

COMMONWEALTH OF KENTUCKY  
MCCRACKEN COUNTY FISCAL COURT  
ORDINANCE NO. 2021-06

**AN ORDINANCE AMENDING THE MCCRACKEN ZONING  
CODE AS SET FORTH IN MCCRACKEN COUNTY ORDINANCE  
NO. 2017-07, AS AMENDED, BY ENACTING A NEW SECTION  
THERETO AUTHORIZING THE USE OF COMMERCIAL FOOD  
TRUCKS AND ESTABLISHING RELATED REGULATIONS**

**WHEREAS**, Kentucky Revised Statutes, Chapter 100, provides for the adoption of zoning text, specific provisions and regulations related to and facilitating the implementation thereof and provides for amendments thereto; and

**WHEREAS**, the McCracken County Fiscal Court and the McCracken County Planning Commission have recognized the need for zoning regulation in McCracken County for the purpose of promoting the health, safety, welfare and general prosperity of the County and to ensure that development takes place in a manner compatible with adjacent land uses, is consistent with and appropriate to existing or proposed infrastructure and is adequately served by necessary and essential services; and

**WHEREAS**, in order to better address and regulate the evolving nature of land use land use issues and to ensure compliance with developing law, it was proposed that the present amendments and revisions to the McCracken County Zoning Ordinance be enacted; and

**WHEREAS**, a public hearing was conducted before the McCracken County Planning Commission regarding the amendment proposed herein and such measure was approved on April 28, 2021.

**NOW THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF MCCRACKEN COUNTY, COMMONWEALTH OF KENTUCKY, AS FOLLOWS:**

The presently existing McCracken County Zoning Ordinance set forth and published in McCracken County Ordinance 2017-07, as amended, is hereby amended and revised as follows:

**Section 1. Planning Commission Approval.**

The McCracken County Planning Commission conducted a public hearing related to the proposal of the amendment herein and approved the same on April 28, 2021, and recommended that such amendment be adopted by the McCracken County Fiscal Court.

**Section 2. Amendment to McCracken County Zoning Ordinance – Enactment of a New Section Entitled “Section 150.041 – Mobile Food Trucks”.**

There shall hereby be enacted a new section of the McCracken County Zoning Ordinance entitled “Section 150.041 – Mobile Food Trucks” appearing in its entirety as set forth herein:

**§150.041 - Mobile food vehicles.**

(a) *Purpose and intent.* In order to promote a new dynamic for the citizens of McCracken County, create new jobs, increase quality of life and diversify dining options; this section of this chapter has been adopted to allow Mobile Food Vehicles to operate under specific guidelines.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Mobile Food Vehicle* means a vehicle-mounted, vehicle-towed or vehicle-carried food service establishment that engages in the sale and preparation of food or beverages in individual portions to the general public.

*Mobile Food Vendor* means a person that prepares or serves food or beverages to the general public from a Mobile Food Vehicle.

*Mobile Food Administrator* means the Planning and Zoning Administrator or designee. The Administrator shall be responsible for the administration, oversight and enforcement of the provisions under this section.

(c) *Exemptions.* This section shall not apply to ice-cream trucks that move from place-to-place and are stationary in the same location for no more than ten (10) minutes at a time. This section also does not apply to food vending push carts or stands. Mobile food vehicles located on private property and not serving the general public may locate in any zone for up to seventy-two (72) hours at one location.

(d) *Zoning locations.* Mobile Food Vehicles may operate in the following zones: Commercial, Light Industry, and Heavy Industry zones. All other zones are expressly prohibited, except in public parks as described.

(e) *Location.* Mobile Food Vehicles are expressly prohibited from locating on State or county rights-of-way. Mobile Food Vehicles may not locate within one hundred (100) feet of the principal entrance of any restaurant where more than fifty (50) percent of sales are derived from food.

(1) A Mobile Food Vehicle shall not operate for more than fourteen (14) consecutive days at one (1) location. After fourteen (14) consecutive days has expired, a Mobile Food Vehicle shall not operate at the same location until a period of thirty (30) days has elapsed. The Mobile Food Administrator must receive written notice (letter or email) forty-eight (48) hours prior to any mobile food truck setting up operation in



McCracken County. Failure to provide forty-eight (48) hours notice will be grounds to revoke a mobile food vehicle's permit. This notice must include all of the following:

- i. Mobile food vehicle business name;
- ii. Contact name and phone number and mailing address;
- iii. Location the mobile food vehicle will be operating and the dates it will be operating at that location;
- iv. Written permission to locate upon site if required by subsection (e)(2) below;
- v. Proof of Mobile Food Permit currently valid, and continuously valid during the time of operation specified in the notice.

(2) The Mobile Food Vendor must obtain written permission from the property owner to locate on private property and said permission must be made available to the Mobile Food Administrator. Mobile Food Vehicles in private parking lots may be asked to be moved in the event sufficient parking is not available. Written permission must be granted from the McCracken County Judge Executive or designee (depending on ownership) if the Mobile Food Vendor proposes to operate in a public park.

(3) In no case shall a Mobile Food Vehicle obstruct traffic or pedestrian flow. No stop sign, yield sign, school crossing sign or any other traffic-control sign or signal shall be obstructed. No ingress/egress of any driveway or alley shall be obstructed. No fire hydrant or fire lane shall be obstructed.

(f) *Parking requirements.* There are no parking requirements if a Mobile Food Vehicle locates in the parking lot of an existing business as described in section (d). If a Mobile Food Vehicle locates on a stand-alone parking lot, there must be a minimum of eight (8) parking spots per Mobile Food Vehicle.

(g) *Self-contained units and appurtenances.* All Mobile Food Vehicles shall have self-contained water and wastewater. No gray water or grease shall be dumped upon any street, sidewalk or down a stormwater drain. No power cable, extension cord or other equipment shall be extended across any street, alley or sidewalk. If a power cable, extension cord or other electrical equipment is extended across a parking lot, said equipment must be protected from vehicle movements in accordance with the National Electrical Code requirements.

(1) No tables, chairs, umbrellas or other appurtenances shall be allowed on public property.

(2) All Mobile Food Vehicles shall be in compliance with regulations established by the Cabinet for Health and Family Services, Department for Public Health, Division of Public Health Protection and Safety and/or the Purchase District Health Department.

(3) All Mobile Food Vehicles are responsible for the litter created by their unit.

(h) *Serving articles and alcoholic beverages.* Patrons shall be provided with single-serve articles, such as plastic utensils, plastic or Styrofoam cups and paper or Styrofoam plates. Mobile Food Vehicles shall not serve any alcoholic beverage unless permitted as part of a special event.

(i) *Noise.* No Mobile Food Vehicle may emit bells, music, horns or other audible sounds used to attract customers. Strobe lights, flashing lights or other repetitious lighting are prohibited.

(j) *Application and permitting.*

(1) *Application.* Every Mobile Food Vendor desiring to operate a Mobile Food Vehicle shall submit an application for a Mobile Food Permit to the Mobile Food Administrator. All Mobile Food Vendors shall first obtain necessary inspections and permits otherwise required by the County, the Purchase District Health Department, and any other local, State or Federal agencies or departments, including without limitation a current county business license, in order to vend in McCracken County. All applicants must pass a fire inspection performed by the Paducah Fire Prevention Division. Cost of the fire inspection is set by the City of Paducah. In addition to the information required by the application, the Mobile Food Administrator may request other information reasonably required. The Mobile Food Permit application shall not be considered complete until the Mobile Food Administrator has all information as required by the application or otherwise.

(2) *Issuance of Mobile Food Permit.* Once the application is considered complete by the Mobile Food Administrator, the Mobile Food Administrator shall issue or deny the Mobile Food Permit within fourteen (14) business days. The Mobile Food Permit shall be valid for one (1) calendar year from the date of issuance, unless the Mobile Food Permit is revoked pursuant to this chapter.

(3) *Permit renewal.* Every Mobile Food Permit in good standing can be renewed annually prior to expiration with the Mobile Food Administrator. Upon the Mobile Food Permit's expiration, the holder of the Mobile Food Permit forfeits the right to renew and the Mobile Food Vendor must reapply for a new Mobile Food Permit.

(4) *Fees.* Application fee is \$50. Permit renewals are \$25.

(5) *Inspections after Permitting.* Permitted operations will be inspected periodically and without notice by representatives of various government service providers referenced herein to ensure compliance with this chapter.

(6) *Operation without Permit.* Any Mobile Food Vehicle operating without a valid Mobile Food Permit may be deemed a zoning violation and subject to the penalties listed in Section 150.999.

(7) *Revocation of Permit.* The Mobile Food Administrator may revoke a Mobile Food Permit if it is discovered that:



- a. An applicant obtained the Mobile Food Permit by knowingly providing false information on the application;
- b. The continuation of the Mobile Food Vendor's use of the Mobile Food Permit is a threat to public health or safety, or if the Mobile Food Vendor otherwise presents a threat to public health or safety; or
- c. The Mobile Food Vendor or Mobile Food Vehicle violates regulations of this article or any other county ordinance.

(8) *Appeal of Revocation.* Decisions of the Mobile Food Administrator may be appealed to the McCracken County Board of Adjustment pursuant to Section 150.107 of this Code. The decision resulting therefrom shall be final. Following the revocation of a Mobile Food Permit, a Vendor must wait one (1) year before reapplying for a new Mobile Food Permit.

**Section 4. Incorporation into McCracken County Zoning Ordinance Compilation.**

The amendment reflected herein shall be incorporated into the standalone McCracken County Zoning Ordinance compilation and said amended document shall be transmitted to American Legal Publishing for the generation of a new Section 150.041, and to reflect the amended nature of Section 150.041 as such items are set forth herein for inclusion in the McCracken County Ordinance Compilation.

**Section 5. Compliance with Open Meetings Laws.**

The McCracken County Fiscal Court hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of said legislative body in full compliance with the Kentucky Open Meetings Act. All deliberations of the Fiscal court, if any, which resulted in formal action, were in meetings open to the public, in full compliance with the aforesaid legal requirements and all others germane to conduct of public meetings within the Commonwealth of Kentucky.

**Section 4. Severability.**

If any section, subsection, or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected.

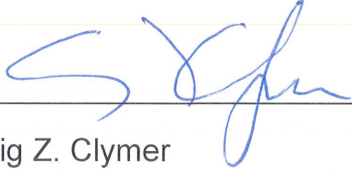
**Section 5. Conflicts.**

All ordinances, resolutions, orders or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed and the provisions of this Ordinance shall prevail and be given effect.

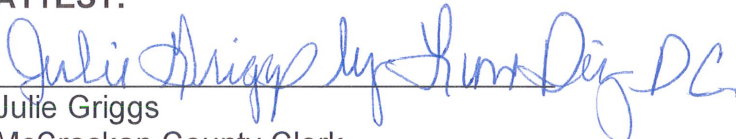
**Section 6. Effective Date.**

This Ordinance shall be read on two separate days, published pursuant to KRS Chapter 242, and become effective on 8-9-21.

**MCCRACKEN COUNTY FISCAL COURT**

BY:   
Craig Z. Clymer  
McCracken County Judge Executive

**ATTEST:**

  
Julie Griggs  
McCracken County Clerk

Introduced and publically read on 7-26-21.

Publically read and adopted on 8-9-21.

Recorded by County Clerk on 8-10-21.

Published by *The Paducah Sun* on 8-13-21.