



City of
PONCA CITY

Brenda Wooderson, Deputy City Clerk

516 E. Grand
P.O. Box 1450
Ponca City, Oklahoma 74602
580-767-0304 Fax 580-767-0389

To whom it may concern,

On May 23, 2022, the City of Ponca City Board of Commissioners passed Ordinance 6309. This ordinance amends Title 5 Chapter 10 of the City Code of Ponca City, entitled "Mobile Food Vendors". It includes: Definitions; Annual License Required; License Requirements; Location Rules and Regulations; Operational Rules and Regulations; and Publicly Owned Lands and Rights of Way.

Any mobile food vendor operating within the city limits of Ponca City must abide by the rules and regulations outlined in this ordinance. Our local building officials and fire department will need to do an inspection of any mobile food vendor that will be set up at your establishment.

Enclosed you will find the adopted ordinance and the section of the International Fire Code that pertains to mobile food vendors.

Thank you,

Brenda Wooderson, Deputy City Clerk

A handwritten signature in blue ink that reads "Brenda Wooderson".

Chris Henderson, Development Services Director

A handwritten signature in blue ink that reads "CH".

Dereck Cassady, Fire Marshal

A handwritten signature in blue ink that reads "Dereck Cassady".



License Application Form

Mobile Food Vendors

NOTE: The below information is required from any applicant to be licensed under Ordinance No 6309.

The Ordinance also requires that "each such person engaging in such activity is required to be individually licensed." Each License is issued at the cost of \$100.00 prepaid, non-refundable.

Full Name (first, middle, last): _____

Name of Business: _____

Legal Address: _____ **City** _____ **State** _____ **Zip** _____

Phone Number: _____ **Cell:** _____

Description of food, beverage and merchandise to be sold: _____

Description of each Vehicle/Trailer/Cart/Booth: _____

Location(s) where the Vendor plans to operate: _____

The following items are required to be filed with the City Clerk, per the license application procedures. Please attach the following items to this form at the time of filing your application with the City Clerk:

- 1) Copy of Sales Tax Permit issued by the State of OK to the applicant or applicant's employer or a sworn verification that the applicant or the applicant's employer is a vendor registered with the Oklahoma Tax Commission, or other proof that sales tax has been paid on the items sold or to be sold; or proof that the applicant or the applicant's employer is exempt from the payment of sales tax.**
- 2) Copy of a license from an Oklahoma County Health Department confirming compliance with the State of Oklahoma food service establishment regulations.**
- 3) Written document(s) verifying approval of the property owner for the subject location(s) where the Vendor will operate.**

CHAPTER 10

MOBILE FOOD VENDORS

SECTION:

5-10-1: Definitions

5-10-2: Annual License Required

5-10-3: License Requirements

5-10-4: Location Rules And Regulations

5-10-5: Operational Rules And Regulations

5-10-6: Publicly Owned Lands And Rights Of Way

5-10-1: DEFINITIONS:

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

MOBILE FOOD COURT:	A fixed location within the City that is zoned accordingly to permit one or more mobile food vendors to engage in the business of preparing and offering for sale, food items for human consumption. This definition shall exclude persons selling produce, grains, vegetables, fruits or nuts of their own production in a farmer's market.
MOBILE FOOD VENDOR:	Any person who engages in the business of preparing and offering for sale, usually in an outdoor setting, food items for human consumption from a motorized vehicle, trailer, cart or stand from other than a fixed location within the City. The definition shall exclude outdoor sellers, peddlers or solicitors, who shall remain regulated under Title 5, Chapter 4 of this Code. The definition shall also exclude persons selling produce, grains, vegetables, fruits or nuts of their own production at a farmer's market. (6309, 5-23-2022)

5-10-2: ANNUAL LICENSE REQUIRED:

No person or business shall operate as a mobile food vendor within the City without first obtaining a license from the City Clerk. The license shall be valid for a period of one year from issuance and shall be renewable every year thereafter. There shall be a fee established by the City for the annual permit to cover expenses associated with the preparation and issuance of the permit, and any inspections for compliance with this chapter.

The City Commission hereby authorizes the City Manager or his designee to waive the annual license fee for a mobile food vendor whose intent is to participate in a one-time special event, parade or assembly during the calendar year. However, the provisions contained in 5-10-3 A.4. and 5. shall still apply. Any person who otherwise engages in the business of a mobile food vendor without a valid license issued by the City shall be guilty of an offense. (6309, 5-23-2022)

5-10-3: LICENSE REQUIREMENTS:

A. No person or business shall operate as a mobile food vendor within the City without first providing the following information and documents to the City Clerk.

1. Description of the type of food, beverage, or merchandise to be sold.
2. The location(s) where the applicant wishes to do business.
3. A written document(s) verifying approval of the property owner for the subject location(s) thereon.

4. A copy of a license from the kay county health department confirming compliance with the State of Oklahoma food service establishment regulations.

5. Verification that the applicant is a vendor registered with the Oklahoma Tax Commission for the payment of sales tax, or other proof that sales tax has been or is being paid on the merchandise sold or to be sold.

B. If the applicant wishes to locate and operate on public property, as further described in Chapter 5-10-6, the following additional documents are required.

1. Proof of financial responsibility as evidenced by a certificate of insurance issued by a carrier authorized to do business in the State of Oklahoma certifying that there is in effect a policy of liability insurance coverage with the following minimum coverages: one hundred thousand dollars (\$100,000.00) for the injury or death of any one (1) person, three hundred thousand (\$300,000.00) for the injury or death of any number of persons in one (1) accident, and fifty thousand dollars (\$50,000.00) for property damage in any one (1) accident. The insurance coverage shall protect the licensee and the City from and against all claims arising from operations under or in connection with the license. Such insurance shall name the City of Ponca City as an additional insured and shall provide that the policy shall not terminate or be canceled prior to the expiration date of the license. Failure to maintain insurance coverage as set forth herein shall automatically void any approved city license to operate said service, and

2. An agreement signed by the applicant indemnifying and holding the City harmless of all actions which may result from the location and operation of the mobile food vendor business on City-owned property. (6309, 5-23-2022)

5-10-4: LOCATION RULES AND REGULATIONS:

A. Any person operating a mobile food vendor business shall comply with the location rules and regulations as set out below. No mobile food vendor shall operate:

1. On a tract or parcel of land that is zoned other than commercial or industrial, except in conjunction with a special event authorized and permitted by the city.

2. Within three hundred (300) feet of the grounds of any elementary or secondary school between one (1) hour prior to the start of the school day and one (1) hour after dismissal at the end of the school day.

3. Within two hundred (200) feet of any public park or playground unless the city states in writing that it has no objection to the placement of such business.

4. Within three hundred (300) feet of any church while church is in session.

5. Within ten (10) feet of an entranceway to any building.

6. Within fifty (50) feet of any driveway entrance to a police or fire station, or within ten (10) feet of any other driveway.

7. Within ten (10) feet of the crosswalk at any intersection.

8. Within ten (10) feet of any fire hydrant or FDC sprinkler intake.

9. From a location directly abutting or within one-hundred (100) feet of a business which specializes in a food or drink item that the mobile food vendor offers for sale, unless the applicant has written consent from the proprietor of the business. (6309, 5-23-2022)

5-10-5: OPERATIONAL RULES AND REGULATIONS:

A. Any person operating a mobile food vendor business shall comply with the operational rules and regulations as set out below. No mobile food vendor shall:

1. Operate a mobile food vehicle, trailer, cart, or stand in violation of the 2018 or latest Edition of the ICC codes.

2. Leave any motor vehicle, trailer or cart unattended.

3. Sell food or beverages for immediate consumption unless he has available for public use his own or a public litter receptacle which is available for his patrons' use.

4. Leave any location without first picking up, removing, and disposing of all trash or refuse remaining from sales made by him.

5. Allow any items relating to the operation of the business to be placed anywhere other than in, on or under the stand or motor vehicle. No such items shall be stored or placed upon any public space adjacent to the business.

6. Set up, maintain, or permit the use of any table, crate, carton, rack, or any other device to increase the selling of display capacity of his stand or motor vehicle, where such items have not been described in his application.

7. Solicit or conduct business with persons in motor vehicles.
8. Sell anything other than that which he is licensed to vend.
9. Conduct his business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, or create or become a public nuisance, increase traffic congestion or delay, or constitute a hazard to traffic, life or property, or an obstruction to adequate access to fire, police or sanitation vehicles.
10. Stop, stand or park his vehicle upon any street for the purpose of selling, or sell on any street under any circumstances during hours when parking, stopping or standing has been prohibited by signs or curb markings or is prohibited by statute or ordinance.
11. Operate between the hours of 12:00 a.m. and 6:00 a.m. at any location.
12. Remain at any single location or address for more than 12 hours in any 24-hour period. (6309, 5-23-2022)

5-10-6: PUBLICLY OWNED LANDS AND RIGHTS OF WAY:

A. Operating on publicly owned land or a public park. No mobile food vendor shall be permitted to operate on public property or any public park, including the waters of Lake Ponca, without the prior approval of the City Manager or his/her designee, including but not limited to, the Director of Parks and Recreation. A permit may be required in conjunction with assemblies, parades, special events that will occupy trails, playgrounds and other spaces normally utilized by park users.

B. Operating within rights of way. No mobile food vendor shall be permitted to operate on any public streets, sidewalks, and other rights of way without prior approval of the City Manager or his/her designee, including, but not limited to, the Chief of Police. A permit may be required in conjunction with assemblies, parades, special events and processions that may block and other wise occupy space within public rights of way. (6309, 5-23-2022)

2018 International Fire Code

SECTION 319

MOBILE FOOD PREPARATION VEHICLES

319.1 General. Mobile food preparation vehicles that are equipped with appliances that produce smoke or grease-laden vapors shall comply with this section.

319.2 Permit required. Permits shall be required as set forth in Section 105.6.

319.3 Exhaust hood. Cooking equipment that produces grease-laden vapors shall be provided with a kitchen exhaust hood in accordance with Section 607.

319.4 Fire protection. Fire protection shall be provided in accordance with Sections 319.4.1 and 319.4.2.

319.4.1 Fire protection for cooking equipment. Cooking equipment shall be protected by automatic fire extinguishing systems in accordance with Section 904.12.

319.4.2 Fire extinguisher. Portable fire extinguishers shall be provided in accordance with Section 906.4.

319.5 Appliance connection to fuel supply piping. Gas cooking appliances shall be secured in place and connected to fuel-supply piping with an appliance connector complying with ANSI Z21.69/CSA 6.16. The connector installation shall be configured in accordance with the manufacturer's installation instructions. Movement of appliances shall be limited by restraining devices installed in accordance with the connector and appliance manufacturers' instructions.

319.6 Cooking oil storage containers. Cooking oil storage containers within mobile food preparation vehicles shall have a maximum aggregate volume not more than 120 gallons (454 L), and shall be stored in such a way as to not be toppled or damaged during transport.

319.7 Cooking oil storage tanks. Cooking oil storage tanks within mobile food preparation vehicles shall comply with Sections 319.7.1 through 319.7.5.2.

319.7.1 Metallic storage tanks. Metallic cooking oil storage tanks shall be *listed* in accordance with UL 80 or UL 142, and shall be installed in accordance with the tank manufacturer's instructions.

319.7.2 Nonmetallic storage tanks. Nonmetallic cooking oil storage tanks shall be installed in accordance with the tank manufacturer's instructions and shall comply with both of the following:

1. Tanks shall be *listed* for use with cooking oil, including maximum temperature to which the tank will be exposed during use.
2. Tank capacity shall not exceed 200 gallons (757 L) per tank.

319.7.3 Cooking oil storage system components. Metallic and nonmetallic cooking oil storage system components shall include, but are not limited to, piping, connections, fittings, valves, tubing, hose, pumps, vents and other related components used for the transfer of cooking oil.

319.7.4 Design criteria. The design, fabrication and assembly of system components shall be suitable for the working pressures, temperatures and structural stresses to be encountered by the components.

319.7.5 Tank venting. Normal and emergency venting shall be provided for cooking oil storage tanks.

319.7.5.1 Normal vents. Normal vents shall be located above the maximum normal liquid line, and shall have a minimum effective area not smaller than the largest filling or withdrawal connection. Normal vents are not required to vent to the exterior.

319.7.5.2 Emergency vents. Emergency relief vents shall be located above the maximum normal liquid line, and shall be in the form of a device or devices that will relieve excessive internal pressure caused by an exposure fire. For nonmetallic tanks, the emergency relief vent shall be allowed to be in the form of construction. Emergency vents are not required to discharge to the exterior.

319.8 LP-gas systems. Where LP-gas systems provide fuel for cooking appliances, such systems shall comply with Chapter 61 and Sections 319.8.1 through 319.8.5.

319.8.1 Maximum aggregate volume. The maximum aggregate capacity of LP-gas containers transported on the vehicle and used to fuel cooking appliances only shall not exceed 200 pounds (91 kg) propane capacity.

319.8.2 Protection of container. LP-gas containers installed on the vehicle shall be securely mounted and restrained to prevent movement.

319.8.3 LP-gas container construction. LP-gas containers shall be manufactured in compliance with the requirements of NFPA 58.

319.8.4 Protection of system piping. LP-gas system piping, including valves and fittings, shall be adequately protected to prevent tampering, impact damage, and damage from vibration.

319.8.5 LP-gas alarms. A *listed* LP-gas alarm shall be installed within the vehicle in the vicinity of LP-gas system components, in accordance with the manufacturer's instructions.

319.9 CNG systems. Where CNG systems provide fuel for cooking appliances, such systems shall comply with Sections 319.9.1 through 319.9.4.

319.9.1 CNG containers supplying only cooking fuel. CNG containers installed solely to provide fuel for cooking purposes shall be in accordance with Sections 319.9.1.1 through 319.9.1.3

319.9.1.1 Maximum aggregate volume. The maximum aggregate capacity of CNG containers transported on the vehicle shall not exceed 1,300 pounds (590 kg) water capacity.

319.9.1.2 Protection of container. CNG containers shall be securely mounted and restrained to prevent movement. Containers shall not be installed in locations subject to a direct vehicle impact.

319.9.1.3 CNG container construction. CNG containers shall be an NGV-2 cylinder.

319.9.2 CNG containers supplying transportation and cooking fuel. Where CNG containers and systems are used to supply fuel for cooking purposes in addition to being used for transportation fuel, the installation shall be in accordance with NFPA 52.

319.9.3 Protection of system piping. CNG system piping, including valves and fittings, shall be adequately protected to prevent tampering, impact damage and damage from vibration.

319.9.4 Methane alarms. A listed methane gas alarm shall be installed within the vehicle in accordance with manufacturer's instructions.

319.10 Maintenance. Maintenance of systems on mobile food preparation vehicles shall be in accordance with Sections 319.10.1 through 319.10.3.

319.10.1 Exhaust system. The exhaust system, including hood, grease-removal devices, fans, ducts and other appurtenances, shall be inspected and cleaned in accordance with Section 607.3.

319.10.2 Fire protection systems and devices. Fire protection systems and devices shall be maintained in accordance with Section 901.6.

319.10.3 Fuel gas systems. LP-gas containers installed on the vehicle and fuel-gas piping systems shall be inspected annually by an *approved* inspection agency or a company that is registered with the U.S. Department of Transportation to requalify LP-gas cylinders, to ensure that system components are free from damage, suitable for the intended service and not subject to leaking. CNG containers shall be inspected every 3 years in a qualified service facility. CNG containers shall not be used past their expiration date as listed on the manufacturer's container label. Upon satisfactory inspection, the *approved* inspection agency shall affix a tag on the fuel gas system or within the vehicle indicating the name of the inspection agency and the date of satisfactory inspection.