

**CITY OF WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA**

ORDINANCE NO. 20-

**AN ORDINANCE REPEALING SECTION 111.01 (B) REGARDING FOOD VENDING
OF THE CITY CODE OF THE CITY OF WEST ST. PAUL
AND ENACTING SECTION 111.01 (B) REGARDING MOBILE FOOD UNITS**

The City of West Saint Paul does ordain:

SECTION 1. AMENDMENT. West St. Paul City Code Section 111.01 (B) relating to Mobile Food Vending is hereby repealed and replaced as follows:

(B) *Special conditions applicable to food sellers operating mobile food units.* The following conditions only apply to food sellers operating mobile food units.

(1) PURPOSE:

This section is intended to describe the requirements for an establishment preparing and serving food from a self-contained readily moveable vehicle in the city and to regulate the conditions from which the establishment operates within the city for the promotion of business within the city and for the protection of customers and the general public. All Mobile Food Units must comply with this ordinance in order to operate within the city.

(2) DEFINITION:

For the purpose of this section, the following definition applies:

MOBILE FOOD UNIT:

- (a) 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
- (b) A mobile food unit as defined in Minnesota statutes section 157.15, subdivision 9.

(3) REQUIREMENTS:

- (a) License. The mobile food unit operator must be licensed by the Minnesota Department of Health, Minnesota Department of Agriculture, and/or Dakota County Department of Public Health as required under Minnesota State law. The license must be clearly posted. No peddlers license shall be required from the City.
- (b) Fire Code. The mobile food unit must meet State Fire Code requirements.

- (c) Insurance. The mobile food unit operator must have the following forms of insurance by an insurance company authorized to do business in the State of Minnesota:
1. Commercial general liability insurance, with a limit of not less than one million dollars (\$1,000,000) each occurrence and a general aggregate limit of not less than two million dollars (\$2,000,000);
 2. Automobile liability insurance with a limit of not less than two million dollars (\$2,000,000) combined single limit covering the vehicle licensed as a mobile food unit, and if applicable, any vehicle used in conjunction with the mobile food unit;
 3. Workers compensation insurance (statutory limits) or evidence of exemption from state law; and
 4. If the mobile food unit will be operated on public property, including public right-of-way, the City shall be named as a certificate holder and as an additional insured, and must be provided with a certificate of insurance.

(4) LOCATIONS:

- (a) Allowed Locations. A mobile food unit may only operate in the locations and under the conditions set forth in this section:
1. A mobile food unit may only operate in a parking lot in an industrial zoning district or on residential property with the written consent of the property owner. When operations occur on residential property, mobile food unit sales may only be for catering purposes (such as a private graduation party or wedding) and not open for sales to the general public.
 2. A mobile food unit may only operate on public right-of-way if immediately adjacent to property where the property owner has invited the mobile food unit to participate in an event, provided it does not create a public safety hazard.
 3. A mobile food unit may only operate in a city park or on other city property in conjunction with an event authorized by the City after obtaining permission from the event sponsor; additional permits may be required for such operations.
- (b) Prohibited Locations. Notwithstanding Section (4)(A) above, a mobile food unit may not operate in the following locations:
1. Any street posted with no parking signs.
 2. Any street with a posted speed limit greater than 30 miles per hour.

3. Within 300 feet of the property line of any other permanent food establishment. The setback shall be measured from the vehicle to the property line of the permanent food establishment.
4. Any location that may cause a safety hazard for other vehicles, pedestrians, or the general public.

(5) PERFORMANCE STANDARDS:

A mobile food unit owner/operator is subject to the following performance standards:

- (a) Mobile food unit sales may only conduct sales between 7:00 a.m. and 10:00 p.m.
- (b) Waste generated by the mobile food unit must be transported out of the city and disposed of in accordance with all federal, state, and local regulations. Grey water may not be drained into city stormwater drains.
- (c) The owner/operator of the mobile food unit shall be responsible for the conduct of their employees and agents while operating a mobile food unit.
- (d) A mobile food unit is not required to obtain a sign permit from the city. However, no additional signage is permitted beyond that which is on the mobile food unit unless it meets the following requirements:
 1. One single sandwich board style sign is permitted per mobile food unit;
 2. The maximum sign size is eight (8) square feet;
 3. The sign must be placed on the ground and within ten (10) feet of the mobile food unit;
 4. The sign must not be placed in a manner that hinders passage upon any sidewalk;
 5. The sign must not be placed within the improved travel surface of the public right-of-way except with the express written permission of the city; and
 6. The sign cannot project from the mobile food unit or be mounted to the roof of the mobile food unit.

SECTION 3. SUMMARY PUBLICATION. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

The ordinance provides performance standards for the operation of mobile food units within the City.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed by the City Council of the City of West St. Paul, Minnesota, this ____ day of _____ 2020.

Attest:

David J. Napier, Mayor

Shirley R Buecksler, City Clerk