

Introduced by: Council Present

AN ORDINANCE AMENDING CHAPTER 400, CREATING A NEW ARTICLE XV, MOBILE VENDING REGULATING FOOD TRUCKS OPERATING AND PARKING WITHIN THE CITY OF BERKELEY, TO ENSURE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND TO PROVIDE PENALTIES FOR VIOLATIONS THEREOF

WHEREAS, the members of the City Plan Commission heard the matter on January 13, 2019; and recommends a Public Hearing before the City Council on February 4, 2019; and

WHEREAS, the City Council mobile food units have become extremely popular and profitable throughout Saint Louis City and County; and

WHEREAS, mobile food trucks are only permitted in certain zoning districts (C-2, and C-3, M-1, and the Park District); and

WHEREAS, Sections 400.140 (B); 400.150 (D); 400.160 (B); 400.190 (C) shall be amended by adding "Mobile Vending" as a Permitted Use.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BERKELEY, MISSOURI, AS FOLLOWS:

Section 1. Section 400.1200 – Definitions

1. "*Commissary*" shall mean a base of operations for all mobile food units, pushcarts and Catering business. Each vehicle is required to operate from an approved commissary. Each vehicle must report daily to the commissary for food preparation, supplies, cleaning and servicing operations.
2. "*Mobile Food Vehicle*" shall mean a food establishment that is located upon a vehicle, or which is pulled by a vehicle, where food or beverage is cooked, prepared and served for individual portion service, such as a mobile food kitchen; provided however that a mobile food vehicle shall not be considered a food service establishment.
3. "*Mobile Food Truck*" shall mean a mobile food vehicle.

Section 2. Section 400.1210 – Permits Required

- a. Annual operating permit, event permits, parking and storage permit for Berkeley owned businesses - \$100.00 per year, shall be issued by the Finance Director in C-2, C-3, M-1, and Park districts.
- b. A special use permit will be issued by the City Council for outside vendors to operate in city parks during special events. Fee is \$50.00 for each park event (Park District).
- c. Commissary Permit from Saint Louis County.
- d. Saint Louis County food service permit.

- Section 3. Section 400.1220 – Business License Required**
Miscellaneous Business license is required from the Finance Director and shall be renewed each December 31st.
- Section 4. Section 400.1230 – Inspection Required**
(1) Annual Fire Inspection is required by the Berkeley Fire Department – calculating and storing propane on food truck – Annual Inspection fee is \$75.00.

(2) Annual inspection from Missouri Propane Safety Commission shall be filed with Berkeley Fire Department
- Section 5. Section 400.1240 – Prohibited Acts**
(a) No parking mobile food trucks in residential districts.

(b) Trucks may operate within the boundaries of Berkeley.

(c) Truck may not sell food products from truck on parking permit holder business lot.

(d) Truck shall not leak oil or grease on parking lot or paved surfaces.

(e) Operating without a Berkeley permit/license.
- Section 6. Section 400.1250 – Plan Commission Approvals**
1. Annual permit, event permits, parking and storage permit for Berkeley owned businesses - \$100.00 per year, shall be issued by the Finance Director in C-2, C-3, M-1, and Park districts.

2. No parking in residential districts.

3. Trucks may operate within incorporated boundaries of the City of Berkeley.

4. Truck may *not* sell food products from truck on parking permit holder business lot.

5. Annual Fire Inspection is required – calculating and storing propane on food truck – Annual fee is \$75.00.

6. Annual inspection from Missouri Propane Safety Commission.

7. Vendors are required to keep gas or fuels separated from the cooking and serving area and install smoke and carbon monoxide detectors.

8. A special use permit will be issued by the city Council for outside vendors to operate in city parks during special events. Fee is \$50.00 for each park event.

9. Hand sink – A sink dedicated for hand washing only.

10. 3-Compartment sink – a place to wash, rinse, and sanitize any equipment or utensils

used in preparing food.

11. Hot and cold running water under pressure – A plumbing system must be in place to provide hot and cold running water on demand during peak food service times. This will require a hot and cold running water on demand during peak food service times. This will required a hot water heater and a pump to force water through both hot and cold-water lines.
12. Smooth, easily cleanable, and non-absorbent surfaces. The floors, walls, and ceiling of these mobile food trucks must be smooth, easily cleanable, and non-absorbent. This will make for easy clean-up and add to the dexterity of the truck.
13. *Pest prevention.* Mobile food trucks must be constructed in a way to restrict the presence of insects and rodents. This means that windows must be either glass or screened to prevent any flying insects from entering. If no screened windows are available, “air curtains” provided by fans may be allowed instead.
14. Potable water source and potable water hose. Adequate backflow prevention device may be required if the mobile food truck is directly connected to an approved potable water source.
15. Owner’s parking lot shall be maintained and free from oil and debris.
16. Mobile food permits are valid for 12-months or pro-rated at the time of issuance.
17. This does not include portable or push food carts or food wagons.
18. Standard Food Truck shall not exceed 18-feet long, 90-inches wide, and 90” interior ceiling height.

Section 7. Section 400.1260 – Enforcement / Penalty

- a. A person commits an offense under this chapter if that person owns or operates a mobile food truck in the city without a valid permit shall be issued a summons by the Berkeley Police Department to appear in Municipal Court.
- b. Violation of any section of this article shall constitute an offense resulting in permit revocation in accordance with subsection Section 400.1090 – Revocation Procedures.
- c. Violation of the terms and conditions of a mobile vending permit under this article shall be punishable by a fine. The civil fine for each violation of this Chapter shall be set by a court of competence jurisdiction. For each day any violation of this section occurs it shall constitute a separate offense and is separately punishable.

Section 8. Section 400.1270 – Revocation Procedures

The Director of Public Works is authorized to suspend or revoke a mobile food truck permit issued under the provisions of this chapter wherever the permit is issued in error, or on the basis of incorrect information supplied, or where it is determined that the

vehicle, mobile unit, or portion thereof is in violation of any ordinance or regulation or any of the provisions of this Article. In addition, if any violations have been committed and not corrected within the time specified, the Director shall begin the procedures to revoke the mobile vending permit in accordance with the following:

- (a) The Director shall give written notice to the owner/operator regarding the revocation.
- (b) If a mobile food vehicle permit is revoked, the owner/operator may not reapply for a period of 12 months.

Section 9. Section 400.1280 – Non transferable

A permit to operate a mobile food vehicle/truck is non-transferable to another Owner, Operator, or Unit.

Section 10. Section 400.1290 – Effective Date

This Ordinance shall become effective thirty (30) days after it passage.

1st Reading, this _____ day of _____ 2019

2nd Reading this _____ day of _____ 2019

3rd Reading, PASSED and APPROVED, this _____ day of _____ 2019

Theodore Hoskins, Mayor

ATTEST:

Deanna L. Jones, City Clerk

Approved As To Form:
Donnell Smith, City Attorney

Final Roll Call:

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|----------------------------|---------|---------|------------|-------------|
| Mayor Hoskins | Aye ___ | Nay ___ | Absent ___ | Abstain ___ |
| Councilwoman Hoskins | Aye ___ | Nay ___ | Absent ___ | Abstain ___ |
| Councilwoman Mitchell | Aye ___ | Nay ___ | Absent ___ | Abstain ___ |
| Councilwoman Williams | Aye ___ | Nay ___ | Absent ___ | Abstain ___ |
| Councilman-at-Large Greene | Aye ___ | Nay ___ | Absent ___ | Abstain ___ |
| Councilwoman Hindeleh | Aye ___ | Nay ___ | Absent ___ | Abstain ___ |
| Vacant | Aye ___ | Nay ___ | Absent ___ | Abstain ___ |