

A local government would not be allowed to prohibit a statewide mobile food unit from lawfully operating in its jurisdiction if it held a permit under the Act. The statewide mobile food unit would be required to follow all state and local laws governing operations in the jurisdiction provided the laws do not conflict with the Act.

The bill would permit a statewide mobile food unit to operate on public property or private property if the property is zoned to permit food service establishments and with the consent of the private property owner. Before operating in the local government's jurisdiction, the statewide mobile food unit must notify the local government in writing that it will be operating there.

Local governments may, among other things, restrict the operation of a noisemaking device that exceeds 75 decibels measured 23 feet from the vehicle, develop a mobile food unit metered parking pass for a fee, and restrict a statewide mobile food unit from operating in a public park. The bill also prohibits local governments from imposing certain specified restrictions on statewide mobile food units.

SB 208 would have a minimal fiscal impact on local governments. There would be some costs associated with changing ordinances to conform to the bill's requirements. These costs would relate to the drafting, publication, indexing, and recording of adopted ordinances, and at least every five years, the review and elimination of redundant, obsolete, inconsistent, and invalid provisions.

According to Kentucky League of Cities, most cities, especially smaller ones, retain a city attorney on contract and pay on an hourly basis. Time spent drafting an ordinance is influenced by its complexity and the amount of research that is necessary. In FY 2020, the average hourly rate was \$107. Rates for legal notices vary greatly depending on the length of the publication, the number of times it needs to be published and the newspaper in which the publication is placed. Therefore, these costs are unknown.

A local government that requires a statewide mobile food unit to pay a fee to operate in a public area would no longer be able to require such fee and would lose any revenue associated with it. The unit may not be required to pay fines associated with any local ordinance provisions currently in effect that would conflict with the bill after the bill's effective date. For instance, some fines related to proximity to a restaurant, inspections, or hours of operation could no longer be collected. In Bowling Green, these fines may be as much as \$100 to \$600, depending on whether it is a first or subsequent offense or the result of a citation. (Bowling Green ordinance)

Part III: Differences to Local Government Mandate Statement from Prior Versions

Part II, above, relates to the bill as introduced.

Data Source(s): LRC staff; Kentucky League of Cities; BG2019-50

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