



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 09/23/2025

REQUESTER: Brenda Hall, City Clerk

PRESENTER: Elisabeth Muckala, Assistant City Attorney

ITEM TITLE: CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2526-10 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTIONS 20-1008 ("LICENSE REQUIRED") THROUGH 20-1013 ("OUTSIDE SALES") OF ARTICLE 20-X ("FOOD SERVICES") WITHIN CHAPTER 20 ("LICENSES AND OCCUPATIONS") AND APPENDIX A ("CITY OF NORMAN FEE SCHEDULE") TO THE CODE OF THE CITY OF NORMAN TO IMPLEMENT CHANGES CONSISTENT WITH NEW STATE LAWS RELATING TO THE LICENSURE, REGULATION AND INSPECTION OF MOBILE FOOD ESTABLISHMENTS AND MOBILE FOOD PREPARATION VEHICLES; PROVIDING AN EFFECTIVE DATE OF NOVEMBER 1, 2025; AND PROVIDING FOR THE SEVERABILITY THEREOF.

BACKGROUND:

The City of Norman licenses food service establishments in Chapter 20, Article 20-X of the Norman City Code. Currently, annual licenses are available to fixed mobile food vendors only. These food service establishments have also been subject to state and county oversight pursuant to 63 Okla. Stat. § 1-1118. Ultimately the need to address mobile food vendors (food trucks) arose and in April 2011, the City of Norman amended its licensure provisions in order to offer temporary licensure (for terms of one day, 30 days or 180 days) to those entities.

DISCUSSION:

However, during the 2025 legislative session, the Oklahoma Legislature adopted, and Governor signed into law, two different House Bills establishing licensure and code inspection requirements and procedures specific to mobile food vendors/mobile food preparation vehicles. House Bill 1076 is an "Act" relating to the Oklahoma Department of Health's regulation of mobile food vendors and sets forth the allowable parameters which serve to limit the reach of the Department as well as "local authorities," including municipalities.

The new procedure provides the manner of licensure by the Department of Health and allows for means of municipal licensure. Based upon how Norman's licensure operates, the City is allowed to issue a license only in recognition of the license that is to be issued pursuant to 63

Okla. Stat. § 1-1118. The Act sets forth general operational parameters addressing safety, avoidance of nuisance behavior, waste disposal and permit display that are consistent with existing City of Norman licensure guidelines. The new state law outlines that mobile food vendors may operate on municipal property (including parks) as allowed by said municipality, and upon private party: (a) where allowed by zoning and with of the property owner, designee or lessor; and (b) in a residential zoning district at the invitation of the resident or group of residents in order to serve food to that resident, group of residents or their guests provided that mobile food vendor operations on the subject property not exceed 12 days a year.

Oklahoma statute now defines a “mobile food establishment” as follows:

[F]acility including a trailer, that prepares food and beverages, is vehicle mounted, is road-approved by the Department of Transportation including wheels and axles, is readily moveable, and remains at one physical address for no more than twelve (12) hours at one time, unless the mobile food establishment is operating on private property. A mobile food establishment operating on private property may remain at one physical address for no more than fourteen (14) days.

The new definitions amended into existing statutes now establish that “mobile food vendors” and “mobile food vehicles” relate to: (a) mobile push cart operations (manually-propelled cart sales); (b) mobile food establishments (food trucks); and (c) mobile retail food establishments (food trucks selling prepackaged consumables).

The new laws specifically permit a municipality to restrict noise (exceeding 75 db within 23 ft of the vehicle), regulate and restrict operations in public parks and require park permits, prevent restrictions to ingress/egress, develop permits for use of metered public parking spaces, investigate foodborne illness, report violations to the state or other regulating entity, issue citations for violations of state and consistent local laws, and adopt regulations addressing public health or safety risks consistent with the Act. On the other hand, municipalities may not prevent mobile food vendor operations where said operations are properly licensed pursuant to state law.

Further, local authorities, including municipalities may not regulate the relationship between mobile food vendors and private property owners, commercial establishments or commissary (except to enforce the failure to obtain consent for use of private property as required by the Act). Said entities also may not require a vehicle to remain in constant motion or mandate locations changes in the absence of a violation of state law. These entities may not require certain equipment, for vehicles, limit the number of licensees, require finger-printing, GPS monitoring, bonding, or additional insured coverage (except where operating on public property or at a public event), or require more inspections than required for initial licensure or investigation of a foodborne illness. The Act addresses the manner in which a “nonobstructive spot inspection” may occur prior to food truck operations at mass gatherings. Additionally, a municipality may not charge fees for additional health inspection, charge fees for local license or permits beyond the administrative cost of issuing the local license or permit, or require proof of more than one vehicle inspection in the previous twelve (12) months.

Additionally, House Bill 2459 was signed into state law, which establishes the exclusive authority of the State Fire Marshal over inspection of mobile food preparation vehicles. While this law does not prohibit a municipality's issuance of licenses/permits, imposition of operation fees, land use and zoning, and other ordinances relating to "mobile food preparation" within municipal bounds, HB 2459 does state that "no political subdivision [other than the state] . . . shall enact or enforce any fire or life safety code-related ordinances . . . for mobile food preparation vehicles except" within counties exhibiting a population in excess of 400,000 at the time of the last census (at this time only Tulsa and Oklahoma counties meet this threshold, with Cleveland County's population at around 300,000 based upon the last federal census).

Both of these bills have an effective date of November 1, 2025. The amendments proposed at this time are exclusive to Chapter 20, Article 20-X of the Norman City Code, and its referenced Appendix setting forth applicable fees. These amendments are, at this time, intended to implement the required consistency with the new and amended state statutes. However, City Council has indicated an interest in discussing at a future date, the potential for generally addressing licensure fees, including those applicable to food service establishments, as well as the potential for creating a program for the use of public parking spaces, including publicly-owned parking lots, by mobile food vendors. Additionally, while the City intends to ultimately implement a food vendor permit specific to park events, as expressly allowed by HB 1076, it was determined that these measures would be better implemented with later code amendments upon applicable park policies being finally defined.

At this time, the amendments recommended can be summarized as follows:

- The creation of an annual license applicable to mobile food vendors (though a temporary option is also still available for now);
- Clarified definitions and explanation of fixed versus mobile vendors consistent with state law;
- Specification that mobile food vendor licenses are issued only in recognition of those issued pursuant to state law;
- Requirement for mobile food vendors to name the City of Norman as an additional insured on coverages where operating on city property, including parks, or otherwise at a city-sponsored event;
- Specification that mobile food preparation vehicle inspections will be accomplished annually by the State Fire Marshal, and that requisite proof of passed inspection must be demonstrated in the licensure application and for the entire licensure term;
- Updated temporary permit fees that assure compliance with HB 1076;
- Other language updates and modifications to ensure consistency with HB 1076 and HB 2459.

RECOMMENDATION:

City staff recommends approval of Ordinance O-2526-10, implementing amendments to Chapter 20, Article 20-X and Appendix A of the Norman City Code relating to food establishments licenses, including mobile food establishment licenses.