

Recommended By: The City Attorney

Submitted By: The City Attorney

**ORDINANCE NO. 14-126**

**AN ORDINANCE TO AMEND “THE BUSINESS LICENSE CODE OF THE CITY OF BIRMINGHAM, ALABAMA”, AS ADOPTED BY ORDINANCE NO. 97-183, AS AMENDED, TO AMEND SCHEDULE 7223 “MOBILE FOOD SERVICES” BY ADDING A SCHEDULE FOR MOBILE FOOD SERVICES TEMPORARY VENDOR.**

**BE IT ORDAINED** by the Council of the City of Birmingham that “The Business License Code of the City of Birmingham, Alabama” Article I, as adopted by Ordinance No. 97-183, as amended, be and is hereby further amended to add to Schedule 7223 Mobile Food Services a sub-section entitled “Mobile Food Services Temporary Vendors (Special Events License)” to read as follows:

**SECTION 1.**

**SCHEDULE 7223                    NAICS TITLE - Mobile Food Services**

This industry comprises establishments primarily engaged in preparing and serving meals and snacks for immediate consumption from motorized vehicles or non-motorized carts. The establishment is the central location from which the caterer route is serviced, not each vehicle or cart. Included in this industry are establishments primarily engaged in providing food services from vehicles, such as hot dog carts and ice cream trucks.

1. **Mobile Food Services Vendors:** Each person, firm or corporation operating a mobile food vehicle, pushcart, ice cream truck, lunch wagon, mobile canteen, mobile refreshment stand, mobile snack stand and mobile food concession stand shall pay a license on each mobile food vehicle or pushcart operated as follows: Where the gross annual receipts during the next preceding year were:

Less than \$5,000 .....	\$ 60.00
\$5,000 and less than \$10,000.....	120.00
\$10,000 and less than \$15,000.....	180.00
\$15,000 and less than \$20,000.....	240.00

\$20,000 and less than \$30,000.....	300.00
\$30,000 and less than \$40,000.....	360.00
\$40,000 and less than \$50,000.....	420.00
\$50,000 and less than \$60,000.....	480.00
\$60,000 and less than \$70,000.....	540.00
\$70,000 and less than \$80,000.....	600.00
\$80,000 and less than \$90,000.....	660.00
\$90,000 and less than \$100,000.....	720.00

Where said gross receipts exceed \$100,000 a license shall be paid in the amount of \$720.00 *plus* 2/10 of 1% on all gross receipts in excess of \$100,000.00.

**2. Mobile Food Services Temporary Vendors:**

(a) A Mobile Food Services Temporary Vendor may, in lieu of purchasing an annual Mobile Food Services business license, purchase a Mobile Food Services Temporary Vendor license for temporary events. Each event requires a separate license, and the Mobile Food Service Temporary Vendor shall be limited to no more than four (4) Mobile Food Services Temporary Vendor licenses for each temporary event, per calendar year.

(b) Each temporary vendor may, in lieu of purchasing an annual Mobile Food Services license, purchase a temporary vendor license for Mobile Food Services for each event at which said business will be conducted. Each event requires a separate license, and the temporary vendor shall be limited to no more than four (4) temporary vendor licenses per calendar year. The temporary vendor flat rate license shall be as follows:

Event One (1) to four (4) days.....	\$150.00
Event Four (5) to eight (8) days.....	\$250.00
Event Nine (9) to thirty (30) days.....	\$350.00

(c) All temporary vendor operators shall comply with all local ordinances and state laws applicable to the operation of its business and present proof of the permission from any property owner upon whose property said temporary vendor is to operate and a permit to

operate or letter of “No permit required” issued by the Jefferson County Health Department prior to the issuance of the requested business license.

- 3. NO LICENSE WILL BE ISSUED until applicant has obtained and presented to the Revenue Division at the time of application a current, valid Health Department Permit and has passed any City required inspections.**
- 4. The issuance of a business license under this schedule does not permit or authorize any activity which is prohibited by Title 12, Chapter 14, Article A of the General Code of the City of Birmingham 1980, as amended and as it may be amended.*

## **SECTION 2.**

The provisions of this ordinance are severable. If any provision, section, paragraph, sentence, or thereof, or the part application thereof to any person, shall be declared unconstitutional or invalid by a court of competent jurisdiction, such declaration shall not affect or impair the remainder of the ordinance, it being the legislative intent to ordain and enact each provision, section, paragraph, sentence, and part thereof, separately and independently of each other.

## **SECTION 3.**

This Ordinance shall become immediately effective upon its adoption and approval of the City Council and publication by posting as required by law.

