

ORDINANCE NO. _____

AN ORDINANCE ADDING ARTICLE IV, SECTION 17-40 THRU SECTION 17-47 FOOD TRUCK PERMIT TO THE CODE OF ORDINANCES OF THE CITY OF OELWEIN, IOWA

BE IT ORDAINED by the City Council of the City of Oelwein, Iowa, as follows:

Section 1. That the General Ordinances of the City of Oelwein adopted July 1, 2012, be amended by adding the following Article IV, Sections 17-40 thru 17-47 Food Truck Permit as follows:

Chapter 17 Licenses and Regulations
Article IV Food Truck Permit

Section 17-40 Food Trucks

The City of Oelwein is supportive of food trucks as they provide entrepreneurship for residents and are a benefit for the community. The City uses this section to ensure that all food trucks are safe and operating in a manner in line with community standards.

Section 17-41 Definitions

Food Cart – means a non-self-propelled vehicle food establishment which facilitates the preparation, marketing, and sale of food that is whole and unprocessed, prepared, packaged, and/or non-potentially hazardous or commissary-wrapped foods maintained at proper temperatures or precooked foods that require limited assembly, such as frankfurters.

Food Stand – means any article, device, fixture or equipment that is used as a place to provide food and includes, but is not limited to, food tents, food shacks, food pods or food booths that are non-motorized, with or without a mobile kitchen, and facilitates the preparation, marketing, and sale of food that is whole unprocessed, prepared and/or not potentially hazardous. Food stands are not lawfully permitted as a permanent structure.

Food Truck – means a self-propelled, or non-self-propelled vehicle or trailer, which is operable and is currently licensed through a North American Department of Motor Vehicles. A food truck contains a mobile kitchen and facilitates the preparation, marketing, and sale of food that is whole unprocessed, packaged, prepared and/or not potentially hazardous.

For the sake of this ordinance, any term listed above shall be referred to as a food truck

Section 17-42 Documentation

1. A copy of the food service license issued to the applicant by the State of Iowa Department of Inspections & Appeals-Food and Consumer Safety Bureau
2. Each mobile food vendor shall provide proof of general liability insurance, including products liability coverage, in the amount of \$1,000,000 or more per occurrence and \$1,000,000 for property damage. A certificate of insurance shall be delivered to the City Clerk prior to the issuance of a mobile food vendor license.

Section 17-43 Fees

Fees for this ordinance will be set annually by the city's fee schedule.

Section 17-44 Exemptions

- Mobile food vendors operating at a community event
 - Party in the Park, Oelwein Celebration, Heritage Days, any not for profit event or fundraiser from a local community group
- Non-Profit Organizations (such sales must not be in excess of three consecutive days in any seven-day period at the same location)
- Farm Stands/Seasonal sale of unprocessed whole foods (parcel on which sale occurs must be classified as exempt, industrial or commercial)
- Mobile food vending is ancillary (secondary) to an existing primary use if all of the following are met:
 - There is a primary land use in a building (cannot use a bare lot);
 - Sale of food associated with the primary use of the building is legally allowed;
 - Property is classified industrial or commercial;
 - The mobile food vendor must own the property or a business on the property.

- Catering in which the food is prepared off-site and delivered (food is not prepared or served from a mobile food vending unit/stand)*

Section 17-45 Location

A food truck permit allows the truck to park on city owned parking lots and operate from 8 AM to 11 PM. Food trucks on private lots may follow the hours of the associated business. Food truck parking is not allowed in parking spaces on city streets within 150 feet of an established business whose primary sales include food. This distance is measured from the front door of the business adjacent to the street. This rule is to ensure adequate parking for food establishments and not to disrupt the characteristic of the city’s general business district. Food trucks using city electricity may pay an additional fee as designated by the city’s fee schedule.

Section 17-46 Administration

All permits will be issued by the City Clerk or their designee.

Section 17-47 Penalty

Violations of this Article shall be a municipal infraction punishable pursuant to 1-10. Anyone violating the provisions of this chapter shall, upon conviction, be subject to imprisonment not to exceed thirty (30) days, or a fine not exceeding seven hundred and fifty dollars (\$750.00). Each day the food truck is set up and sells to the community without a permit or bond in violation of this chapter shall constitute a separate offense.

Section 2. That all Ordinances or parts thereof in conflict herewith be and the same are hereby repealed. This Ordinance shall become effective upon the date specified above.

- First reading –
- Second reading –
- Third reading –

Passed and adopted by the City Council of the City of Oelwein, Iowa, this _____ day of _____.

Brett DeVore, Mayor

Attest:

Dylan Mulfinger, City Administrator

Recorded _____, 2020.

Dylan Mulfinger, City Administrator

First Reading on _____:
It was moved by _____ and seconded by _____ that the Ordinance as read be adopted, and upon roll call there were:

AYES NAYS ABSENT ABSTAIN

- Gerdts
- M Weber
- Cantrell
- Fisk
- Stewart
- Seeders

Second Reading on _____ It was moved by _____ and seconded by _____ that the Ordinance as read be adopted (or to suspend the rules), and upon roll call there were:

AYES NAYS ABSENT ABSTAIN

- Gerdts
- M Weber
- Cantrell
- Fisk
- Stewart
- Seeders

Third Reading on _____ It was moved by _____ and seconded by _____ that the Ordinance as read be adopted (or to suspend the rules) and upon roll call there were:

AYES NAYS ABSENT ABSTAIN

- Gerdts
- M Weber
- Cantrell
- Fisk
- Stewart
- Seeders