

**ORDINANCE NO. 344**

**CITY OF MAPLE PLAIN**

**AN ORDINANCE AMENDING MAPLE PLAIN CITY CODE CHAPTER 4, ARTICLE 4  
REGARDING MOBILE FOOD UNITS**

THE CITY COUNCIL OF THE CITY OF MAPLE PLAIN DOES ORDAIN:

**SECTION 1. AMENDMENT.** The Maple Plain City Code Chapter 4, Article 4 is hereby replaced in its entirety as follows:

**ARTICLE 4. - SOLICITING AND VENDING BY CATERING FOOD VEHICLES**

**Sec. 4-99. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Operator* ~~means. The operator of a vehicle is~~ anyone who is ~~charged with the responsibility~~ responsible for driving or otherwise operating a ~~vehicle~~ mobile food unit.

*Owner* means the registered owner of the ~~vehicle~~ mobile food unit used for vending, or the person, firm, or corporation who owns or controls the vending business.

~~*Vehicle-Mobile food unit* means any mobile unit being used on public streets for the vending or soliciting of sales of foods or confections, motorized or non-motorized mobile food unit, catering food vehicle, or food truck used to prepare, serve, or sell food, beverages, or confections to the public, whether located on a public street, public right-of-way, or on private property open to the public.~~

*Vending, dispensing or soliciting* means the act of selling, offering for sale, or in any manner distributing or dispensing confections or other goods directly or indirectly from a ~~vehicle~~ mobile food unit to persons in the vicinity of the ~~vehicle~~ mobile food unit.

(Code 1980, § 42.02; Code 2015, § 111.26)

**Sec. 4-100. - Requirements.**

No owner or operator of any ~~catering food vehicles~~ ~~vehicle or~~ mobile food unit as defined in section 4-99, which is used for ~~on-street soliciting for~~ the sale of or the vending of ~~confections or other goods directly from the vehicle~~ food, beverages, or confections on public or private property, shall engage in ~~the such~~ activity ~~of on-street soliciting, dispensing, or vending~~ unless the provisions of this article are met. This section shall not apply to persons using vehicles for the delivery of goods or services

directly to home or establishments where the goods are taken by the operator of the vehicle onto private property for delivery, nor shall it apply to the operation of any political subdivision or unit of government.

This article applies to all mobile food units operating within the city limits, including those on private property open to the public, and shall not apply to delivery services, ~~or~~ government-operated vehicles, or mobile food units operating on private property for a private event not open to the public.

(Code 1980, § 42.01; Code 2015, § 111.25)

#### **Sec. 4-101. - Hours.**

##### **modified**

No person shall carry on the activity of soliciting, dispensing, or vending any foods or confections except between the hours of 1:00 p.m. and 4:30 p.m. and 6:00 p.m. to either dusk or 9:00 p.m., whichever comes earlier and as approved by the City Administrator or City Council. City Council approved events, assemblies and similar activities will not be limited to the hours prescribed within this section.

(Code 1980, § 42.03; Code 2015, § 111.27; Ord. No. 305A, § 3, 1-27-2020; Ord. No. 325, § 1, 12-27-2023)

#### **Sec. 4-102. - Routes.**

- a. More than ten days before commencing operation, the vendor shall file with the Director of West Hennepin Public Safety proposed routes over which the vehicles will travel each day within the City. The vendor shall follow the routes while operating within the City. Proposed route changes shall be filed with the Director of West Hennepin Public Safety at least ten days in advance of making the changes.
- b. Only routes which will minimize the hazards to persons who may be customers of the vehicles and which will minimize traffic hazards in the City shall be approved. The City Council, or its duly authorized representative, will indicate certain streets upon which vending or soliciting under this article is entirely prohibited. The streets will be those heavily traveled streets whereon the selling would constitute a per se hazard to customers' safety or to the safety of other vehicles or persons.

(Code 1980, § 42.04; Code 2015, § 111.28)

#### **Sec. 4-103. - Stopping; intersections and curbs.**

- a. Operators of vehicles-mobile food units under this article shall not stop to sell goods therefrom within 100 feet of any intersection or alleyway.
- b. Operators of vehicles-mobile food units under this article, when stopping the vehicles mobile food unit to sell goods, must stop in a manner such that the curbside of the

vehicles is no more than two feet from that curb, or when there is no curb, no more than two feet from the edge of the street or roadway.

- c. Operators of ~~vehicles~~ mobile food units under this article shall sell goods only from the curbside of vehiclemobile food unit. The operator is responsible for preventing the development of a waiting line or accumulation of customers on any side other than the curbside of the vehiclemobile food unit.

(Code 1980, § 42.05; Code 2015, § 111.29)

#### **Sec. 4-104. - Insurance requirements.**

Every owner or operator of ~~vehicles~~ a mobile food unit under this article shall maintain a policy of general liability insurance in the amount of at least \$~~100,000.00~~1,000,000.00 per occurrence. The policy must cover claims for bodily injury and property damage which may arise from or in connection with the operation. Proof of insurance must be provided immediately on request. ~~for single injuries and \$200,000.00 for each accident, together with at least \$10,000.00 property damage insurance coverage.~~

(Code 1980, § 42.06; Code 2015, § 111.30)

#### **Sec. 4-105. - Safety requirements.**

- a. Each motorized mobile food unit ~~vehicle~~ under this article must be equipped with, and must continually use while vending, flashing lights on both front and rear of the vehicle. The lights must be clearly visible to oncoming cars in full daylight.
- b. Every motorized vehiclemobile food unit, while carrying on a vending operation, shall be attended by at least two persons, one of whom will have the following specific duties: For the full period during which the vehicle mobile food unit is stopped for vending, or which is stopped in such a manner or place as to reasonably cause others to believe that it is proposing to engage in vending operations, the person shall stand alongside the vehicle mobile food unit in such a manner as to be able to observe traffic coming from all directions and also crossing the street by minors in the immediate vicinity of the vehiclemobile food unit. The person shall give adequate warning to both vehicles and minors so as to avoid accident or injury to the minors. The person shall, if necessary, carry the signal or warning device as will enable said person to give adequate warning.

(Code 1980, § 42.07; Code 2015, § 111.31)

#### **Sec. 4-106. - Registration requirements.**

- ~~a.~~ In order to aid the City in contacting the owner or operator of ~~vehicles under this article~~ a food vehicles or mobile food units and to ~~aid the owner or operator with problems of theft or vandalism~~ verify compliance with health and safety standards, the owner or following requirements must be met:

b.a. ~~The operator of each vehicle under this article~~ food vehicle or mobile food unit, whether operating on public or private property open to the public, must register with the City Administrator before beginning vending operations within the City.

Registration shall be on forms provided by the City Administrator and shall include:

~~1. The registration will~~shall be on forms provided by the City Administrator, which and shall give the following information~~include:~~

- (1) Name and description of the registrant, and whether the registrant is a sole proprietorship, partnership, or corporation;
- (2) Permanent home address and full local address of the registrant;
- (3) A brief description of the nature of the business, the goods to be sold, and the registrant's method of operation;
- (4) If employed, the name and address of the registrant's employer and credentials establishing the exact employment relationship;
- (5) The length of time which the registrant intends to do business in the City, with the approximate dates;
- (6) A photograph of the registrant taken within 60 days immediately prior to the date of filing of the application, which picture shall be two inches by two inches, showing the head and shoulders of the registrant in a clear and distinguishable manner;
- (7) A description of the vehicle to be used, together with the license number of the vehicle, or other means of identification;
- (8) If the owner of the vehicle is other than the operator, the name and permanent and temporary address of the owner; and
- (9) A description, including verification, of the license given to the operator or to the operator's employer or to the owner of the vehicle by the Minnesota Commissioner of Agriculture authorizing the licensee to sell food as required under Minn. Stats. § 28A.04, as it may be amended from time to time.
- (10) Each applicant shall pay a non-refundable permit fee as established in the City's adopted fee schedule.
- (11) Proof of a valid Hennepin County or Minnesota Department of Health license for mobile food operations;
- ~~(9)(12)~~ Evidence of general liability insurance of not less than \$1,000,000 per occurrence;Proof of insurance;
- ~~(10)(13)~~ Written consent from the private property owner if the mobile food unit operates on private property open to the public.

e.b. The City Administrator will issue to each registrant a registration badge or certificate with the name, address, and the picture of the operator contained on the face thereof, and may also suspend or revoke the registration for violations of this article. Each operator must display the badge in a prominent, visible place on the vehicle.

(Code 1980, § 42.08; Code 2015, § 111.32)

#### **Sec. 4-107. - Prevention of littering.**

Every vehicle under this article must have a rubbish container located on the curbside of the vehicle, which is adequate to contain any food wrappers discarded by the customers purchasing food from the vehicle. The operator is required to request the customers discarding food wrappers immediately after purchase, to place the wrappers in the rubbish container. The operator is required to collect and deposit in the container any wrappers dropped or improperly discarded in the operator's presence.

(Code 1980, § 42.09; Code 2015, § 111.33)

#### **Sec. 4-108. - Loud noise prohibited.**

No operator or person accompanying the operator of a vehicle under this article shall call attention to their business by crying out, blowing a horn, ringing a bell, playing music, or any other noises; provided, however, that the ringing of a bell or the playing of music is permissible for no more than a period of ten seconds in each minute, during the times in which the operator is authorized to vend under [section 4-101](#). Provided further that the ringing of a bell or playing of music is of a moderate volume and not raucous in nature.

(Code 1980, § 42.10; Code 2015, § 111.34)

#### **Sec. 4-109. – Proximity to Brick-and-Mortar Restaurants. (New Section)**

- a. No food vehicle, catering food vehicle, or mobile food unit shall operate or park for the purpose of selling food or beverages within three hundred (300) feet of the main public entrance of any restaurant or food establishment located in a permanent building, unless:
1. The owner or manager of the any such restaurant or food establishment provides written consent; or
  2. The operation occurs under a city-approved special event permit.
- b. This distance shall be measured from the closest point of the food vehicle to the nearest public entrance of the restaurant or food establishment along a straight line.

— Violation of this section shall constitute a municipal infraction subject to administrative citation or revocation of registration.

#### **Sec. 4-110. – Enforcement Violations and Penalties. (New Section)**

- a. The City Administrator, West Hennepin Public Safety, or their designees may inspect food vehicles mobile food units for compliance with this article. Any

violation may result in suspension or revocation of registration and/or a fine as established by City Council resolution.

a.b. Violation of this article is an administrative offense and shall be subject to the scheduled administrative penalty.