



City of Warrensburg
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 102 South Holden St. – Warrensburg, MO 64093
 Phone: 660-747-9131 – Fax: 660-747-8927

Mobile Food Vendors Application	Fees:	\$50.00 Investigation/Fingerprint Fee
		\$50.00 License Fee

Minimum \$25,000 General Liability Insurance Required **Photo Identification of Applicant Required**

Date of Application:	Missouri Sales Tax #: (include current certificate of no tax due)
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Place or Places of Proposed Business Location: (attach written permission from property owner)

Proposed Business Dates: From: _____ To: _____

Name of Business:	Type of Business:
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Permanent Place of Business Address:	Business Phone #:
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City – State – Zip Code:

If applying as a Corporation, LLC or Partnership, State Missouri Secretary of State file #:
 Attach current certificate of Good Standing (*not more than 90 days old*)

Applicant Information (attach business credentials)	Proprietor:	Agent:	Other:	If other explain:
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Last Name:	First Name:	Middle Initial:	Sex:	Male:	Female:
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Date of Birth:	Drivers License #:	Social Security #:
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Home Phone #:	E-mail Address:
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Current Address:

City – State – Zip Code:

Vehicle Information:	License#:	Make/Model:	Color:
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List where you have been doing business the past 6 months, giving town, post office address in said town and the nature of business engaged in;

Give a true statement in your own words of the nature, of items sold or offered for sale by the applicant;

Names, addresses & telephone numbers of three persons for references as to your character and business responsibility;

Has the person listed as having management of supervision of the business ever been convicted or plead guilty to a felony, misdemeanor, crime or violation of any municipal ordinance? If so, what was the nature of the offense and punishment assessed therefore? Give City and State where the offense occurred.

The undersigned certifies the above information to be true and correct according to the undersigned's best knowledge and belief. I further certify that I am not in arrears in the payment of any tax, fee or other charge due to the city.

 Applicant's Signature & Date

CITY INFORMATION	License #:	Invoice #:	Amount & Date Paid:
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Investigating Officer Signature & Date: _____

Chief of Police Signature & Date: _____ Granted: _____ Denied: _____

Fire Chief Signature & Date: _____ Granted: _____ Denied: _____

Sec. 16-1. Definitions.

The following words and phrases shall, for the purposes of this chapter, have the meanings respectively ascribed to them:

Mobile Food Vending. The act of selling food and/or beverages by operating a mobile food truck, a mobile food cart, or a mobile packaged food delivery truck.

Mobile Food Cart. A non-self propelled vehicle or stand limited to serving: a) commissary-wrapped food maintained at proper temperatures, or b) limited to the preparation and serving of hot dogs or similar sausages..

Mobile Food Truck. An enclosed vehicle, truck or trailer licensed to operate on public streets and rights-of-way in which a person travels from place to place to serve food or beverages.

Mobile Packaged Food Delivery Truck. An enclosed vehicle or truck licensed to operate on public streets or rights-of-way in which a person travels from place to place to deliver packaged food.

Neighborhood Refreshment Stands Shall mean those locations selling food or beverages in connection with a single residential dwelling, when the same is offered by a resident of the dwelling or their designated agent, for a period not to exceed twelve hours, and not occurring more than one time per week.

(b) Nothing contained in this chapter which would otherwise be applicable shall apply to charitable, not for profit or educational organizations for events lasting five (5) or fewer days conducted by or organized by said organization.

Sec. 16-2. Enforcement of chapter.

It shall be the duty of any police officer of this city to enforce the provisions of this chapter against any person found to be violating the same.

(Code 1970, § 18-2)

ARTICLE IV MOBILE FOOD VENDORS

Sec. 16-75. License required.

A Mobile Food Vendor License is required for the following:

- (a) Mobile food Carts when located on a public sidewalk or right-of-way or located in public or private parking spaces.
- (b) Mobile Food Trucks

A Mobile Food Vendor license is not required for the following:

- (a) Mobile food Carts when:
 - (1) Conducted in front of a store on private property; and
 - (2) The property owner permission has been obtained; and
 - (3) Not occupying a parking space; and
 - (4) Not impacting pedestrian, bicycle, or motor vehicle traffic circulation or other safety issues.
- (b) Mobile Packaged Food Delivery Trucks
- (c) Neighborhood refreshment stands and other similar products.

Sec. 16-76. Application for license.

Applicants for a license under this article, shall file a written sworn application signed by the applicant, if an individual, by all partners, if a partnership, and by the president if a corporation, with the city collector, showing:

- (1) The name of the person having the management or supervision of an applicant's business during the time that it is proposed that it will be carried on in the city;
- (2) The local address of such person while engaged in such business;
- (3) The permanent address of such person;
- (4) The capacity in which such person will act, that is, whether as proprietor, agent or otherwise;
- (5) The name and address of the person for whose account the business will be carried on, if any; and if a corporation, under the laws of what state the same is incorporated;
- (6) The fingerprints of the person having the management or supervision of applicant's business;
- (7) The general description of place or places in the city where it is proposed to carry on applicant's business, and the length of time during which it is proposed that such business shall be conducted;
- (8) The place other than the permanent place of business of the applicant where the applicant within the six (6) months preceding the date of such application conducted a transient business, stating the nature thereof and giving the post office and street address of any building or office in which such business was conducted;
- (9) A statement of the nature, of items to be sold or offered for sale by the applicant in this city;
- (10) Whether or not the person having the management or supervision of the applicant's business has been convicted of or plead guilty to a crime, misdemeanor or the violation of any municipal ordinance, the nature of such offense and the punishment assessed therefor;
- (11) Credentials from the person for whom the applicant proposed to do business, authorizing the applicant to act as such representative;
- (12) Such other reasonable information as to the identity or character of the person having the management or supervision of applicant's business or the method or place of doing such business as the city collector may deem proper to fulfill the purpose of this article in the protection of the public good.
- (13) A certificate of no tax due from the Missouri Department of Revenue
- (14) A license by the County for food service and preparation.

Sec. 16-77. Investigation of applicant for license.

(a) Upon receipt of an application for a license required by this article, the original shall be referred to the chief of police who shall cause such investigation of the applicant's qualifications to determine his eligibility to receive such license.

(b) The application will also be forwarded to the Fire Chief, who shall cause an inspection to be made of the vehicle intended for operations, to assure compliance with applicable fire codes and the provisions of section 16-87.

Sec. 16-78. Issuance; denial.

(a) Upon completion of the investigation of an application for a license under this article, the chief of police shall endorse on the application his approval or disapproval thereof and shall transmit such application to the city collector. Upon receipt of such license

application from the chief of police and upon payment of the fee prescribed therefor in section 16-79, the city collector shall issue a license to the applicant therefor, unless:

- (1)The application is incomplete, in which case the collector shall return the application for completion and resubmission; or
- (2)The application is found to contain any false or misleading statement, unless the applicant can demonstrate that the error was due to excusable neglect; or
- (3)The applicant is found to have had a prior license revoked by any city, state or agency of government within five (5) years, unless the applicant can demonstrate such revocation is irrelevant to the qualification for a license under this article; or
- 4)The applicant is found to lack good moral character.

(b)As used in this section, the term "good moral character" shall be construed to mean the propensity of the applicant to serve the public in a fair, honest and open manner.

(c)In determining whether an applicant possesses or lacks good moral character, the following acts can be taken into consideration;

- (1)Conviction of or plea of guilty to a felony or crime involving moral turpitude within the past five (5) years;
- (2)Conviction of or plea of guilty to a crime within the past five (5) years relating to the duties and responsibilities of the occupation to be licensed. In determining whether such conviction relates to the occupation to be licensed, the following shall be considered:

- a. The nature and seriousness of the crime;
- b. The relationship of the crime to the purposes for requiring a license to engage in the occupation;
- c. The extent to which a license might offer an opportunity to engage in further criminal activity of the same type as that in which the applicant was previously involved;
- d. The relationship of the crime to the ability, capacity or fitness required to perform the duties and discharge the responsibilities of the occupation.

(3)The age of the applicant at the time of the commission of any act described in subsections (c)(1) and (c)(2);

(4)The conduct and work activity of the applicant prior to and following commission of any act described in subsections (c)(1) and (c)(2);

(5)Evidence of the applicant's rehabilitation or rehabilitative efforts while incarcerated or following release;

(6)Letters of recommendation from prosecution, law enforcement and correctional officers who prosecuted, arrested or had custodial responsibility for the applicant, from the sheriff or chief of police in the community where the applicant resides and from any other persons in contact with the applicant;

(7)Other evidence of the applicant's present fitness, provided by the applicant, which demonstrates that the applicant has maintained a record of good conduct since his conviction.

(d)The following criminal records shall not be used, examined or requested in a determination of good moral character:

- (1)Records of an arrest not followed by a conviction or plea of guilty;
- (2)Records of a conviction or plea of guilty which have been reversed or vacated, including the arrest records relevant to that conviction;
- (3)Records of an arrest, conviction or plea of guilty to a misdemeanor or felony unrelated to the duties and responsibilities of the occupation to be licensed;
- (4)Records of an arrest, conviction or plea of guilty to a misdemeanor for the conviction of which person may not be incarcerated in a jail or prison.

(e)If a license under this article is denied because the applicant thereof is found to lack good moral character or other cause, the applicant shall have the right to request a hearing within ten (10) days of such denial before the city manager or his designee. Such applicant shall be entitled to be represented by counsel, to present evidence and to examine and cross-examine witnesses at the hearing in order to demonstrate his fitness to receive such license.

(f)Licenses issued under this Article shall be in effect until the next May 31st.

Sec. 16-79. Contents of license.

Every license issued under this article shall contain the number of the license, the date the same is issued, the nature of the business authorized to be carried on, the amount of the license fee paid, the expiration date of the license, the place where such business may be carried on under such license, and the name of the person authorized to carry on such business.

Sec. 16-80. Application fee; license fee.

(a)At the time of application, the applicant for a license as Mobile Food Vendor shall submit a fee of fifty dollars (\$50.00) to the city collector to cover the costs of processing the application.

(b)The license fee shall be in the amount required by section 22-58.

Sec. 16-81. Reserved

Sec. 16-82. Public liability insurance.

Every applicant for a license required by this article shall file with the city collector proof of a liability policy covering the applicant's business with at least twenty-five thousand (\$25,000.00) in public general liability coverage.

Sec. 16-83. Record of licenses.

The city collector shall keep a full record in his office of all licenses issued under the provisions of this article.

Sec. 16-84. Exhibition of license.

The license issued under this article shall be posted conspicuously in the place of business named therein. In the event that such person applying for such license shall desire to do business in more than one (1) mobile food truck within the city, separate licenses may be issued for each mobile food truck, and shall be posted conspicuously in each mobile food truck.

Sec. 16-85. Transfer of licenses.

No license issued under this article shall be transferred without written consent from the city manager as evidenced by an endorsement on the face of the license by the city collector showing to whom the license is transferred and the date of the transfer.

Sec. 16-86. Revocation of licenses.

(a)Licenses issued pursuant to this article may be revoked by the city manager or their designee, after notice and hearing, for any of the following causes:

- (1)Any fraud, misrepresentation or false statement contained in application for the license;
- (2)Any fraud, misrepresentation or false statement made in connection with the selling of goods, wares or merchandise;
- (3)Any violation of this chapter;

(4)Conviction of or plea of guilty to any crime or misdemeanor involving moral turpitude by the licensee;

(5)Conducting the business licensed under this article in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

(b)Notice of hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed to the licensee at his last known address, at least ten (10) days prior to the day set for the hearing.

Sec. 16-87. Operational standards.

In carrying on business within the City of Warrensburg, all mobile food vendors shall adhere to the following operational standards:

(1)All applicable local, state and federal laws shall be obeyed, including, without limitation, building and fire codes related to their equipment and operations, and applicable health regulations;

(2)No mobile food vendor shall operate except in a commercial or industrial business zone or district within the City of Warrensburg as set forth in chapter 27 of this Code of Ordinances;

(3)All licenses held hereunder shall be posted and clearly visible upon the location or conveyance where sales are conducted;

(4)No temporary business location may be set up within the sight triangle on any corner lot as set forth in section 27-231;

(5)No temporary business location may be set up within fifteen (15) feet of any driveway or crosswalk;

(6)No temporary business location may impede or obstruct the free flow of traffic in any parking lot or right-of-way;

(7)No temporary business location may be set up so as to obstruct the clear view of any traffic sign or signal;

(8)No temporary business location is allowed on a public sidewalk or pedestrian way unless a four-foot wide sidewalk or pedestrian way is maintained free of obstruction and congestion;

(9)No light of any kind shall be cast upon any property located in a residential district, or upon public right-of-way by the license holder.

(10)No temporary business location shall be located within the travel lane of any street.

(11)Mobile Food Vending must be located on paved surface.

(12)The vendor must have the permission of the property owner, when on private property.

(13)The vendor must have the written permission from the restaurant owner to locate within a sixty (60) foot radius of a primary entry to a brick or mortar restaurant during the restaurant's posted hours of operation.

(14)Mobile Food Vending shall not locate within one-half mile from the boundary of any entertainment event, special event, or festival requiring street closure unless the vendor has written authorization from the event/festival requiring street closure unless the vendor has written authorization from the event/festival coordinator to operate within the festival boundaries or within one-half mile thereof.

(15)Mobile Food Vending can locate within a City owned Park with the written authorization of the Parks and Recreation Department.

(16)Mobile Food Vending must at all times comply with all applicable legal and regulatory provisions, including, without limitation, health code regulations. Mobile Food Vending shall not endanger or be detrimental to the public health, safety or welfare or injurious to property or improvements in the immediate vicinity of the Mobile Food Cart or Mobile Food Truck, Given the nature of the activity, its location on the site and its relationship to it.

(17)Mobile Food Vending shall not cause undue traffic congestion or accident potential given anticipated attendance and the design of adjacent streets, intersections, parking and traffic controls. All sidewalks shall be left open for pedestrian traffic. No alleys, driveways, fire hydrants, fire lanes or other access points shall be blocked by the Mobile Food Vending. All service to the customers must take place from the side of the unit or truck adjacent to the street curb or sidewalk.

(18)Mobile Food Vending may use up to twenty percent (20%) of the parking stalls required for the structure associated with the parking lot in which the vending occurs. Mobile Food Vending shall not cause a shortage of parking for the primary use on the property on which they are located. Mobile Food Vending shall not create a shortage of parking for uses on properties surrounding the property on which they are located.

(19)No spikes, nails, anchors or other devices shall be driven into any public street, sidewalk, right-of-way, or traffic control devices.

(20)The Mobile Food Vending shall not generate excessive noise, dust, smoke, litter, glare, spillover lighting or other forms of environmental or visual pollution.

(21)Signs related to the Mobile Food Vending shall be limited to signs that are affixed to the vehicle and one (1) sandwich board sign in immediate proximity of the unit or truck while it is in operation at that location.

(22)Immediately upon cessation of the Mobile Food Vending, the site shall be returned to its previous condition, including removing all litter and food packaging waste from the premises, or other evidence of the Mobile Food Vending.

(23)All posted time limits for parking or standing shall be observed.