



Please return completed application to the Community & Economic Development Office, 2nd Floor City Hall, 101 N. 2nd St., Guthrie, OK 73044.

Business Name: _____

- 1. Name of Applicant _____
Address _____
Email _____
Phone (Mobile Preferred) _____

2. Do you authorize the City of Guthrie to make the above contact information available to event coordinators upon request? [] Yes [] No

3. Has the applicant or on-site Manager/Supervisor been convicted of a crime, misdemeanor, or violation of a City ordinance? [] Yes [] No
If yes, please list the offense and punishment assessed thereafter: _____

4. Nature or kind of goods & services to be sold: _____

5. Proposed dates and times of operation: _____

6. Advertising plan (if other than social media): _____

INCLUDE THE FOLLOWING WITH YOUR APPLICATION

- [] Photocopy of Driver's License
[] Proof of Liability Insurance: The City of Guthrie MUST be named as additional insured.
[] Photocopy of Oklahoma State Department of Health Permit
[] Photocopy of Oklahoma State Sales Tax Permit or Charitable Exemption
[] Permit fee: The applicable fee is \$75.00 per year. Make checks payable to City of Guthrie.

Approval Signature

Date

The City Ordinance governing Mobile Food Vendors is attached (Ordinance No. 3259 & 3307).

If you have any questions or concerns about where to locate your food truck, please contact _____.

Ordinance No. 3259 & 3307 (Mobile Food Vendors & Merchants)

An ordinance amending the Guthrie City Code Chapter 5: Business and Occupations, Article 9 Canvassers, Solicitors, Itinerant Merchants and Peddlers. Amendments include the Title; Section 5-125, License Required; Section 5-126, Definitions; Section 5-127; Application Fee; Section 5-130, Display Hours of Solicitation.

Be it ordained by the Mayor and City Council of the City of Guthrie, Oklahoma, that:

Section 1: The Title of the Guthrie City Code, Chapter 5, Businesses and Occupations, Article 9 be amended to read as follows: Mobile Food Vendors, Canvassers, Solicitors, Itinerant Merchants and Peddlers.

Section 2: That the Guthrie City Code, Chapter 5, Business and Occupations, Section 5-125, License Required, will now read: It shall be unlawful for any Mobile Food Vendor, Canvasser, Solicitor, Itinerant Merchant or Peddler as defined in Section 5-126, to engage in such business within the corporate limits of the City without first filing a completed application for license and obtaining a license in strict compliance with the provisions of this article.

Section 3: That the Guthrie City Code, Chapter 5, Business and Occupations, Section 5-126, be amended to include the following:

Sec. 5-126. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Critical violations or priority issues means violations noted in an inspection of a food establishment that is more likely to contribute to food contamination, illness, or environmental health hazard and is denoted on OAC 310:257-15-41.

Food means any raw, cooked, or processed edible substance, ice, beverage or ingredient used or intended for use or for sale, in whole or in part, for human consumption.

Food service establishment.

- (1) The term "food service establishment" means any place where food is prepared and intended for individual portion service, and includes the site at which individual portions are provided. The term "food service establishment" includes the following:
 - a. Establishments which are covered by the permit, license or certificate requirement of the state.
 - b. Any such place regardless of whether consumption is on or off the premise and regardless of whether there is a charge for the food.

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- c. Delicatessen-type operations that prepare sandwiches intended for individual portion service.
- (2) The term “food service establishment” does not include private homes where food is prepared or served for individual family consumption, the location of food vending machines, and supply vehicles.

Law includes all applicable federal, state and local statutes, ordinances, and regulations.

Mobile Food Service Establishment

- (1) Means one of two types of mobile food units:
 - a. A restricted unit that offers only prepackaged food in individual servings; beverages that are not potentially hazardous and are dispensed from covered urns or other protected vessels; and prepackaged frozen foods. Preparation, assembly or cooking of foods is not allowed.
 - b. An unrestricted unit that may serve food as allowed in (a), may cook, prepare and assemble a full menu of food items;
- (2) An unrestricted unit must be secured and completely enclosed.
- (3) Foods such as hot dogs, coffee, or shaved ice, or food with prior approval from the Logan County Health Department, may be served from vehicles with three sides and a cover.

This definition includes the following categories of mobile food establishments: full-service mobile, pre-packaged mobile, pushcart, and prepackaged pushcart, as set forth in OAC 310:251-17-1 through 310:257-17-6 and other Oklahoma State Department of Health regulations and guidelines issued in accordance with 63 O. S. § 1-1101, *et seq.*

Packaged means bottled, canned, cartooned, or securely wrapped.

Person includes any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, governmental entity, or any other legal entity, or their legal representatives, agents or assigns.

Person in charge means the individual present in a food service establishment who is the apparent supervisor of the food service establishment at the time of inspection. If no individual is the apparent supervisor, then any employee present is the person in charge.

Regulatory authority means the state and/or local enforcement authority or authorities having jurisdiction over the food service establishment.

Repeated violation means violation of the same item on two consecutive inspections.

Supervisory personnel means the certificate holder, individuals having supervisory or management duties and any other person working in a food service establishment who may be in charge of its operation.

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Temporary means a food service establishment that operates at a fixed location for a period of time of not more than 14 consecutive days in conjunction with a single event or celebration.

Section 4: That the Guthrie City Code, Chapter 9, Businesses, Section 5-127, be amended to read as follows:

Sec. 5-127. Application.

Applicants for license under this article shall file a written sworn application signed by the applicant, if an individual, or by a majority of partners if a partnership, and by the president or chief executive officer if a corporation, association, club or society with the city clerk showing:

- (1) With respect to the applicant:
 - a. Name, permanent address and local address, if any, telephone number, and driver's license;
 - b. Name of the person having the management or supervision of the applicant's business during the time such business will be carried on in the city; the permanent address or addresses of such person; the local address of such person;
 - c. Name and address of the person, firm or corporation for whose account the business will be carried on, if any;
 - d. Capacity in which the applicant will act (that is whether as proprietor, agent, or otherwise);
 - e. If applicant is a corporation, under the laws of what state the same is incorporated;
- (2) Subsections (4), (5), and (9) shall not apply to an applicant for an itinerant merchant's license operating a mobile food service establishment as defined by Section 12-20 of this code.
- (3) The operator of a mobile food service establishment as defined by Section 12-20 of this code applying for an itinerant merchant's license shall provide the City Clerk a copy of a current Food Service Establishment License issued by the Logan County Health Department. Said operator shall provide the City Clerk a copy of any renewal of such Food Service Establishment License within thirty (30) days of receipt thereof during the term of any itinerant merchant's license issued under this section.
- (4) The place or places in the city where it is proposed to carry on applicant's business;
- (5) The length of time during which it is proposed that said business shall be conducted;
- (6) If applicant is applying for an itinerant merchant's license, the place, other than the permanent place of business of the applicant where applicant within the six months next preceding the date of said application conducted a temporary business, stating the nature thereof and giving the post office and street address of any building or office in which such business was conducted;
- (7) With respect to the goods, wares, or merchandise to be sold or offered for sale, a statement of:
 - a. Their nature or kind;
 - b. Their invoice value or quality;
 - c. Whether they are to be sold at auction, or by direct sale, or by direct sale and by taking orders for future delivery;

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- d. Where they are manufactured or produced;
- e. Where they are located at the time the application is filed;
- (8) A brief statement of the nature and character of the advertising done or proposed to be done in order to attract customers (such as handbills, circular newspaper advertising, radio advertising, etc.);
- (9) Whether or not the person having the management or supervision of the applicant's business have been convicted of a crime, misdemeanor or the violation of any city ordinance, the nature of such offense and the punishment assessed therefor;
- (10) A copy of the applicant's state sales tax permit including the sales tax permit number, or if the applicant is a charitable or religious organization, a copy of the applicant's state sales tax exemption;
- (11) If the application requests an itinerant merchant's license, written approval from the director of development services, or designee, approving the place within the city where the temporary business will be located.

Section 5: That the Guthrie City Code, Chapter 5, Section 5-130, Display: Hours of Solicitation be amended to include the following:

Sec. 5-130. Display: Hours of Solicitation.

The license for any food vendor must be available to present when asked.

Sec. 5-133. Geographical Restrictions.

No mobile vendor shall sell or vend from his or her vehicle or conveyance when:

1. Within 300 feet of a public or private school grounds during the hours of regular school session, classes or school-related events in said public or private school, except when authorized in writing by said school; or
2. Within 300 feet of a business establishment which is open for business and is offering for sale the same or similar product as an item offered for sale by the mobile vendor unless authorized in writing by the stationary business establishment; or
3. Within 300 feet of a restaurant, cafe or eating establishment which is open for business unless authorized in writing by the stationary business establishment; or
4. Within 300 feet of a public park of the City where a City authorized concession stand is located during times other than during the course of a public celebration except as approved by the City; or
5. Within 300 feet of City property where a City authorized concession stand is located during the course of a public celebration when nonprofit organizations are permitted to engage in the sale of merchandise and food at such property; or
6. Within 300 feet of the location of an event issued an exclusive use permit by the City for the use of streets and/or public property during the time specified from the start through completion of the event unless they are an authorized vendor for the event.