

**ORDINANCE 2005-Or-\_\_\_\_**  
**By**

**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 188.180 of the above-entitled ordinance be amended to read as follows:

**188.180. License application.** Any person desiring a food license shall file with the department of licenses and consumer services a written application ~~to the city council~~ for such license, giving in such application the full name, place, date of birth and address of the owner or proprietor of the building, shop, stall, vehicle, stand or place where such food establishment is to be conducted and for which a license is desired, the location of the building or buildings, and the part or portion thereof intended to be used in the conduct of such business and under such license. If the applicant is a partnership or firm, the name, place and date of birth, residence address of all partners or persons interested therein; if a corporation, the state of incorporation, the name, place and date of birth, of all persons named in the corporation, and shall state whether or not any person named in the application has ever been convicted of any crime. Such application shall also indicate the source of funds used to begin operation of the food establishment and all documentary proof and evidence thereof including leases, contracts, purchase agreements, and financial statements. Such application shall also contain the kind, name, and location of every business or occupation applicant has been engaged in during the preceding ten (10) years, and the street address at which the applicant has lived during the preceding ten (10) years. The applicant shall state in such application the nature of the business to be conducted. If the applicant proposes to operate more than one of such businesses, the applicant shall so state in the application and shall describe the part or portion of the building or place wherein the applicant proposes to conduct each of such businesses. If a license is granted, the part or portion of said building used as a food establishment shall conform to and the equipment and operation be in accordance with the provisions of this chapter

Section 2. That Section 188.190 of the above-entitled ordinance be amended to read as follow:

**188.190. Health inspection, recommendation required; license issuance or denial.** Upon the filing of the application for a license hereunder it shall be ~~presented to the city council and referred to the manager of environmental health for investigation, report and recommendation, which shall be returned to the city council within fourteen (14) days after receipt of application for license.~~ After the report and recommendation of the manager of environmental health have been received by the ~~city council~~ it may then ~~director of licenses and consumer services, the license may be granted or denied~~ such application and, if granted notwithstanding the disapproval of the manager of environmental health, the minutes of the city council shall so states pursuant to section 259.30.

Section 3. That Section 188.210 of the above-entitled ordinance be amended to read as follows:

**188.210. Application for additional vending machines.** After a vending machine license has been issued ~~by the city council~~, upon a written application to the department of licenses and consumer services and payment of the fee provided in section 188.250 of this Code for each additional machine, the licensee may receive licenses for additional machines over and above the number stated in the original application. The application for such license shall state the desired additional number, the date and number of the original license, the street address of the property or place wherein the additional machines are intended to be installed and shall be signed in the manner required for an original application.

Section 4. That Section 188.480 (11) of the above-entitled ordinance be amended to read as follows:

**188.480. Mobile operation.** It shall be unlawful to open, to operate any mobile food vending or mobile food manufacturing vehicle in the city, unless it is licensed, operated and conducted in accordance with the following conditions:

- (11) Notwithstanding the limitations in subsection (1), ~~the city council may issue licenses~~ may be issued under this section for the sale of prepackaged perishable foods from nonmotorized carts operating exclusively on park board property with the approval of the park board. Each applicant for a license under this subsection shall include in the application a proposed operating location or route. The construction and dimensions of each cart, and all food and beverage items sold from such carts, shall be subject to the approval of the manager of environmental health. Each mobile food cart shall meet National Sanitation Foundation (NSF) standards for food storage preparation and dispensing. Each cart shall be stored, cleaned and serviced on a daily basis at a permanent location in the City of Minneapolis licensed as a food distributor or manufacturer. All other provisions of this section, except subsection (1), shall apply to a license issued under this subsection.

Section 5. That Section 188.510 of the above-entitled ordinance be amended to read as follows:

**188.510. Sidewalk cart food vendors.** Notwithstanding the provisions of sections 188.110, 188.480(8), 427.110 and 427.130 of this Code, ~~the city council may issue licenses~~ may be issued pursuant to section 259.30 for sidewalk cart food vendors for the sale of specified food and beverage items from mobile pushcarts on the public sidewalks, which shall be operated and conducted in accordance with the following conditions:

- (1) Each sidewalk cart shall be separately licensed and may operate only at the location specified in the license, except as permitted in subsection (20). However, in the event a licensee holds licenses for more than one location, the licensee may place any of the licensee's licensed carts at any location for which the licensee holds a license. No licensee may trade carts or locations with another licensee; however, should a licensee apply for and be granted a different location for a cart during the licensing year and chooses to surrender the original location for that cart, the fee for such midseason cart location transfer shall be the fee indicated in section 188.250 of this Code for transfer alone.
- (2) Application procedure:

- a. Each applicant shall file an application with the department of licenses and consumer services on forms provided by the department. In addition to the requirements of section 188.180 of this Code, the director of licenses and consumer services may require such information on the application as the director considers reasonable and necessary.
- b. No application for a single license or for the first of several licenses shall be accepted for filing unless the applicant files therewith plans and specifications for the cart which have been approved by the manager of environmental health. Provided, however, that if the cart is not ready and available for inspection sixty (60) days after the application is filed, the applicant's proposed operating location shall be available to other applicants, and the applicant shall be required to select a new location.

No application from a single applicant for licenses beyond a first license shall be accepted for filing unless the applicant possesses sidewalk carts ready and available for inspection for each location beyond the first location. A single applicant, for the purposes of this section, shall mean an individual person, or any member of that person's immediate family and shall also include a corporation and any corporation with substantially the same ownership or ownership by persons of the immediate family of the stockholders of that corporation or partnership.

- c. Each applicant shall include in the application a proposed operating location. The proposed location shall be referred to the director of public works for the approval or disapproval. The director of public works shall not approve a location where a sidewalk cart would substantially impair the movement of pedestrians or vehicles, or pose a hazard to public safety. Further, the director of public works shall not approve any location which is adjacent to a bus stop, taxi stand, or handicap loading zone, within fifty (50) feet of an intersection, within three (3) feet of a curb, or directly in front of a commercial entryway. If the applicant's proposed location is disapproved, the applicant shall be so notified, and the applicant may select an alternate location, which shall also be referred to the director of public works for approval or disapproval. A holder of a valid license for the previous license year may renew that license and thereby reserve that location for another license year. Any license not renewed by April fifteenth shall cause that location to become available to other applicants. Licenses may be renewed between April first and April fifteenth by the payment of a late fee in addition to the license fee. All licensees shall be notified of the availability of locations which have been vacated or for which licenses have not been renewed. The notification shall include a due date for applicants for these locations and a date upon which a lottery will be held to choose among multiple applicants.
- d. The director of public works shall refer the subject of sidewalk cart food vendors on the Nicollet Mall to the advisory board provided for in Minnesota Statutes, Section 430.101, subdivision 3. The advisory board shall report its recommendations concerning the number and location of sidewalk cart sites on the Nicollet Mall to the director of public works. The

director of public works shall review the board's report and prepare a list of approved locations on the Nicollet Mall. The list shall be available in the department of licenses and consumer services to any applicant or interested person.

- e. No location which has been chosen in a previous application shall be available for selection.
- (3) All sidewalk cart food vendor licenses shall expire on April first of each year subject to renewal year to year thereafter.
- (4) No sidewalk cart shall have dimensions exceeding four (4) feet in width, eight (8) feet in length and eight (8) feet in height. However, a cart may be equipped with an awning which overhangs by not more than twelve (12) inches in any direction. Each sidewalk cart shall be self-propelled and capable of being moved and kept under control by one person traveling on foot. ~~The city council may grant a~~ special license may be granted to a handicapped person to operate a sidewalk cart propelled by electric motor, provided that the applicant shall meet all other conditions for a license.
- (5) Location restrictions:
- a. Sidewalk cart food vendors may operate only within the area bounded by the following: Commencing at the intersection of Third Avenue North and the Mississippi River, thence southeasterly along the Mississippi River to Interstate 35 West, thence southerly along Interstate 35 West to Interstate 94, thence westerly and northerly along Interstate 94 to Glenwood Avenue, thence easterly to Tenth Street, thence northerly to Third Avenue North, thence northeasterly to the point of beginning or the sidewalk abutting the south side of Vineland Place between Lyndale Avenue South and Bryant Avenue South.
  - b. A sidewalk cart food vendor licensed under this section may operate on privately or publicly owned property, within the boundaries described in subparagraph (1) above, with the express written consent of the property owner, and the approval of the director of public works.
- (6) A sidewalk cart food vendor license shall not be transferable from person to person nor from place to place without approval of the ~~city council~~director of licenses and consumer services.
- (7) Every licensee shall maintain a permanent location within the City of Minneapolis for the storage and preparation of food and beverages carried by the licensee's sidewalk carts, and for the cleaning and servicing of those carts. Such permanent location shall comply in all respects with the requirements of the Minneapolis Food and Beverage Ordinances, and shall be separately licensed as a food distributor. Each sidewalk cart shall return to the permanent location at least once daily for cleaning and servicing.

- (8) Each sidewalk cart shall meet National Sanitation Foundation (NSF) standards for food storage, preparation and dispensing. Toilet facilities shall be required at the permanent location but not on each cart.
- (9) Each cart shall carry adequate hand-washing facilities for the employees of the licensee. A waste retention tank with fifteen (15) percent larger capacity than water supply tank shall be provided.
- (10) All waste liquids, garbage, litter and refuse shall be kept in leakproof, nonabsorbent containers which shall be kept covered with tight-fitting lids and properly disposed of at the permanent location. No waste liquids, garbage, litter or refuse shall be dumped or drained into sidewalks, streets, gutters, drains, trash receptacles or any other place except at the permanent location. When leaving the sales area the licensee or his employees shall pick up all litter resulting from his business and shall deposit such litter in an approved container located on his cart.
- (11) The manager of environmental health shall publish, and may from time to time amend, a list of approved food and beverage items which may be sold by sidewalk cart food vendors. No items of any kind, other than approved food and beverage items, shall be sold or dispensed from sidewalk carts.
- (12) There shall be issued to each licensee a suitable decal for each licensed pushcart. Every pushcart licensed under this chapter shall at all times have the decal permanently and prominently fastened on the pushcart.
- (13) Affixed permanently and prominently to each pushcart shall be a sign no smaller than twelve (12) inches by twelve (12) inches displaying the name, address and telephone number of the pushcart owner.
- (14) Each licensee shall provide proof of liability insurance in the amount of one hundred thousand dollars (\$100,000.00) for individuals, three hundred thousand dollars (\$300,000.00) for any single incident and ten thousand dollars (\$10,000.00) for property damage. A certificate of insurance shall be delivered to the director of licenses and consumer services prior to issuance of a license. The city shall be named an additional insured.
- (15) No sidewalk cart operator shall use lights or noisemakers, such as bells, horns or whistles, to attract customers. A sidewalk cart operator may use battery-operated lights with protective shielding for the purpose of illuminating food and utensils.
- (16) No sidewalk cart shall operate before 7:00 a.m. or after 11:00 p.m. on any day.
- (17) No sidewalk cart shall operate, park, stand or stop in any street or alley except to cross at designated street crossings.
- (18) The city council shall establish a reasonable fee, not to exceed two hundred fifty dollars (\$250.00) per year, to be charged to each sidewalk cart food vendor not located on a specially assessed mall, to defray the cost of cleanup and maintenance and other policing in connection with the operation of the food cart.

- (19) Any sidewalk cart operator who shall fail to operate at any licensed location for thirty (30) consecutive days between May first and October first shall forfeit that location. The department of licenses and consumer services shall notify all licensees of the vacation of said location and shall set a date for a lottery, if necessary, to choose among multiple applicants.
- (20) Notwithstanding other provisions of this section, a licensed sidewalk cart may operate at an indoor location other than its normal sidewalk location, with the approval of the environmental health division and the consent of the property owner, during the following times:
  - a. Between October first and April thirtieth.
  - b. Between May first and October first only during periods of inclement weather.

All other conditions and restrictions of this section shall continue to apply to a sidewalk cart operated at an indoor location under this subsection.

Section 6. That Section 188.520 (a) of the above-entitled ordinance be amended to read as follows:

**188.520. Indoor food cart vendors.** (a) ~~The city council may issue a~~ food license may be issued pursuant to section 259.30 for the operation of a food cart on indoor private property in accordance with the provisions of this section.

Section 7. That Section 188.530 (a) of the above-entitled ordinance be amended to read as follows:

**188.530. Kiosk food cart vendors.** (a) Notwithstanding the provision of sections 188.450 and 188.510(7), ~~the city council may issue~~ a food license may be issued pursuant to section 259.30 for the operation of a food cart in a kiosk on private property in accordance with the provisions of this section.

Section 8. That Section 188.540 (2) of the above-entitled ordinance be amended to read as follow:

**188.540. Regulations of outdoor areas in retail food establishments.** The following regulations shall apply to all outdoor areas in retail food establishments which do not hold on-sale liquor, wine, or beer licenses, including establishments holding sidewalk cafe permits:

- (2) Entertainment:
  - a. No food establishment shall conduct entertainment, including nonlive entertainment such as radio, taped music, and television, in an outdoor area without approval of the city council.

- b. In the downtown and eastbank commercial district described in section 362.430 of this Code, the city council may approve any forms of entertainment unless otherwise prohibited by law.
- c. Outside the downtown and eastbank commercial district described in section 362.430 of this Code, the city council may approve only those forms of entertainment which would be authorized under a class E on-sale liquor, wine, or beer license.
- d. Regardless of the forms of entertainment authorized for an outdoor area, the city council may further restrict the days, hours, nature, volume, and other aspects of entertainment in any outdoor area, including a prohibition against all forms of nonlive music, radio, television, and other entertainment, to protect the safety, repose, and welfare of residents, businesses and other uses near the establishment.
- e. The city council may authorize an establishment to conduct entertainment not otherwise allowed under its license in an outdoor area by permit temporarily for special events. Application for such permit shall be filed with the department of licenses and consumer services on a form prescribed by the director. The fee for a temporary entertainment permit shall be ~~one hundred fourteen dollars (\$114.00)~~ as established in Appendix J, License Fee Schedule .