

ORDINANCE NO. 321

AN ORDINANCE AMENDING ORDINANCE NO. 300; AUTHORIZING MOBILE FOOD VENDORS & FOOD TRUCKS IN THE TOWN OF FULTON; ESTABLISHING REGULATIONS; REPEALING ORDINANCES IN CONFLICT; PROVIDING FOR SEVERANCE PROVIDING A PENALTY; NEGATING THE REQUIREMENT OF CULPABLE MENTAL STATE; AND PROVIDING FOR PUBLICATION

WHEREAS, there is a need for providing safe, efficient provision of food in the Town of Fulton; and

WHEREAS, there is an increase in the number of mobile food vendors and food trucks; and

WHEREAS, the Town Council of the Town of Fulton is charged with the protection of the health, safety and welfare of its citizens; and

WHEREAS, the Town Council of the Town of Fulton desires to provide safe and efficient provision of food in certain locations of the Town of Fulton and to provide for the health, safety and welfare of its citizens; and

WHEREAS, the Town Council of the Town of Fulton passed Ordinance No. 300 on June 22, 2022, authorizing food trucks in Fulton Beach Park; and

WHEREAS, the Town Council of the Town of Fulton has determined to expand the area where food trucks are allowed.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FULTON:

Section I. That Ordinance No. 300, passed on June 22, 2022, is hereby amended to read as follows:

“Section 1. Mobile Food Vendors & Food Trucks are authorized and allowed in Fulton Beach Park on a regular basis provided that they abide by all applicable rules and regulations for the provision of food service and in accordance with this Ordinance, and including, but not limited to: Chapter 10, Article II, Fulton Code; and Chapter 34, Fulton Code, as they now read or may hereafter be amended.

Section 2. A. Mobile Food Vendors & Food Trucks shall apply for an application and permit in accordance with the above cited provisions of the Fulton Code for a place in Fulton Beach Park. The Town shall designate certain locations in the Park where such Vendors & Trucks shall be allowed. Each such Vendor shall be assigned a specific location, and the Town may regulate the time periods of operation. All structures should be easily removable and not permanently affixed. Applications for a place in Fulton Beach Park shall be limited to a three (3) month period upon which time such Vendor shall

reapply for a location. No additional fee shall be charged for such reapplication up to one (1) year. The Town reserves the right to assign different locations and to limit the number of permits taking into consideration the needs of the public for such service, the amount of sales from each Vendor and the need to foster competition so that no one Vendor excludes another. The Town reserves the right to limit the number of Vendors and Trucks in the Park.

Section 2. B. Mobile Food Vendors & Food Trucks for Special Events are authorized in the Town of Fulton, including at the Park and Convention Center, on a short-term temporary basis. Such Vendors shall apply for a Special Event application and permit and pay a \$50.00 application fee. Such applications and permits may not exceed seven (7) days. The Mayor or designee shall approve or disapprove such applications. The Town reserves the right to assign different locations and to limit the number of applications and permits. All structures should be easily removable and not permanently affixed. Any party dissatisfied by any action on an application may appeal the decision to the Town Council. Such appeal shall be in writing and submitted within ten (10) days of the decision. The Town Council shall act upon such appeal within thirty (30) days of filing of such appeal. If the Town Council has not acted within such time, the original determination is upheld. All such food trucks must be self-contained. The Town will not provide any utilities. By accepting such application and permit, the owner thereof indemnifies and agrees to hold the Town of Fulton harmless from any claim, cause of action or any damages, including personal injuries, property damage or death arising from the operation of such food truck.

Section 3. Application and permit for the Park shall be approved by the Mayor or designee. Any party dissatisfied by any action on an application or permit may appeal the decision to the Town Council. Such appeal shall be in writing and submitted within ten (10) days of the decision. The Town Council shall act upon such appeal within thirty (30) days of filing of such appeal. If the Town Council has not acted within such time, the original determination is upheld.

Section 4. No Vendor or Truck shall be allowed to operate in the Park or in the Town in conflict with special events at the Convention Center, the Fishing Pier or during Oysterfest and a reasonable time before and after such events.”

Section II. A violation of this Ordinance, upon conviction, shall be a misdemeanor with a fine not to exceed \$500.00. The requirement of a culpable mental state in Penal Code Section 6.02 is hereby negated.

Section III. Any previously adopted ordinance, resolution, rule, regulation or policy in conflict with this Ordinance is hereby repealed.

Section IV. If any provision, section, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is, for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance shall not be affected thereby, it being the intent of the City Council in adopting this

Ordinance that no portion hereof, or provisions or regulations contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof, and all provisions of this Ordinance are declared severable for that purpose.

Section V. This Ordinance shall be published by publishing the caption thereof in the official newspaper with a statement the public may view the Ordinance in the Office of the City Secretary. This Ordinance shall be effective from and after the publication provided herein.

PASSED AND APPROVED this the 19th day of June, 2024.

TOWN OF FULTON

Kelli Cole, Mayor

ATTEST:

Stephanie Garcia, City Secretary