horns or whistles or similar devices to attract customers.
- 9.08.01.07 Any auxiliary power, water or sewer utilities required for the operation of the Mobile Vending Unit shall be self-contained or provided by the property owner.
- 9.08.01.08 Vendors shall serve only walk-up customers, no drive-thru service allowed.
- 9.08.01.09 Parking Considerations
  - a. The Mobile Vendor Unit, nor related customer vehicles, cannot obstruct any street or sidewalk, or interfere with the free passage of persons/vehicles on such streets or sidewalks.
  - b. Parking of the Mobile Vending Unit cannot be located in City right of way in municipal limits
  - c. Mobile Vendors should encourage pedestrian access where possible. When vehicular access is required, Vendor must ensure customer parking is contained on property where parking permission has been obtained for that purpose.
- 9.08.01.10 The provisions of this section shall not apply to special events, festivals, community projects or public events which occur on a periodic basis and are approved by the City.

#### 9.08.02 Mobile Food Vending Vehicles

- 9.08.02.01 All Mobile Food Vending Vehicles must be inspected initially by the City of Bay Minette Fire Inspector. Annual inspections are required, and each Mobile Food Vending Vehicle is subject to re-inspection at any time.
- 9.08.02.02 The selling of non-food or non-drink items shall be limited to merchandise displaying the Mobile Food Vending Vehicle company logo and/or branding. No items shall be displayed outside of the vehicle.
- 9.08.02.03 No signage is allowed except signage physically affixed to the Mobile Vending Unit identifying the vendor and no more than two, 24" x 48" sandwich board-type signs displaying menu, pricing or other similar information. The signs may be displayed only during business hours and shall not obstruct or impede pedestrian or vehicular traffic. Electronic or illuminated signs are not allowed.
- 9.08.02.04 Mobile Food Vending Vehicles shall not provide furniture, objects or structures outside of the vehicle for customer use with the exception of trash receptacles and shade structures attached to the vehicle.
- 9.08.02.05 All Mobile Food Vending Vehicles shall offer a trash receptacle for customer use that must be removed with the vehicle each day at the vendor's expense. Mobile Food Vendors shall keep the permitted premise and adjacent public property clean and free from all trash, litter, debris or waste generated from the operation of its business.

- 9.08.02.06 Any auxiliary power, water or sewer utilities required for the operation of the Mobile Food Vending Vehicle shall be self-contained or provided by the property owner.
- 9.08.02.07 The provisions of this section shall not apply to special events, festivals, community projects or public events which occur on a periodic basis and are approved by the City.
- 9.08.02.08 No more than two mobile food units shall operate on the same site per day.
- 9.08.02.09 Mobile Food Vending Location Requirements
  - a. A minimum of 150 feet from the front door of any restaurant in current operation, without written permission from the restaurant owner.
  - b. A minimum of 150 feet from Primary schools within city limits, measured from the nearest lot line of the school, without written permission from the School's Principal.
  - c. A minimum of 500 feet from any stadium, ballpark, festival, special event or other similar sponsored event licensed or authorized by the City, unless authorized by the sponsor to be participants in the event.
  - d. A minimum 15-foot clearance from fire hydrants, driveway entrances and handicap parking spaces/ramps.
  - e. A minimum 10-foot clearance from buildings, fire lanes, sidewalks or utility box.
  - f. When located on or adjacent to a street, food service shall be solely from the side of the unit that opens away from the street.

### **9.08.03 Mobile Merchandise Vending Unit**

- 9.08.03.01 Merchandise is limited to non-consumable items and/or items not intended for individual consumption at the point of sale.
- 9.08.03.02 No more than two Mobile Vending Units shall operate on the same site per day.
- 9.08.03.03 No signs shall be allowed, other than that which is physically attached to the unit. One, 24" x 48" sandwich board-style sign identifying the vendor or indicating pricing, may be displayed within 10 feet of the unit. The sign may be displayed only during business hours, shall not obstruct or impede pedestrian or vehicular traffic, and shall City of Bay Minette Zoning Ordinance - 75 - be located on-site. Electronic or illuminated signs are not allowed.
- 9.08.03.04 Mobile Merchandise Vending Unit Location Requirements
  - a. A minimum 15-foot clearance from fire hydrants, driveway entrances and handicap parking spaces/ramps.
  - b. A minimum 10-foot clearance from buildings, fire lanes, sidewalks or utility box.
  - c. When located on or adjacent to a street, service shall be solely from the side of the unit that opens away from the street.

### **9.08.04 Mobile Vending Unit Permit**

- 9.08.04.01 Fees for a Mobile Vending Permit are as follows and will not be prorated:
  - a. Daily Permit (single 24-hour period) - \$25.00
  - b. Monthly Permit (per calendar month) - \$50.00
  - c. Annual Permit (January 1 – December 31) - \$100.00
  - d. In addition, a \$25.00 Administrative Land Use Review is required per site, prior to commencing operations.
- 9.08.04.02 Mobile Vendors shall have express written permission of the property and/or business owner(s) for each location at which the mobile vending unit operates. This approval shall be in writing, signed by the property and business owner(s), shall remain on the mobile vending unit at all times and must be made available for inspection upon request of any city official at any time during the operation of the mobile vending unit.
- 9.08.04.03 Prior to the issuance of a City of Bay Minette business license or Mobile Vending Permit, Vendors are required to obtain all applicable licenses/permits, including but not limited to Alabama Department of Public Health permits and Alabama Department of Motor Vehicles licensing.
- 9.08.04.04 Mobile Vending Units and site locations are subject to the review and approval of the Bay Minette Police Department and the Bay Minette Fire Department at any time.
- 9.08.04.05 Compliance with *Article 9.8* shall be determined at the time of application or at the discretion of the Planning Staff if determined in the field. Mobile Vending Units determined to be non-compliant shall immediately institute all corrective action(s) deemed necessary.
- 9.08.04.06 Operation without a Mobile Vending Permit will result in a \$500.00 fine. If found in violation of any section of this ordinance, vendor may be issued a ticket for violation and fined an amount of \$25.00 - \$250.00 Each violation is considered a separate and distinct offense; and each day is a separate violation.