

BILL NO. \_\_\_\_\_

ORDINANCE NO. 1109/22F

**AN ORDINANCE TO PROMOTE THE HEALTH, SAFETY AND GENERAL WELFARE OF THE PUBLIC, PROMOTING COMPATIBILITY AMONG LAND USES WITH THE COMMUNITY THROUGH REGULATIONS INTENDED TO MINIMIZE THE HARMFUL OR NUISANCE EFFECTS RESULTING FROM NOISE, LOCATION AND OTHER ACTIVITIES ASSOCIATED WITH THE MOBILE FOOD VENDING INDUSTRY**

WHEREAS, the Aldermen of the City of Wheaton, Missouri desire to enact an ordinance to promote the health, safety and general welfare of the public, promoting compatibility among land uses with the community through regulations intended to minimize the harmful or nuisance effects resulting from noise, location and other activities associated with the mobile food vending industry.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WHEATON, AS FOLLOWS:

**SECTION ONE: Definitions:**

**MOBILE FOOD TRUCK**

A licensed motorized vehicle that includes a self-contained or attached trailer kitchen in which food is prepared, processed or stored and such vehicle is used to sell and dispense food to the general public.

**MOBILE FOOD TRUCK VENDING**

An individual providing for the preparation and sale of food with the use of a traveling cooking equipment use for vending. Approved equipment includes motorized food trucks, tow behind trailers and cooking equipment that can be erected under a tent on a temporary basis.

**SECTION TWO:** Mobile food trucks shall have a valid Barry County Health Department Food Permit and shall comply with the Health code and all rules and regulations pertaining to an operating permit.

**SECTION THREE:** A person operating a mobile food truck on private property shall be allowed subject to the following regulations:

1. Must be located on an approved hard surface that is at least one hundred (100) feet away from the door of a lawfully established eating place unless the owner of the eating place provides a letter of consent, a copy of which shall be kept within the food truck.
2. Any auxiliary power required for the operation of the mobile food truck shall be self-contained. No use of public or private power source is allowed without providing written consent from the owner and approved by the City of Wheaton Utilities Department.
3. All materials generated from a mobile food business that are to be disposed of should be disposed of properly. It is illegal to discharge or dispose of any substance, material, food, or waste into the storm drain system.

4. All grounds utilized by a mobile food truck shall at all times be maintained in a clean and attractive manner. Trash and recycling containers shall be provided for use by the mobile food truck patrons. All trash or debris accumulating within twenty (20) feet of any mobile operation shall be collected by the vendor and should be properly and legally disposed.

5. Mobile food trucks shall not be allowed to offer indoor seating to the public.

6. Water Supply. The water supply shall be adequate, of a safe, sanitary quality and from an approved source. Hot and cold running water under pressure shall be provided in all areas where food is prepared or equipment, utensils or containers are washed. Water, if not piped into the establishment, shall be transported and stored in containers approved by the Barry County Health Department and shall be handled and dispensed in a sanitary manner.

7. Sewage Disposal. All sewage shall be disposed of in a public sewer system or in the absence thereof, in a manner approved by the Barry County Health Department.

**SECTION FOUR:** Location and Placement Requirements:

1. Must be on private property.  
2. Operations are only allowed on private property, subject to written approval from the property owner. Written approval must be present on the mobile food truck and available upon request.

3. Off Street parking. Patron parking is only allowed on an approved hard surface. Patron parking is not allowed on grass or other landscaped areas.

4. Mobile food trucks must be parked so that neither the vehicle nor the customers block driveways or existing buildings or uses or in such a manner as to create a traffic hazard.

5. No mobile food truck shall interfere with internal parking lot circulation.

6. Mobile food trucks shall not occupy or block any handicap accessible parking space.

7. Mobile food trucks shall not use the public right-of-way unless permitted by ordinance or resolution.

**SECTION FIVE:** A current Barry County Health Department inspection shall be obtained and maintained by the owner of the mobile food truck and must be displayed on the mobile food truck in a place visible.

**SECTION SIX:** Mobile food trucks, such as ice cream trucks, shall be allowed to sell merchandise on the public right-of-way under the following conditions:

1. The operator does not stop on the public right-of-way for a period longer than five (5) minutes.

2. The operator does not impede the flow of traffic.

3. The operator complies with the City of Wheaton Municipal Traffic Code and all applicable City of Wheaton Ordinances.

**SECTION SEVEN:** Upon conviction of a violation of this ordinance, the violator shall be subject to a fine of not more than \$500.00. A separate offense shall be deemed committed on each day during with the violation occurs or continues.

**SECTION EIGHT:** This ordinance supersedes and revokes any provisions of past ordinance(s) inconsistent with the provision of this ordinance.

**SECTION NINE:** If any provision of this ordinance is held invalid, such invalidity shall not affect any other provision, or the application thereof, which can be given effect without the invalid provision or application and to this end the provisions of this ordinance are declared to be severable.

**SECTION TEN:** This ordinance shall be in full force and effect from the date of its final passage and approval.

**SECTION ELEVEN:** Said approval being effective the 9<sup>th</sup> day of November 2022.

David Shockley  
DAVID SHOCKLEY, MAYOR

ATTEST:  
Jogina Park  
JOGINA PARK, CITY CLERK

BE IT REMEMBERED that the above Ordinance was adopted upon its final reading, by the following vote:

ALDERMAN JON BRATTIN	VOTES <u>Yes</u>
ALDERMAN JEREMY MARTELL	VOTES <u>Yes</u>
ALDERMAN CASEY PREWITT	VOTES <u>Yes</u>
ALDERMAN BRANDON SHOCKLEY	VOTES <u>Yes</u>