

**CITY OF ELKO NEW MARKET  
SCOTT COUNTY, MINNESOTA**

**ORDINANCE NO. 190**

**AN ORDINANCE AMENDING TITLE 4  
OF THE ELKO NEW MARKET CITY CODE ADDING A NEW CHAPTER 10  
CONCERNING MOBILE FOOD UNITS**

THE CITY COUNCIL OF THE CITY OF ELKO NEW MARKET, MINNESOTA  
ORDAINS:

**SECTION 1.** Title 4 of the Elko New Market City Code is hereby amended to add a new chapter 10 to read as follows:

Chapter 10  
MOBILE FOOD UNITS

- 4-10-1: DEFINITIONS:
- 4-10-2: EXEMPTIONS:
- 4-10-3: LICENSE REQUIRED:
- 4-10-4: INELIGIBILITY FOR LICENSE:
- 4-10-5: APPLICATION FOR LICENSE:
- 4-10-6: LICENSE FEE:
- 4-10-7: ISSUANCE OF LICENSE; CONDITIONS:
- 4-10-8: PERFORMANCE STANDARDS:
- 4-10-9: PROHIBITED ACTIVITIES:

**4-10-1: DEFINITIONS:**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

**ICE CREAM TRUCK:** a motor vehicle utilized as the point of retail sales of pre-wrapped or prepackaged ice cream, frozen yogurt, frozen custard, flavored frozen water, or similar frozen dessert products.

**MOBILE FOOD UNIT:** A food and beverage service establishment that is: a) a vehicle mounted unit, either motorized or trailered; b) readily movable without disassembling for transport to another location; or c) a nonmotorized vehicle self-propelled by the operator.

**4-10-2: EXEMPTIONS:** Ice Cream Trucks are exempt from this Chapter and shall be regulated as peddlers pursuant to chapter 4 of this title.

**4-10-3: LICENSE REQUIRED:** Except as otherwise provided by this chapter, no entity shall conduct business as a mobile food unit without first having obtained a license from the city as required under this chapter.

**4-10-4: INELIGIBILITY FOR LICENSE:**

The following shall be grounds for denying a license under this chapter:

- A. The failure of the applicant to obtain and show proof of having obtained any required state license.
- B. The revocation, within the past five (5) years, of any license issued under this chapter.

**4-10-5: APPLICATION FOR LICENSE:**

Application for a city license to conduct business as a mobile food unit shall be made at least two (2) regular business days before the applicant desires to begin conducting business, unless otherwise approved by the city clerk or their designee. Application for a license shall be made on a form available from the office of the city clerk. All applications shall be signed by the applicant, who must be the owner of the mobile food unit. All applications shall include the following information:

- A. Applicant's full legal name, other names the applicant uses or is known by, date of birth, driver's license number or other acceptable identification of the person or entity applying for a license.
- B. Applicant's permanent and any temporary home and business address, phone number and email address of the applicant.
- C. Any and all telephone numbers where the applicant can be reached while conducting business within the city.
- D. Name and contact information of primary mobile food unit operator, if different from applicant.
- E. Truck/trailer size to be used within the city, including: the license plate number and registration information for any vehicle to be used in conjunction with the licensed business and a description of the vehicle (make, model and color).
- F. Proof of any required state license for operation of a mobile food unit.
- G. All additional information deemed necessary by the city.

**4-10-6: LICENSE FEE:**

All applications for a license under this chapter shall be accompanied by the fee set forth in the city fee schedule, as it may be amended from time to time.

**4-10-7: ISSUANCE OF LICENSE; CONDITIONS:**

- A. Issuance: If the city determines that the applicant has satisfied all of the requirements of this chapter, the city clerk or the clerk’s designee shall issue a license.
- B. Mobile Food Unit Conditions: Mobile food units shall be subject to the following conditions:
  - 1. Locations. All mobile food units shall operate only in the following locations:
    - a. Mobile food units may operate along public streets or public rights-of-way.
    - b. Mobile food units may only operate on private property with the written consent of the private property owner.
    - c. Mobile food units may only operate in a city park or on city property with written consent by the city.

**4-10-8: PERFORMANCE STANDARDS:** All mobile food units are subject to the following performance standards:

- A. Mobile food units shall comply with all applicable federal, state and local laws, ordinances, regulations, parking zones, and posted signs.
- B. Proof of state and city licensing must be posted on the mobile food unit.
- C. Written permission from the property owner must be kept with the mobile food unit and made immediately available upon request.
- D. A mobile food unit may not operate on the same property more than seven (7) consecutive days or twenty-one (21) total days during any calendar year.
- E. Mobile food units shall not operate between 10 p.m. and 7 a.m. in commercial or industrial districts and between 9 p.m. and 9 a.m. in residential districts.
- F. Mobile food units shall provide and maintain at least one clearly designated waste container for customer use and locate it within 5 feet of the stand. All waste, garbage, litter and refuse shall be contained in leak proof, nonabsorbent containers which shall be kept covered with tight-fitting lids and properly disposed of. No waste, garbage, litter or refuse shall be dumped or drained onto sidewalks, streets, gutters, storm drains, or public trash receptacles. Licensee is responsible for daily removal of trash, litter, recycling and refuse.

G. Mobile food units must dispose of its gray water. Gray water may not be drained into City storm water drains or disposed of in public trash cans.

H. Mobile food units must provide an independent power supply that is screened from public view and that complies with City’s noise regulations.

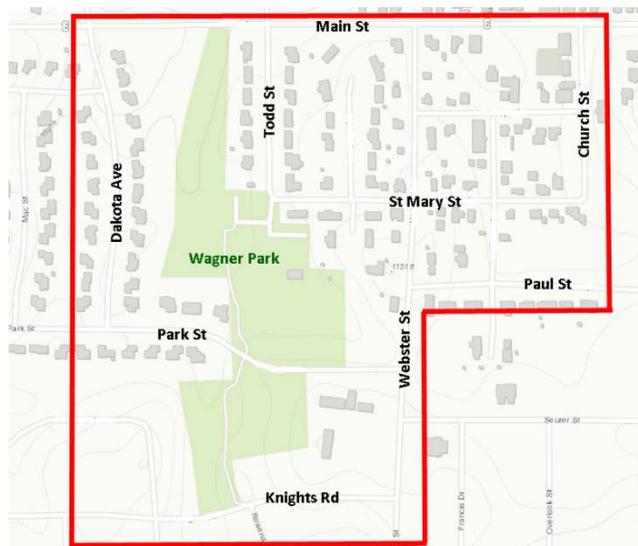
I. Mobile food units shall secure all propane tanks and provide adequate ventilation.

J. 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:

- i. One single sandwich board style sign is permitted per mobile food unit;
- ii. The maximum sign size is 8 square feet;
- iii. The sign must be placed on the ground and within 10 feet of the mobile food unit;
- iv. The sign must not be placed within the public right-of-way except with the express written permission of the city; and
- v. The sign cannot project from the mobile food unit or be mounted to the roof of the mobile food unit.

K. A mobile food unit may have a maximum bumper to bumper length of no more than thirty (30) feet.

L. Mobile food units may not operate within the geographic area outlined below during the Friday, Saturday, and Sunday of Fire Rescue Days unless authorized by the event organizer to participate in the event.



#### **4-10-9: PROHIBITED ACTIVITIES:**

No mobile food unit shall conduct business in any of the following manners:

- A. Calling attention to his or her business or items to be sold by means of blowing any horn or whistle, ringing any bell, crying out, or by any other noise, so as to be unreasonably audible within an enclosed structure.
- B. Obstructing the free flow of either vehicular or pedestrian traffic on any street, alley, sidewalk or other public right of way.
- C. Conducting business in a way as to create a threat to the health, safety and welfare of any individual or the general public.
- D. Failing to provide proof of license and identification, when requested; or using the license of another entity.
- E. Making any false or misleading statements about the product or service being sold, including untrue statements of endorsement. No mobile food unit shall claim to have the endorsement of the city solely based on the city having issued a license to that entity.
- F. Remaining on the property of another when requested to leave, or to otherwise conduct business in a manner a reasonable person would find obscene, threatening, intimidating or abusive.

**SECTION 2.** This ordinance shall take effect immediately upon its passage and publication.

**ADOPTED** this 13<sup>th</sup> day of June, 2019 by the City Council for the City of Elko New Market.

**CITY OF ELKO NEW MARKET**

BY: \_\_\_\_\_  
Joe Julius, Mayor

**ATTEST:**

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Thomas Terry, Acting City Clerk