
NEW LICENSE

RENEWAL LICENSE
APPLICATION # _____

DATE RECEIVED _____
RECEIPT NUMBER _____
AMOUNT PAID _____

CITY OF ROCHESTER, MN.

APPLICATION FOR FOOD VENDING VEHICLE LICENSE

Covering the period of April 1, 20__ through March 31, 20__

Name of Applicant: _____
(First) (Middle) (Last)

Name of Company: _____

Company Address: _____

Telephone (Business) _____ (Home) _____

Social Security _____ Federal Tax Number: _____

Number: _____ State Tax Number: _____

The following items must be completed and/or accompany the completed application.

1. Number of Vehicles to be licensed: _____
2. A description of any operator training program, including documentary materials used in said program.
3. License Fee - \$150.00 per year for first vehicle
50.00 per year for each additional vehicle
4. Certificate of insurance covering the following:
... not less than \$300,00.00 for personal injury or death resulting from any one occurrence and on account of any one accident
... not less than \$25,000.00 for property damage resulting from any one accident
... if employer, proof of worker's compensation coverage (Minnesota Statute 176.182)
5. Copy of Retail Mobile Food Handler License issued by Minnesota Department of Agriculture

Make Check or Money Order payable to the **CITY OF ROCHESTER** and return to the **OFFICE OF THE CITY CLERK, ROOM 135, 201 4TH ST SE, ROCHESTER, MN. 55904**

I hereby certify that the information provided herein is true and correct to the best of my knowledge and belief, and that the Common Council of the City of Rochester may rely on the accuracy of such information provided in determining whether or not a license should be issued.

(Signature of Applicant)

OFFICE USE ONLY

Police Department Approval: _____ *Date:* _____

Health Department Approval: _____ *Date:* _____

Date of Council Approval: _____

License: _____ *Date License Sent:* _____

RIGHTS OF SUBJECTS OF GOVERNMENT DATA

LICENSE AND PERMIT DATA

"TENNESSEN WARNING"

In accordance with the Minnesota Government Data Practices Act, the City of Rochester is required to inform you of your rights as they pertain to the information collected about you. Public information is that information which is available to the general public; Private information is that information which is available to you, not to the public; and confidential information is that information which is not available to you or the public. The information we collect from you is either public or private. The separation of that information is as follows:

PUBLIC – NAME AND ADDRESS OF APPLICANT(S) AT THE TIME OF APPLICATION

PRIVATE – SOCIAL SECURITY INFORMATION, BIRTH DATE INFORMATION

(MS 13.355 & 13.37(a))

The information collected and required from you is to determine your eligibility for a City of Rochester License or Permit. If you do not supply the required information, the City of Rochester will not be able to determine your eligibility.

The dissemination and use of the private data we collect is limited to that necessary for the administration and management of the licensing program. Persons or agencies with whom this information may be shared include:

CITY, COUNTY, AND STATE PERSONNEL INVOLVED IN DETERMINING YOUR ELIGIBILITY, CONTRACTED PUBLIC AUDITORS, AND THOSE INDIVIDUALS TO WHOM YOU GIVE YOUR EXPRESS WRITTEN PERMISSION.

Unless otherwise authorized by state statute or federal law, other government agencies utilizing the reported private data must also treat the information private.

You may wish to exercise your rights as contained in the Minnesota Government Data Practices Act. These rights include:

***THE RIGHT TO SEE AND OBTAIN COPIES OF THE DATA MAINTAINED ON YOU.
THE RIGHT TO BE TOLD THE CONTENTS AND MEANING OF THE DATA.
THE RIGHT TO CONTEST THE ACCURACY AND COMPLETENESS OF THE DATA.***

To exercise these rights, contact the City Clerk's Office, Room 135, City Hall, Rochester, Mn. 55904

I HAVE READ AND UNDERSTAND THE ABOVE INFORMATION REGARDING MY RIGHTS AS A SUBJECT OF GOVERNMENT DATA.

(Signature of Data Subject)

(Date)

White Copy - City Clerk's Office

Buff Copy - Applicant

ORDINANCE NO. 4016

AN ORDINANCE CREATING AND ENACTING CHAPTER 143A OF THE ROCHESTER CODE OF ORDINANCES, RELATING TO REGULATION OF FOOD VENDING ON PUBLIC STREETS.

THE COMMON COUNCIL OF THE CITY OF ROCHESTER DO ORDAIN:

Section 1. Chapter 143A of the Rochester Code of Ordinances is hereby created and enacted to read as follows:

Chapter 143A
Food Vending on Public Streets

143A.01. Definitions. As used in this ordinance, the following terms shall have the meaning ascribed to them:

- A. "Food vending vehicle" means every motor vehicle in which foods of any kind are carried for the purposes of selling at retail sale on the city streets.
- B. "Vend" or "vending" means offering food for sale from a motor vehicle on the city streets.
- C. Operator includes any person, firm or corporation who owns, leases, contracts or in any other fashion permits a person to operate upon the city streets any food vending vehicle for the purpose of vending, or the person driving or operating any such vehicle.

143A.02. License Required. Subdivision 1. No operator shall vend from a food vending vehicle while on the public streets of the City unless a license to do so is obtained from the City. The fee for an annual license shall be \$150.00, and shall entitle the operator to vend from one such vehicle for the period of April 1 to March 31 of the following year. For each additional individual vehicle utilized by an operator, an additional license fee in the amount of \$50.00 shall be paid. Applicants must include a copy of their Retail Mobile Food Handler license issued by the Minnesota Department of Agriculture with their applications.

Subd. 2. The city clerk shall issue an identification tag for each vehicle licensed hereunder which shall be displayed by the operator on the left rear portion of the vehicle.

143A.03. Insurance. Subdivision 1. No license shall be issued hereunder to an operator unless a certificate is furnished to the city showing that the operator is carrying the following minimum amounts of insurance: public liability insurance in the amount of not

less than \$300,000 for personal injury or death, resulting from any one occurrence and on account of any one accident; property damage insurance in an amount of not less than twenty-five thousand dollars for damages on account of any one accident or occurrence.

Subd. 2. A certificate shall contain an acknowledgement signed by the insurer that prior to modification, cancellation or termination of the subject policy, written notice shall be sent to the city clerk by said insurance company.

143A.04. Equipment Required for a Food Vending Vehicle. In addition to other equipment required by law, every such vehicle shall be equipped with:

- A. Signal lamps mounted at the same level and as high and as widely spaced laterally as practicable. These lamps shall be of a size approved by the Rochester Police Department. These lamps shall display two alternately flashing yellow lights on the front and two alternately flashing yellow lights on the rear of the vehicle. Both lights must be visible at five hundred feet in normal sunlight upon a straight level street;
- B. A convex mirror mounted on the front so the operator in his normal seating position can see the area in front of the vehicle obscured by the hood; and,
- C. An audible alarm which is activated when the vehicle is in motion backwards.

143A.05. Use of Special Lights. The operator of a food vending vehicle while stopped on a street for the purpose of vending shall actuate the special flashing lights required by section 143A.04. The lights shall not be used when the vehicle is in motion nor at any time the vehicle is stopped for a purpose other than vending.

143A.06. Inspection. Subdivision 1. Prior to the initial use and operation of a food vending vehicle, said vehicle shall be thoroughly examined and inspected by a certified mechanic and found to comply with all standards of safety prescribed by the laws of the state or the City. An inspection report showing that a vehicle has met the standards of safety prescribed by law must be presented to the city clerk at the time of license application.

Subd. 2. Every vehicle licensed pursuant to this chapter shall be inspected from time to time and at least annually by a certified mechanic to insure the continued maintenance of safe operating conditions. The operation of any vehicle which fails to meet the standards of safety established by laws shall be discontinued until such time as the deficiency is eliminated.

Subd. 3. In addition, said vehicle shall be inspected by the County Health officer if the vendor intends to sell other than pre-packaged food products.

143A.07. Training of Operators. An applicant for a license shall provide a description with his application for license of any operator training program, including documentary material used in said program.

143A.08. Restrictions on Vending Activity.

- A. An operator shall vend only when the food vending vehicle is lawfully stopped.
- B. An operator shall vend only from the side of the vehicle away from moving traffic and as near as possible to the curb or side of the street.
- C. An operator shall not vend to any person standing in the roadway.
- D. An operator shall not stop on the left side of a one-way street to vend.
- E. The operator of any food vending vehicle which traverses the streets of the city for the purpose of vending shall submit to the city engineer of the city prior to April 1 of each year hereafter a detailed listing of the streets on which vending is planned to occur. The City engineer shall approve or disapprove of the use of any such street or streets for that purpose within thirty days thereafter. In making said determination, the city engineer shall take into consideration factors such as the classification of the street, the amount and character of the traffic carried thereon, and any special hazards to the public which may be created by permitting vending activity thereon. A street not approved by the city engineer shall not be utilized by said operator for vending.
- F. An operator shall not vend on a street within or immediately adjacent to any park or public facility maintained by the department of park and recreation, nor in the central business district of the city.
- G. No vending activity shall occur between the hours of 8:00 p.m. and 8:00 a.m. the day following.
- H. An operator shall not vend in a single location for a period to exceed 15 minutes. For purposes of this subsection, a single location shall be deemed to be a place 500 feet or more from the last sale.

143A.09. Sound Amplification Devices. No operator while vending shall use a sound amplification device, bell or horn which is audible for a distance of more than 500 feet from the vehicle. No such device shall be used within 500 feet of any church or place of worship, hospital, or courthouse.

143A.10. Backing of Food Vending Vehicle Restricted. The operator of a food vending vehicle shall not back the vehicle to make or attempt to make a sale.

143A.11. Penalty. Any person, firm or corporation violating any provision of this ordinance shall be guilty of a misdemeanor and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Section 2. This ordinance is effective as of the date of its publication.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF ROCHESTER, MINNESOTA, THIS 2nd DAY OF May, 2011.

ATTEST: Valori Langsuth
DEPUTY CITY CLERK
James L. Hanson
PRESIDENT OF SAID COMMON COUNCIL

APPROVED THIS 3rd DAY OF May, 2011.

Andrew F. Biede
MAYOR OF SAID CITY

(Seal of the City of
Rochester, Minnesota)

Ord10/143A