

Section 50-75(b). – Commercial use of sidewalks, streets and public grounds restricted. (Relevant excerpts)

Designated *Approved Area*: means an area of public right-of-way or public property specifically set aside or approved by the City for use by mobile vendors and mobile ~~vendor vehicles~~ food units. Information on approved areas shall be available from City Code Enforcement.

Ice Cream Truck means a motor vehicle utilized as the point of retail sales of pre-wrapped or prepackaged ice cream or similar frozen dessert products

Mobile Food Unit: means a trailer which may be moved by towing with a vehicle or a self-contained mobile food truck which is designed and used for displaying, cooking, keeping or storing any food or beverages for sale by a vendor. The mobile food unit must be inspected and approved by the Public Health Department/Environmental Health Division

Mobile Vendor Corridor: public streets where mobile vendors and mobile ~~vendor vehicles~~ food units are permitted to operate without special permission

Section 50-76(2): Mobile Vendor Regulations:

- 2) *Mobile vendors.* This section is only applicable to mobile vendors that do not meet the definition of a mobile food unit or ice cream truck. Mobile food units and ice cream trucks are subject to the regulations listed in Section 50-76(3).
 - a. Mobile vendors that do not meet the definition of a mobile food unit or an ice cream truck may not display or sell food or merchandise on any public street, public alley or sidewalk or other public grounds outside of a permitted community event or festival.

Mobile Vendor Regulations (Continued):

- b. Mobile vendors that do not meet the definition of a mobile food unit or ice cream truck may operate on private property within the following zoning districts without obtaining a license with the City, provided they have the permission of the property owner:
 - i. Limited Commercial
 - ii. Community Commercial
 - iii. General Commercial
 - iv. Limited Industrial
 - v. Public
 - 2) If property is owned by the Park District, the applicant shall supply the Parks & Recreation division with all documentation as required by this section & acquire written approval proving they have permission to operate at the property
 - 3) If property is owned by the City of Dickinson, the applicant shall acquire written approval proving they have permission to operate the mobile food unit at the property. This does not apply to community events or festivals where the applicant has received a special event permit
- c. Mobile vendors must comply with all other applicable federal, state, county, and city regulations and requirements.

Section 50-76(3): Mobile Food Unit Regulations:

- 3) *Mobile food units.* No person may set up or operate a mobile food unit without first obtaining a license from the City of Dickinson and must meet the requirements and conditions laid out in this section.
 - a. This license may only be obtained if the Public Health Department has licensed the mobile food unit. A license shall be acquired even if the mobile food unit is only participating in a special event or festival
 - b. Each license required by this section shall expire on January 31 of each year, regardless of the date of issuance. Licenses are non-transferable. There shall be a license fee as provided in the City Fee Schedule.

Mobile Food Unit Regulations (Continued):

- c. At minimum, the information in the license application must contain:
 - 1. Annual Fire & Safety inspection
 - 2. Mobile Food Unit License from the public health department
 - 3. Waste Management Plan
 - 4. A certificate of insurance from a company licensed to do business in North Dakota evidencing that the applicant has general liability insurance policies in effect with limits of at least \$250,000 per individual and \$1,000,000 per occurrence
 - 5. North Dakota Sales & Use Tax permit
- d. Each application and license required by this Chapter shall clearly state that the applicant agrees to indemnify and hold the city harmless from any and all claims, demands or causes of action which may result from placement of outdoor patio areas, mobile vendors, sale of merchandise or sign on public property. The applicant shall, at the time of making application for the license, provide proof of insurance to cover the risk of injury to person or property, including but not limited to public street, alley, sidewalk, public right-of-way or other public grounds or property owned or controlled by the City, caused by the presence of items on public property. Said insurance shall provide minimum coverage for bodily injury of \$1,000,000 per occurrence and in the aggregate. Such insurance shall be issued by an insurance company authorized to conduct business in the State of North Dakota, and the City of Dickinson shall be listed as a Certificate Holder on each such policy of insurance. Any license issued under this Chapter shall immediately and automatically expire upon lapse or termination of said policy.

Mobile Food Unit Regulations (Continued):

- e. A mobile food unit may operate in the following zoning districts, off of the public street, subject to all regulations in this section:
 - 1. Limited Commercial
 - 2. Community Commercial
 - 3. General Commercial
 - 4. Limited Industrial
 - 5. Public
 - i. If property is owned by the Park District, the applicant shall supply the Parks & Recreation division with all documentation as required by this section & acquire written approval proving they have permission to operate the mobile food unit at the property
 - ii. If property is owned by the City of Dickinson, the applicant shall acquire written approval proving they have permission to operate the mobile food unit at the property. This does not apply to community events or festivals where the applicant has received a special event permit or approved areas
- f. Mobile food units looking to operate in public right-of-way adjacent to the Downtown Commercial (DC) zoning district must obtain a temporary use permit prior to operating.



Mobile Food Unit Regulations (Continued):

- g. For each license issued in compliance with this Section, Code Enforcement will issue two license decals. License decals shall be affixed to the vehicle in a way that they are visible from both the sidewalk and street when parked. Failure to display the decal shall be a violation of this Section.
- h. A mobile vendor may not grill, barbeque or smoke food within 50 feet from any entrance of any building without first obtaining the written permission of the building owner and tenant(s) served by those entrances
- i. A mobile food unit shall not be parked closer than 50 feet from a restaurant without first obtaining the written permission of the building owner
- j. Exhaust from equipment shall be a minimum of 10 feet from structures
- k. The license holder shall be responsible for the maintenance, upkeep and security of the mobile food unit.
Skirting of the mobile food unit is not allowed
- l. The license holder shall comply with all noise regulations set forth in the City of Dickinson Municipal Code
- m. A mobile vendor may not set up chairs, tables or other temporary seating in the public right-of-way. Chairs, tables, or other temporary seating may be set up on private property with written permission from the property owner
- n. A mobile vendor shall be responsible to remove any garbage, spills or stains or repair any damage resulting from its operations.

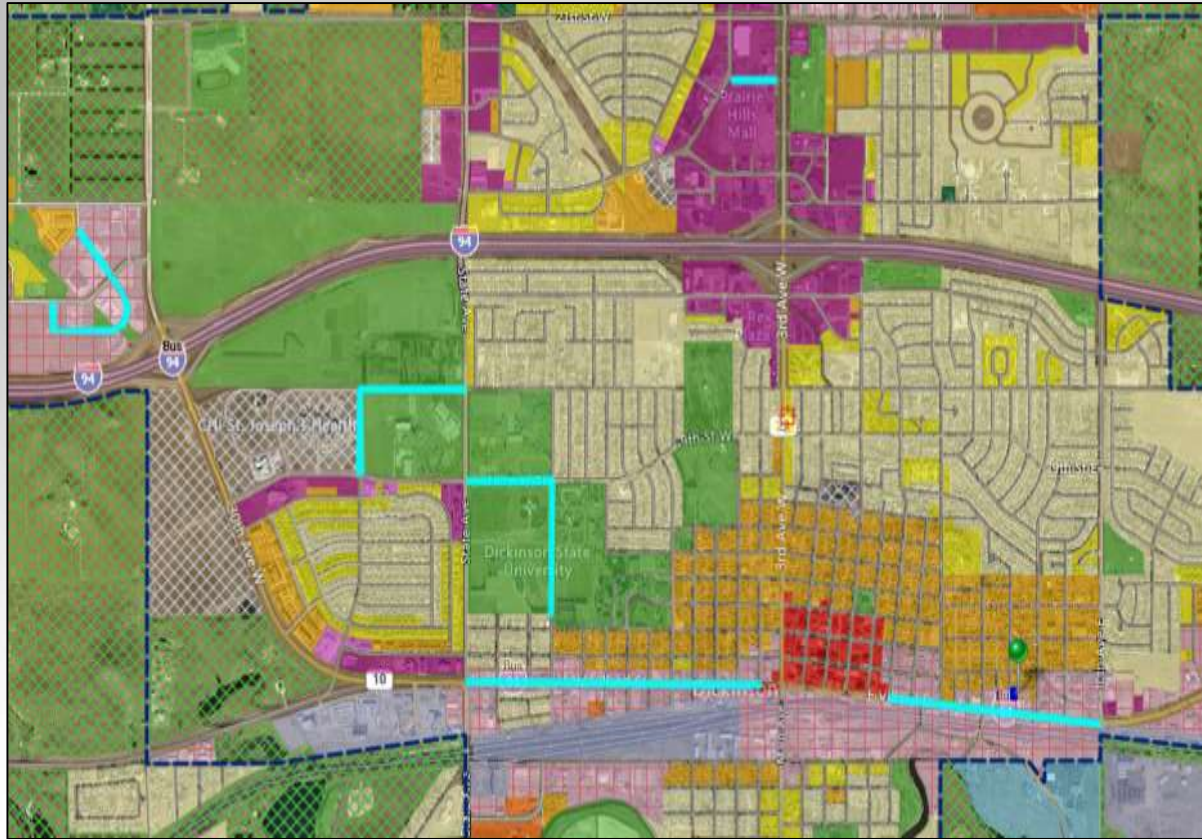
Mobile Food Unit Regulations (Continued):

- o. A mobile vendor may not leave a mobile food unit or pushcart unattended at approved areas of operation unless otherwise designated in the multi-day Special Event Permit
- p. A mobile vendor may not operate within 500 feet of a special event licensed through the City. This does not apply to mobile vendors listed on the Special Event Permit that are taking part in the permitted event
- q. A mobile food unit may not interfere with the required off-street parking for the approved area as required by the City of Dickinson Municipal Code
- r. Parking on streets is permitted within the Mobile Vendor Corridor provided it is in compliance with all ordinances, regulations, parking zones and posted signage and shall not hinder the lawful parking or operation of other vehicles
 - 1. A mobile food unit must locate the vending window open to the public sidewalk and as close as possible to the curb
- s. Mobile food units must be mobile and must be removed from approved areas when not open for business. Mobile food units may remain overnight on private property provided written permission has been obtained from the property owner. The mobile food unit shall not function as a permanent structure
- t. Ice cream trucks shall be permitted to operate on streets with a speed limit of 25 mph or less outside of the Downtown District

Mobile Food Unit Penalties:

- u. Penalty for ordinance violations. Any license issued pursuant to this section may be suspended or revoked by the Building Official or their designee for violating any of the provisions of this chapter. Any licensee or agent or employee of a licensee who has violated any provisions of this chapter shall be subject to the following penalties:
 - u. First offense: \$250 administrative fine
 - v. Second Offense: \$500 administrative fine
 - w. Third Offense: \$750 administrative fine & license revocation
 - u. If an applicant wishes to contest a revocation, they shall submit a written request to the Building Official or their designee to be brought forward for a public hearing in front of City Commission regarding overturning the revocation or denial. The City Commission may overturn a license denial or revocation with a simple majority vote and resolution.
 - v. In the event that a license is revoked due to the applicant violating one of the rules outlined above, the applicant may not apply for a new license until at least six (6) months have passed. An applicant having had multiple license revocations in the past may serve as justification to deny a new license application.
- v. The Police Department may remove or cause to be removed any mobile food unit in violation of this section within the public right-of way after having notified in writing the owner of the mobile food unit of the intention to do so at least 48 hours prior to such removal.

Food Truck Corridor & Approved Areas Maps:



Food Truck Corridor (highlighted in teal)



Additional Approved Areas

Comments? Questions?