

ORDINANCE NO. [REDACTED]

AN ORDINANCE AMENDING SECTIONS 143A.01-.05, AND SECTIONS 143A.07-.08 OF THE ROCHESTER CODE OF ORDINANCES, RELATING TO MOBILE FOOD UNITS.

THE COMMON COUNCIL OF THE CITY OF ROCHESTER DO ORDAIN:

Section 1. Section 143A.01 is hereby amended to amend item H and add item I as follows:

- H. "Zone" means an area within the Mobile Food Unit Zone as identified in Exhibit Aa mobile food unit zone map to be maintained on file in the Office of the City Clerk.
- I. "Zone Permit" means a permit for a specific date and time of operation for a Mobile Food Unit within an identified Zone obtained from the Office of the City Clerk.

Section 2: Section 143A.02, Subdivision 1 is hereby amended as follows:

143A.02. License Required. Subdivision 1. No Operator shall vend from a Mobile Food Unit anywhere in the City of Rochester, including while on the public streets of the City, within or adjacent to City parks, or on private property inside the City limits unless a license to do so is obtained from the City. The fee for an annual license shall be established by resolutions as part of the Fee Schedule adopted by the Council, and shall entitle the Operator to Vend from one such vehicle for the period of April 1 to March 31 of the following year.

No City license shall be required for operation within the City solely as part of a special event or Community Festival, as defined by RCO Chapters 117 and 125B, or other events permitted by the Park and Recreation Department or the Rochester Downtown Alliance under authority delegated by the Common Council.

Section 3: Section 143A.03 is hereby amended as follows:

143A.03. FranchiseZone Permit Required. No person shall operate a Mobile Food Unit upon or over a public street, alley, or public right-of-way in certain identified zones within the mobile food unit zone unless the person has obtained a permit to do so. Permits will be issued for specific dates and locations of operation within identified zones by the Office of the City Clerk. Each ordinance granting a franchise shall contain all of the terms and conditions of the franchise so granted. Additionally, every person possessing a franchise must comply with all of the provisions of this chapter. The franchisezone permit fee for a Mobile Food Unit shall be established by resolutions as part of the Fee Schedule adopted by the Council. The franchise will be valid for five years. An Operator or Licensee holding a franchise need not pay parking fees or meters while Vending.

Section 4: Section 143A.04 is hereby amended as follows:

143A.04. License Application and Approval. Subdivision 1. Application for a Mobile Food Unit License shall be made to the City Clerk. The City Clerk may require such information on the application as it deems reasonable and necessary including but not limited to the following:

- A. Name and address of the Applicant, and if the applicant is a corporation, LLC, or partnership, the name and contact information of the primary operator to be responsible for the MFU;
- B. If all food storage and preparation does not take place within the MFU, the nName and address of the an approved commercial supply source and affiliated licensed food establishment in the CityCounty must be provided. If the licensed food establishment is not owned or operated by the applicant, the applicant shall provide written proof of consent from the establishment's owner to use the facility for food preparation, storage, and cleaning;
- C. A description of the preparation methods and food product offered for sale, including the intended menu, display, and distribution containers;
- D. The anticipated volume of food to be stored, prepared, and sold;
- ~~E. Plans and specifications for the Mobile Food Unit, including the proposed layout, photographs, mechanical schematics, construction materials, finish schedules, equipment types, manufacturers, model numbers, locations, dimensions, weight of vehicle per wheel, performance capacities, power source, installation specifications, and information on any custom fabricated equipment.~~
- E. Proof of an approved current Transient Food Service Plan Review Application with Olmsted County and Gcopies of all licenses or permits required by the State Health Department or Olmsted County Public Health;
- F. A signed statement that the Applicant will defend, indemnify, and hold the City harmless from any and all claims for damage to property or injury to persons which might result or arise out of the Applicant's operation of a Mobile Food Unit as permitted by this chapter;
- G. A certificate of insurance showing the Applicant has obtained liability, food products liability, and property damage insurance that will protect the applicant, property owners, and the City from all claims for damage to property or bodily injury, including death, which may arise from the applicant's operation of a Mobile Food Unit. This insurance shall provide coverage of not less than \$1 million per occurrence. The policy shall further provide that it may not be cancelled except upon 30 days' written notice filed with the City Clerk. No license issued under this chapter shall be valid at any time the insurance required by this clause is not maintained and evidence of its continuance is on file with the City Clerk. A certificate of insurance 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.
- H. An inspection report required by section 143A.06.

Section 5: Section 143A.05 is hereby amended as follows:

143A.05. Equipment Required for a Mobile Food Unit. Subdivision 1. In addition to other equipment required by law, every Mobile Food Unit shall be equipped with:

- A. 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,
- B. An audible alarm which is activated when the vehicle is in motion backwards.
- C. Fire extinguishers required. A minimum of one portable fire extinguisher with a minimum fire suppression rating of 2A:10B:C shall be properly installed. In addition to any other fire extinguisher required by the code, a listed Class K portable fire extinguisher shall be properly mounted and available for immediate use in any mobile food unit using vegetable oils or animal fats for deepfat frying. Portable fire extinguishers shall be maintained in accordance with the requirements of the code.

Subd. 2. Additional Fire Safety Requirements.

- A. Training required. Mobile food unit workers shall be trained in the use of the required portable fire extinguishers, any fire protection systems installed in the mobile food unit, proper method for shutting off fuel sources, the procedure for notifying the fire department in case of emergency, and the procedure for performing a simple leak test on cooking gas connections where used.
- B. Liquid Propane (LP) gas systems. Where provided for cooking, the LP gas system of a mobile food unit shall comply with the Minnesota State Fire Code. A simple leak test shall be performed any time an exchangeable cylinder is replaced and documentation of the leak tests shall be maintained for review by the fire department. The main shut off valve on any cylinder shall remain easily accessible and unobstructed at all times during operation. A flexible connector shall be used between the regulator outlet and any fixed piping system. Portable gas cylinders shall be properly secured and remain upright at all times. LP gas cylinder valves shall be closed except when the cooking equipment is in use.
- C. Engine driven power sources. Exhaust from engine-driven power sources including stationary mobile food units shall be directed away from all buildings, and other mobile food units and operations. A separation of at least ten feet from any openings or air intakes and any means of egress shall be maintained. An engine driven power source shall be separated from the public by a physical guard, fence or enclosure.
- D. Refueling of engine driven power sources. Refueling shall be performed during non-operating hours of the mobile food unit. No refueling of a portable engine drive power source may be performed unless the engine is shut off and the engine surfaces are cool to the touch.
- E. Electrical power. Generators and extension cords used by mobile food units shall comply with the code. Electrical appliances, fixtures, equipment and wiring contained within or connected to a mobile food unit shall comply with NFPA 70, National Electric Code.

- F. Solid fuel use. Wood, charcoal, or other solid fuels used by mobile food units shall not be stored above any heat-producing appliance or vent, within three feet of any cooking appliance, near any combustible or flammable liquids, ignition sources, chemicals, food supplies or packaged goods, near removed ashes, cinders or other fire debris, or in the path of ash removal. Ash, cinders and other fire debris shall be removed from the firebox at least once per day. Ash, cinders, and other removed fire debris, shall be placed in a closed metal container.

Section 6: Section 143A.07 is hereby amended as follows:

143A.07. Zones of Operation. An Operator may Vend in ~~at~~ the Mobile Food Unit Zone subject to those restrictions and limitations identified in ~~Exhibit A~~ the Mobile Food Unit Zone map on file in the Office of the City Clerk. Within any Zone, an Operator shall not setup or move a Mobile Food Unit between 7:00 a.m., and 9:00 a.m., or between 4:00 p.m., and 5:30 p.m.

Section 7: Section 143A.08, Subdivision 1 is hereby amended as follows:

143A.08. Restrictions on Vending Activity. Subdivision 1. All mobile food vehicles operating anywhere in the City of Rochester shall comply in all respects with all requirements of state law, including but not limited to Minnesota Rules Chapter 1315, Chapter 1346, and Chapter 4626, and any requirements found in any other law, statute, rule, resolution, ordinance or regulation of any kind and the following~~The following restrictions apply to all Mobile Food Units and Operators throughout the City:~~

- A. All foods, beverages, and ice must be obtained from an approved commercial source. Food cannot be stored or prepared in a home. Any food preparation or food storage done off-site must be accomplished at a food establishment location licensed by Olmsted County.
- B. The Operator shall Vend only when the Mobile Food Unit is lawfully stopped.
- C. The Operator shall Vend only from a Mobile Food Unit legally parked on any street by Vending to the sidewalk side of the street, while parked parallel to the curb.
- D. The Operator shall not Vend to any person standing in the roadway.
- E. The Operator shall not Vend after 1:00 a.m. Hours of operation shall be limited to the hours between 6:00 a.m. and midnight, except for within the specifically designated late night zone. The hours of operation for mobile food units located within three hundred feet of a residential building or a mixed use building with a residential component shall be limited to being between 7 a.m. and 10 p.m. Unless on private property, no approved mobile food unit vehicle shall be left unattended nor remain at an authorized operating location outside of these allowed hours of operation.
- F. The Operator shall not Vend within 150 feet of the property line of an established restaurant located outside of a Mobile Food Unit Zone, unless the Operator has obtained the written consent of the proprietor of the restaurant. No person or

corporation shall either pay or accept payment for the written consent provided herein.

- G. Each Mobile Food Unit must provide its own water and electricity.
- H. No power cable, cord, equipment, or any utility hose, may extend from the Mobile Food Unit.
- I. No Operator shall use or maintain any outside sound amplifying equipment, televisions or similar visual entertainment devices, lights, or noisemakers, such as bells, horns, or whistles.
- J. No Operator shall use external signage, bollards, seating, or any other equipment not contained within the vehicle.
- K. Within a Zone, a Licensee must comply with all posted parking restrictions as well as those parking restrictions applicable for that Zone as identified in Exhibit A the mobile food unit zone map. Outside a Zone, a Licensee must comply with all posted parking restrictions. For purposes of this clause, the term “parking restrictions” does not include a parking meter fee or charge.
- L. The Operator of a Mobile Food Unit shall not back the vehicle to Vend or attempt to Vend.
- M. All waste liquids, garbage, litter and refuse shall be kept in leak proof, nonabsorbent containers which shall be kept covered with tight-fitting covers and properly disposed of. No waste liquids, garbage, litter or refuse shall be dumped or drained into sidewalks, streets, gutters, drains, trash receptacles, or any other place other than the Mobile Food Unit. The garbage receptacle shall be easily accessible for customer use. The Licensee shall be responsible for all litter and garbage left by customers.
- N. The Operator must comply with the Minnesota Food Code.
- O. Public seating within a mobile food unit is prohibited.
- P. A mobile food unit shall maintain a separation distance of at least ten feet from the closest point of the mobile food unit to any building, structure, vehicle, fire hydrant, and any combustible materials. A clear lane of a minimum of ten feet shall be maintained on any side of a parked and operating mobile food unit adjacent to a street or fire apparatus access road to allow passage of an emergency vehicle.
- Q. Obstruction prohibited. A mobile food unit shall not obstruct access to a fire lane, fire apparatus access road, means of egress from a building or public space, or a fire department connection.

Section 8. This ordinance shall become effective as of the date of its publication.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF
ROCHESTER, MINNESOTA, THIS 1st April


Randy Haver
RESIDENT OF SAID COMMON COUNCIL

ATTEST: Cristina Beecher
CITY CLERK

APPROVED THIS

Kim Norton
MAYOR OF SAID CITY



Ord15/143A.Amend