

**CITY OF BELLE PLAINE
ORDINANCE 21-06**

**AN ORDINANCE AMENDING CHAPTER THREE OF THE CITY CODE BY ADDING
SECTION 317.00 OF THE CITY CODE PERTAINING MOBILE FOOD UNITS**

The CITY COUNCIL OF THE CITY OF BELLE PLAINE ORDAINS:

Section 1. Chapter Three of the City Code is hereby amended as follows:

SECTION 317.00 MOBILE FOOD UNITS.

- 317.01 Purpose.
- 317.02 Exemptions.
- 317.03 Definitions.
- 317.04 License Required.
- 317.05 License Conditions.
- 317.06 License Revocation, Suspension, and Penalty.

317.01 PURPOSE.

The City has determined that regulation of Mobile Food Units (MFUs) is necessary in order to protect the health, safety, and welfare of the public, as well as to promote the public interest by regulating the areas and methods of operation. To meet these ends, the City has determined that all persons or entities that desire to vend from MFUs within the City must be issued a license pursuant to the requirements of this Section.

317.02 EXEMPTIONS

Subd. 1. The following are exempt from provisions of this Section (Section 316 of the City Code as may be amended). Activities exempt from this Section may require other permits, licenses, approvals, etc. under this Chapter (Business Licenses, Regulations and Permits), Chapter 11 (Land Use), or other Sections of the Code.

- A. Locations where mobile food units are stored when not in operation. The storage of commercial vehicles may be subject to other requirements of the City Code.
- B. Entities transacting business inside a permanent structure.
- C. Operators of a fixed place of business that are approved for vending on a sidewalk, a patio, sidewalk café or a similar place outside adjacent to their permanent commercial establishment.
- D. Operators of home delivery conveyance of groceries, restaurants, dairies, bakeries, and similar items.
- E. Prepackaged or prepared food vending units in which there is no packaging, combining, cooking, chopping, slicing, mixing, brewing, squeezing, or otherwise preparing of food or drink on-site. In order to be eligible for this exemption, all food or drink products must be prepared off-site as a prepared or pre-packaged food and must be ready for immediate purchase and consumption by a customer without any additional preparation whatsoever.
- F. Sale of agricultural food products which such person has grown so long as there is no onsite food preparation.

- G. Any person with a food stand/unit at a festival or event, with permission from festival or event organizers, on premises under the control of festival organizers. Said festivals and events may be subject to other Code standards, including but not limited to those pertaining to large assemblies.
- H. A City resident under the age of eighteen (18) selling water, soda, lemonade, or similar beverage or food items only at occasional times and from a stand on private property.

317.03 DEFINITIONS.

Subd. 1. For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

A. Mobile Food Unit.

1. A self-contained food service operation, located in a readily movable motorized wheeled or towed vehicle that is readily movable without disassembling and that is used to store, prepare, display or serve food intended for individual portion service; or
2. A mobile food unit as defined in M.S. § 157.15, Subd. 9, as it may be amended from time to time.

317.04 LICENSE REQUIRED.

Subd. 1. No owner or operator of any mobile food unit which is used for on-street soliciting for the sale, dispensing, soliciting, or vending of foods or beverages directly from the vehicle shall engage in the activity of selling, soliciting, dispensing, or vending unless a valid mobile food unit license is in effect and the provisions of this Section and other applicable Sections of the Belle Plaine City Code are met.

Subd. 2. It is unlawful for any person to operate a mobile food unit in the City without first obtaining a license from the City pursuant to the following:

- A. The license is an annual license and non-transferable. Proof of license shall be displayed at all times in the mobile food unit.
- B. The applicant shall be the owner of the mobile food unit.
- C. The application shall be made on a form supplied by the City and accompanied by a fee as provided under the City's fee schedule.
- D. The application shall contain the following information:
 1. The applicant's full legal name, other names the applicant uses or is known by, date of birth and driver's license number or other legal identification with a photograph of the applicant.
 2. The name of the owner and operator, if different than the owner, of the mobile food unit and the name of all persons working for the owner and operator of the mobile food unit.
 3. The permanent and any temporary home and business address, phone numbers and email address of the applicant.
 4. A description of the nature of the business, the goods to be sold, and a description and the license plate number of any vehicle to be used in conjunction with the activity.

5. The name, address, and contact information of the licensed commercial kitchen (commissary) where food is prepared and the location where gray water (used water) will be disposed.
6. A statement regarding whether the applicant has ever been convicted of a felony, gross misdemeanor, or misdemeanor, including violation of a municipal ordinance or code, but excluding traffic violations. If applicable the date and place of conviction and the nature of the offense. A background check will be conducted.
7. A certificate of insurance by an insurance company authorized to do business in the state, evidencing the following forms of insurance:
 - (a) Commercial general liability insurance, with a limit of not less than \$1,000,000 each occurrence. If such insurance contains an annual aggregate limit, the annual aggregate limit shall be not less than \$2,000,000;
 - (b) Automobile liability insurance with a limit of not less than \$2,000,000 combined single limit. The insurance shall cover liability arising out of any auto, including owned, hired, and non-owned vehicles;
 - (c) Food products liability insurance, with a limit of not less than \$1,000,000 each occurrence;
 - (d) Public liability insurance, with a limit of not less than \$1,000,000 each occurrence;
 - (e) Property damage insurance, with a limit of not less than \$1,000,000 each occurrence;
 - (f) Workers compensation insurance (statutory limits) or evidence of exemption from state law; and
 - (g) The city shall be endorsed as an additional insured on the certificate of insurance and the umbrella/excess insurance if the applicant intends to operate its mobile food unit on public property.
 - (h) The certificate of insurance shall state that the insurance has been endorsed to require that the city be notified 30 days in advance of cancellation of the policy or a material modification of a coverage term;
8. Written consent of each private property owner from which mobile food unit sales will be conducted;
9. A copy of each related license or permit issued by Scott County and the state required to operate a mobile food unit; and
10. A copy of the applicant's state sales tax ID number.

317.05 LICENSE CONDITIONS.

Subd. 1. Location Requirements.

- A. A mobile food unit may operate in a private commercial or industrial parking lot with the written consent of the private property owner.
- B. A mobile food unit may operate along a public street when the mobile unit is parked in a dedicated parking stall. Mobile Food units shall be removed from public streets when not occupied by staff.
- C. A mobile food unit may operate in City-owned parking lots and/or City parks provided the City has specifically authorized use of said parking lot and/or park. Mobile Food units shall be removed from public parking lot and/or park when not occupied by staff.

- D. Mobile food units shall not obstruct or interfere with intersections, sight lines, public sidewalks/trails, driveways, alley access, or ingress or egress from commercial buildings during the building's hours of operation.

Subd. 2. Performance Standards.

- A. The City of Belle Plaine hereby adopts by reference the provisions of Minnesota Statutes Chapter 157 and Chapter 28A, as may be amended, pertaining to mobile food units.
- B. A mobile food unit with an annual license may not operate on or adjacent to the same property more than 21 days annually.
- C. No mobile food unit sales shall occur between 11:00 p.m. and 7:00 a.m. unless approved by City Council with a Large Assembly Permit.
- D. Mobile food units are prohibited from discarding waste, liquids, garbage, litter, or refuse on City sidewalks, streets, on lawn areas, and in City drains, sewers, or trash receptacles. Licensees shall be responsible for all litter and garbage left by customers. Licensees shall dispose of gray water daily.
- E. A mobile food unit is not required to obtain a sign permit from the City. However, no additional signage is permitted beyond that which is on the mobile food unit unless it meets the following requirements:
 - 1. One (1) sandwich board style sign not exceeding eight (8) square feet in size is permitted per mobile food unit.
 - 2. The sign must be placed on the ground and within ten (10) feet of the mobile food unit.
 - 3. The sign cannot project from the mobile food unit or be mounted to the roof of the mobile food unit.
- F. A mobile food unit must have at least one, 2A:20BC fire extinguisher in the mobile food unit. If deep frying occurs in the mobile food unit, then the mobile food unit must have at least one Class K fire extinguisher in the mobile food unit. Each fire extinguisher must display an inspection tag dated within the past 12 months.
- G. A licensee must comply with all laws, ordinances, regulations, parking zones and posted signs.
- H. A mobile food unit must provide an independent power supply that is screened from public view, public streets, and adjacent residential districts if not part of the vehicle.
- I. Propane tanks must be attached or secured to the mobile food unit and must be adequately ventilated.
- J. Operators of mobile food units are prohibited from calling attention to said mobile food unit by crying out, blowing a horn, or by any loud or unusual noise or by the use of any amplifying device.

317.06 LICENSE REVOCATION, SUSPENSION, AND PENALTY.

Subd. 1. Revocation or Suspension. Any violation of this Chapter shall be grounds to revoke or suspend a license.

Subd. 2. Any person who violates any provision of this Article shall be guilty of a misdemeanor and upon conviction shall be subject to a fine as set by State Statute. Each day a violation exists shall constitute a separate violation for the purposes of this Article.

Section 2. This Ordinance shall become effective January 1, 2022.

Passed and duly adopted by the City Council of the City of Belle Plaine this November 1, 2021.

BY: _____
Christopher G. Meyer, Mayor

ATTEST: _____
Dawn Meyer, City Administrator