

AN ORDINANCE AMENDING CHAPTER 32, PEDDLERS AND SOLICITORS, OF THE MIDWEST CITY CODE, BY AMENDING ARTICLE III, PEDDLERS AND SOLICITORS, SECTION 32-60 FOOD TRUCKS, LICENSE REQUIRED; PROVIDING FOR REPEALER AND SEVERABILITY AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDWEST CITY, OKLAHOMA:

EMERGENCY ORDINANCE

SECTION 1. That Chapter 32, Peddlers and Solicitors, Article III, of the Midwest City Code, is hereby amended by amending Section 32-60 Food trucks, license required as follows:

Sec. 32-60. - Food trucks, license required.

- (a) *License required to operate a food truck.* It shall be unlawful and an offense for any person, firm or organization to operate a food truck without a license to do so issued by the city.
- (1) *Application for license.* Each applicant for a license to operate a food truck shall file with the city clerk a sworn application in writing on a form to be furnished by the clerk, which shall include the following information and such other information as the clerk shall deem pertinent:
- a. Name and brief description of applicant;
 - b. Address, both personal and business;
 - c. Nature of business, kinds of foodstuffs to be sold;
 - d. Low-point beer or alcoholic beverages to be sold;
 - e. If employed by another, the name and address of applicant's employer together with credentials showing the exact relationship;
 - f. Description and license number or other identification of any vehicle to be used;
 - g. Food manager's certification from a source approved by the city-county health department; and
 - h. A criminal history by name search from the Oklahoma State Bureau of Investigation.
- This information must be kept current throughout the duration of the license. If any of the information included on the application for the license changes, including the applicant or any of his employees being convicted of a crime, the applicant must provide that information to the city clerk. Failure to do so shall be a violation of this section and shall constitute grounds for revocation of the license.
- (2) *Health regulations.* All food truck operators shall comply with all city-county health regulations and other recognized health practices. The application of any person desiring a license to operate a food truck must include a copy of the applicant's food manager's certificate obtained in compliance with the city-county health laws. The city reserves the right to revoke any license issued under this section for noncompliance with such health regulations immediately and without notice.
- (3) *City health license fee.* A fee of fifty dollars (\$50.00) for an annual city health license to operate in the city limits shall be paid at the time the license is issued and shall not be prorated. City health licenses shall be effective for the period September 1 through August 31 each year.
- (4) *Food truck license fee.* In addition to the city health license fee, a fee of one hundred dollars (\$100.00) for an annual food truck license to operate in the city limits shall be paid at the time the license is issued. Food truck licenses shall be effective for the period of January 1 through December 31. Fee may be paid at a quarterly prorated rate and shall be effective for the quarterly period only, as follows:
- a. Twenty-five dollar (\$25.00) fee for period of January 1 to March 31.
 - b. Twenty-five dollar (\$25.00) fee for period of April 1 to June 30.

- c. Twenty-five dollar (\$25.00) fee for period of July 1 to September 30.
- d. Twenty-five dollar (\$25.00) fee for period of October 1 to December 31.
- (b) *Signs.* Any signage pertaining to or advertising a food truck and/or its menu shall be limited to and attached to the food truck.
- (c) *Violations.* Every date a food truck operates in violation of this section shall constitute a separate offense. Penalties shall be as provided in section 1-8 of this Code.
- (d) *License revocation.* Any license issued under this section may be revoked or any application for issuance of a license may be refused if the application submitted by the applicant contains any false, fraudulent or misleading statement. The city reserves the right to immediately and without notice revoke any license for noncompliance.
- (e) *Other permits.* Should this section or any applicable statute or regulation require any other permit(s) in order to operate a food truck, such additional permits must be obtained prior to a food truck operating.
- (f) *Duration Regulations.* A food truck must be readily movable and may not remain at one physical address for a period to exceed 12 hours at one time. A food truck must vacate a physical address after operating for up to 12 hours and may not return to the same location for minimum of 12 hours.
- (g) *Insurance Required.* No license shall be issued until the owner or operator has filed with the city clerk proof that a policy of insurance has been issued to the applicant by an insurance company authorized to do business in the state, providing liability insurance coverage for each and every vehicle to be operated by the applicant, with a liability coverage of not less than one hundred thousand dollars (\$100,000.00) for the injury or death of any one person, three hundred thousand dollars (\$300,000.00) for the injury or death of any number of persons in one accident, and with coverage of at least fifty thousand dollars (\$50,000.00) for property damage in any one accident. The insurance coverage shall be effective whether the vehicle was, at the time of the accident, being driven by the owner, his agent, employee, lessee or licensee. The policy also shall provide that it cannot be canceled until ten (10) days' notice of such cancellation shall have been filed with the city clerk. If the policy is canceled and the applicant fails to provide, within ten (10) days, another policy of insurance complying with the provisions hereof, the license issued for the operation of the vehicle or vehicles covered thereby shall automatically become void and of no effect. The policy of insurance herein required shall provide that the solvency or bankruptcy of the insured or principal shall not release the insurance or the makers or insurers thereof of any payment due under the policy or guaranteed by the policy. No renewal of the policy of insurance shall be required by reason of the substitution of one vehicle for another in service; provided such substitution does not invalidate the policy of insurance; and provided further that a statement in writing is filed with the city clerk giving the name, serial number, engine number and body type of the vehicle being placed in service, and also of the vehicle being retired. The policy of insurance shall be for a period of not less than one year, and a new policy shall be furnished at the expiration of any existing policy if the operation of the vehicle covered thereby is to be continued. If for any reason the policy of insurance shall terminate, lapse or become void or ineffective, the license on such vehicle insured thereunder shall automatically become void and of no effect unless a new policy is provided or the existing policy is reinstated in full within ten (10) days from the date the policy lapses, terminates or becomes ineffective.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.


SECTION 3. SEVERABILITY. If any section, sentence, clause or portion of this ordinance is for any reason held to be invalid or unconstitutional, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

PASSED AND APPROVED by the Mayor and Council of the City of Midwest City, Oklahoma, on the 26 day of November, 2019.

THE CITY OF MIDWEST CITY, OKLAHOMA


MATTHEW D. DUKES II, Mayor

ATTEST:

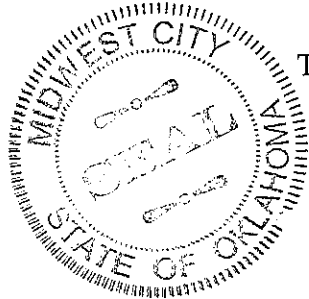

SARA HANCOCK, City Clerk

APPROVED as to form and legality this 26 day of November, 2019.


HEATHER POOLE, City Attorney

SECTION 4. EMERGENCY. The City Council declares this ordinance to be an emergency, it being immediately necessary for the preservation of the peace, health and safety of the City of Midwest City and the inhabitants thereof that the provisions of this ordinance be put into full force and effect, an emergency is hereby declared to exist by reason whereof this ordinance shall take effect and be in full force after its passage as provided by law.

EMERGENCY CLAUSE PASSED AND APPROVED by the Mayor and Council of the City of Midwest City, Oklahoma this 26 day of November 2019.



THE CITY OF MIDWEST CITY, OKLAHOMA


MATTHEW D. DUKES II, Mayor

ATTEST:


SARA HANCOCK, City Clerk

APPROVED as to form and legality this 26 day of November, 2019.


HEATHER POOLE, City Attorney