

AN ORDINANCE OF THE VILLAGE OF FOUR SEASONS, MISSOURI ESTABLISHING STANDARDS FOR THE REGULATION OF FOOD TRUCKS.

WHEREAS, after due and proper consideration, the Trustees of the Village of Four Seasons, Missouri find that amending and restating the Four Seasons Village Code as herein provided is in the best interests of the residents of the Village and is desirable for the welfare of the Village’s government and affairs; more specifically, the Trustees note the Four Seasons Village Code lacks regulations regarding food trucks, and that such code as written does not comport with the current needs of the Village.

NOW THEREFORE, BE IT ORDAINED by the Board of Trustees of the Village of Four Seasons, Camden County, Missouri, the Code of Ordinances of the Village of Four Seasons, Missouri, is hereby amended by adding Chapter 10, Article III, Sections 10.1 through 10.12, which reads as follows:

**Chapter 10 - Business
Article III. – Regulation of Food Trucks**

Sec. 10.1 Purpose.

The purpose of this Article is to regulate and control Food Trucks and food service operations and the business of operating a Food Truck or food service operation within the Village of Four Seasons, Missouri. The provisions herein are designed to provide protection to the residents and guests of Four Seasons, Missouri, through the proper regulation of Food Trucks and food service operations.

Sec. 10.2 General Provisions to Apply.

The provisions of Chapter 10, Article II Business Licenses of the Code of Ordinances of the Village of Four Seasons, Missouri shall apply to this Article, and any license issued hereunder, specifically including, but not limited to, the provisions which address the issuance, suspension, revocation, denial or renewal of licenses, and penalty fees. However, the specific provisions of this Article shall control and take precedence over any provision of Chapter 10, Article II Business Licenses, to the contrary. Any provision of this Article that addresses the same topic as Chapter 10, Article II Business Licenses, but that is not in conflict with the provisions of Chapter 10, Article II Business Licenses, shall be read in conjunction with and as an alternative to the provisions of Chapter 10, Article II Business Licenses.

Sec. 10.3 Definitions.

For the purposes of this Article, all words shall have their common meaning and the following terms shall have the additional definition as follows:

A. Food Truck: Any vehicle, trailer, cart, or other conveyance (whether under its own power or towed, pushed, or pulled by another vehicle, person, animal or device) from which ready to eat food or beverages are sold, or such vehicle, trailer, cart, or other conveyance used for the storage, cooking, preparation, assembling, display, and/or serving of a full or limited menu of single service food or beverage items.

B. Food Truck Licensee: The individual, vendor, corporation, business, or other organization or entity responsible for obtaining the business license for operation of a Food Truck in the Village of Four Seasons, Missouri.

C. Food Truck Operator: Any individual, vendor, corporation, business, or other organization or entity responsible for the operation of a Food Truck ; such term shall be interchangeable with Food Truck Licensee if they are the same.

D. Operation or Operate: The time, including setup and closing, in which a Food Truck is open and selling individually portioned food.

Sec. 10.4 License Required.

A. It shall be unlawful for a Food Truck Operator to operate a Food Truck as defined in Section 10.3 within the Village of Four Seasons, Missouri without first obtaining a permit and license therefor in compliance with the provisions of this Article and Chapter 10 of the Code of Ordinances of the Village of Four Seasons, Missouri. No business shall operate a Food Truck or food service operation without first making application for and obtaining a business license from the Village of Four Seasons, Missouri. A business or person must pay the license fee(s) fixed in the Code of Ordinances of the Village of Four Seasons, Missouri, subject to the regulations hereinafter provided and the regulations of Chapter 10, Article II.

B. Applicants for license under this Article, whether a person, firm, corporation, or other entity, shall file a written sworn application signed by the applicant, on a form supplied by the Village of Four Seasons, Missouri, showing:

1. The name or names of the person or persons having the management or supervision of applicant's business during the license period; and
2. The permanent address or addresses and contact information of such person or persons while engaged in such business; and
3. The capacity in which such person or persons will act (that is, whether as proprietor, agent or otherwise); the name and address of the person, firm or corporation for whose account the business will be carried on, if any; and if a corporation, under the laws of what state the same is incorporated; and
4. A description of the nature of the business and the goods to be sold; and
5. If a vehicle is to be used, a description of same, together with license number or other means of identification; and
6. Proof of a valid and current Camden County health inspection certificate; and
7. Be appropriately licensed by the Missouri Department of Revenue; and
8. Show valid and current proof of insurance on the Food Truck which is operating in the Village of Four Seasons at the time of licensure; and
9. If the Food Truck is to be operated on a property with other Food Trucks at the same time, provide and display proof that the property on which the Food Truck will operate has an approved conditional use permit from the Village of Four Seasons.

C. Each license issued shall be issued to extend to and terminate on the last day of December following the effective beginning date of the license, except as otherwise provided by this Chapter.

D. A license fee, which shall be charged by the Village of Four Seasons, Missouri for such license, shall be Fifty and No/100 Dollars (\$50.00) per year per vehicle, trailer, cart, or conveyance as amended hereafter by the Village Trustees.

Sec. 10.5 Separate License Required for Each Food Truck.

A separate business license shall be required for each Food Truck wherein a business will operate from in the Village of Four Seasons, Missouri.

Sec. 10.6 Village Inspection.

A. Food Trucks shall pass an annual inspection by the Village of Four Seasons, Missouri or Village approved party.

B. An annual inspection fee may be applicable per vehicle, trailer, cart, or conveyance.

Sec. 10.7 Regulations for Business Operating Food Trucks.

A. No Food Truck shall operate within the Village of Four Seasons, Missouri unless permitted under this Chapter. A Food Truck Operator/Food Truck Licensee shall be responsible for compliance with the requirements of this Article, as follows:

1. Follow all applicable Village, County, State, and Federal laws, and regulations; and
2. Unless otherwise allowed under this Article or by the Village Trustees, operate only in commercial districts and industrial districts; and
3. Not operate on a property where there is another Food Truck , unless the property has a conditional use permit allowing multiple Food Trucks to operate on the same property; and
4. Not operate in residential districts, with the exception that:
 - a. Food Trucks may deliver food items directly to residences within the Village of Four Seasons, Missouri when such Food Truck is specifically requested to make deliveries to the owner or occupant; and
 - b. Food Trucks that deliver frozen foods may sell and deliver frozen food items to residences; and
 - c. May operate in Village-designated Food Truck parking stalls during posted times; and
 - d. May operate in Village parks with the following conditions:
 - i. Food Trucks may only locate in parking lots, not on streets, within the park; and
 - ii. Any use of a Village Park by a Food Truck shall be a non-exclusive use, and use of any location shall be on a first-come-first-served basis; and
 - iii. A Food Truck may only operate in a particular park for up to four (4) hours per day and no more than four (4) days per week, and Food Trucks may not be parked overnight in a Village Park unless part of an approved event; and
 - iv. If event organizers have rented a specific park or area of a park for a certain period, then Food Trucks are not permitted in those areas during those times without permission of the event organizers; and
 - v. It is a privilege, not a right, to operate a Food Truck in a Village Park, and that privilege may be revoked by the Village Clerk or Trustees at any time, upon written notice to the Food Truck Operator.
5. Not operate or sell food or beverages on any Village, County, or State-owned Street, roadway, or right-of-way; and
6. Not trespass on any property and may only operate on property where the Food Truck operator has been given express written permission; and
7. Not operate on property where a business has posted signs requesting "No Solicitors" or "No Peddlers" or "No Trespassing" and no Food Truck Operator or person shall contact such business or persons inside such business without a specific invitation prior to the contact being made; and
8. Not impede traffic on public roads, public property, and/or public thoroughfares; and
9. Move the Food Truck if it is impeding traffic or causes congestion on public roads, public property, and/or public thoroughfares; and
10. Not operate with its order or delivery windows facing a public street if it is within twenty (20) feet of the public street; and
11. Not use outdoor sound amplifying equipment, lights, or any other illuminated or noisemaking devices, except that the Food Truck may have lighting for a menu attached to the side

of the Food Truck which is not distracting to drivers on public roads and provides only enough light for customers directly in front of or nearby the menu to read such menu; and

12. Maintain proper licensure on the Food Truck in compliance with the Missouri Department of Revenue rules; and

13. Maintain valid insurance on the Food Truck as required by Missouri Law; and

14. Display their license issued by the Village of Four Seasons, Missouri in a publicly visible place on the Food Truck while it is operating; and

15. Present their license issued by the Village, proper licensure of the Food Truck in compliance with the Missouri Department of Revenue rules, and proof of valid insurance on the Food Truck as required by Missouri Law to any Village Official or Law Enforcement Officer upon request; and

16. Not allow customers inside of the Food Truck; and

17. Only sell food items which are described on the license issued by the Village; and

18. Not store food or supplies for the Food Truck outside of the Food Truck; and

19. Not sell any non-food items from the Food Truck; and

20. Not use or keep any additional equipment, including but not limited to chairs, tables, signs, etc., which will be stored, used, or kept outside of the Food Truck, except that the Food Truck shall have one (1) rolling refuse container; and

21. Provide during its hours of operation, one (1) rolling refuse container for use by customers when the Food Truck is operational, with such refuse container being placed close to the Food Truck so as not to impede pedestrian or vehicular traffic. All trash and garbage from consumers from the operation of the Food Truck shall be collected and disposed of off-site by the operators daily. Spills of food or food by-products shall be cleaned up as soon as possible, and no dumping of gray water on the ground is allowed; and

22. Contain all refuse generated from the Food Truck's operation within the Food Truck or in the one (1) rolling refuse container, and the refuse/grease/trash shall be disposed of in such a manner as to be compliant with the Village, County, and State regulations; and

23. Be operated in compliance with all applicable health laws or regulations by the Federal, State, and local governments, including but not limited to the Camden County, Health Department; and

24. Not draw power from any public facilities, right-of-way, or improvements without express permission of the Village of Four Seasons; and

25. Ensure that power cables and equipment shall be extended at grade or overhead across any public street, alley, sidewalk, or other improvement or covered to protect the public from harm of electrocution; and

26. Comply with all parking restrictions of the Village of Four Seasons, Missouri, and the County of Camden, and shall comply with all reasonable directives of Law Enforcement; and

27. Demonstrate that the Food Truck is readily movable if requested by the Village of Four Seasons, Missouri, or property owner where the Food Truck is located; and

28. Have a valid sales tax license; and

29. Pay all sales tax when due to the Village of Four Seasons, Missouri, and the State of Missouri.

30. Not operate within one hundred fifty feet (150') of the main entrance to any annually licensed business that sells food and/or beverages to the public, unless the owner or authorized agent of said business gives their written consent, a copy of which consent must be available for inspection. Additionally, a mobile food vendor may not operate within three hundred feet (300') of any licensed event without the consent of the holder of the permit for the special event or his/her authorized representative, a copy of said consent shall be available for inspection.

Sec. 10.8 Permission from Property Owner to Operate.

A Food Truck shall only operate on property after receiving written permission from the property owner for the time period the Food Truck plans to remain on such private property, and the Food Truck Operator shall keep such written permission in the Food Truck at all times the Food Truck is parked or idle on any such private property, and provide it upon request of any Village Official or Law Enforcement Officer.

Sec. 10.9 Necessity of Restroom Facility Access.

If a Food Truck is operating at a location from more than sixty (60) minutes, the Food Truck operator shall either provide temporary restrooms or have a written agreement from a nearby business, allowing employees of the Food Truck to have use of flushable restrooms or other facilities as approved by the local, State, or Federal health authority(ies) during its hours of operation.

Sec. 10.10 Businesses Exempt from This Chapter.

A. The following types of businesses shall be exempt from the provisions of this Article, but shall be subject to any other regulations under Chapter 10:

1. Businesses or persons making delivery of food that has been purchased or ordered prior to its delivery; and
2. Businesses or persons making deliveries of food items being made to other businesses for resale by the purchasing business or for the purchasing business' business use; and
3. Businesses or persons operating frozen dessert trucks which operate in residential zoned areas of the Village of Four Seasons, Missouri and do not remain in one place for more than five (5) minutes; and
4. Businesses or persons which sell and make deliveries of frozen food items directly to persons or households located in the Village of Four Seasons, Missouri; and
5. Tax exempt not-for-profit persons, associations, or corporations (i.e., Kiwanis, Lions, Elks, churches, Scouts BSA, and like organizations); and
6. Vendors who operate within an established farmers' market or flea market or are sellers of fresh fruits and vegetables.
7. Neighborhood refreshment stands operated by children (e.g., lemonade stands).

Sec. 10.11 Revocation of License.

A. Any license issued pursuant to this Article may be revoked immediately by the Village of Four Seasons, Missouri for any of the following causes:

1. Any fraud, misrepresentation or false statement contained in the application for license; or
2. Any fraud, misrepresentation or false statement made in connection with the selling of goods, wares, or products; or
3. Any violation of this Article; or
4. Conviction of the Food Truck Licensee of any felony or of a misdemeanor involving moral turpitude; or
5. Conducting the business licensed under this Article in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public; or

B. The license of a Food Truck Operator shall be suspended until such time as may be heard publicly and reinstated by the Village Trustees.

C. Notice of hearing to address revocation or applicant's request for reinstatement of a license shall be given, in writing, setting forth the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed, postage prepaid, to the Food Truck Licensee, at his/her last-known address, at least five (5) days prior to the date set for the hearing.

Sec. 10.12 Violations.

Any business or person violating any provision of this Article shall be subject to a fine not exceeding Five Hundred and No/100 Dollars (\$500.00) for each day such business or person is in violation. Each day a business or person violates this provision is a new violation subject to the fine as is provided herein.

PASSED AND APPROVED after two (2) readings this 12th day of June 2024.

ATTEST:

Danielle Glover, Village Clerk

Tony Baldrige, Chairperson
Board of Trustees
Village of Four Seasons, Missouri

APPROVED AS TO FORM BY:



Todd Miller, Village Attorney

Those voting "aye" were: _____

Those voting "nay" were: _____