

ORDINANCE NO. O2019-001 Fourth Series
AN ORDINANCE OF THE CITY OF SHAKOPEE AMENDING
SHAKOPEE CITY CODE SECTIONS 110.187 AND 110.188 PERTAINING TO THE
LICENSING OF MOBILE FOOD UNITS

THE CITY COUNCIL OF THE CITY OF SHAKOPEE, MINNESOTA, ORDAINS:

Section 1. Section 110.187 of the Shakopee City Code is amended to read as follows:

§ 110.187 LICENSE APPLICATIONS.

(A) *Annual License.* An annual license allows mobile food unit operations during a calendar year in accordance with the terms of this section and other applicable sections of this Code. Annual licenses shall be valid from the date of issuance until December 31 of that year.

(B) *License fees.* The fees for Mobile Food unit licenses shall be established periodically by resolution of the City Council.

(C) *Mobile food unit.* It is unlawful for any person to operate a mobile food unit in the city without first obtaining a license from the city. An application for a license shall be filed, along with all required fees, with the City Clerk. The applicant must be the owner of the mobile food unit. The application shall be made on a form supplied by the city and shall contain the following information:

(1) A description of the nature of the business and the goods to be sold and the license plate number and description for any vehicle to be used in conjunction with the activity;

(2) The name of the owner and operator, if different than the owner, of the mobile food unit and the name of all persons working for the owner and operator of the mobile food unit;

(3) The applicant's full legal name, other names the applicant uses or is known by, date of birth and driver's license number or other legal identification with a photograph of the applicant;

(4) The permanent and any temporary home and business address, phone numbers and email address of the applicant;

(5) The name, address and contact information for the commissary with which the mobile food unit is affiliated, if applicable;

(6) Names and contact information of at least 2 references who will substantiate the applicant's good character and business responsibility or other evidence of the good character and business responsibility of the applicant;

(7) A statement regarding whether the applicant has ever been convicted of a felony, gross misdemeanor, or misdemeanor, including violation of a municipal ordinance but excluding traffic violations, and if so, the date and place of conviction and the nature of the offense;

(8) A certificate of insurance by an insurance company authorized to do business in the state, evidencing the following forms of insurance:

(a) Commercial general liability insurance, with a limit of not less than \$1,000,000 each occurrence. If such insurance contains an annual aggregate limit, the annual aggregate limit shall be not less than \$2,000,000;

(b) Automobile liability insurance with a limit of not less than \$2,000,000 combined single limit. The insurance shall cover liability arising out of any auto, including owned, hired, and non-owned vehicles;

(c) Food products liability insurance, with a limit of not less than \$1,000,000 each occurrence;

(d) Public liability insurance, with a limit of not less than \$1,000,000 each occurrence;

(e) Property damage insurance, with a limit of not less than \$1,000,000 each occurrence;

(f) Workers compensation insurance (statutory limits) or evidence of exemption from state law; and

(g) 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.

(9) The certificate of insurance shall state that the insurance has been endorsed to require that the city be notified 30 days in advance of cancellation of the policy or a material modification of a coverage term;

(10) Written consent of each private property owner from which mobile food unit sales will be conducted;

(11) A copy of each related license or permit issued by Scott County, the State of Minnesota or another licensing jurisdiction of the State of Minnesota required to operate a mobile food unit; and

(12) A copy of the applicant's state sales tax ID number.

Section 2. Section 110.188, Paragraph B of the Shakopee City Code is amended to read as follows:

(B) *Performance Standards.* A mobile food unit licensee is subject to the following performance standards:

(1) A mobile food unit may not operate on the same property more than twenty-one (21) days in a 60-day period.

(2) No mobile food unit sales between 11:00 pm and 7:00 am.

(3) A mobile food unit must dispose of its gray water daily. Gray water may not be drained into City storm water drains.

(4) An out of service mobile food unit may be stored only in an area zoned B1, I1, or I2, and where outside storage is allowed by conditional use permit.

(5) The mobile food unit may have a maximum bumper to bumper length of no more than 30 feet.

(6) 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:

(a) one (1) single sandwich board style sign is permitted per mobile food unit;

(b) the maximum sign size is 8 square feet;

(c) the sign must be placed on the ground and within ten (10) feet of the mobile food unit;

(d) the sign must not be placed within the public right of way except with the express written permission of the City; and

(e) the sign cannot project from the mobile food unit or be mounted to the roof of the mobile food unit.

(7) A mobile food unit with a Type I cooking hood shall have said hood cleaned at least annually as required by the applicable regulations.

(8) A mobile food unit with a fire suppression system under the cooking hood shall have the system tested and tagged in accordance with applicable codes.

(9) A mobile food unit must have at least one (1) fire extinguisher in the mobile food unit. If deep frying occurs in the mobile food unit, then the mobile food unit must have at least one (1) Class K fire extinguisher in the mobile food unit. Each fire extinguisher must display an inspection tag dated within the past 12 months.

(10) A Licensee must comply with all laws, ordinances, regulations, parking zones, and posted signs.

(11) A mobile food unit must provide an independent power supply that is screened from public view.

(12) Propane tanks must be attached or secured to the mobile food unit and must be adequately ventilated.

(13) Refuse containers must be provided for customers. The operator of the mobile food unit is responsible for removing all litter and refuse associated with the mobile food unit.

(14) Mobile food unit licenses issued with food code safety inspections from the Scott County or the State of Minnesota are valid from April 1 to November 15 of a given year. Mobile food licenses issued with verification of license and food code safety inspections from another State of Minnesota licensing authority may be valid from January 1 to December 31 of a given year, provided the other jurisdiction allows for mobile food unit operations during the time period of January 1 to March 31 and November 15 to March 31.

Section 3. Effective Date. This ordinance becomes effective from and after its passage and publication.

Adopted in regular session of the City Council of the City of Shakopee, Minnesota held this 8th day of January 2019.

/s/William P. Mars
Mayor of the City of Shakopee

Attest:

/s/Lori J. Hensen
City Clerk