

City of Stanton, Kentucky
ORDINANCE No. 22-003

A COMPREHENSIVE ORDINANCE OF THE
CITY OF STANTON ADDRESSING MOBILE FOOD VEHICLES
IN THE CITY LIMITS OF STANTON

WHEREAS, the City of Stanton desires to enact a comprehensive ordinance which encompasses a variety of issues relative to the operation of mobile food vehicles inside the city limits of Stanton; and

WHEREAS, the City of Stanton acknowledges the positive economic opportunities associated with mobile food vehicles and desires to encourage same; and

WHEREAS, the City of Stanton has likewise determined the regulation and oversight regarding mobile food vehicles is necessary and appropriate in order to preserve the character of the City of Stanton and to protect the safety and the welfare of the community,

NOW BE IT ORDAINED BY THE CITY OF STANTON, KENTUCKY AS FOLLOWS:

Section 1. Definitions.

1. City . The City of Stanton.
2. Mobile Food Vehicle. A vehicle-mounted, vehicle-towed, or vehicle-carried food service establishment that engages in the sale and preparation of food or beverages to the general public
3. Mobile Food Vendor. A person or legal entity that prepares or serves food or beverages to the general public from a Mobile Food Vehicle.

Section 2. Classification of Mobile Food Vendors

(1) There are hereby created three designations of Mobile Food Vendors in the City Limits of Stanton:

- A) **Extended Term Vendor** - can locate, with the consent of the property

owner, on any property located in the City of Stanton designated and zoned as a Business or Industrial property, (as designated by the City of Stanton's Zoning Ordinance and Zoning Map). The Vendor can remain on a single property for up to 14 consecutive days. Upon vacating a property, the Extended Term Vendor could not return to that property for a period of at least 30 calendar days. Additionally, the owner of the property on which an Extended Term Vendor is located can not have a second Mobile Food Vendor on the property for a period of at least 30 days after the Vendor leaves the property. An Extended Term Vendor is required to provide 48 hour prior notice to the Zoning Enforcement Officer of the City of Stanton prior to locating on any property located in the city limits of Stanton.

B) **Short Term Vendor** - can locate, with the consent of the property owner, on any property in the City of Stanton designated and zoned as a Business or Industrial Property, (as designated by the City of Stanton's Zoning Ordinance and Zoning Map), as well as any property which has a school or church located on it. The Vendor can locate on such a business/industrial property for no more than one day and can locate for no more than two days on a property on which a church or school is located. A Short Term Vendor is required to provide 48 hours prior notice to the Zoning Enforcement Officer for the City of Stanton prior to locating on any property located in the city limits of Stanton.

C) **Special Event Vendor** - would include any Vendor that locates in the City of Stanton as part of the Stanton Pumpkin Fest; Stanton Corn Festival; Music in the Park; Events at the Stanton Drive-In and similar events held at the Stanton City Park, the Stanton Drive-In or any related locations. Any Special Event Vendor or the

sponsoring entity of a Special Event is required to give 24 hour prior notice to the Zoning Enforcement Officer prior to locating in the city limits of Stanton.

Section 3. Payment of City of Stanton Restaurant Tax

(1) All Extended-Term and Short-Term Vendors shall be responsible for payment of the Restaurant Tax in the amount of 3% of all sales occurring in the City limits of Stanton, (per the terms of the Ordinance), to the City of Stanton.

Section 4. Sales of Alcohol Prohibited.

(1) Mobile Food Vehicles are not authorized or permitted to sell alcohol in the city limits of Stanton.

Section 5. License fees.

(1) An Extended Term Vendor shall be responsible for the payment of a \$250.00 license fee to the City of Stanton on an annual basis.

(2) A Short Term Vendor shall be responsible for the payment of a \$100.00 license fee to the City of Stanton on an annual basis.

(3) A Special Event Vendor shall not be responsible for a separate license fee to the City of Stanton, (but would need to pay whatever fees are required associated with the particular event for which the Special Event Vendor is present).

(4) Any and all license fees shall be paid to the City of Stanton prior to any Mobile Food Vendor engaging in the sale of food or beverages in the city limits of Stanton.

Section 6. Signs, Seating and Parking

(1) An Extended Term Vendor or Short Term Vendor may have signage, but the signage shall not be more than one sign, and no more than 3 feet by 5 feet in size.

(2) An Extended Term Vendor or Short Term Vendor may have no more than 2 tables and no more than 8 chairs at any location in the city limits at which the Commercial Food Vehicle is located. A minimum of 4 parking spots shall be required at any location. No off-street parking is allowed.

Section 7. Time of Sales

(1) An Extended Term Vendor or a Short Term Vendor may not conduct sales after 10.00 pm.

Section 8. Notice to Zoning Enforcement Office

(1) As set forth in this Ordinance, all Mobile Food Vendors shall provide proper notice to the City of Stanton Zoning Enforcement Officer prior to locating in the City limits of Stanton. All Extended Term Vendors and Short Term Vendors shall complete a notice form supplying the following information to the City of Stanton:

- a) Mobile food vehicle's business name;
- b) Contact name, telephone number and mailing address;
- c) Written permission from the property owner to located on site;
- d) Location the mobile food vehicle will be operating on and the dates of operation;
- e) Proof the Mobile Food Permit is currently valid and will be valid during the time the vehicle is located in city limits.

Section 9. No Obstruction of Public Ways

(1) A Mobile Food Truck shall not obstruct traffic or pedestrian flow. No stop sign, yield sign, school crossing sign or any other traffic control signal or sign shall be obstructed by a mobile food truck. No ingress or egress of any driveway or other roadway shall be obstructed by a mobile food truck. No fire hydrant shall be obstructed by a mobile food truck.

Section 10. Compliance with State and Local Regulations

(1) All Mobile Food Vehicles shall be in compliance with regulations established by the applicable state and local agencies, including, but not limited to, Cabinet for Health and Family Services, Department for Public Health, Division of Public Health Protection and Safety and the Powell County Health Department.

Section 11. Violation of this Ordinance - Criminal Penalties.

(1) Any person convicted of a violation of this Ordinance shall be subject to a fine in an amount not to exceed \$250.00. Each day of violation shall be deemed to be a separate violation.

Section 12. Violation of this Ordinance - Civil Penalties.

(1) In addition to the criminal penalties set forth in Section 11, the City may institute a civil action for injunctive relief in the Powell Circuit Court or otherwise. In such an action, it shall be sufficient to allege and prove that a violation of this ordinance has occurred, and it shall not be necessary to allege or prove that any person has been damaged or sustained any loss as a result of any such violation. When the provisions of this ordinance are enforced through civil procedures, the City shall be entitled to its costs, filing fees, service fees and attorney fees incurred in connection with the institution and maintenance of such a proceeding. The City of Stanton shall likewise be entitled to civil penalties for up to \$250.00 per day, (beginning at such time that written notification is provided to the individual or entity by the City notifying of the violation and instructing the individual or entity to correct said violation), for each day for violation of the terms of this ordinance.

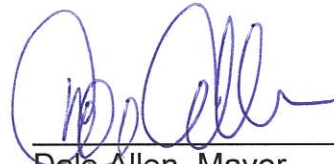
Section 13. Severability.

(1) The provision of this ordinance are severable. If any provision , section, paragraph, sentence or part thereof, or the application thereof, shall be found to be invalid, illegal unconstitutional or otherwise unenforceable, such decision shall not affect or impair the remaining provisions of this Ordinance or the enforcement of same.

Section 14. Effective Date.


(1) This Ordinance shall become effective upon being duly passed by the City Council of the City of Stanton , signed by the Mayor and advertised according to law.

Enacted this the 9th day of June, 2022.



Dale Allen, Mayor
City of Stanton

Attest:



Stephanie Faulkner, City Clerk
City of Stanton

First Reading: 5/12/22
Second Reading : 6/9/22
Signed by Mayor: 6/9/22
Published: 6/16/22