

Mayor:
David Grant

Councilmembers:
Brenda Holden
Fran Holmes
Dave McClung
Steve Scott



Agenda May 24, 2021

Address:
1245 West Highway 96
Arden Hills MN 55112

Phone:
651.792.7800

Website:
www.cityofardenhills.org

Special City Council Work Session – 5:45 p.m.

City Vision

Arden Hills is a strong community that values its unique environmental setting, strong residential neighborhoods, vital business community, well-maintained infrastructure, fiscal soundness, and our long-standing tradition as a desirable City in which to live, work, and play.

This meeting can be accessed remotely by joining via Zoom

To join the Zoom Meeting, click this link (or copy and paste it into a new browser):

<https://us02web.zoom.us/j/81078949117>

CALL TO ORDER

1. AGENDA ITEMS

Staff/Presenters

Time

A. Food Truck Discussion

Julie Hanson

2. COUNCIL/STAFF COMMENTS

ADJOURN



MEMORANDUM

DATE: May 24, 2021
TO: Honorable Mayor and City Councilmembers
Dave Perrault, City Administrator
FROM: Julie Hanson, City Clerk
SUBJECT: Food Truck Ordinance Discussion

Budgeted Amount:
N/A

Actual Amount:
N/A

Funding Source:
N/A

For Council Consideration

Council may provide direction on amending City Code Chapter 3, Section 395 – Mobile Food Units and Section 320 – Limited, Temporary Permits (please note the below information has been updated from the May 17, 2021 memo Council received regarding food trucks).

Background

At its April 19, 2021 work session, the City Council directed staff to provide proposed language amendments to City Code pertaining to mobile food truck units (food trucks). Any amendments would seek to clarify language pertaining to residential properties hosting a mobile food unit/food truck as well as enforcement of the ordinance. Changes could include:

- Adding clarifying language regarding who may be served
- Limiting food trucks on residential properties to two catered events per year
- Requiring residential property owners to obtain a no-fee permit (similar to garage sales and would require an update to Section 320 – limited, temporary permits)
- Clarifying property owners may also be subject to penalties if in violation, and assign a fine/fee (this would require an update to the 2021 Amended Fee Schedule)

Attachment A provides a draft of Section 395 for Council discussion.

Attachment B provides a draft of proposed amended language to Sections 320.09, 320.10, and 320.12 pertaining to the addition of a no-fee food truck permit, should Council decide to require this (similar to garage sales).

Attachment C provides a preliminary draft of a residential mobile food unit/food truck application form.

Upon further Council direction, staff could bring the ordinance amendments forward for final adoption at the Council's first regular meeting in June.

Budget Impact

N/A

Attachment

- A: Draft City Code Chapter 3, Section 395 Amendment (redlined copy)
- B: Draft City Code Chapter 3, Section 320 Amendment (redlined copy)
- C. Draft Residential Mobile Food Unit/Food Truck Application

Section 395 – Mobile Food Units

(added 12/11/17)

395.01 Purpose.

This ordinance is intended to permit the reasonable use of mobile food units while preventing any adverse consequences to residents, businesses and public property.

395.02 Definitions.

Mobile food unit – (1) 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 (2) A mobile food unit as defined in Minnesota Statutes Section 157.15, subdivision 9.

395.03 License Required.

It is unlawful for any person to operate a mobile food unit in the City without first obtaining a license from the City. The owner of the mobile food unit shall file an application for a Mobile Food Vender License on forms provided by the City Clerk prior to operating within City boundaries.

395.04 License Applications.

Subd. 1 **License types.** A temporary license allows mobile food unit operations in the City for up to seven (7) days total during any year. An annual license allows mobile food unit operations in the City for eight (8) days or more during any year. However, nothing shall prohibit a temporary licensee from applying for an annual license within the same year. All licenses shall expire on December 31 following the date of issue.

Subd 2 **License fees.** Fees for both temporary and annual licenses are determined in the City's fee schedule.

Subd. 3 **Application.** An application for a mobile food unit license shall be filed, along with the required fee, with the City Clerk. The application shall be made on a form approved by the City and shall contain information requested by the City, including, but not limited to, the following:

A. Written consent of each owner of private property from which mobile food unit sales will be conducted.

B. A copy of each related license or permit issued by Ramsey County and the State of Minnesota required to operate a mobile food unit.

C. A copy of the applicant's state sales tax ID number.

Subd. 4 **Insurance.**

A. No license shall be granted, nor be effective, until the applicant files with the City proof a certificate of insurance by an insurance company authorized to do business in the State of Minnesota, evidencing the following forms of insurance:

1. Commercial general liability insurance, with a limit of not less than one million dollars (\$1,000,000) 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);
2. Automobile liability insurance with a limit of not less than two million dollars (\$2,000,000) combined single limit. The insurance shall cover liability arising out of any auto, including owned, hired, and non-owned vehicles;
3. Food products liability insurance, with a limit of not less than one million dollars (\$1,000,000) each occurrence;
4. Public liability insurance, with a limit of not less than one million dollars (\$1,000,000) each occurrence;
5. Property damage insurance, with a limit of not less than one million dollars (\$1,000,000) each occurrence;
6. Workers compensation insurance (statutory limits) or evidence of exemption from state law; and
7. The City shall be endorsed as an additional insured on the certificate of insurance and the umbrella/excess insurance if the applicant intends to operate its mobile food unit on public property.

B. The certificate of insurance must contain a provision requiring notification be sent to the City should the policy be cancelled before its stated expiration date.

395.05 Conditions of Licensing.

A mobile food unit may only operate as set forth in the following:

Subd. 1 **Locations.** A mobile food unit may only operate in the locations set forth in this paragraph and as specified in the permit. A mobile food unit may operate in a private commercial or industrial parking lot and on private residential property, with the written consent of the private property owner.

When operations occur on private 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 or service to the general public. Sales or service may only be made to residents and guests at the catered event.

The owner of the residential property must have obtained required city permits for the event as required by Section 320 or other provision of this Code.

A mobile food unit may only operate in a City park or on City property ~~and~~ or rights of way with the prior written approval or permit by the City and as specified in the approval or permit, and additional park or other permits may be required for such operations.

Subd. 2 **Performance standards.** A mobile food unit licensee is subject to the following performance standards:

A. Any-mobile food unit with an annual license may not operate on the same non-residential property more than twenty-one (21) days during any calendar year and at no more than two catered events at a residential property during any calendar year, provided the owner of the residential property has obtained all required permits for the event and has complied with all terms of those permits.

B. A mobile food unit licensee shall operate in strict compliance with the laws, rules, and regulations of the United States, State of Minnesota, Ramsey County, and the City of Arden Hills.

C. A mobile food unit must dispose of its gray water daily. Gray water may not be drained into City storm water drains or disposed of in public trash cans.

D. A mobile food unit shall provide and maintain at least one clearly designated waste container for customer use per each mobile food unit, and located within 5 feet of the unit. Operator is responsible for daily removal of trash, litter, recycling and refuse.

E. A mobile food unit must provide an independent power supply that is screened from public view, public streets, and adjacent residential districts if not part of the vehicle and that complies with City's noise regulations.

F. Mobile food units shall not operate before 7:00 a.m. or after 10:00 p.m. except as specifically allowed in the permit, and must not create any unnecessary noise disturbances or disrupt, obstruct or interfere with customer or public vehicular or pedestrian traffic or safety in any way.

G. Proof of Department of Health licensing must be provided and posted on the mobile food unit.

H. A mobile food unit must comply with the National Fire Protection Association's Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations.

I. Mobile food units cannot locate within three hundred (300') feet from the perimeter of any pre-approved festival, sporting event or civic event unless a license is issued to be part of the festival or event.

J. Mobile food units may not operate within two hundred (200) feet from the public entrance to any restaurant and/or any portion of a restaurant's outdoor dining area during that

restaurant's hours of operation unless the licensee obtains permission from restaurant owner/manager.

K. Mobile food units may not operate in City-owned parking lots, except those parking lots adjacent to or inside a City park with the approval of the City.

Subd. 3 **License.** A mobile food unit license is non-transferable. Proof of license shall be displayed at all times in the mobile food unit.

Subd. 4 **Practices Prohibited.** It is unlawful for any person engaged in the business of a mobile food unit operation to do the following:

A. Call attention to that licensee's business by crying out, blowing a horn, ringing a bell, playing loud music or by any loud or unusual noise, or by use of any amplifying device.

B. Leave the mobile food unit at an authorized location outside allowed hours of operation.

C. Operate or travel in or on public sidewalks, trails or rights-of-way except as authorized in the permit.

D. Obstruct the ingress or egress from property or buildings.

E. Conduct business in any manner as to create a threat to the health, safety, and welfare of a specific individual or the general public, or fail to obey a lawful order of law enforcement or licensing personnel.

395.06 Suspension or Revocation of a License, Criminal Penalty.

A license may be suspended, revoked, or denied for renewal for any violations of this Code or conditions of any license. Any violation of this Code or provisions of any license shall be a misdemeanor. It shall be a violation for a property owner to allow a mobile food unit to operate on their property in violation of this Code or conditions of any license, and the property owner may be charged with a misdemeanor or administrative penalty set by the Council (insert fine/fee or reference to annual fees/charges ordinance).

320.08 Limited Temporary Permits - Permit Fees Established by Ordinance.

The permit fees for a permit to engage in the following types of business, occupations and activities shall be as established by Ordinance adopted by Council:

- Christmas tree sales;
- Circuses and carnivals;
- Commercial advertising distribution;
- Flea markets and commercial sidewalk sales;
- Group picnics and camping; and
- Peddlers, solicitors and transient merchants (Cross reference - Peddlers and Solicitors, see Section 340)

320.09 Businesses, Occupations, and Activities for which Permit Fee not Required.

The activities for which permit fees shall not be required, but nevertheless a permit shall be required, are as follows:

- Purchase of fireworks and operation of fireworks display or program;
- Boutique or garage sale; ~~and~~
- Mobile food unit/food truck catered parties/events; and
- Newspaper distribution locations.

320.10 Approval.

Approval of an application for a permit to engage in the following type of activity shall be granted by the body, department or officer of the City indicated across therefrom in the following schedule:

- Circuses and carnivals: City Council;
- Commercial advertising distribution: City's designated law enforcement provider and City Administrator;
- Installation or construction of courtesy benches or shelters: City's designated law enforcement provider and City Administrator, if such a bench or shelter is to abut a county road, county permission must also be obtained;
- Fireworks purchase and/or display: City Council;
- Flea markets or commercial sidewalk sales: City Council;
- Boutiques or garage sales at a private home: City's designated law enforcement provider and City Administrator;
- Mobile food unit/food truck catered parties/events: City's designated law enforcement provider and City Administrator
- Group picnics or camping: park director and City Administrator;
- Peddlers, solicitors and transient merchants: City Administrator;
- Newspaper distribution locations: City's designated law enforcement provider and City Administrator;
- Outdoor concerts: City Council; and
- Roadside stands: City Administrator.

320.11 Limit on Duration and Occasion of Garage Sales.

Each boutique or garage sale at a private home shall be limited to three (3) days or less in duration, and no more than two (2) such sales shall be permitted to any one homeowner per year.

320.12 Limit on Occasion of Mobile Food Unit/Food Truck Catered Parties/Events on Residential Properties.

A residential property shall be limited to no more than two (2) mobile food unit/food truck catered events per calendar year.



City of Arden Hills
1245 West Highway 96
Arden Hills, MN 55112
Phone 651.792.7800 * Fax 651.634.5137

RESIDENTIAL APPLICATION
MOBILE FOOD UNIT/FOOD TRUCK PERMIT

Applicant Name: _____

Applicant Address: _____

Email Address: _____

Location of Event: _____

Date of Operation: _____ Hours of
Operation: _____

Type of Catered Event: _____

Important Information about Residential Mobile Food Unit/Food Truck Catered Events:

- All mobile food unit/food truck vendors must obtain a City Mobile Food Unit License pursuant to Chapter 3, Section 395
- By signing below, residential property owners acknowledge the following:
 - Per Chapter 3, Section 395.05, Subd. 1, sales or service may only be made to residents and guests at their catered event.
 - Per Chapter 3, Section 395.05, Subd. 2 A, a residential property is limited to no more than two (2) mobile food unit/food truck catered events per calendar year.

I agree to the above:

Signature

Date

OFFICE USE ONLY

Approved by City Personnel

Date