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**Sponsored by: Mayor Hennessy**

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**AN ORDINANCE AMENDING TITLE VI OF THE O'FALLON CITY CODE RELATING TO  
MOBILE FOOD ESTABLISHMENTS.**

**WHEREAS**, the operations of mobile food establishments often pose logistical, traffic, aesthetic, public health, and regulatory and tax equity challenges which reasonable standards and regulations can remediate; and

**WHEREAS**, developing rules and regulations for mobile food establishments was recognized as a goal in the 2023-2025 Strategic Plan; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF O'FALLON, MISSOURI, AS FOLLOWS:**

**SECTION 1:** Title VI Municipal Code of the City of O'Fallon, Missouri, is hereby amended by the addition of one new Chapter consisting of five new Sections, initially to be designated as Chapter 655 and Sections 655.010 through 655.050, to read as follows:

**Title VI. Business and Occupation**

**Chapter 655 Mobile Food Establishments**

**Section 655.010** Definitions

**MOBILE FOOD ESTABLISHMENT**

A food service operation that is operated from a movable, motor-driven or -propelled vehicle, or portable structure that can change location.

**Section 655.020** Mobile Food Establishment Permit

- A.** Beginning January 1, 2025, any Mobile Food Establishment operating within the City of O'Fallon must have a valid permit. A separate annual permit shall be required for each individual Mobile Food Establishment to be operated and serve prepared food for consumption within the City.
- B.** The following information shall be provided with the permit application:
  1. Name of the Mobile Food Establishment
  2. Name and address of the owner and operator
  3. License Plate Number of the Mobile Food Establishment
  4. Copy of the St. Charles County Mobile Food Unit License
  5. Copy of the Retail Sales Tax License and a Certificate of No Tax Due
  6. Copy of the Certificate of Insurance for the Mobile Food Establishment
  7. Documentation establishing that correct sales taxes for the location where the Mobile Food Establishment sells its goods will be collected and remitted timely and accurately.

8. If serving alcohol, the following additional information shall be provided with the permit application:
  - a. Provide a copy of valid City, County, and State Liquor Licenses.
  - b. A Daily Caterer License shall be required on days when alcohol is being provided, per **Section 600.020**.
- C. Upon approval of a Mobile Food Establishment Permit, a decal shall be provided showing the Mobile Food Establishment is permitted within the City for that calendar year.

**Section 655.030 Mobile Food Establishment Requirements**

- A. As part of the operation of a Mobile Food Establishment within the City, the following requirements shall be met:
  1. Written Consent from the property owner where the Mobile Food Establishment is parked shall be kept on site with the Mobile Food Establishment and made available for inspection by the City upon request.
  2. The Mobile Food Establishment Permit decal for the current calendar year shall be prominently displayed on the Mobile Food Establishment.
  3. A copy of the St. Charles County Mobile Food Unit License shall be kept on site with the Mobile Food Establishment and made available for inspection by the City upon request.
  4. Sufficient parking shall be available for the primary use of the property. The operation of a Mobile Food Establishment shall not cause any off-site overflow parking or block any accessible parking spaces.
  5. The operation of a Mobile Food Establishment shall not block any roadways, fire lanes, emergency vehicles, drive aisles or create any impediments to the normal flow of traffic in the vicinity where it is located. This includes where the equipment is parked, customers lining up, or other circumstances created by or attributable to the presence and or operation of the Mobile Food Establishment.

**Section 655.040 Violations and Penalties**

- A. Any person found operating a Mobile Food Establishment in the City of O'Fallon without a valid permit must cease operations immediately until a permit has been issued by the city.
- B. Any person found to be in violation of any of the requirements pertaining to Mobile Food Establishments, or to have failed to fully and accurately remit all taxes due by reason of activities or retail sales in the City of O'Fallon, shall be subject to the penalties set forth in **Section 100.010** of this Code of Ordinances.
- C. The requirements in this Chapter may be enforced by any Code Enforcement or Peace Officer of the City. Any person operating a Mobile Food Establishment causing a public health or safety hazard shall cease operations immediately until such hazard has been remedied.
- D. A Mobile Food Establishment permit may be suspended or revoked using the same procedures set forth in **Section 605.060** of this Code of Ordinances.

**Section 655.050 Fees**

- A. The fee to review a permit application and issue an annual permit for a Mobile Food Establishment Permit shall be Fifty Dollars (\$50.00)

**B.** Restaurants with an active business license and physical store location within the City of O'Fallon are exempt from the Fifty Dollar (\$50.00) fee.

**SECTION 2:** It is hereby declared to be the intention of the City Council that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the City Council intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect.

**SECTION 3:** The Chapter, Article, Division and/or Section assignments designated in this Ordinance may be revised and altered in the process of re-codifying or servicing the City's Code of Ordinances upon supplementation of such code if, in the discretion of the editor, an alternative designation would be more reasonable. In adjusting such designations, the editor may also change other designations and numerical assignment of code sections to accommodate such changes.

**SECTION 4:** This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

First Reading: August 22, 2024

Second Reading: September 12, 2024

**PASSED BY THE CITY COUNCIL FOR THE CITY OF O'FALLON, MISSOURI, THIS 12<sup>TH</sup> DAY OF SEPTEMBER, 2024.**



*Bill Harney*  
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Presiding Officer

Attest:


*Bess Bacher*  
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Bess Bacher, City Clerk

APPROVED BY THE MAYOR FOR THE CITY OF O'FALLON, MISSOURI, THIS 12<sup>TH</sup> DAY OF SEPTEMBER, 2024.



Attest:

  
Bess Bacher, City Clerk

  
Bill Hennessy, Mayor

Approved as to Form:

  
Kevin M. O'Keefe, City Attorney