

ORDINANCE 23-102
CITY OF COURTLAND
NICOLLET COUNTY, MINNESOTA

AN ORDINANCE AMENDING PART 2 OF CHAPTER VII
OF THE CITY CODE OF THE CITY OF COURTLAND

702.01 : SUBDIVISION 7: MOBILE FOOD/NON ALCOHOLIC BEVERAGE UNIT.

(A) *Purpose.* The purpose of this section is to establish standards to ensure that mobile food units/vendors as defined herein are appropriately located, licensed and inspected, do not impede vehicular access, traffic flow or circulation, or create public safety hazards.

(B) *General regulations.*

(1) *Definitions.* For the purposes of this section, the following definitions shall apply:

MOBILE FOOD/NA Beverage UNIT and **MOBILE FOOD UNIT VENDOR.** Any self-propelled vehicle or fully contained trailer, licensed by the State of Minnesota to operate on public city streets and roadways, which vends food or NA drink (either pre-packaged or prepared in the unit) at retail for immediate consumption by the customer, and who are licensed by the State of Minnesota Department of Agriculture and/or Department of Health and/or the Brown-Nicollet County Environmental Health Department, and the City of Courtland as a mobile food unit.

VEND or **VENDING.** The process of the transfer of a food product from the unit operator to a customer. Vending begins when the unit initially stops in a location at which customers can access the unit and continues until the unit leaves that location.

(2) *Applicability.* Notwithstanding any contrary provision of any city ordinance, regulation, or rule, mobile food units/vendors shall be licensed and located as provided in this section:

(a) *Licenses required.* Within the City of Courtland, no person shall vend from a mobile food unit without first having obtained a license to do so from the city.

(b) *Fees.* The fee for an annual license shall be established from time-to-time by the City Council and shall entitle the operator to vend from one such unit for 1 year from the date on which the license is issued. The license shall be displayed on or within the unit, visible from the outside of the unit, whenever the unit is vending.

(c) *Other licenses required.* Applicants must provide evidence of current licensing of the unit by the Minnesota Department of Agriculture, the Minnesota Department of Health and/or Brown-Nicollet Environmental Health as appropriate.

(d) *Insurance.* Applicants must provide evidence of liability insurance in which the city is named coinsured which shall provide a limit of coverage as established from time-to-time by the City Council for both bodily injury and for property damage. Written notice of cancellation of such insurance must be given to the city not less than 30 days prior to actual cancellation.

(e) *Restrictions on vending activity.*

1. Mobile food units/vendors are prohibited from vending activity within 500 feet of the nearest property line of any business in the city holding a food-service license issued by the Brown-Nicollet County Environmental Health Department.

2. Mobile food units/vendors are prohibited from vending activities within 500 feet of a community event for which the city has issued a special event permit, unless they are specifically authorized by the event sponsor to participate in the event. The terms of the special event permit shall apply.

3. Mobile food units/vendors are allowed to vend on public city streets between the hours of 5 a.m. and 8:00 p.m. on all days of the week in B-1, B-2, I-1, I-2 zoning districts if they are 500 feet from the nearest property line of any business in the city holding a food- service license issued by the Brown-Nicollet County Environmental Health Department.

4. Mobile food units/vendors are allowed to vend on private property between the hours of 5:00 a.m. and 8:00 p.m. on all days of the week in the B-1, B-2, I-1, I-2 zoning districts if they are 500 feet from the nearest property line of any business in the city holding a food- service license issued by the Brown- Nicollet County Environmental Health Department and if permission has been granted by the landowner to vend. Mobile food units/vendors shall collect and remit all applicable licenses, fees, and taxes of the City of Courtland, Nicollet County, and the State of Minnesota.

(f) *Exemptions on restrictions.*

1. Business owners holding a food-service license with the Brown-Nicollet County Environmental Health Department may operate a mobile food unit owned by the business owner on their property, within 500 feet of another food-service license holding establishment in Courtland, for 50 days each year.

2. Breweries and wineries licensed by the Minnesota Department of Public Safety are exempt from locating a food truck within 500 feet of a business holding a food-service license issued by the Brown-Nicollet County Environmental Health Department.

3. Mobile food units which are vending at an event hosted by the city are allowed to operate as authorized by the organizers/managers of the event, at the location of, and for the duration of the event. Participation at an event hosted by the city does not apply to toward the cumulative 50 day exemption authorized in 702.01 SBDV7 (B) (2) (f) (1) above.

4. Special events permits approved by the city for business owners within 500 feet of another food-service license holding establishment in Courtland apply toward the cumulative 50 day exemption authorized in 702.01 SBDV7(B)(2)(f)(1).

(g) *Location or placement.*

1. On public city streets, no unit shall occupy more than 2 parking spaces.

2. The unit shall vend only from the side of the vehicle away from moving traffic and pedestrian walkways of no less than 6 feet shall be maintained on the service side of the unit.

3. In no case shall a unit vend while occupying a traffic lane, parked on a sidewalk, parked on a pedestrian crossing location, or in any location which obstructs or impedes vehicle or pedestrian traffic.

4. The unit shall not vend to any person standing in the traveled portion of any public roadway.

5. On public city streets, no unit shall vend within 60 feet of the intersection of 2 or more public streets, nor within 30 feet of a driveway which enters onto a public city street.

6. There shall be no overnight parking of food trucks on the public right-of-way.

7. No unit shall vend while the unit is in motion.

8. Connection of the unit to public utilities is not permitted.

(h) *Dimensions.* No mobile food unit shall exceed 40 feet in length (overall length for a self-propelled vehicle; trailer length including the towing vehicle for self-contained trailers) or 10 feet in height.

(i) *Signs and appurtenances.*

1. Mobile food units/vendors shall not employ or utilize any signs that are not attached directly to the vehicle/trailer. Signs may not project above the unit, nor more than 6 inches from the

side of the unit. No flashing, strobing or intermittent lighting is allowed.

2. No external seating shall be provided or utilized except as may be provided by the owner, manager, or agent of any private property on which the unit may be properly located.

3. Any generator used by the unit must be self-contained within or on the unit, screened from view, and operate at no more than 70 decibels.

4. While vending, the operator may not call attention to the unit by crying out, blowing a horn, ringing a bell, or playing music or other sounds discernible beyond the unit. Amplified sound is not permitted outside of the unit.

5. Waste receptacle(s) must be provided by the unit operator and the vending site must be cleaned of all litter and garbage generated by the unit and customers before the unit leaves the location.

(C) *Enforcement.* Any violation of this section, including but not limited to the vending operation of a mobile food unit within the city without a license issued pursuant to this section, shall be a misdemeanor punishable by up to a \$1,000 fine and/or 90 days in jail.

SUBDIVISION 8 VIOLATION.

Every person violates a section, division, subsection or provision of this chapter when he or she performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions thereof.

This Ordinance shall be in full force and take effect from and after its passage, approval and publication.

Passed by the City Council of the City of Courtland, Minnesota on the 1st day of June 2023

Signed: Al Poehler
Al Poehler, Mayor

Attest: Julie Holm
Julie Holm, City Clerk

