

ORDINANCE 2025-02

ORDINANCE TO PROVIDE FOR AND REGULATE MOBILE FOOD TRUCK UNITS WITHIN THE CITY OF MORRIS, ALABAMA

BE IT ORDAINED by the City Council of the City of Morris at a regular meeting duly assembled, a quorum being present, on this 11th day of March, 2025, as follows:

Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Food(s) means any type of edible substance meant to be eaten by any living creature, including, but not limited to, natural persons, dogs, cats, etc.

Mobile food unit or unit means a motorized or non-motorized self-contained vehicle, trailer or pushcart that is designed to be mobile and serves prepared foods or prepares and serves food in various locations within the City.

Mobile food unit permit or Permit means a permit to operate a mobile food unit within the City as issued by the City's Inspector under the authority of this Ordinance.

License and Permit Required, Compliance with Laws.

Business License Required. All mobile food unit operators shall annually obtain and maintain a business license Issued by the City Clerk prior to commencing any food sales in the city.

Mobile Food Unit Permit Required. After obtaining a business license, all mobile food unit operators shall obtain an annual operating Permit for each unit to be issued by Morris City Hall designee and approved by City's Fire Marshall. It shall be unlawful to operate a mobile food unit within the City without possessing a valid and unexpired Permit issued by the city pursuant to this Ordinance.

1. **Permit Duration.** Permits shall be issued for the period beginning January 1 and ending December 31 of each year. In the event that the Permit holder fails to obtain and maintain a business license from the City, any Permit issued to the holder shall be automatically revoked without the need for any action by the City or any right of appeal by the permit holder.

2. **Health Department and City Approvals Required before Permit Issuance.** In order to obtain said Permit, operators shall submit with their Permit application, copies of all required and current health department approvals for a mobile food unit as well as a current Morris business license. Applicant shall be responsible for having each unit inspected and approved by the City's fire/building code official or his/ her designee prior to issuance or Permit.

3. Application Process for Permit.

a. Any person desiring to obtain a Permit to operate a mobile food unit within the City shall make application, therefore, in person, to the City's permit official or his/her designee.

b. Such application shall be made on a form to be furnished by the permit official and shall provide, at a minimum, the following information:

1. Applicant's name and physical address (to be verified through the presentation or the applicant's US state issued driver's license, U.S. state issued identification card, U.S. passport, or foreign passport with U.S. Visa certification), telephone number, email address;

2. Name, physical address, telephone number of the applicant's employer or principal, if any,

3. Type of mobile food unit applicant is seeking to operate within the City, a description thereof, such mobile food unit be submitted to the City along with the application; and

4. The applicant's signature.

In the event that further information is needed by the City to make a determination on an application submitted, the City may request specific information and/or documentation to be required to be provided by supplementation after the application is made.

c. The applicant shall fully complete the Permit application and, together with the application, submit to the T City own Clerk at Morris City Hall (i) such applicant's U.S. state issued driver's license, U.S. state issued identification card, U.S passport. or foreign passport with U.S. Visa certification, (ii) a copy of all required and current health department approvals for such mobile rood unit, and a copy of a current City business license ((i) through (iv) collectively referred to herein as the "Application Documents").

ci. At the time of filing the application with the City Clerk. the applicant shall pay to the Department a non-refundable One Hundred and 00/134 (134.00) fee to defray the costs of administering this Ordinance. This application fee shall be waived if the application is for only a festival, celebration, community event, organized civic event, nonprofit event, or any other public event at the direction of the City's fire/building code official or his/her designee.

cii. Upon receipt of the fully completed Application Documents, the City's Fire Marshall designee shall review the application.

ciii. Upon approval of the Application Documents, the permit official shall issue a Permit to the applicant. The Permit shall show the name and address of the Permittee and the date of Permit expiration. Any denial of a Permit application shall be in accordance with paragraph 4 hereof.

4. **Denial of Permit.** A Permit, as provided in this Ordinance, may be denied for any of the following reasons:

- a. An investigation reveals that the applicant falsified and/or provided inaccurate information on the application;
- b. The applicant fails to provide proof of possession of any license or permit winch, under federal, state, or local law or regulations, the applicant is required to have in order to conduct the proposed business;
- c. There is no proof as to the authority of the applicant to serve as an employee/agent to the employer/principal; and/or
- d. Failure by the applicant to provide all information required by Permit application.

The denial and the reasons for Permit denial shall be noted on the application form, and the applicant shall be notified in writing of the Permit application denial. Notice shall be mailed to the applicant at the address designated for notices pursuant to this Article as shown on the application form.

5. **Posting of Permit and Business License.** The mobile food unit's Permit and City business license shall be posted in a visible location on the mobile food unit at all times while in operation.
6. **Permit Non-transferable.** Each Permit issued is non-transferable to another owner and/or operator and applies to o only one mobile food unit. A separate Permit shall be required for each additional mobile food unit.
7. **Revocation of Permit.** The Chief of Police, City's fire building code official, or his/ her designee may immediately suspend or revoke any Permit issued under this Ordinance for just cause or in the interest of public safety, for any of the following reasons:
 - Any violation of this Ordinance or any other City Ordinance;
 - Conviction by Permittee of any crime involving moral turpitude;
 - Operating a mobile food unit in such a manner as to create a public nuisance, constitute a breach of the peace, or endanger the health, safety, or general welfare of the public; and/or

- Any violation by the Permittee of any provision of this Code or any statute of the state relating to the business for which the Permit is issued.
8. The conditions herein above set forth as grounds for the revocation of a Permit shall also constitute grounds for the City to refuse to renew a Permit.
 9. The decision to permanently suspend, revoke or refuse to renew any Permit issued under this Ordinance may be appealed to the Morris City Council. There is no right to appeal from temporary suspension of a Permit under this Article. Any Permittee aggrieved by a Permit's permanent suspension, revocation or any applicant aggrieved by the refusal to renew a Permit shall file a written notice of appeal with the City Clerk within seven (7) days following the date of the issuance of the permanent suspension, revocation or refusal to renew a Permit. While an appeal is pending, the Permit holder may continue to operate under the Permit unless the Chief of Police and/or City's Fire Marshall determines that the Permit should be suspended pending the outcome of the appeal in order to protect the public's health, safety and/or welfare or to prevent damage to or destruction of public property.
 10. After receiving the appeal, the City Council shall set a time and date within a reasonable time thereafter for a hearing on the matter. A written notice of such hearing shall be given to the applicant/Permittee in writing at least one (1) day before the day set for said hearing. At the hearing, the City Council shall hear evidence offered by any party and evidence that may be presented bearing upon the question of suspension, revocation or the refusal of renewal, as the case may be.
 11. A Permit holder shall acquire no vested right to a Permit and/or the provisions of this section and all permits are non-transferable. Any rights granted hereunder, in whole or in part, are subject to appeal or amendment, at any time or from time to time.

Compliance with Laws. All mobile food unit operators shall comply in all respects with all applicable ordinances, rules and regulations of any kind as they exist or are hereafter adopted or amended, including without limitation, those pertaining to the manufacture, preparation, display and service of foods, confections and beverages. and/or pertaining to the operation and licensing of mobile food units in general. Except as otherwise may be provided by law, no mobile food truck operator shall acquire any grandfather rights in current law, rule or practice. Food preparation will be regulated by the Jefferson County Health Department, as applicable.

Public Nuisance Prohibited. No mobile food unit operator shall (i) create or maintain a public nuisance, (ii) damage or alter public property or infrastructure, and/or (iii) erect or utilize any permanent or fixed structures in any public place pursuant to a Permit issued under the provisions of this Section.

Standards and Requirements for Mobile Food Unit operation.

Location of Mobile Food Unit; Other Requirements.

1. Mobile food units shall not be operated in such a way as to block or otherwise obstruct any motor vehicle or pedestrian traffic on any street, sidewalk, public way or public place. Access to adjacent buildings or uses shall not be impeded. Mobile food units shall not be located on public property, without prior written approval from the City.
2. No mobile food unit shall operate on more than two (2) individual sites within the City per day.
3. No mobile food unit shall be allowed to operate in excess of three (3) consecutive days in any one location. During days of non-operation and/or at night, the mobile food unit and all associated vehicles, etc., must be removed from the location premises.
4. No more than three (3) mobile food units shall operate on the same site per day unless they operate at a festival, celebration, community event, organized civic event, nonprofit event or any other public event with the prior written approval of the City's fire/ building code official or his/ her designee.
5. Mobile food units shall not be located within a five hundred (500) feet radius of any premises upon which a licensed restaurant or other seller of prepared food is located. unless it is the operator of the mobile food unit's business or unless the written consent of the owner or manager of all such restaurants is obtained in advance is available for inspection, upon request.
6. No alcohol shall be sold, served, or consumed at any time from the mobile food unit unless approved by the ABC Board and the City of Morris.

Property Owner Prior Approval Required for Location. 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 made available for inspection upon request of any City official at any time during the operation of the mobile food unit.

Hours of Operation. Hours of operation for all mobile food units shall be limited to the hours of 6:00 a.m. to 7:00 p.m. local time, except that during Daylight Savings Time, the hours of operation shall be extended from 6-00 a.m. to 8:00 p.m. local time, provided, however, these time limitations shall not apply if the mobile food unit is properly and lawfully lighted for use at night including compliance with any City ordinance, law, rule or regulation related thereto. If the mobile food unit is properly lit for use at night the hours of operation will be extended to 9:00PM.

Disposal of Waste and Trash Required.

1. Mobile food unit operators are responsible for the proper disposal of all waste and trash associated with the operation when leaving a site to maintain the health and safety of the public and to prevent any adverse odors. City trash receptacles shall not be used for this purpose.

Utilities. Each mobile food unit may use onsite utilities in written permission is obtained from the property owner, or authorization user of utilities.

Enforcement. The City's Police and Fire Marshall shall be responsible for the enforcement of this Ordinance.

Penalties. Violations of this section shall be punished as a class C misdemeanor as defined in Alabama Code Title 13A-5-12.

SEVERABILITY. If any part, provision, or section of this Ordinance is declared to be unconstitutional or invalid by any court of competent jurisdiction, all other parts, provisions or sections of this Ordinance not thereby affected shall remain in full) force and effect.


EFFECTIVE DATE OF ORDINANCE. This Ordinance shall become immediately effective upon its adoption by the City Council and approval by the mayor or as otherwise becoming law, except as provided in this section.

THEREFORE, BE IT ORDAINED, that the City Council of the City of Morris does hereby enacts the foregoing Ordinance for the City of Morris.

ADOPTED and APPROVED this 11th day of April, 2025.



Mayor, Joe Pylant



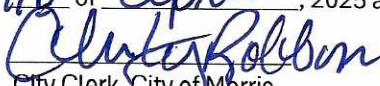
Christy Robbins, City Clerk

ATTEST:


Christy Robbins

CERTIFICATION

I, Christy Robbins, City Clerk of the City of Morris, Alabama, hereby certify that the above to be a true and correct copy of Ordinance No. 2025-02 duly adopted by the City of Council of the City of Morris Alabama, at a regular meeting held on this 11th of April, 2025 and same appears in the minutes of record of said meeting.



City Clerk, City of Morris

4/11/25

Date