

**CITY OF MARSHALL  
ORDINANCE 22-004**

**ORDINANCE AMENDING CHAPTER 22, MOBILE FOOD UNITS AND FOOD  
CARTS**

**NOW THEREFORE**, be it ordained by the Common Council of the City of Marshall, in the State of Minnesota, as follows:

**SECTION 1:**        **AMENDMENT** “Section 22-94 Conditions Of Licensing” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 22-94 Conditions Of Licensing

A mobile food unit or food cart may only operate if compliant with the following:

- (a) *Locations*. A mobile food unit or food cart may only operate in the locations set forth in this subpart. A mobile food unit or food cart may only operate in commercial and industrial zoning districts and must be placed on either concrete or bituminous surfaces unless otherwise approved by the city.
  - (1) In the public right away where parking is permitted.
    - a. Written approval from the adjacent property owner must be obtained before approval of a license.
  - (2) On private property.
    - a. With written consent of the private property owner.
  - (3) When operations occur on private residential property, mobile food unit or food cart sales may only be for catering purposes (such as a private graduation party or wedding) and may not be open for sales to the general public.
  - (4) A mobile food unit or food cart may only operate in a city park or on city property with the prior written approval of the city; additional permits may be required for such operations.
- (b) *Performance standards*. A mobile food unit or food cart licensee is subject to the following performance standards.
  - (1) Applicable license fee shall be paid.
  - (2) A mobile food unit or food cart shall be operated in strict compliance with the laws, rules and regulations of the United States, State of Minnesota and the City of Marshall.
  - (3) Wastewater may not be drained into city storm water drains.
  - (4) A mobile food unit or food cart shall provide and maintain at least one clearly designated waste container for customer use per each food cart or mobile food unit. The operator of a mobile food unit or food cart is responsible for daily

- removal of trash, litter, recycling and refuse. Public trash cans shall not be used to dispose of waste generated by the operation. The operator shall provide a garbage receptacle with a tight-fitting lid. The receptacle shall be easily accessible for customer use and located within five feet of the unit.
- (5) If a mobile food unit must provide a power supply it shall be screened from public view and that complies with pertinent city noise regulations.
  - (6) A mobile food unit or food cart may operate between 7:00 a.m. and 10:30 p.m. and 10:30 p.m. to 1:30 a.m. in designated downtown areas, and must not create any unnecessary noise, disturbances or disrupt public traffic or safety in any way. An exemption to hours may be authorized by city council on a per event basis.
  - (7) A mobile food unit or food cart shall be allowed to set up one hour prior to conducting food vending and shall exit from the site within one hour of the close of conducting business.
    - a. A mobile food unit or food cart may remain on private property in commercial and industrial zoned districts after conducting business with permission from the property owner
  - (8) A mobile food unit or food cart may have a maximum footprint of 300 square feet unless otherwise approved by the city.
    - a. A mobile food unit or food cart may be restricted to operate only on private property if it exceeds a maximum footprint of 300 square feet.
  - (9) If a mobile food unit or food cart are operating in the public right-of-way, interactions between a mobile food unit or food cart and a consumer must take place between the mobile food unit or food cart and the curb away from traffic.
  - (10) Mobile food units cannot obstruct the movement of pedestrians or vehicles or pose a hazard to public safety.
  - (11) A mobile food unit or food cart must not occupy more than two parallel parking spots or no more than four diagonal/horizontal parking spots if operating within the public right-of-way.
  - (12) Operators must clean around their mobile food unit or food cart at the end of each day and the mobile food unit or food cart must be kept in good repair and have a neat appearance.
  - (13) A mobile food unit or food cart operator must be licensed by the Minnesota Department of Health and Proof of the Minnesota Department of Health licensing must be provided and posted on the mobile food unit or food cart.
  - (14) A mobile food unit or food cart must comply with any applicable fire department food truck requirements.
  - (15) An out of service mobile food unit or food cart stored within the city must comply with all applicable zoning ordinance requirements.
  - (16) A mobile food unit or food cart may operate on private property in any residential zoned districts for a "one-time" event for catering purposes only.
  - (17) A mobile food unit or food cart may not operate within 100 feet from the public entrance to any restaurant and/or any portion of a restaurant's outdoor dining area during that restaurant's hours of operation unless the licensee

obtains written permission from the restaurant owner/manager.

- (18) A mobile food unit or food cart may not operate in city-owned parking lots, except those parking lots adjacent to or inside a city park with the prior written approval of the city.
- (c) *Non-transferable license.* A mobile food unit or food cart license is non-transferable. Proof of all required licenses shall be displayed at all times in the mobile food unit or food cart.
- (d) *Practices prohibited.* It is unlawful for any person engaged in the business of a mobile food unit or food cart operation to do any of the following:
- (1) Call attention to that licensee's business by crying out, blowing a horn, ringing a bell, loud music or by any loud or unusual noise;
  - (2) Fail to display proof of license and produce valid identification when requested;
  - (3) Leave a mobile food unit or food cart unattended or at an authorized location outside allowed hours of operation;
    - a. A mobile food unit or food cart may be exempt from this requirement following sec. b (7) a.
  - (4) Operate the mobile food unit or food cart in or on public sidewalks or trails;
  - (5) Allow a mobile food unit or food cart to remain on the property of another when asked to leave;
  - (6) Obstruct the ingress or egress from commercial buildings during the building hours of operation;
  - (7) Claim endorsements by the city; or
  - (8) Conduct business in any manner as to create a threat to the health, safety, and welfare of a specific individual or the general public.

(Ord. No. 744 2nd series, § 1, 10-22-2019)

PASSED AND ADOPTED BY THE CITY OF MARSHALL COMMON COUNCIL

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	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Mayor, Robert Byrnes	_____	_____	_____	_____
Councilmember, Craig Schafer	_____	_____	_____	_____
Councilmember, Steven Meister	_____	_____	_____	_____
Councilmember, John DeCramer	_____	_____	_____	_____
Councilmember, Russ Labat	_____	_____	_____	_____
Councilmember, James Lozinski	_____	_____	_____	_____

Presiding Officer

Attest

\_\_\_\_\_  
Robert Byrnes, Mayor, City of  
Marshall

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Kyle Box, City Clerk City of Marshall