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~~11.32.010 Soliciting And Vending By Catering Food Vehicles~~

- ~~1. *Compliance Required; Application.* No owner or operator of any catering food vehicle, as defined in Paragraph B, which is used for on-street soliciting for the sale of or the vending of confections or other goods directly from the vehicle, shall engage in the activity of on-street soliciting, dispensing, or vending unless the provisions of this section are met. This section shall not apply to persons using vehicles for the delivery of goods or services directly to homes 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.~~
- ~~2. *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~
 - ~~1. **OPERATOR.** Anyone who is charged with the responsibility for driving or otherwise operating a vehicle.~~

~~**OWNER.** The registered owner of the vehicle used for vending, or the person, firm, or corporation who owns or controls the vending business.~~

~~**VEHICLE.** Any mobile unit being used on public streets for the vending or soliciting of sales of foods or confections.~~

~~**VENDING, DISPENSING, or SOLICITING.** The act of selling, offering for sale, or in any manner distributing or dispensing~~

~~confections or other goods directly or indirectly from a vehicle to persons in the vicinity of the vehicle.~~

~~3. *Hours Of Operation.* 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.~~

~~4. *Routes; Approval Required.*~~

~~1. *Proposed routes.* More than ten days before commencing his or her operation, the vendor shall file with the Police Chief a proposed route or routes over which the vehicle or vehicles will travel each day within the city. The vendor shall follow these routes while operating within the city. Proposed route changes shall be filed with the Police Chief at least ten days in advance of making the changes.~~

~~2. *Criteria for approval of routes.* Only routes which will minimize the hazards to persons who may be customers of these 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 section is entirely prohibited. Those streets will be those heavily traveled streets whereon this type of selling would constitute a per se hazard to customers' safety or to the safety of other vehicles or persons.~~

~~5. *Stopping Restrictions.*~~

~~1. Operators of vehicles under this section shall not stop to sell goods therefrom within 100 feet of any intersection or alleyway.~~

~~2. Operators of vehicles under this section, when stopping such a vehicle to sell goods, must stop in a manner so that the curb side of the vehicle is no more than two feet from the curb, or when there is no curb, no more than two feet from the edge of the street or roadway.~~

~~3. Operators of vehicles under this section shall sell goods only from the curb side of such a vehicle. The operator is responsible for preventing the development of a waiting line or accumulation of customers on any side other than the curb side of the vehicle.~~

~~6. *Insurance Requirements.* Every owner or operator of vehicles under this section shall maintain liability insurance in the amount as set forth in the insurance limits schedule.~~

~~7. *Safety Requirements.*~~

~~1. Each motorized vehicle under this section must be equipped with, and must continually use while vending, flashing lights on both front~~

~~and rear of the vehicle. These lights must be clearly visible to oncoming cars in full daylight.~~

- ~~2. Every motorized vehicle, 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 is stopped for vending, or is stopped in a manner or place so as to reasonably cause others to believe that it is proposing to engage in vending operations, this person shall stand alongside the vehicle in a manner so as to be able to observe traffic coming from all directions and also crossing of the street by minors in the immediate vicinity of the vehicle. This person shall give adequate warning to both vehicles and minors so as to avoid accident or injury to the minors. This person shall, if necessary, carry a signal or warning device as will enable him or her to give adequate warning.~~

~~8. Registration Requirements.~~

- ~~1. In order to aid the city in contacting the owner or operator of vehicles under this section and to aid the owner or operator with problems of theft or vandalism, the following requirements must be met:~~

- ~~1. The operator of each vehicle under this section must register with the Administrator, Clerk/Treasurer before beginning vending operations within the city.~~
- ~~2. The registration will be on forms provided by the Administrator, Clerk/Treasurer, which shall give the following information:~~
 - ~~1. The name and description of the registrant, and whether registrant is a sole proprietorship, partnership, or corporation;~~
 - ~~2. The 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 his or her employer or to the owner of the vehicle by the State Commissioner of Agriculture authorizing the licensee to sell food as required under M.S. § 28A.04, as it may be amended from time to time.~~
- ~~2. The Administrator, Clerk/Treasurer will issue to each registrant a registration badge with the name, address, and the picture of the operator contained on the face thereof. Each operator must display the badge in a prominent, visible place on the vehicle.~~
- ~~9. *Litter Prevention.* Every vehicle under this section must have a rubbish container located on the curb side 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 his or her presence.~~
 - ~~10. *Loud Noise Prohibited.* No operator or person accompanying the operator of a vehicle under this section shall call attention to his or her 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 Paragraph C. Provided further, that the ringing of a bell or playing of music be of a moderate volume and not raucous in nature.~~

11.32.010 Purpose and Intent

The purpose of this Chapter is to protect the public health, safety and welfare by establishing reasonable regulations governing the operation of Mobile Food Units within the City of Spring Lake Park, including standards intended to ensure safe pedestrian and vehicular movement, minimize adverse impacts on surrounding properties, prevent nuisances, and protect public and private

property. This Chapter is further intended to coordinate City regulation of Mobile Food Units with applicable County ordinances and State laws and shall be construed as a reasonable time, place and manner regulation that does not prohibit Mobile Food Units where otherwise allowed by law and this Ordinance.

11.32.020 Definitions

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

MOBILE FOOD UNIT (MFU). A vehicle-mounted or trailer-mounted food service establishment that is readily movable and used to store, prepare, serve or vend food or beverages.

FOOD TRUCK. A Mobile Food Unit from which food or beverages are prepared or cooked on-site and sold directly to consumers.

PREPACKAGED FOOD VENDOR. A Mobile Food Unit that sells only prepackaged food or beverages, including ice cream, and does not conduct on-site cooking.

OPERATE or OPERATION. The vending, selling, offering for sale, or serving of food or beverages from a Mobile Food Unit, whether or not a sale occurs.

PUBLIC PROPERTY. City-owned land, parks, parking lots and other City facilities, including the public right-of-way.

REGULATORY AUTHORITY. The county and/or state agency having jurisdiction over food licensing and inspection for a Mobile Food Unit.

11.32.030 Applicability And Exemptions

1. This Chapter applies to all Mobile Food Units operating within the City limits, whether on public or private property, unless expressly exempted.
2. The following are exempt from City permitting under this Chapter but remain subject to applicable state and county requirements:
 1. Mobile Food Units operating exclusively for a private, invitation-only event not open to the general public;
 2. Caterers operating pursuant to a valid catering authorization and not engaging in general on-site vending; and
 3. Mobile Food Units operating as part of a City-sponsored special event.
3. Exemptions under this Section do not relieve any person from compliance with generally applicable laws, including traffic, noise, fire and health regulations.

11.32.040 City Authorization Required

1. Registration required. No Mobile Food Unit shall operate within the City unless the operator has obtained a current Mobile Food Unit registration issued by the City.
2. Public Property permit required. In addition to registration, a Public Property permit is required for operation on public property.
3. Right-of-way restriction. Mobile Food Units shall not operate within the public right-of-way except:
 1. As part of a City-permitted special event, pursuant to SLPC 9.36; or
 2. With written authorization from the Administrator, Clerk/Treasurer, or designee.
4. Compliance with other laws. Issuance of a Mobile Food Unit registration or Public Property permit by the City does not authorize the preparation or sale of food or beverages without all required licenses and approvals from the applicable Regulatory Authority. The operator remains solely responsible for compliance with all applicable federal, state and county laws.

11.32.050 Application Requirements; Fees

1. Applications shall be submitted on forms provided by the City and shall include, at a minimum:
 1. Applicant name, business name, mailing address, phone number, and email address;
 2. Description of the Mobile Food Unit, including license plate or trailer identification number and photographs;
 3. Description of food and beverage items to be sold;
 4. Proof of current licensure from the applicable Regulatory Authority;
 5. Proof of insurance meeting the requirements of SLPC 11.32.060;
 6. Proof of current fire safety inspection for food truck.
 1. Fire safety reciprocity. A fire safety inspection conducted within the calendar year by a Fire Department or Fire Marshal located in either Anoka or Ramsey County may be accepted as meeting the fire inspection requirements of this provision, provided the inspection addresses applicable provisions of the Minnesota State Fire Code. The City Fire Marshal may require a supplemental inspection when specific, articulable fire safety concerns are identified related to the Mobile Food Unit's equipment, configuration or operation.

2. Fees for Mobile Food Unit registrations and Public Property permits shall be established by ordinance and incorporated into the City fee schedule.
3. Issuance standards. The City shall issue a registration or permit upon determining that the application is complete, fees have been paid and applicant complies with this Chapter and all applicable laws and ordinances. Denial of an application shall be provided in writing and shall state the specific reasons for denial.
4. Registration term. Mobile Food Unit registrations shall be valid for the calendar year in which issued unless sooner suspended or revoked. Registrations shall expire on December 31 of each year and are not automatically renewable.

11.32.060 Insurance Requirements

1. Required insurance. Every Mobile Food Unit operator shall maintain commercial general liability insurance covering bodily injury and property damage arising out of the ownership, use, and operation of the Mobile Food Unit.
2. Minimum limits. The commercial general liability insurance required under this Section shall have limits of not less than \$1,000,000 per occurrence and \$2,000,000 aggregate.
3. Proof of insurance. Proof of insurance shall be provided by a Certificate of Insurance issued by a carrier authorized to do business in the State of Minnesota. The City of Spring Lake Park shall be listed as the certificate holder on the Certificate of Insurance. Insurance required by this Section shall be maintained for the full duration of operations within the City or the term of the permit, whichever is longer. Failure to maintain required insurance constitutes grounds for suspension or revocation pursuant to SLPC 11.32.100.
4. Public property; additional insured. When operating on Public Property, the policy shall list the City of Spring Lake Park as an additional insured.

11.32.070 Operating Standards

1. Hours of operation.
 1. Commercial and industrial zoning districts. Mobile Food Units may operate between the hours of 7:00 a.m. and 10:00 p.m., unless otherwise authorized by permit.
 2. Residential zoning districts. Except as provided in Paragraph A,3, Mobile Food Units may operate between the hours of 10:00 a.m. and 8:00 p.m.

3. Prepackaged food vendors and ice cream trucks. Prepackaged Food Vendors, including ice cream trucks, may operate in a residential zoning district between the hours of 10:00 a.m. and 8:00 p.m. and in commercial and industrial zoning districts between the hours of 7:00 a.m. and 10:00 p.m.
2. Traffic and pedestrian safety. Mobile Food Units shall not obstruct sidewalks, trails, curb ramps, drive aisles, fire lanes or interfere with required sight triangles, or create unsafe pedestrian or vehicular conditions.
3. Noise; nuisance standards. Mobile Food Units shall comply with the City's noise and public nuisance standards set forth in SLPC 9.20. Except as provided wherein, no amplified sound, horn, bell or similar device shall be used to attract customers. Prepackaged Food Vendors may use sound devices customarily associated with ice cream vending only during permitted hours and in compliance with SLPC 9.20.
4. Sanitation and waste. Operators shall provide a refuse container for customer use. All litter generated within twenty five (25) feet of the Mobile Food Unit shall be removed daily. Wastewater, grease or other liquids shall not be discharged onto the ground, pavement or storm sewer system.
5. Power and lighting. Power generation equipment, including generators and associated fuel systems, shall be properly installed, maintained, and operated in accordance with manufacturer specifications and applicable fire and safety codes, and shall be operated in a manner that does not create a nuisance, excessive noise, vibration, odor, or safety hazard. Temporary or permanent lighting used in connection with a Mobile Food Unit shall be directed away from adjacent properties, public rights-of-way, and residential dwellings so as to prevent glare or light trespass, shall not interfere with traffic visibility or pedestrian safety, and shall be operated in compliance with applicable provisions of this Code, including the City's nuisance and noise regulations.
6. Number of units. No more than three (3) Mobile Food Units may operate simultaneously on a single parcel unless authorized as part of a Special Event permit.
7. Private property authorization. When operating on private property, a Mobile Food Unit shall have the written consent of the property owner or lawful tenant in possession. Such authorization shall be maintained by the operator and provided to the City upon request.

11.32.080 Display; Non-Transferability

1. All registrations and permits shall be available for inspection upon request.
2. Registrations and permits issued under this Chapter are non-transferable.

11.32.090 Suspension And Revocation; Penalties

1. Any registration or permit under this Chapter may be denied, suspended or revoked for one or more of the following reasons:
 1. Violation of this Chapter or any condition of a registration or permit;
 2. Violation of applicable federal, state, or local law related to food service, fire safety, traffic, noise, or public safety;
 3. Failure to maintain required insurance or licensure from the applicable Regulatory Authority;
 4. Fraud, misrepresentation, or material omission in an application or renewal; or
 5. Conduct by the operator or any person acting on the operator's behalf that poses a threat to public health, safety, or welfare.
2. Notice of proposed action. Except as provided in Paragraph D, the City shall provide written notice to the registration or permit holder stating: 1) the proposed action, the factual basis for the proposed action; the specific provisions of this Code or other applicable law alleged to have been violated; and notice of the right to request a hearing. Service of notice may be made by personal delivery, USPS mail, or electronic mail to the address provided in the application. Service shall be deemed complete upon mailing or transmission. The applicant shall be responsible for maintaining current mailing and electronic contact information with the City.
3. Request for hearing. The registration or permit holder may request an administrative hearing by submitting a written request to the Administrator, Clerk/Treasurer within ten (10) calendar days after service of the notice. A hearing shall be scheduled, the time and place of which shall be provided to the registration or permit holder. Failure to timely request a hearing constitutes a waiver of the right to a hearing, and the proposed action shall become final.
4. Summary suspension. The Administrator, Clerk/Treasurer, or designee, may immediately suspend a registration or permit without prior notice or hearing if an imminent threat to public health or safety exists. Written notice of the summary suspension and the reasons therefor shall be

provided as soon as practicable. The registration or permit holder shall be afforded an opportunity for an administrative hearing within ten (10) calendar days after service of the notice of summary suspension.

5. Hearing procedure. The hearing shall be conducted by the Administrator, Clerk/Treasurer, or his/her designee. The registration or permit holder may appear personally or through counsel, present testimony and evidence and respond to the evidence relied upon by the City.
6. Decision. Following the hearing, the hearing officer shall issue a written decision setting forth findings of fact and conclusions supporting the action taken.
7. Appeal. Appeals of any decision made by the hearing officer shall be made to the City Council in writing within seven (7) days after service of the hearing officer's decision. The decision of the City Council shall be final.
8. Penalties. A person who violates this chapter is guilty of a misdemeanor unless otherwise provided by law. See SLPC 1.04.200. The remedies provided in this Section are cumulative. The City may pursue any remedy authorized by law, including criminal prosecution, administrative citation, civil enforcement, injunctive relief or suspension or revocation of the registration or permit.