



CITY OF KENAI MOBILE FOOD VENDOR
APPLICATION

City of Kenai
210 Fidalgo Avenue
Kenai, AK 99611
Phone: 283-8231
Fax: 283-5068
Email: cityclerk@kenai.city

Contact Information	
Applicant Name:	Phone No.:
Email Address:	
Mailing Address:	
Residential Address:	
Business Name:	
Food Vending Unit Information	
Description of the food vending unit business and activity to be conducted:	
Type of Vehicle/Wagon/Trailer/Facility:	
License Number:	
VIN/Registration Number:	
The following items must be submitted with the application: ☐ Copy of a current valid permit issued by the Alaska Department of Environmental Conservation, Division of Environmental Health. ☐ The annual Mobile Food Vending fee as provided in the City of Kenai Fee Schedule. (Licenses are valid for the term of January 1st until December 31st of each year) ☐ A Tax Compliance Certificate by the Kenai Peninsula Borough Finance Department that the owner(s) is current in the payment of any tax to the City of Kenai and the Kenai Peninsula Borough. ☐ Certificate of Insurance: Personal Injury- \$100,000, Aggregate Damage-\$300,000, Property Damage-\$50,000 (Policy shall provide for not less than thirty days written notice to the City Clerk of cancellation for expiration or substantial change in policy conditions and coverage.)	
Note: Pursuant to IFC 906, every vendor is required to have minimum of one 2A-10BC rated fire extinguisher. Cooking vendors using deep fat fryers are required to have a 3A-40BC rated or type K fire extinguishers. All extinguishers shall be in a conspicuous location, not obstructed and easily accessible. All fire extinguishers shall receive annual service and shall be tagged.	
Affirmation Statement	
I certify that the above information and statements are true, correct and complete and that I have read and understand Kenai Municipal Code Chapter 5.25.	
Applicant Signature:	Date:
FOR CITY CLERK'S OFFICE USE ONLY: Submission Date: _____ Received By: _____ Following Items Received: ☐ Copy of current valid permit by ADEC ☐ Mobile Food Vendor Unit License Fee (<i>Pursuant to Fee Schedule</i>) ☐ Tax Compliance Certificate and ☐ Certificate of Insurance Application ☐ Approved ☐ Denied for _____ ☐ Revoked for _____ Distribution: Original – Clerk's Office / Copy – Applicant / Copy – Police Department / Copy – Fire Department	

City of Kenai Mobile Food Vendor License Regulations and Fees

Purpose

The City of Kenai has ordinances and regulations in place for the operation of Mobile Food Vendors in City limits. These regulations apply to all persons operating a Mobile Food unit within Kenai City limits. This document has been prepared as an informational guide and is not inclusive of all ordinances and regulations.

Administration and General Provisions

The Kenai City Clerk is charged with administration of the Mobile Food Vendor Licensing Program. The Mobile Food Vendor License is valid from the date of issue through December 31 of that year. The licensing fee is established and maintained in the City Clerk's Schedule of Rates, Charges, and Fees. No license may be sold, conveyed, or otherwise transferred to any other person at any time. If a business is sold, the new owners shall make an original application for a license if the new owner wishes to continue or to resume operation in Kenai City limits.

Licensing

Applications for a mobile food vending unit license, defined as any type of vehicle, wagon, or trailer, which is designed to be readily movable and from which any food or beverage is prepared for immediate consumption and sold or offered for sale to the public at any location, whether on private or public property, within the boundaries of the City, shall be made in writing to the City Clerk on forms prescribed and furnished by the Clerk.

Along with the completed application, the applicant shall also furnish a copy of a current valid permit issued by the Alaska Department of Environmental Conservation, Division of Environmental Health, the mobile food vending fee as provided in the fee schedule, certification that the owner(s) is current in the payment of any tax to the City of Kenai and the Kenai Peninsula Borough, and a certificate of insurance.

Conduct of Business

A mobile food vendor may not operate from a location on a public street, alley, or right-of-way for a period of time in excess of one (1) hour, unless the operator acquires written permission from the City Clerk to operate for a longer period of designated time to provide service to the public.

Notwithstanding the provisions above, mobile food vendor may not operate on a public street, alley, or right-of-way where such operation would interfere with the normal flow of traffic, cause a safety hazard to pedestrians, or where the stopping or standing of the food vendor's vehicle

would violate State or local traffic regulations, or any other regulations required by Title [13](#) of the Alaska Administrative Code, entitled “Public Safety.”

The mobile food service may not be operated in front of or immediately adjacent to any established business offering the same or similar commodities upon a fixed location.

No person may operate as a mobile food vendor within the boundaries of a City park unless such operation has been approved by the City Clerk in writing.

No person may operate as a mobile food vendor in a way that interferes with other businesses through excessive noise, odor, or other nuisances.

The mobile food vendor must provide for the collection and removal of all waste from the site at the end of each day of operation.

The mobile food vendor must operate in compliance with the regulations found in the City’s sign code.

The mobile food vendor must post in a conspicuous place, able to be observed by the general public, both the permit issued from the Alaska Department of Environmental Conservation and the mobile food vendor license issued by the City of Kenai.

Penalties

Any person who violates [Chapter 5.25](#) of Kenai Municipal Code, or the terms, conditions, or limitations of any license issued shall be subject to a civil penalty or injunctive relief to restrain the person from continuing the violation. Each day of violation of any provision of [Chapter 5.25](#) of Kenai Municipal Code shall constitute a separate offense.

Chapter 5.25

MOBILE FOOD VENDORS

Sections:

- 5.25.010 Definitions.**
- 5.25.020 Application for license.**
- 5.25.030 Prohibited acts.**
- 5.25.040 License—Nontransferable.**
- 5.25.050 License fee and term.**
- 5.25.060 Revocation or restriction of license.**
- 5.25.070 Protest appeal procedures.**
- 5.25.080 Conduct of business.**
- 5.25.090 Penalty.**

5.25.010 Definitions.

- (a) “Mobile food vending unit” means any type of vehicle, wagon, or trailer, which is designed to be readily movable and from which any food or beverage is prepared for immediate consumption and sold or offered for sale to the public at any location, whether on private or public property, within the boundaries of the City.
- (b) “Operate” means to engage in the business or to conduct the designated business as owner of the business; or as an owner to employ, induce, or otherwise procure another person to operate or conduct the business.
- (c) “Owner” means all persons having a proprietary interest in the business requiring a license.

(Ords. 420, 716, 3048-2019 (Substitute))

5.25.020 Application for license.

- (a) Applications for a mobile food vending unit license shall be made in writing to the City Clerk on forms prescribed and furnished by the Clerk.
- (b) Applications shall contain the following information:
 - (1) The full name of the applicant;
 - (2) The mailing, residential, and business addresses of the applicant;
 - (3) The date of the application;
 - (4) The nature and a description of the food vending unit business or activity to be conducted;

- (5) The type of vehicle, license number, and registration number of the vehicle used as said unit;
 - (6) The Kenai Peninsula Borough sales tax registration number of the applicant.
- (c) With the application, the applicant shall also furnish:
- (1) Copy of current valid permit issued by the Alaska Department of Environmental Conservation, Division of Environmental Health;
 - (2) The mobile food vending fee as provided in the fee schedule;
 - (3) The legible signature of the applicant/owner or person authorized to sign on behalf of the applicant/owner;
 - (4) An affirmation or oath, as may be required by the Clerk, that the information and statements made in connection with the application are true, correct, and complete;
 - (5) Certification by the Kenai Peninsula Borough Finance Department in a tax compliance certificate (provided in application materials) that the owner(s) is current in the payment of any tax to the City of Kenai and the Kenai Peninsula Borough;
 - (6) A certificate of insurance indicating that the applicant's operation of a mobile food vending unit is covered by liability insurance as follows:

Personal Injury (each occurrence)	\$100,000
Aggregate Products (each occurrence)	\$300,000
Property Damage (each occurrence)	\$50,000

- (d) Said insurance policy or policies shall provide for not less than thirty (30) days' written notice to the City Clerk of cancellation or expiration or substantial change in policy conditions and coverage.

(Ords. 420, 3048-2019 (Substitute))

5.25.030 Prohibited acts.

It is unlawful:

- (a) For any person to engage in a business of operating a mobile food vending unit as defined by KMC [5.25.010\(b\)](#) without first obtaining a mobile food vending unit license from the City Clerk.

- (b) For any persons to obtain or attempt to obtain a license by making a false statement in the application or by other fraudulent or deceptive means.
- (c) For any person licensed under this chapter to knowingly or wilfully authorize, order, instruct, or permit an employee, agent, or person under his or her supervision or control to do an act in connection with the licensed activity which violates any provision of this chapter or a license issued under this chapter.

(Ord. 420)

5.25.040 License—Nontransferable.

No license may be sold, conveyed, or otherwise transferred by the holder thereof to any other person at any time, and no license sold, conveyed, or otherwise transferred shall be valid as to the new holder thereof. Successors in interest to persons licensed under this chapter shall make original application for a license if the successor wishes to continue or to resume the activity. (Ord. 420)

5.25.050 License fee and term.

For issuance of a license, an applicant shall pay an annual fee as set forth in the City's schedule of fees adopted by the City Council. All licenses shall be valid for the term of January 1st until December 31st of each year. All non-profit organizations shall be exempt from paying the license fee. Said organizations making application should present proof sufficient to the Clerk of its non-profit status. (Ords. 420, 2528-2011, 3048-2019 (Substitute))

5.25.060 Revocation or restriction of license.

The Clerk may revoke or restrict any license upon written notice thereof to the license holder. Any revocation or restriction shall be made in writing, stating briefly the reason for such decision. Such decision shall be mailed by certified mail to the licensee at the address as provided in the application or may be delivered to the licensee at his or her place of business. (Ord. 420)

5.25.070 Protest appeal procedures.

- (a) Any applicant or mobile food vendor license holder who believes that they are adversely affected by the City Clerk's action on an application or a mobile food vendor license may file a protest appeal with the City Manager. All protest appeals must be received by the City Manager's office within five (5) business days of the date of the applicant's receipt of notice of the City Clerk's action being protested. The appeal may be hand delivered, delivered by mail, by email, or by facsimile and must comply with all requirements of this section. If the fifth day is a City-recognized holiday, the deadline for appeal shall be the next business day. It is up to the protester to choose a method of delivery to assure timely receipt by the City Manager's Office.

- (b) The protest appeal must be in writing and shall include the following information:
 - (1) The name, address, email, and telephone (and facsimile if available) numbers of the protester;
 - (2) The signature of the protester or the protester's representative;
 - (3) A statement of the legal and factual grounds of the protest, including copies of relevant documents; and
 - (4) The form of relief requested.
- (c) *Rejection of Appeal.* The City Manager shall reject untimely or incomplete appeals. Such rejection shall be final and may be appealed to the Superior Court pursuant to the Alaska Rules of Appellate Procedure.
- (d) *License Denial.* If a timely and complete protest appeal is filed based on the denial of an application for a license, the license shall not be issued until the City Manager has issued a written decision to grant the license.
- (e) *License Restriction or Revocation.* If a timely and complete protest appeal is filed, the restriction or revocation shall be stayed until the City Manager has issued a written decision, unless the City Manager determines in writing that health or safety issues necessitate an immediate revocation.
- (f) *The Record—City Manager Decision.* The City Clerk shall provide a copy of the applicant's or license holder's file or electronic file to the City Manager. The record consists of the applicant's or license holder's file or electronic file and the appellant's protest appeal. Based on the record, the City Manager shall issue a written decision to the appellant within ten (10) business days of the date that the appeal was received, with copy to the City Clerk. For good cause shown, the City Manager may extend the date for the written decision for such additional period as may be necessary, not to exceed thirty (30) additional days. Copies of the appeal and decision shall be provided to any interested party requesting one.
- (g) *Appeal to Superior Court.* Appeals may be taken to the Kenai Superior Court from the written decision of the City Manager within thirty (30) days of the date of the decision pursuant to the Alaska Rules of Appellate Procedure.

(Ords. 420, 3048-2019 (Substitute))

5.25.080 Conduct of business.

- (a) A mobile food vendor may not operate from a location on a public street, alley, or right-of-way for a period of time in excess of one (1) hour, unless the operator acquires written permission from the City Clerk to operate for a longer period of designated time to provide service to the public.
- (b) Notwithstanding the provisions of subsection [\(a\)](#) of this section, mobile food vendor may not operate on a public street, alley, or right-of-way where such operation would interfere with the normal flow of traffic, cause a safety hazard to pedestrians, or where the stopping or standing of the food vendor's vehicle would violate State or local traffic regulations, or any other regulations required by Title [13](#) of the Alaska Administrative Code, entitled "Public Safety."

- (c) The mobile food service may not be operated in front of or immediately adjacent to any established business offering the same or similar commodities upon a fixed location.
- (d) No person may operate as a mobile food vendor within the boundaries of a City park unless such operation has been approved by the City Clerk in writing.
- (e) No person may operate as a mobile food vendor in a way that interferes with other businesses through excessive noise, odor, or other nuisances.
- (f) The mobile food vendor must provide for the collection and removal of all waste from the site at the end of each day of operation.
- (g) The mobile food vendor must operate in compliance with the regulations found in the City's sign code.
- (h) The mobile food vendor must post in a conspicuous place, able to be observed by the general public, both the permit issued from the Alaska Department of Environmental Conservation and the mobile food vendor license issued by the City of Kenai.

(Ords. 420, 3048-2019 (Substitute))

5.25.090 Penalty.

- (a) Any person who violates any provision of this chapter or the terms, conditions, or limitations of any license issued hereunder shall be subject to a civil penalty as provided for in KMC [13.05.010](#) for each offense, or injunctive relief to restrain the person from continuing the violation or threat of violation, or both the civil penalty or injunctive relief. Upon application for injunctive relief and a finding that a person is violating or threatening to violate any provision of this chapter, the terms, conditions, or limitations of any license issued hereunder the Superior Court shall grant injunctive relief to restrain the violation.
- (b) Each day of violation of any provision of this chapter or conditions or limitations of any license issued hereunder shall constitute a separate offense.

(Ords. 420, 1240)

The Kenai Municipal Code is current through Ordinance 3091-2019, passed October 16, 2019.

Disclaimer: The City Clerk has the official version of the Kenai Municipal Code. Users should contact the City Clerk for ordinances passed subsequent to the ordinance cited above.

[City Website: www.kenai.city](http://www.kenai.city)

City Telephone: (907) 283-7535

[Code Publishing Company](#)