

2011-Or-___

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By Goodman

**Amending Title 10, Chapter 188 of the Minneapolis Code of Ordinances relating to
Food Code: Administration and Licensing.**

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 188.485 of the above-entitled ordinance be amended to read as follows:

188.485. Mobile food vehicle vendors. (a) No person shall operate a mobile food vehicle ~~on the public sidewalks, plazas, or private property, including parking lots, in the city~~ without a valid license required under this section. To the extent authorized in any such license granted under the provisions of this section, the licensee may conduct such licensed business on the public sidewalk or curbside on the street notwithstanding the provisions of sections 188.10, 427.110, 427.130, 478.85, 478.90(a, u, w, and y), 478.350, 478.370, 430.30, 439.30, and 549.160 of this Code.

(b) *Plan submission.* Application for a mobile food vehicle ~~permit~~ license shall be made at the department of licenses and consumer services before beginning the construction of a mobile food vehicle vending operation. The director of licenses and consumer services may require such information on the application as the director deems reasonable and necessary, including but not limited to, the following information:

- (1) Name and address of the applicant.
- (2) Name and address of the approved commercial supply source and affiliated licensed food establishment in the city. If the licensed food establishment is not owned or operated by the applicant, the applicant shall provide written proof of consent from the establishment's owner to use the facility for food preparation, storage, and cleaning.
- (3) A description of the preparation methods and food product offered for sale, including the intended menu, display, and distribution containers.
- (4) The anticipated volume of food to be stored, prepared, and sold.

- (5) Plans and specifications for the mobile food vehicle, including the proposed layout, photographs, mechanical schematics, construction materials, finish schedules, equipment types, manufacturers, model numbers, locations, dimensions, weight of vehicle per wheel, performance capacities, power source, installation specifications, and information on any custom fabricated equipment.
- (6) A ~~v~~Valid copyies of all necessary licenses or permits required by state or local health and transportation authorities.
- (7) A signed statement that the ~~permittee licensee~~ shall hold harmless the city, ~~the Downtown Business Improvement Special Service District (the "district")~~ any applicable special service district, and their officers and employees, and shall indemnify the city, ~~the district~~ any applicable special service district, and their officers and employees for any claims for damage to property or injury to persons which may be occasioned by any activity carried on under the terms of the ~~permit license~~. ~~Permittee Licensee~~ shall furnish and maintain such public liability, food products liability, and property damage insurance as will protect permittee, property owners, city, and the district from all claims for damage to property or bodily injury, including death, which may arise from operations under the ~~permit license~~ or in connection therewith. Such insurance shall provide coverage of not less than one million dollars (\$1,000,000.00) per occurrence. The policy shall further provide that it may not be cancelled except upon thirty (30) days written notice filed with the director of licenses and consumer services. No ~~permit license~~ issued pursuant to the provisions of this section shall be valid at any time the insurance required herein is not maintained and evidence of its continuance filed with the director of licenses and consumer services.
- (8) The proposed locations for conducting business according to subsection (c) below, ~~along with a signed statement that the licensee shall hold harmless the adjacent property owner(s) for any claims for damage to property or injury to persons which may be occasioned by any activity carried on or under the license.~~ No application will be accepted for a license operating location on a public sidewalk or private parking lot where a current license has been issued or a complete application is pending. If the proposed location is on a public sidewalk, the applicant shall submit a signed statement that the licensee shall hold harmless the adjacent property owner(s) for any claims for damage to property or injury to persons which may be occasioned by any activity carried on or under the license. If the proposed location is private property, the applicant shall provide written consent from the property owner. If the proposed location is on or within two hundred (200) feet of park board property, the applicant shall provide written consent in the form of a permit, agreement, or other required written authorization from the park board.

- (9) Each year at the time of filing the application for such a permit license the applicant shall pay to the city finance officer a sum as established in Appendix J, License Fee Schedule.

(c) *Location review and restrictions.* Proposed operating locations shall be reviewed as follows:

- (1) ~~Mobile food vendors may only operate within the boundaries of the district in section 465.10. The department of licenses and consumer services shall maintain a list of eligible operating locations that is available for review by the public. The director of public works licenses and consumer services shall refer the subject of mobile food vendors in general to Downtown Business Improvement Special Service District ("the district"), which shall report its advisory recommendations concerning the potential locations of mobile food vendor sites on the public sidewalks within the boundaries of the district in section 465.10. The list of potential operating locations shall be available for review in the department of licenses and consumer services.~~
- (2) Upon receipt of a complete application for a permit license, the permit license shall be referred to the director of public works for approval or disapproval. The use of the permit license operating location for mobile food vending must be compatible with the public interest in use of the sidewalks ~~areas and streets~~ as public right-of-way. In making such determination, the director of public works shall consider the width of the sidewalk, the method of placing the vehicle, the weight that can be supported by the paving at the proposed location, the proximity and location of existing street furniture, including but not limited to, utility poles, parking meters, bus shelters, benches, street trees, newsracks, as well as, the presence of bus stops, truck loading zones, taxi stands, valet parking zones, or other approved sidewalk cafes or mobile food vehicles to determine whether the requested location would result in pedestrian or street congestion.
- (3) The director of public works shall not approve a location on a sidewalk where a mobile food vehicle would substantially impair the structural capacity of a the sidewalk, movement of pedestrians or vehicles, or pose a hazard to public safety. The director shall not approve any location which is adjacent to a bus stop, taxi stand, or handicap loading zone, within thirty (30) feet of an intersection, within three (3) feet of a curb, or directly in front of a property entryway. Pedestrian walkways of no less than six (6) feet must be maintained ~~around~~ on the service side of the mobile food vehicle.
- (4) No mobile food vehicle vendor application will be accepted for a license operating location ~~operating~~ on a public sidewalk where a restaurant, with direct access to the sidewalk, is adjacent or within one hundred (100) feet on the same block face. This requirement may be waived if the application is submitted with the written consent of the proprietor of the restaurant. No

person or corporation shall either pay or accept payment for the written consent provided herein.

- (5) Ingress and egress to private property shall be through existing driveway openings only.
- (6) Parking on streets is permitted when in compliance with all ordinances, regulations, parking zones and posted signage. Sales by the licensee shall be made on the curbside only and the vehicle shall be parked within one (1) foot of the curb. No mobile food vendor shall operate from the public right-of-way where a restaurant, with direct access to the sidewalk, or a permitted sidewalk café is within one hundred (100) feet on the same block face. This requirement may be waived if the licensee furnishes written consent from the proprietor of the restaurant. No person or corporation shall either pay or accept payment for the written consent provided herein.
- (7) Parking at a metered space is allowed as indicated above and subject to the following conditions:
 - a. Licensee shall only operate at an operational metered space and shall park in such a manner so as to only occupy the designated parking space.
 - b. Licensee shall comply with all posted requirements and fees in accordance with subsection (a).
 - c. Parking at a designated short-term metered space is not permitted.
 - d. When any portion of the mobile food vehicle, including any trailer, extends into an adjacent parking space, then that space shall be considered occupied by the mobile food vehicle and the licensee must comply with all posted meter requirements.
 - e. No mobile food vehicle, including any trailer, shall occupy more than two (2) metered parking spaces. Trailers must be detached from the vehicle while in operation.
 - f. No mobile food vehicle shall be allowed to operate at a metered space where a bicycle lane exists between the parking space and the parking meter.
 - g. No mobile food vehicle shall be allowed to operate at a hooded metered space or a parking meter that is temporarily out of service.
 - h. Licensee is prohibited from reserving a metered parking space by blocking, barricading, hooding, signing, or in any other manner preventing another vehicle from occupying the space.

- i. No mobile food vehicle vendor shall operate from the public right-of-way on a block face containing a licensed sidewalk café.
- ~~(5)~~(8) The approved operating locations shall be indicated on the permit license and shall include the area of the mobile food vehicle. The permit license must be prominently displayed on the vehicle.
- ~~(6)~~(9) If the requested operating location is denied, the applicant may select an alternate location, which shall also be referred to the director of public works for review.
- ~~(7)~~(10) The city shall not approve more than one (1) mobile food vehicle per private parking lot, which must remain in compliance with the zoning code, including the off-street parking requirements for the host parking lot. The vehicle shall not block required drive aisles.
- ~~(8)~~(11) Licensee shall not operate any such business within five hundred (500) feet of any city, county, or state fair, carnival, circus, festival or civic event that is licensed or sanctioned by the city council, or similar event authorized by a permit issued by the park board, except when the licensee has obtained a temporary food permit from the director of licensing and consumer services as being a participant under the auspices and control of such event-, and, if applicable, written consent in the form of a permit, agreement, or other required written authorization from the park board.
- ~~(9)~~(12) Licensee shall not operate any such business within five hundred (500) feet of a controlled entrance to a regional sports arena or facility, except when the licensee has obtained written permission from the owner and furnished such written permission to the director of licensing and consumer services at least fifteen (15) days in advance of such use.
- (13) Licensee shall not operate any such business within two hundred (200) feet of park board property without written consent in the form of a permit, agreement, or other required written authorization from the park board.

(d) *Approved food and beverage list.* The manager of environmental health shall maintain a record of approved food and beverage items which may be prepared and sold by mobile food vehicle vendors. Requests to have a food or beverage item considered for approval shall be submitted in writing to the manager of environmental health, who shall determine whether the food or beverage item is capable of preparation and service from the mobile food vehicle based on the equipment being used and the design and construction of the vehicle.

(e) *Form and condition of permit license.* In addition to naming the permittee licensee, showing the approved operating location site diagram, and any other information deemed

appropriate by the director of licenses and consumer services, the mobile food vehicle vending ~~permit~~ license shall contain the following conditions:

- (1) Each mobile food vehicle vending ~~permit~~ license shall expire on April first of each year.
- (2) The ~~permit~~ license shall not be transferrable from person to person or from place to place without approval of the director of licenses and consumer services.
- (3) The approved operational location may be changed, either temporarily or permanently, by written notice of the director of licenses and consumer services or ~~his or her~~ their designee.
- (4) The ~~permit~~ license is valid for one (1) vehicle only.
- (5) There shall be issued to each ~~permittee~~ approved licensee a suitable decal that shall be permanently and prominently affixed to the vehicle.

(f) *Restrictions.* The mobile food vehicle shall comply in all respects with all requirements of state law, including but not limited to Minnesota Rules Chapter 1315, Chapter 1346, and Chapter 4626, and any requirements found in any other law, statute, rule, resolution, ordinance, or regulation of any kind and the following:

- (1) All equipment must meet applicable National Sanitation Foundation (NSF) food service equipment standards.
- (2) All foods, beverages, and ice must be obtained from an approved commercial source. Food cannot be stored in a home.
- (3) Any food preparation or food storage done off-site must be accomplished at ~~the~~ primary a city licensed food establishment location. Food cannot be prepared or stored in a home.
- (4) Hours of operation shall be limited to the hours between ~~7~~6:00 a.m. and midnight. The hours of operation for mobile food vehicles located within three hundred (300) feet of a residential building or a mixed use building with a residential component shall be limited to the hours between 7:00 a.m. and 10:00 p.m.. No approved mobile food vehicle shall be left unattended ~~on a sidewalk~~ nor remain ~~on the sidewalk~~ at an authorized operating location outside of these allowed hours of operation.
- (5) Every approved mobile food vehicle vendor shall operate for a minimum of one hundred ~~eighty~~ fifty (~~180~~ 150) days during the license term.

- (6) No mobile food vehicle vendor shall use or maintain any outside sound amplifying equipment, televisions or similar visual entertainment devices, lights, or noisemakers, such as bells, horns, or whistles.
- (7) All waste liquids, garbage, litter and refuse shall be kept in leak proof, nonabsorbent containers which shall be kept covered with tight-fitting lids and properly disposed of at the licensed food establishment. No waste liquids, garbage, litter or refuse shall be dumped or drained into sidewalks, streets, gutters, drains, trash receptacles, or any other place except the licensed food establishment. The garbage receptacle shall be easily accessible for customer use. The ~~permittee~~ licensee shall be responsible for all litter and garbage left by customers.
- (8) The mobile food vehicle shall not have a drive-through.
- (9) The manager of environmental health may summarily close any licensed food establishment, including a mobile food vehicle, pursuant to section 188.580.
- (10) A mobile food vehicle vendor shall obey any lawful order of a police officer, traffic control agent, or regulatory services inspector to move to a different ~~permitted~~ authorized location to avoid congestion or obstruction of the street or sidewalk ~~or remove the vehicle entirely from the sidewalk if necessary to avoid such congestion or obstruction.~~
- (11) The mobile food vehicle shall comply with the provisions of section 466.280 and 536.20 relative to signage and advertising on the vehicle.
- (12) No mobile food vehicle shall use external signage, bollards, seating, or any other equipment not contained within the vehicle.
- (13) Any power required for the mobile food vehicle ~~located on public sidewalks~~ shall be self-contained, screened from view, and shall not use utilities drawn from the public right-of-way. Mobile food vehicles on private property may use electrical power from an adjacent property only when the owner provides written consent. ~~All other power sources must be self-contained.~~ No power cable or equipment shall be extended at grade across any city street, ~~or alley, or the Walk Zone of any city sidewalk.~~
- (14) The height of the mobile food vehicle, including all accessory equipment, shall not exceed ten (10) feet for operation on a public sidewalk or thirteen (13) feet, six (6) inches for operation on a street or parking lot. The director of public works may reduce the allowed maximum height on a public sidewalk in a particular location in consideration of existing right-of-way obstructions, including trees.

(15) No mobile food vehicle shall be kept, stored, or maintained on a residentially zoned property in violation of any ordinance or regulation.

(g) *Permit License adverse action.* An application or approved ~~permit~~ license may be denied, revoked, suspended, or not renewed, after notice and an opportunity for a hearing thereon, for any of the following reasons:

- (1) The application contains material omissions or false, fraudulent, or deceptive statements.
- (2) The vehicle is operated in such a manner as constituting a public nuisance per this Code or state statutes.
- (3) The proposed operation is in violation of any federal, state, or local laws including, but not limited to, the provisions of this Code pertaining to food, fire prevention, and health or safety.

The provisions of this section are not exclusive. Adverse license action may be based upon good cause as authorized by Chapter 4, Section 16 of the Charter. This section shall not preclude the enforcement of any other provisions of this Code or state and federal laws and regulations.

(h) Effective date. This section shall become effective on May 1, 2010.