

ORDINANCE 2019-1779

AN ORDINANCE AMENDING CHAPTER §156, THE CITY OF MURRAY ZONING ORDINANCE SPECIFICALLY, §156.100: INTENT; §156.101: DEFINITIONS; §156.102(A); §156.102(F); AND §156.102(G): PROCEDURE AND §156.103(E); §156.103(H); §156.103(I) AND §156.103(L): REQUIRED CONDITIONS AND §156.999(A)(1) PENALTY IN ORDER TO UPDATE TEXT TO INCLUDE THE CITY'S MOBILE FOOD VENDOR PILOT PROGRAM, EFFECTIVE JUNE 1, 2019.

WHEREAS, the Murray Planning Commission met in regular session on MAY 21, 2019 to discuss possible text amendments to the current zoning ordinance. A public hearing on the proposed amendments was held on MAY 31, 2019. Following the public hearing, the Commission voted 6-0 to recommend that the following text amendments be made to the following Sections.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MURRAY AS FOLLOWS, TO-WIT:

AMENDMENT I:

The City of Murray Zoning Ordinance, §156.100 INTENT shall be amended to read, in its entirety, as follows:

§156.100 INTENT.

The purpose of the Transient Business Regulations section is to establish minimum guidelines for transient (ie. Temporary, mobile) businesses wishing to conduct business within the city limits. The section provides requirements that promote the health, safety, ~~morals~~, and general welfare of the citizens and establish reasonable and uniform regulations for transient businesses.

AMENDMENT II:

The City of Murray Zoning Ordinance, §156.101 DEFINITIONS shall be amended to include the following definition:

§156.101 DEFINITIONS.

“MOBILE FOOD VENDING UNIT”. 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; and (c) used for the preparation, sale, or donation of food products and beverages; and no larger than thirty-five (35) feet in length.

AMENDMENT III:

The City of Murray Zoning Ordinance, §156.102 PROCEDURE shall be amended to amend Paragraph (A) and include a new Paragraph (G) as follows:

§156.102 PROCEDURE.

(A) Anyone wishing to operate a transient business must first obtain a business license Application from the Murray Planning Department. No person shall operate a transient business in the city without an issued license, including, but not limited to Vendors of Mobile Food Vending Units, who

shall obtain all applicable permits in accordance with the City of Murray Code of Ordinances, Chapter 115, specifically §115.06: Mobile Food Vendor Pilot Program Policy.

(F) It shall be the duty of the Chief of Police and the 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 have the license and/or permit required and shall cause a citation to be issued for any person not having an appropriate license and/or permit.

(G) Mobile Food Vendors shall operate within the guidelines as established by the pilot program ordinance, Chapter 115, specifically §115.06.

AMENDMENT IV:

The City of Murray Zoning Ordinance, §156.103 REQUIRED CONDITIONS shall be amended to amend Paragraph “E” and Paragraph “H” and to include a new Paragraph “L”, as follows:

§156.103 REQUIRED CONDITIONS.

(E) The maximum length of time a transient business or mobile food vendor 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 or mobile food vendor must be relocated at a minimum of 500 feet (measured in radial distance) from the prior location. The owner/operator may return to a previous location after 90 consecutive days.

(H) ~~If a transient business distributes or prepares food products, the vendor's current health permit issued by the Calloway County Health Department or the Commonwealth of Kentucky, is required to be produced and must be displayed. Any revocation of the health permit may shall constitute result in revocation of the vendor's vending permit.~~ All mobile food vendors must display a copy of the vendor's current health permit issued by the Calloway County Health Department or the Commonwealth of Kentucky.

(I) Failure to comply with this ordinance could result in revocation of the transient business license and/or permit or a penalty as prescribed in §110.99 of the City of Murray Code of Ordinances.

(L) Mobile Food Vending Units are permitted uses in B-2 (Highway Business); B-3 (Central Business; B-4 (Medium Density Business), and I (Industrial) and are conditional uses in B-1 (Neighborhood Business), subject to all requirements set forth in the City of Murray Code of Ordinances, Chapter 115, specifically §115.06: Mobile Food Vendor Pilot Program Policy.

AMENDMENT V:

The City of Murray Zoning Ordinance, §156.999 PENALTY, Paragraph (A)(1) shall be amended as follows:

§156.999 PENALTY.

(A)(1) Any person who so violates this zoning code 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 the

City of Murray Code of Ordinances, Chapter 40, \$40.39 and Chapter 115, \$115.99, respectively, except as provided in ~~division~~ Paragraph (A)(2) below. A separate civil fine shall be assessed for each day a violation continues.

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

ATTEST:

DANNETTA CLAYTON, CITY CLERK

Introduced by the City Council on _____.

Adopted by the City Council on _____.

Published in the Murray Ledger and Times on _____.