

MOBILE FOOD VENDORS LICENSE AND PERMIT APPLICATION

General Regulations

- Mobile Food Vendors are permitted only in B-2, B-3, B-4, Government (G) and Industrial (I) zoning districts
- Must be located a minimum of 50 feet from all full service or fast food restaurants.
- Mobile Food Vendors are permitted at each location for 90 consecutive days then must move to a new location at a minimum of 25 feet.
- Mobile Food Vending Units shall not be placed, stored, repaired, or located in any residential zoning district.

Annual Permit fee: \$150 (proration may apply) Valid from June 1st – May 31st

Mobile Food Truck: _____ Mobile Food Trailer: _____ Mobile Food Pushcart: _____

Start Date: _____ End Date: _____ (Runs in consecutive days)

Location of Mobile Food Vendor: _____

Name of Business: _____

Business Owner: _____ Phone #: _____

Mailing Address: _____

Check Ownership Type: ___ Sole Proprietor ___ Partnership ___ Corporation ___ LLC ___ LLP

Business Identification # (Tax ID#, EIN#, or last 6 SSN):* _____

***A separate application is needed for all businesses that operate under the above business identification number and for each location.**

Description of Business: _____

Have you previously operated as a mobile food vendor in the City of Murray? ___ Yes ___ No

The following documents must be submitted along with this application for approval:

- Copy of current Calloway County Health Department Permit or Commonwealth of Kentucky Health Permit
- Copy of Fire Inspection from Murray Fire Department
- Proof of Insurance
- Site Plan – that shows the location of the mobile vending unit.
- Sign Permit Application (if applicable)

Signature: _____ Date: _____

OFFICIAL USE ONLY

Zoning Location: _____ Sign Permit ___ Yes ___ No CUP Required? ___ Yes ___ No Health Dept Permit ___ Yes ___ No
 Classification: _____ Fee Amount \$ _____ Business License# _____

___ Approved ___ Denied _____ Permit Expires _____
 Zoning Official Date

ORDINANCE 2023 -1846

AN ORDINANCE AMENDING CITY OF MURRAY CODE OF ORDINANCES CHAPTER 115: SOLICITORS AND PEDDLERS, SPECIFICALLY §115.02: USING STREETS OR PUBLIC PREMISES; EXCEPTION; AND §115.06 MOBILE FOOD VENDORS PILOT PROGRAM POLICY; AND TO INCLUDE A NEW SECTION, SPECIFICALLY §115.07: TRANSIENT BUSINESS REGULATIONS, IN ORDER TO SUPPORT MOBILE FOOD VENDORS TO CREATE NEW JOBS, CLARIFY THE USE OF STREETS OR PUBLIC PREMISES AND TO ESTABLISH CERTAIN REGULATIONS FOR TRANSIENT BUSINESSES.

WHEREAS, the City of Murray acknowledges the growing business of the mobile food vehicle and pushcart industry and wishes to support Mobile Food Vendors to create new jobs, but so as to not interfere with established restaurants.

WHEREAS, the City of Murray acknowledges the need to establish regulations to be followed by all transient businesses.

WHEREAS, the Murray City Council has reviewed and discussed the following proposed changes to Chapter 115 of the City of Murray Code of Ordinances and believes that the proposed changes are reasonable and necessary.

BE IT ORDAINED by the City Council of the City of Murray, as follows:

AMENDMENT I. §115.02 USING STREETS OR PUBLIC PREMISES; EXCEPTION.

City of Murray Code of Ordinances, Chapter 115, specifically §115.02 shall read in its entirety as follows:

The practice of using streets of the city, the court house or the court house yard, or other public premises, for the purpose of soliciting orders for the sale of goods, wares, merchandise, or services, or for the purpose of disposing of or peddling or hawking the same is declared to be a nuisance and punishable as such nuisance as a misdemeanor. However, ~~the area from the railroad tracks to Seventh Street and from Olive Street to Elm Street and any right of way adjacent to a government zoning district (B-2) Highway Business District, (B-3) Central Business District, (B-4) Medium Density Business District, (G) Government District, and (I) Industrial District~~ may be utilized by permitted ~~m~~Mobile ~~f~~Food ~~v~~Vendors and transient businesses, in such areas as designated by the ~~e~~City.

AMENDMENT II. §115.06 MOBILE FOOD VENDORS ~~PILOT PROGRAM POLICY.~~

City of Murray Code of Ordinances, Chapter 115, specifically §115.06 shall read in its entirety as follows:

§115.06 MOBILE FOOD VENDORS ~~PILOT PROGRAM POLICY~~

(A) DEFINITIONS.

~~“Certified Food Protection Manager” A person in charge of a Mobile Food Vending Unit that prepares, handles or serves non-prepackaged potentially hazardous food, whom is certified or demonstrates~~

~~knowledge of food safety as outlined in the FDA Food Code by successfully passing an accredited ANSI food safety certification exam.~~

Commissary” A fixed location, non-mobile establishment or any other place used for the storage of supplies, the preparation of food to be sold or served at or by one or more Mobile Food Vendors, and the cleaning and servicing of the Mobile Food Vending Unit.

Designated Operation Area” The public area or areas designated by the City in the following zones: (B-2) Highway Business District, (B-3) Central Business District, (B-4) Medium Density Business District, (G) Government District, and (I) Industrial District ~~situated between the railroad tracks to Seventh Street and from Olive Street to Elm Street and any right of way adjacent to a government zoning district, and any other area or areas specifically identified on the Vendor Permit, EXCLUDING public areas (unless otherwise permitted by Owner) and all residential areas~~

“Food Code” The Kentucky Food Code. 902 KAR 45.005, as amended, and any mandatory or proposed model FDA Food Code published by the United States Department of Health and Human Services, and adopted by the Commonwealth of Kentucky, City of Murray, Calloway County Health Department, or other authority.

“Food Products” Those products that are ready for immediate consumption. The term “food products” does not include fresh produce.

“Laws” Any law, rule, administrative regulation, code, policy and ordinance imposed by the federal government, the Commonwealth of Kentucky, the City of Murray and the Calloway County Health Department and any and all other applicable entity

“Mobile Food Vending Unit” means an enclosed unit, truck, or trailer, cart, or similar vehicle-mounted unit that is:

- (a) mobile or capable of being moved by a licensed motor vehicle;
- (b) independent with respect to water, waste water, and power utilities;
- (c) used for the preparation, sale, or donation of food products and beverages; and
- (d) no larger than thirty-five (35) feet in length.

“Mobile Food Vendor” means an individual engaged in the operation of a Unit; if more than one individual is operating a single Unit, then Vendor shall include all individuals operating such single Unit.

“Operate or Operation” means all activities associated with the conduct of business, including, but not limited to, set up, take down, and actual hours where the Unit is open for business.

(B) OPERATION OF MOBILE FOOD VENDOR UNITS

1. ~~Beginning on JUNE 1, 2019;~~ Mobile Food Vendors ~~shall hold, holding~~ a valid permit from the City of Murray Planning Department, and may operate a mobile food unit within the area or areas designated by the City.
2. ~~All Mobile Food Vendor Units shall be operated by a Certified Food Protection Manager.~~
3. 2. Hours/Days of Operation. Mobile Food Vendors may operate Monday – Saturday between the hours of 6:00 a.m. and 1:00 a.m. and on Sunday from 11:00 a.m. to 9:00 p.m.

- 4.3. Compliance with Laws. Vendors must follow all applicable federal, state and local laws, regulations, codes and ordinances governing mobile food vendors, including but not limited to laws, rules, regulations, codes and ordinances governing health, sanitation and public welfare. Unit placement and operation must strictly adhere to all applicable federal, state, and local laws, regulations, and policies. Local laws, regulations, and policies include, but are not limited to, the City of Murray's zoning ordinance, noise ordinance, stormwater regulations, and fire codes, as well as all rules and regulations imposed by the Calloway County Health Department, including but not limited to any food service certifications.
- 5.4. Vendors shall strictly comply with Section (C) and (D) herein regarding placement of Units.
- 6.5. Fire Extinguishers Required. All Units must be equipped with 2-A:10-B:C 5lb. fire extinguisher that is certified annually by a licensed company. Additionally, Units that produce grease laden vapors (e.g., those units with deep fat fryers or flat top griddles), must have a listed fire suppression system certified bi-annually by a licensed company, supplemented by a certified K Class fire extinguisher.
- 7.6. Items for Sale. A Vendor operating a Unit may only sell items specifically described in the Vendor's Permit.
- 8.7. Methods of Support. Units shall not use stakes, rods, or any method of support that must be drilled, driven, or otherwise fixed, into ~~or onto~~ the asphalt, pavement, curbs, sidewalks, or buildings.
- 9.8. Obstruction of Traffic. Placement of Units and any devices related to the Unit shall not obstruct or impede pedestrian or vehicular traffic, access to driveways, and sight distance for drivers.
- ~~10.9.~~ Service to Pedestrians. Units shall serve pedestrians only; a drive-thru or drive-in service is prohibited.
- ~~11.10.~~ Signs. A Unit is limited to signs mounted to the exterior of the mobile food establishment. All signs mounted on the Unit shall be secured and mounted flat against the Unit and shall not project more than six inches (6") from the exterior of the Unit.
- ~~12.11.~~ Special Events. Vendors hours and dates may be affected during a City-authorized street fair, public festival, farmers market, or similar events. Vendors shall not operate within the boundaries of a Special Event unless the Vendor has authorization from the event sponsor.
- ~~13.12.~~ Spills. To prevent discharges into the storm drain system and otherwise, each Unit shall comply with the stormwater regulations of the City of Murray. In addition, each Unit shall have a spill response plan and kit onboard to contain and remediate any discharge from the Unit.
- ~~14.13.~~ Waste and Recycling. Vendors shall supply, in a prominent location, trash containers sufficient in size to collect all waste generated by customers and staff of the Unit. In addition, Vendors are encouraged to provide recycling containers for customers and staff, but recycling containers are not required. The Vendor shall keep the area around the Unit clear of litter and debris at all times. All trash and debris generated by customers and staff shall be collected by the Vendor and deposited in their trash or recycling container and removed from the site by the Vendor. The Vendor shall contain on-board at all times, any waste liquids generated by its operations (e.g. oil, wash water, etc.) and shall dispose of same in an appropriate manner.

14. A small dining area, including but not limited to tables, chairs, bar stools, benches, and standup counters are allowed, if approved by the property owner and all ADA compliances are met.

(C) LOCATION OF MOBILE VENDING.

1. The mobile food vendor permit is limited to operation within the designated area or areas, and vendor shall not operate outside the area or areas designated on vendor's permit.

2. Operations is strictly prohibited:

- (a) Within public rights-of-way, with the exception of permitted parking areas;
- (b) Within (50) feet of a building in which a full-service restaurant or fast-food restaurant is located and operating, unless approval is obtained, in writing, from the owner of the business;
- (c) Within twenty (20) feet of any structure built of combustible construction, and within (10) feet of any structure built of non-combustible construction;
- (d) Within fifteen (15) feet of any fire hydrant, fire escape, bus stop, any intersection curb radius return (the point of intersection of the street curb line and the curb radius), any doorway or driveway or other main entrance of any building, and any emergency or fire exits;
- (e) Within a city block of a school zone during regular school hours;
- (f) Within a public alley
- (g) In no event, shall a mobile food vendor unit be placed, stored, repaired, or located in the following zones: R-1, R-2, R-3, R-3A, R-4, R-5, unless in the rear yard.

~~3. Additional Structures Prohibited. Vendors shall not provide or allow any dining area, including but not limited to tables, chairs, booths, bar stools, benches, and standup counters. "Additional Structures" does not include the waste containers required herein.~~

~~4.~~ 3. Availability. Spaces in designated operation area are available to all vendors with a city vendor permit, subject to available space.

~~5.~~ 4. Electrical service. Electrical service shall be provided only by an on-board generator.

~~6.~~ 5. Parking direction. Units shall park a minimum of six (6) feet apart, in the direction designated by the City Planning Department. The parking direction may change based on the number of vendors or other activities within the designated operation area.

~~7.~~ 6. Pedestrian travel path. Mobile food vendors shall not reduce the clear pedestrian path of travel on the sidewalk between units, to less that six (6) feet. This includes all components of the units. All awnings or canopies of the unit shall be at least six (6) feet and eight (8) inches above the sidewalk/parking lot.

~~8.~~ 7. Preparation outside of the unit. While operating, any food and beverage preparation outside of the unit (for example smoking of meat, roasting of corn) shall not obstruct vehicular or pedestrian traffic, and such preparation shall not create safety hazards for the public. Vendors shall not serve food to customers directly from any outside preparation unit.

~~9.~~ 8. Sound. Amplification. While operating, units shall not use amplification equipment to project sounds, music, or voices.

- ~~10.9.~~ Area defined. Vendors shall operate only within the designated operation area and at the designated times as specified herein. Notification of changes will be emailed to current permit holders and posted on the city's website.
- ~~11.10~~ Area as temporary. The use, marking, or designation of spaces for mobile food vendors does not grant vendors a vested right or property interest in any specific space. The area may be adjusted or removed if such adjustment or removal is determined to be in the interest of public health, safety, and welfare.
11. The maximum length of time a mobile food vendor will be allowed at an approved location will be 90 consecutive days. The owner/operator may reapply at the end of that period, but the mobile food vendor must be relocated at a minimum of 25' from the prior location, if approved by the property owner of the location.

(D) MOBILE FOOD VENDOR PERMITS

1. All mobile food vendors must hold a valid state-wide permit issued by the Commonwealth of Kentucky. In addition, all mobile food vendors must obtain a permit (vendor permit) from the City Planning Department in order to operate a mobile food unit in the city. A separate permit is required for each unit, and the vendor permit is non-transferable. All vendor permits shall be prominently displayed on the unit. All commissaries located within the city limits must be issued a permit by the city and shall be subject to periodic required inspections. Only one (1) permit is required per commissary, regardless of the number of vendors sharing the commissary. Commissaries located outside the city limits must provide all required documentation and consent to all required inspections, however, shall not be required to purchase a permit.
2. Application. Every vendor desiring to engage in mobile food operations shall submit an application for a vendor permit to the City Planning Department. All vendors shall obtain required inspections and permits from the Commonwealth of Kentucky, Calloway County Health Department, and the State Plumbing Inspector, and shall submit same, along with a site plan, with the application. The city may request additional information reasonably required to complete the application. The application shall not be considered complete until the city has received all information and documentation required by the application or otherwise.
3. Issuance of permit. Once the application is complete, the City Planning Department will review the application and shall issue the vendor permit to the qualified vendor within fourteen (14) business days. The vendor permit shall be valid for the specific time period set forth in Chapter 110, General License Requirements. In the event a vendor is determined to be unqualified for a permit, the city shall advise the vendor within fourteen (14) business days.
4. Fees. An Application for a Vendor Permit ~~under this Pilot Program~~ shall be submitted, along the applicable business license fee established by the City of \$150.00. Fees are subject to change. There shall be proration of the business license fee. Fees are non-refundable once a Vendor Permit has been issued by the City.

5. Inspections after Permitting. Permitted operations will be inspected periodically and without notice by representatives of various City departments and the Calloway County Health Department, to ensure compliance ~~with the Pilot Program~~.
6. Revocation of permit. The city may suspend or revoke a vendor permit if the city discovers that:
 - (a) An applicant obtained the vendor permit by knowingly providing false information on the application;
 - (b) The continuation of the vendor's permit presents a significant threat to public health or safety; or
 - (c) The vendor or unit violates these regulations.
7. Complaints. If a complaint is filed with the city alleging that a vendor has violated the provisions of this ~~pilot program chapter~~, the city shall notify the vendor of the complaint and shall promptly investigate the complaint. The vendor shall be invited to respond to the complaint within ten (10) business days, present evidence, and respond to evidence produced by the investigation. If the city, after reviewing all relevant material, finds the complaint to be supported by a preponderance of the evidence, the city may immediately revoke the vendor's permit or take other enforcement action as allowed by law.

(E)(F) MODIFICATION OF THE PILOT PROGRAM INDEMNITY FOR BENEFIT OF THE CITY & INSURANCE

~~During the Pilot Program, the Mobile Food Vending Program may be modified by the City based on evaluative information received and approved by the City Council. This modification may include, but is not limited to, the expansion or contraction of the Designated Operational Area. Notification of changes to the Pilot Program will be emailed to current permit holders and posted on the City's website. Any Vendor operating under this Pilot Program Ordinance shall defend, indemnify and hold harmless the City of Murray, its officers, employees and agents from and against any and all lawsuits, claims, liabilities, damages, losses, and expenses (including, but not limited to, court costs, reasonable attorney fees, and costs of claim processing, investigation, and litigation) for losses caused in whole or in part by the negligent acts, errors, or omissions of the Vendor in performance of its operations or from the Vendor's failure to perform its operations using a due and reasonable standard of professional care and skill ("Indemnified Claim"), and except where such injury, damage, or loss was caused by the sole negligence of the City, its agents or employees. The amount and type of insurance coverage requirements set forth herein will in no way be construed as limiting the scope of the indemnity in this section.~~

(G)(F) Insurance.

1. Any vendor or applicant for a mobile food vending unit shall give and maintain insurance policies as required by this section. All insurance must be underwritten by insurers with an A.M. Best rating of A-VIII or better; modification of this standard may be considered upon appeal to the City Planning Department. Copies of such insurance policies shall be filed with the city during the application process. If the policy of insurance required by this division lapses for any reason, the permit issued shall become void for such permittee.

2. Commercial general and umbrella liability insurance. Occurrence version commercial general liability insurance, and if necessary umbrella liability insurance, with a limit of not less than \$1,000,000 each occurrence for bodily injury, personal injury, property damage, and products and completed operations is required. If such insurance contains a general aggregate limit, it shall apply separately to the work/location in this pilot program or be no less than \$2,000,000. Such insurance shall:
 - (a) For any claims related to this project, vendor's insurance coverage shall be primary insurance with respect to the city, its officers, officials, employees, and volunteers. Any insurance or self-insurance programs covering the city, its officials, officers, employees, and volunteers shall be excess of contractor's insurance and shall not contribute with it.
3. Automobile liability insurance. Including vehicles owned, hired, and non-owned, with a combined single limit of not less than \$1,000,000 each accident. Such insurance shall include coverage for loading and unloading hazards. Insurance shall contain or be endorsed to contain a provision that includes the city, its officials, officers, employees, and volunteers as additional insureds with respect to liability arising out of automobiles owned, leased, hired, or borrowed by or on behalf of the vendor.
4. Workers' compensation insurance. If applicable, vendors shall maintain workers' compensation insurance, with statutory limits as may be required by the Commonwealth of Kentucky or other applicable laws, and employers' liability insurance with limits of not less than \$500,000.
5. Other insurance requirements. The vendor shall:
 - (a) Prior to commencement of operations, furnish the city with original certificates and amendatory endorsements effecting coverage required by this division, and provide that such insurance shall not be cancelled, allowed to expire, or be materially reduced in coverage except on thirty (30) days' prior written notice to the city. Proof of policy provisions regarding notice of cancellation will be required;
 - (b) Upon the city's request, provide certified copies of endorsements in addition to certificates of insurance;
 - (c) Replace certificates and endorsements for any such insurance expiring prior to completion of operations;
 - (d) Maintain such insurance at all times during its operations. Failure to maintain or renew coverage or to provide evidence of renewal may be treated by the city as a violation of these guidelines;
 - (e) Disclose any deductibles and/or self-insured retentions greater than \$10,000, which must be approved by the city prior to the commencement of services. Use of large deductibles and/or self-insured retentions will require proof of financial ability as determined by the city; and

~~(H)~~(G) Enforcement and revocation.

1. The Code Enforcement Officer and Code Enforcement Board shall be responsible for enforcement of this section.

2. A vendor's permit may be denied, revoked, suspended, or not renewed by the City Planning Department or the Calloway County Health Department for failure to comply with any applicable federal, state, or local law, rule, administrative regulation, code, or ordinance, whether or not specifically set forth herein.
3. For penalties, see §115.99 PENALTY (C).

AMENDMENT III. §115.07 TRANSIENT BUSINESS REGULATIONS.

City of Murray Code of Ordinances, Chapter 115, is amended to include a new section, specifically §115.07 to read in its entirety as follows:

§115.07 TRANSIENT BUSINESS REGULATIONS.

(A) INTENT.

The purpose of the transient business regulations section is to establish minimum guidelines for transient businesses wishing to conduct business within the City limits. The section provides requirements that promote health, safety, and general welfare of the citizens and establish reasonable and uniform regulations for transient businesses.

(B) DEFINITIONS

The words which are defined are those which have special or limited meanings as used in the zoning code and might not otherwise be clear. All words herein used in the present tense shall include the future. The singular shall include the plural and the plural, the singular. The word "shall" is mandatory not directory; the word "may" permissive. Unless otherwise provided, the following words and phrases are defined as follows:

"TRANSIENT BUSINESS/MERCHANT" The sale of goods or services from roadside or public view by way of tent, trailer, roadside stand, parked vehicle, or other similar enclosure not attached by permanent foundation.

(C) PROCEDURE

1. Anyone wishing to operate a transient business must first obtain a transient business license application from the Murray Planning Department. No person shall operate a transient business in the City without an issued license.

2. The transient business license application will be reviewed by the Murray Planning Department to ensure zoning compliance. If all requirements in subsection (D) are met, the City Clerk will issue a Transient Business License to the applicant.

3. If during the time the license is in effect, the transient business fails to maintain the required conditions pursuant to subsection (D), the City may revoke the permit and the transient business activity shall be terminated.

4. The decision of the City official concerning revocation of the transient business license shall be final, unless a written appeal by the applicant is filed with the Municipal Appeals Board within 30 days of the applicant's receipt of the notice to revoke the permit.

5. Each location shall maintain a separate transient business license. Licenses are non-transferable.

6. It shall be the duty of the Murray Police Department and/or the Code Enforcement Officer, to see that any person, firm, corporation, partnership, or other entity which engages in, does or transacts any temporary or transient business in the City has the license required and shall cause a citation to be issued for any person not having an appropriate license.

7. Mobile food vendors shall operate within the guidelines established by Chapter 115, specifically §115.06: Mobile Food Vendors.

(D) Required Conditions.

Approval of a transient business permit is subject to the following conditions:

1. Transients businesses are permitted uses in (B-2) Highway Business, (B-3) Central Business, (B-4) Medium Density Business, (G) Government, and (I) Industrial zoning districts and as a Conditional Use in a (B-1) Neighborhood Business zoning district.

2. Transient businesses must be a minimum of ~~500~~ 25 feet from one another (measured by radial distance), if the location is approved by the property owner.

3. Any signage, other than that permanently affixed to the mobile transient facility must be approved by the Murray Planning Department.

4. The maximum length of time a transient business will be allowed at an approved location will be 90 consecutive days. The owner/operator may reapply for a permit at the end of that period, but the transient business must be relocated at a minimum of ~~500~~ 25 feet (measured by radial distance) from the prior location. The owner/operator may return to a previous location after 90 consecutive days, if approved by the property owner of the location.

5. A site plan must be submitted for review and approval by the Planning Department. The City has the right to accept or reject any site plan submitted. Once approved by the City, all site plans must be maintained by the transient business through the duration of the permit. Any deviation from the site plan by the transient business may result in revocation of the permit and the transient business activity shall be terminated.

6. All transient businesses are subject to the Public Noise Ordinance as prescribed in Chapter 99 of this code.

7. The provisions of this subchapter shall not apply to any general sale, fair, auction, or bazaar sponsored by any religious, education, public service, or charitable organization.

8. Failure to comply with this subchapter could result in revocation of the transient business license and/or permit, or a penalty as prescribed in subsection (E).

9. The provision of this section shall not be interpreted to be in contravention of KRS 365.

10. Any local, state, or federal permit that is required for the transient business, such as, but not limited to, State firework permits, must be submitted with the transient business application.

(E) For penalties, see §115.99 PENALTIES (D).

AMENDMENT IV. §115.99 PENALTY.

City of Murray Code of Ordinances, Chapter 115, is amended to include a new section, specifically §115.99 to read in its entirety as follows:

§115.99 PENALTY.

(A) Any person convicted of perpetrating a nuisance as declared and described in this eChapter shall, on conviction be fined in a sum not less than \$5 nor more than \$15 for each offense, and each solicitation or sale shall constitute a separate distinct offense.

(B) Any person found guilty of soliciting without a permit shall be fined not less than \$50 nor more than \$500 for each such occasion.

(C) Any mobile food vendor found guilty of violating any applicable federal, state, or local law, rule, administrative regulation, code, or any applicable section of this eChapter shall, in addition to any fines imposed by the United States, Commonwealth of Kentucky, or other entity authorized to impose fines, be fined \$50 for the first violation, \$250 for a second violation, and \$500 for a third violation. A vendor found to have three (3) or more violations during the term of this pilot program may have its permit revoked and/or may be refused a renewal of its permit.

(D) 1. Failure to comply with the provisions of this Chapter for which no other penalty is specifically provided, or failure to comply with any of its requirements (including violations of the conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a violation.

a. Any person who so violates this Chapter or fails to comply with any of its requirements, including the compliance with any official notice of violation, shall be subject to a fine as detailed in § 40.39 and § 115.99, respectively, except as provided in division (1)(b) below. A separate civil fine shall be assessed for each day a violation continues.

b. Any person, owner or agent who violates this chapter shall upon conviction be guilty of a misdemeanor and shall be fined not less than \$100 nor more than \$500 for each lot or parcel which was the subject of sale or transfer or a contract for sale or transfer. KRS 100.991.2.

2. Criminal penalties; legal, equitable, injunctive relief.

The following definitions of crimes shall apply:

(a) A Class A Misdemeanor shall be punished by a term of imprisonment not to exceed twelve (12) months and/or a fine not to exceed five hundred dollars (\$500.00).

- (b) A Class B Misdemeanor shall be punished by a term of imprisonment not to exceed ninety (90) days and/or a fine not to exceed two hundred fifty dollars (\$250.00).
- (c) A violation shall be punished by a fine not to exceed two hundred fifty dollars (\$250.00).
- (d) Each violation of or non-compliance with this chapter shall be considered as a separate offense as will each day of continued violation or non-compliance.
- (e) The City may take any such lawful action to prevent or remedy any violation or non-compliance including but not limited to an equitable action for injunctive relief or an action at law for damages. In such action, attorneys fees and costs of the City shall be assessed against the Defendant(s).

Nothing in this Ordinance hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

All other sections and provisions of the Ordinances for the City of Murray, not specifically amended herein shall remain in full force and effect and shall not be considered amended and shall be incorporated by reference as if fully stated herein.

BOB ROGERS, MAYOR
CITY OF MURRAY, KENTUCKY

ATTEST:

KIM MILES, CITY CLERK

Introduced by the City Council on _____, 2023.

Adopted by the City Council on _____, 2023.

Published in the Murray Ledger and Times on _____, 2023.



Eric Pologruto
Fire Chief

303 South 16th Street
Murray, KY 42071
270-762-0320

FOOD VENDOR INSPECTION FORM

VENDOR NAME: _____ EVENT LOCATION: _____
DATE: _____ TIME: _____

The requirements listed below are derived from the National Fire Protection Association (NFPA) code concerning food vendors. Compliance with the codes below (as applicable) shall be met at the pre-permit inspection and at any on-site inspection. Inspections are valid 12-months from the inspection date noted above.

Fire Extinguishers

1. Class ABC Fire Extinguisher

- If vendor is using any type of heat producing device to warm and/or cook food, vendor must have at minimum one (5 pound) Class ABC fire extinguisher with a current service tag.
- If vendor is using a portable fuel-fired generator to produce electrical power, vendor must have one (5 pound) Class ABC fire extinguisher with a current service tag.

Complies _____ Violation _____ N/A _____

2. Water Extinguisher

- If vendor is only using natural wood in a BBQ appliance located outdoors, vendor must have one (2.5 Gallon) extinguisher with a current service tag or a water hose connected to an operational faucet.

Complies _____ Violation _____ N/A _____

3. Class K Fire Extinguisher

- If vendor is cooking with grease in an enclosed environment, vendor must have one (2.5 Gallon) Class K fire extinguisher with a current service tag. In addition, the vendor must also have the extinguisher specified in Section 1.

Complies _____ Violation _____ N/A _____

4. Class K Fire Extinguisher

- If vendor is cooking with grease outdoors, vendor must have one (2.5 Gallon) Class K fire extinguisher with a current service tag.

Complies _____ Violation _____ N/A _____

Commercial Cook Hoods

5. Commercial Cook Hood with Exhaust Fan and Built-in Fire Suppression System

- If vendor is cooking with grease in an enclosed environment, vendor must have a commercial cook hood with exhaust fan and built-in fire suppression system with a current service tag. In addition, they are required to have the extinguishers listed in Sections 1 and 3.

Complies _____ Violation _____ N/A _____



Eric Pologruto
Fire Chief

303 South 16th Street
Murray, KY 42071
270-762-0320

Portable Fuel-Fired Generators

6. Protective Device for Portable Generators

- If vendor is operating a fuel-fired portable generator that is set-up on the ground (not built into a food truck or trailer), vendor must have a breathable protective device that surrounds the generator that would prevent human contact with the generator.
- If vendor is operating a fuel-fired portable generator, the generator must be a minimum of 10 feet from any other vendor set-ups (vehicles, trailers, tents, structures, etc.) and 10 feet away from ANY source of ignition. Containers shall not be stored in a location where it may be inadvertently damaged or knocked-over.

Complies _____ Violation _____ N/A _____

Smoke and Carbon Dioxide Alarms

7. Smoke and Carbon Monoxide Alarms

- Smoke and carbon monoxide alarms shall be installed ONLY if sleeping quarters are located in the same unit where the cooking equipment is located.

Complies _____ Violation _____ N/A _____

Propane

8. Propane Shut-off Valves

- Propane shut-off valves shall be readily accessible.

Complies _____ Violation _____ N/A _____

Miscellaneous – The below requirements shall be inspected only if an on-site inspection is being performed.

9. Electrical Wiring and/or Hoses

- Electrical wiring and/or hoses that are located on the ground shall be arranged in such a way as to not present a tripping hazard to the public. All wiring and/or hoses shall be protected (using ramp or similar device) from being damaged from being walked-on or driven over.

Complies _____ Violation _____ N/A _____

10. Trailer/Cart Disconnection

- Vehicles pulling trailers or carts that contain heat producing devices, must disconnect from trailer or cart and be moved a minimum of ten feet away.

Complies _____ Violation _____ N/A _____

VENDOR SIGNATURE: _____

FIRE DEPARTMENT REPRESENTATIVE: _____

- ❖ *Ensure a copy of the completed inspection report is provided to the vendor and a copy is retained for Fire Department recordkeeping. If a copy machine is not available two originals are acceptable.*
- ❖ *Scan and email the Fire Chief (through chain of command) the completed inspection report.*