

To: HONORABLE MAYOR AND CITY COUNCIL.

FROM: Dave Maroney, City Administrator.

SUBJECT: *Ordinance No. 366 – Mobile Food Unit (“Food Trucks”).*

DATE: June 28, 2019.

BACKGROUND.

On June 18th the City Council discussed alternative language and terms that might apply should the City Code be amended to allow “food trucks” to operate in Cannon Falls. Following that discussion, City Attorney Knutson worked with Staff to prepare Ordinance No. 366 for your further consideration. Several provisions of Ordinance No. 366 have been **highlighted** merely to draw your attention to specific revised terms.

REQUESTED COUNCIL ACTION.

The City Council is requested to review the revised verbiage and terms and if acceptable proceed with approval of the first reading of Ordinance No. 366.

CITY OF CANNON FALLS
GOODHUE COUNTY, MINNESOTA

ORDINANCE NO. 366
SECOND SERIES

**AN ORDINANCE AMENDING TITLE XI
OF THE CANNON FALLS CITY CODE CONCERNING
MOBILE FOOD UNITS LICENSING AND REGULATION**

THE CITY COUNCIL OF CANNON FALLS ORDAINS:

Section 1. Chapter Title XI of the Cannon Falls City Code is hereby amended to add Chapter 121:

CHAPTER 121 MOBILE FOOD UNITS

121.01. “Mobile Food Unit” means a self-contained food service operation, located in a readily movable motorized wheeled or towed vehicle that is readily movable without disassembling and that is used to store, prepare, display, or serve food intended for individual portion service; or a mobile food unit as defined in Minnesota Statutes Section 157.15, subdivision 9.

121.02. City License Required. Except as otherwise provided for by this section, no person shall conduct business as a mobile food unit without first obtaining a license from the City. This license is non-transferable. Licenses may be denied for the reasons set-forth in City Code Section 114.04

(A) Charitable, Civic, Non-Profit, and educational or political organizations with offices in the Cannon Falls area and which primarily serve the greater Cannon Falls area with its services need not be licensed, but are required to register with the City.

121.03. The annual license fee is \$250.00. Alternatively, a mobile food unit may obtain a limited license to operate on a daily basis with a fee of \$25.00 per day.

121.04. Mobile Food Unit Requirements.

(A) State License. Mobile food units shall hold a valid license from the State of Minnesota Department of Health or Department of Agriculture. Any conditions of the State Health Department shall be incorporated into the license issued under this Section, in addition to any other conditions by the City.

121.05. Insurance. No permit shall be granted, nor be effective until the applicant files with the City a Certificate of Liability Insurance by an insurance company authorized to do business in the State of Minnesota, evidencing the following forms of insurance:

- (A) Commercial general liability insurance, with a limit of not less than one million five hundred thousand dollars (\$1,500,000.00) each occurrence. If such insurance contains an annual aggregate limit, the annual aggregate limit shall be not less than two million dollars (\$2,000,000.00);
- (B) Automobile liability insurance with a limit of not less than two million dollars (\$2,000,000.00) combined single limit. The insurance shall cover liability arising out of any auto, including owned, hired and non-owned vehicles;
- (C) Food products liability insurance, with a limit of not less than one million dollars (\$1,000,000.00) each occurrence;
- (D) Public liability insurance, with a limit of not less than one million dollars (\$1,000,000.00) for each occurrence;
- (E) Property damage insurance, with a limit of not less than one million dollars (\$1,000,000.00) each occurrence;
- (F) Workers compensation insurance (statutory limits) or evidence of exemption from state law; and
- (G) The City shall be endorsed as an additional insured on the Certificate of Insurance and any umbrella/excess insurance if the applicant intends to operate its mobile food unit on public property.

121.06. Duration of sales. The annual license shall be valid for a calendar year; however, the mobile food unit cannot operate in, or in front of, the same location for more than twenty-one (21) days during any calendar year.

121.07. Overnight storage. No overnight storage of a mobile food unit shall be permitted on public land unless approved by City Council.

121.08. Signs. No signage shall violate the provisions of this Code relating to size and number of business signs. One "A" frame sign, not exceeding 12 square feet per side is permitted during operation, not to impede on vehicular or pedestrian traffic.

121.09. Noise. No shouting, blowing a horn, ringing a bell, or use of any sound devices upon any of the streets, alleys, parks, or other public places of the City or upon any private premises in the City.

121.10. Parking. Mobile food units must be located on a paved surface. A mobile food unit may not operate in a traffic lane, on a sidewalk, or in any location which causes an obstruction of traffic, such as queuing of patrons or advancement of vehicles. A mobile food unit may operate on public streets and occupy no more than two (2) parking spaces. No parking or sales shall take place within 60 feet of an intersection of two or more streets, nor within 30 feet of a driveway that accesses a public street.

121.11. Hours of operation are limited to 7:00 a.m. to 9:00 p.m.

121.12. Waste disposal. Mobile food units shall provide waste disposal and clean up all litter and garbage generated by the mobile food unit removing their receptacles when they relocate. They shall provide separate trash and recycling receptacles for their customers.

121.13. Self-containment. Mobile food units can't connect to public utilities. Any generators must be self-contained. There shall be no electrical cords or exterior hazards to the public.

121.14. Locations. Licensed mobile food units shall be allowed to operate in the public right-of-way and municipal parking lots (excluding the Public Library lot) in the B-1, Central Business District and the B-2, Highway Business District pursuant to the Zoning Code. Licensed mobile food units may operate on privately owned property located in the I-1, Limited Industrial District, the I-2, General Industrial District and the R-B, Residential Business District pursuant to the Zoning Code.

121.15. Mobile food units may not provide external seating.

121.16. City Parks. Mobile food units are allowed to operate in the public right-of-way adjacent to City parks.

121.17. Mobile food units are prohibited from vending within 500 feet of an approved community festival unless they are specifically authorized by the event organizer to participate in the festival.

121.18. Mobile food units may not be located within 200 feet of any same or similar food establishment as measured from the mobile food unit to the food service building.

121.19. License Suspension and Revocation: Any license under this section may be suspended or revoked at the discretion of the City Council for violation of any of the following:

1. Fraud, misrepresentation or incorrect statements on the application form;
2. Fraud, misrepresentation or false statements made during the course of the licensed activity;
3. Conviction of any offense for which granting of a license could have been denied under City Code Section 114.04; or
4. Violation of any provision of this Chapter.

Section 2. Effective Date. This ordinance shall be effective immediately upon its passage and publication according to law.

PASSED AND DULY ADOPTED this _____ day of _____, 2019 by the City Council of the City of Cannon Falls, Minnesota.

CITY OF CANNON FALLS

BY: _____
John Althoff, Mayor

ATTEST:

David Maroney, City Administrator