

**ORDINANCE NO. 477
CITY OF ADA
COUNTY OF NORMAN
STATE OF MINNESOTA**

AN ORDINANCE FOR MOBILE FOOD VENDING

The City Council of the City of Ada does ordain as follows:

SECTION 1. Purpose and Intent: The purpose of this ordinance amendment is to establish an ordinance for the operation and licensure of mobile food vending within the City of Ada. This ordinance is intended to be read in conjunction with the Ada Code of Ordinances and shall supersede or replace only sections of the Ada Municipal Code of Ordinances that are inconsistent herewith.

MOBILE FOOD VENDING

SECTION 2. Definition. Mobile Food Vending as covered by this Section shall mean a self-contained vehicle or trailer used to prepare and serve food that is readily movable without disassembling.

SECTION 3. Permit Required. Any Individual desiring to establish a mobile food vending operation shall apply for a permit with the City Administrator prior to establishing any such operation. The permit application shall be on a form promulgated by the City Administrator or his/her designee and shall any information required to establish compliance with this section.

SECTION 4. Conditions of Permit. All mobile food vending permit applications and permits shall be subject to the following conditions:

- a. With the permit application, the applicant shall provide written proof that the applicant is the current holder of all licenses required by the County and the State, as applicable, with respect to a mobile food vending operation in which food is prepared and served on a vehicle or trailer, and the vendor shall maintain such license in good standing for the duration of the permit.
- b. The vendor shall comply with all other applicable provisions of the City Code, including, but not limited to, those regulations regarding parking, signage, lighting, and sound.
- c. A permit is only valid for one mobile food vending vehicle or trailer.
- d. The permitted days of operation shall be stated in the permit. A vendor that has obtained a permit under this section, upon the expiration thereof, may apply for another permit under this section.

e. The permit application shall contain a signed statement that the application shall hold harmless the City and their officers and employees, and shall indemnify the City, 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.

f. If the application seeks to operate a mobile food vending operation in a City-owned property, on private property or on the public right-of-way, the application shall include documentation satisfactory to the City Administrator or his/her designee evidencing proof of applicant's liability, and that the City is or will be named as an additional insured on such insurance for all the permitted days of operation.

g. If the mobile food vending is permitted on private property, the vendor must provide upon permit application written proof of permission from the owner of the property at the permitted location to engage in vending operations at those location. If the permitted location is located on City-owned property, the issuance of the permit by the City shall constitute such permission.

h. The vendor must keep a copy of the City issued permit with the vending unit and demonstrate compliance with the permit and the permit conditions set forth in this section upon inspection.

i. The vending operation may not block sidewalks, or drive aisles, impede pedestrian or vehicular traffic, or interfere with public safety.

j. The vendor must provide and remove trash and recycling receptacles for customer use and keep the site in a neat and orderly fashion. The permitted location must be kept free from litter, refuse, debris, junk, or other waste which results in offensive odors or unsightly conditions. The vendor shall be responsible for all litter and garbage left by customers.

k. No vending operation may be located within 100 feet at its closest point to the main entrance of a public eating establishment or any outdoor dining area with the exception of other mobile food vendors and except with the written consent of the proprietor of the establishment or dining area. No person shall either may or accept payment

l. The placement, duration, or any other applicable requirements for operation under this section for operation under this section may be superseded by the provisions of an approved special event permit.

SECTION 5. Application Fee. Any application for a permit shall include the application fee amount established by the City Council, which may be modified from time to time by resolution. Such fee shall not be refundable if the permit applicant withdraws or otherwise ceases operation or use of the permit

SECTION 6. Violation.

a. If, while holding a permit granted under this section, a vendor violates any provision of this section, in addition to any other remedy provided under this Code, the City Administrator or his/her designee may revoke the permit and/or prohibit such vendor from

obtaining a new permit under this section for a period not exceeding 30 days from the date such violation. The vendor violating this section shall be responsible to pay all costs, including reasonable attorney fees, incurred by the City to remedy a violation.

- b. Any violation of this ordinance or failure to obtain a permit under this ordinance shall constitute a misdemeanor.

EFFECTIVE DATE: This ordinance shall be in full force and effect from 30 days after passage and publication. This ordinance shall be placed on file at the City of Ada City Hall for public review.

SECTION 7. This ordinance shall be identified as Ch. 22.01 of the Ada Municipal Code.

Adopted by the City Council of the City of Ada, Minnesota this ____ day of _____, 2019.

Ayes:

Nayes:

Absentees:

CITY OF ADA

ATTEST:

Todd Sawrey
Mayor

Ashley Larson
Interim City Administrator