

Ordinance No. 1409

Amending the Fridley City Code to Add Chapter 35, Mobile Food Units, Amend Chapter 209, Fees and Repeal Chapter 216, Street Vending

The City Council of the City of Fridley does ordain, after review, examination and staff recommendation that the Fridley City Code be amended as follows:

Section 1

That the Fridley City Code be hereby amended by adding Chapter 35, Mobile Food Units as follows:

Fridley City Code Chapter 35 Mobile Food Units

35.01 Purpose

The purpose of this Chapter is to protect the health, safety, and welfare of the community through the establishment of standards for mobile food units to operate in a safe and effective manner in the City of Fridley (City).

35.02 Definitions

Mobile Food Unit: A food or beverage service that is a mounted vehicle, either motorized or trailer, and is readily movable without disassembling for transport to another location. The two distinct types of Mobile Food Units are detailed below:

1. Food Truck: A self-contained unit in which food is stored, cooked, or prepared for direct sale to the consumer while parked or stationary in one location.
2. Ice Cream Truck: A motor vehicle utilized as the point of retail sale of pre-packaged ice cream, frozen yogurt, frozen custard, flavored frozen water, or similar frozen dessert products, while travelling within the City.

35.03 Food Truck License Required

1. All operators of food trucks must obtain a license to operate within the City.
2. No person may operate a food truck within the City without a valid license from Anoka County.
3. No license issued under this Chapter may be transferred to any other person or business.

4. A license issued under this Chapter becomes effective from the date on which the license is issued through April 30 of the subsequent year.

5. A valid license must be openly displayed at all times in the food truck when it is within the City.

6. For the purposes of this Chapter, any food truck equipped with appliances that produce smoke or grease-laden vapors must submit to a Fire Safety Inspection performed by the Fire Division, pursuant to the Mobile Food Preparation Vehicles Chapter of the Minnesota State Fire Code.

35.04 Food Truck License Application

1. No person may operate a food truck within the City without a valid license from the City, which includes the following requirements:

(a) The full legal name of the owner of the food truck;

(b) The full legal name of the operator of the food truck, other commonly known names the operator may use, the operator's date of birth, and a copy of their driver's license;

(c) A list of names of all persons working in the food truck;

(d) A description of the nature of the business and the goods to be sold out of the food truck;

(e) A description of the food truck and valid license plate number for any vehicle associated with a City food truck license;

(f) The name, address and contact information for the restaurant with which the food truck is affiliated, if applicable;

(g) A complete Background Investigation Consent Form;

(h) A Certificate of Insurance proving commercial general liability coverage of not less than \$1 million for each occurrence, or a \$2 million annual aggregate;

(i) Proof of workers' compensation insurance, or evidence of exemption, is required;

(j) A copy of the applicant's State sales tax identification number, with a complete State SP:C1 Form; and

(k) Written consent of each private property owner from which sales from a food truck will be conducted.

(l) A valid permit pursuant to the Rights-of-Way Management Chapter of the Code, if applicable.

35.05 Food Truck Allowed Activities

1. Mobile food trucks are allowed under the following circumstances:

(a) In conjunction with a private party or event located at a City or County park, provided the renter of the park has a valid park rental permit;

(b) In conjunction with an event sponsored by the City taking place on City-owned property with written consent of the City Manager or their designee;

(c) In conjunction with a school-sponsored event taking place on school-owned property with written consent of the school official; or

(d) In conjunction with a private event, on private property with written consent from the property owner.

35.06 Food Truck Prohibited Activities

1. No mobile food truck operators may conduct business in the following manner:

(a) Calling attention to their business or the items to be sold by means of blowing any horn or whistle, ringing any bell, yelling, or by making any other noise that would disturb the peace and enjoyment of the general public.

(b) Obstructing the free flow of traffic, either vehicular or pedestrian, on any street, sidewalk, alleyway, or other public right-of-way. An operator may not park a food truck on any public right-of-way or in residential zoning district except during events permitted under this Chapter and with a valid license.

(c) Conducting business in a way as to create a threat to the health, safety, and welfare of any specific individual or the general public.

(d) Conducting business before 7:00 a.m. or after 10:00 p.m.

(e) Failing to provide license, registration, or identification when requested.

(f) Using the registration of another person or business.

(g) Using false or misleading statements about the products or services being sold, including untrue statements of endorsement. No food truck operator may claim to have the endorsement of the City solely based on the City having issued a license to that person.

(h) Remaining on the property of another when requested to leave.

(i) Operating their business in any manner that a reasonable person would find obscene, threatening, intimidating or abusive.

(j) Operating on the same property more than 21 days in a 60-day period.

(k) Disposing gray water into any City stormwater drain. Gray water must be drained daily and in an appropriate manner.

(l) Failing to provide refuse containers for customers. The operator of a food truck is responsible for removing all refuse associated with the food truck operations.

(m) No overnight storage of a food truck is permitted.

35.07 Food Truck Signs

1. A licensed food truck is not required to obtain a Sign Permit from the City. However, no additional signage is permitted beyond that which is affixed to the food truck unless it meets the following requirements:

(a) One single sandwich board style sign is permitted per food truck;

(b) The maximum sign size is eight square feet;

(c) The sign must be placed on the ground and be within 10 feet of the food truck;

(d) The sign must not be placed in a manner that obstructs passage upon any sidewalk;

(e) The sign must not be placed within the improved travel surface of the public right-of-way.

35.08 Ice Cream Truck License Required

1. All operators of ice cream trucks must obtain a license to operate within the City.

2. No license issued under this Chapter may be transferred to any other person.

3. A license issued under this Chapter becomes effective from the date on which the license is issued through April 30.

4. A valid license must be openly displayed at all times when the food truck is within the City.

35.09 Ice Cream Truck License Application

1. No person may operate an ice cream truck within the City without a valid license from the City, which includes the following requirements:

(a) The full legal name of the owner of the ice cream truck;

(b) The full legal name of the operator of the ice cream truck, other commonly known names the operator may use, the operator's date of birth, and a copy of their driver's license;

(c) A description of the types of confections to be sold out of the ice cream truck;

(d) A description and valid license plate number for any vehicle associated with the license;

(e) A completed Background Investigation Consent Form;

(f) A Certificate of Insurance proving commercial general liability coverage of not less than \$1 million for each occurrence, or \$2 million annual aggregate is required;

(g) Proof of workers' compensation insurance, or evidence of exemption, is required;

(h) A copy of the applicant's State sales tax identification number, with a complete State SP:C1 Form;

35.10 Ice Cream Truck Routes and Hours of Operation

1. Operations may be carried on only between the hours of 10:00 a.m. and 8:00 p.m.

2. The proposed area in which the licensed vehicle will travel each day while within the City.

3. The licensee must only operate on streets as approved by the City Manager or their designee. Changes to a proposed area or route must be submitted to, and approved by, the City Manager or their designee at least 10 days in advance of making any change.

4. At no time, may the licensee operate the ice cream truck outside of the area or route approved by the City Manager or their designee. This section does not apply to emergency situations or travel to and from the approved route.

35.11 Ice Cream Truck Operations

1. When engaged in any vending operations, the ice cream truck must be parked as close to the street curb as practical. All vending must be done only at the curb side of the ice cream truck.

2. Ice cream trucks must not be parked in a manner that encourages unsafe pedestrian behavior, including but not limited to, encouraging the unsafe crossing of busy thoroughfares.

3. Ice cream trucks must be stopped or parked so as to not obstruct or cause a hazard to traffic or create danger of injury to customers or the general public.

4. All ice cream trucks must be equipped with flashing lights on both the front and rear of the vehicle, which must be clearly visible to oncoming traffic in full daylight.

5. No ice cream truck may be moved backward if:

(a) There is a substantial number of people congregated near the ice cream truck.

(b) The ice cream truck operator has reason to believe there are minors or persons with disabilities near the truck.

(c) Movement in such direction threatens injury to any person in or near the ice cream truck.

6. Ice cream trucks must carry signaling or warning devices that enable the attendant to give adequate warnings to pedestrians or other vehicles on the street.

7. Except as permitted by this Chapter, while transiting within their designated area or route, no ice cream truck may operate any device that produces any noise or sound for the purpose of attracting persons to the ice cream truck.

8. Ice cream trucks may sound a manually operated bell in the areas of and the hours established in this Chapter, which produces a noise level measured at 50 feet from the source, no greater than 65 decibels, as defined in the Noise Chapter of the Fridley City Code (Code).

9. Ice cream trucks may not operate within one block of any school zone in the City.

35.12 Suspension, Revocation, or Grounds for Denial

1. Any license issued under this Chapter may be suspended, revoked, or denied renewal by the City Manager or their designee. Grounds include:

(a) Subsequent knowledge by the City of fraud, misrepresentation, or incorrect statements provided by an applicant on the application form;

(b) Fraud, misrepresentation, or false statements in the application process;

(c) Engaging in any prohibited activity as provided under of this Chapter; or

(d) Violation of any other provision of this Chapter or Code, or any provision of State law.

2. The suspension or revocation of a license will apply to the owner of the mobile food unit, the operator of the mobile food unit (if different) and any other person authorized to work in the mobile food unit.

3. Prior to suspending or revoking any license issued under this Chapter, the City will provide the licensee with written notice of the alleged violations and inform them of their right to a hearing on the alleged violation. Notice will be delivered in person or by mail to the permanent residential address listed on the license application, or if no residential address is listed, to the business address provided on the license application.

4. Any person contesting a license suspension or revocation or other decision by the City associated with violations of this Chapter may file an appeal pursuant to the Appeals and Administrative Citations Chapter of the Code.

5. Within 14 business days of a determination by the Hearing Examiner, any person contesting that decision may appeal to the Council by submitting a written appeal to the City Clerk. At its next regular meeting following the Hearing Examiner's decision, the Council will affirm, repeal, or modify that decision.

6. If, in the discretion of the City Manager or their designee, imminent harm to the health or safety of the public may occur because of the actions of any mobile food unit operations licensed under this Chapter, the City Manager or their designee, may immediately suspend the license by notifying the licensee in writing.

35.13 Fees

The fees for this Chapter are set in the Fees Chapter of the Code.

Section 2

That the Fridley City Code be hereby amended by updating Chapter 209, Fees as follows:

Fridley City Code
Chapter 209 Fees

209.12 Fees

5. Licensing Fees

Code	Subject	Fee
308	Adult Entertainment Establishment – Investigation Fee	\$400 \$400
17	Auction – Weekly permit – Annual permit	\$30 \$150
300	Beekeeping – Initial fee – Annual renewal fee	\$100 \$25
27	Billiards – First table – Each additional table	\$40 \$10
15	Bowling Alleys – Annual license – Per lane	\$40 \$10
28	Carnivals – Application fee – Each day – Required cash deposit or bond	\$75 \$75 \$3,000
21	Christmas Tree Lots – Annual license fee – Deposit	\$200 \$100
300	Dogs – Lifetime license – Duplicate license – Impound fee – Annual Dangerous Dog license – Potentially Dangerous Dog license	\$25 \$5 \$25 \$500 \$500
702	Drive-in Theaters	\$400
607	Entertainment	\$85
32	Food Establishment – Business License	\$45
32	Food Temporary – Business License	\$30
25	Golf Course, Driving Range	\$30
319	Haulers Mixed Municipal Solid Waste License (Garbage Truck), Yard Waste License, Organics License, Recycling License	\$100 for first truck and \$40 each additional truck
24	Junk Yards	\$350
609	Liquor, Caterer – Annual Caterer Registration – Event Notification Permit (per event)	\$100 \$25

	– Corporation or partnership	\$400
605	Liquor, Bottle Club – Annual permit – One day permit	\$300 \$25
606	Liquor, On-Sale Intoxicating Club – Per club under 200 members – Per club of 201-500 members – Per club of 501-1,000 members – Per club of 1,001-2,000 members – Per club of 2,001-4,000 members – Per club of 4,001-6,000 members – Per club of over 6,000 members	\$300 \$500 \$650 \$800 \$1000 \$2,000 \$3,000
606	Liquor, On-Sale Club Holiday Endorsement	\$100
300	Livestock – Initial fee – Annual review	\$100 \$25
603	Managerial License (Liquor)	\$10
125	Massage Therapy Business License – Annual license – Business investigation fee for corporations or partnerships – Business investigation fee for individual/sole proprietor	\$400 \$400 (new) \$200 (renewal) \$200 (new) \$100 (renewal)
125	Massage Therapist – License Fee – Therapist Investigation Fee	\$50 \$25
22	Music Festivals – Per day – Filing fee	\$700 \$100
<u>35</u>	<u>Mobile Food Unit</u> – <u>Food Truck License</u> – <u>Food Truck Fire Safety Inspection</u> – <u>Ice Cream Truck License</u>	<u>\$50</u> <u>\$100</u> <u>\$75</u>
18	Motor Vehicle Body Repair Business	\$150
509	Motorized Vehicles Rental	\$50 per vehicle
300	Multiple Pet Location – License Fee – Renewal Fee – Impound Fee	\$100 \$25 \$25
300	Poultry – Initial fee – Annual renewal fee	\$100 \$25

	– Impound fee	\$25
220	Rental Housing Annual License – Single rental unit – Two rental units – Three rental units – Four rental unit – Five or more units License renewal late fee if more than seven days late License fee to reinstate after revocation or suspension License transfer fee License reinstatement fee for properties that were posted for not complying with correction orders or license renewals – 1-30 days – 31+ days Renting prior to obtaining a license Reinspection fee after second inspection – Single, duplex, triplex – Four or more units	\$100 \$150 \$210 \$270 \$270 plus \$12 per unit over four units 150% of the annual license fee 150% of the annual license fee \$25 \$250 \$500 125% of the annual license \$100 \$300
31	Pawn Shops – Annual license fee – Monthly transaction fee – Reporting failure penalty – Investigation fee	\$3,000 \$3 per transaction \$4 per transaction \$400
14	Peddlers/Solicitor	\$60 per peddler
23	Public Dance	\$75
13	Retail Gasoline Sales Private Gasoline Pump	\$60 \$30 per location
602, 603, 606	Social Skill Game Tournament Service Provider	\$100 annually
16	—Street Vending —Industrial/commercial	\$50

	— Residential	\$70
	– Both	\$100
12	Tobacco License	\$125
12	Tobacco Product Shop	
	– License fee	\$400
	– Investigation fee	\$100
104	Tree Management License	\$150
19	Used Motor Vehicles License	\$150 per year

Section 3

That the Fridley City Code be hereby amended by repealing Chapter 16, Street Vending as follows:

FRIDLEY CITY CODE
CHAPTER 16. STREET VENDING

~~16.01. LICENSE REQUIRED~~

~~Except under a license as provided herein, no person shall operate a vehicle in the City of Fridley for the purpose of dispensing or vending confections or other goods directly from a vehicle without a license to do so first being obtained, or contrary to the terms of such license. This Chapter does not apply, however, to any person using a vehicle for the delivery of goods or services directly to homes or establishments when the goods are taken by the operator of the vehicle onto private property for such delivery. (Ref. 183)~~

~~16.02. APPLICATION~~

~~The application for a license shall be made to the City Clerk and shall describe the vehicle or vehicles from which such vending operations are to be carried on, as well as the names and addresses of all persons interested in such business and its operation. The application shall also describe the types of confections or other goods which are to be sold from said vehicle and the areas of the City in which the business is proposed to be carried on. The application shall also set forth the names of the insurers providing liability coverage on the vehicle or vehicles to be used and the amount of the coverage carried. The application shall be accompanied by the annual license fee. If the application for a license is denied, the fee shall be refunded to the applicant.~~

~~16.03. ROUTES AND HOURS OF OPERATION~~

~~No person licensed under this Chapter shall carry on a vending operation upon any street or public place which is other than as provided under the terms of such license. Such operations may be carried on only between the hours of 10:00 a.m. and 4:30 p.m., and 6:00 p.m. to 8:00 p.m. in any area zoned commercial or industrial, and only between the hours of 1:00 P.M. and 4:30 p.m., and 6:30 to 8:00 p.m. in any area zoned residential or other than commercial or industrial. At least~~

~~ten (10) days before the commencement of operations, the licensee shall file with the City for approval by the City Manager, the proposed area in which the vehicles so licensed will travel each day while within the City. The licensee shall at all times operate on streets only as are approved within such areas; and changes in the area shall be filed with the City manager at least ten (10) days in advance of making any change. If the City Manager shall deny use of any street within the area, the licensee may appeal the ruling of the City Manager to the City Council for determination. At no time, however, shall the licensee operate a vehicle on and over any street that is not approved. Only such streets within the area shall be approved as would minimize the danger of injury by hazards of traffic to persons who may be customers of such vehicle, and also as would minimize traffic difficulties which may arise out of the operation of the vehicle for such purposes. A vehicle may be licensed to operate exclusively in areas of the City zoned "Commercial" or "Industrial"; or it may be licensed to operate exclusively in areas zoned "Residential" or "Other than Commercial or Industrial"; or it may be licensed to operate in all areas of the City. No vehicle, however, shall be operated in any area of the City which is zoned different than that for which the same is licensed. In the absence of proof to the contrary, a vehicle parked or left standing on any street or public place is deemed to be there for business operations.~~

~~16.04. FEE~~

~~The annual license fee and expiration date shall be as provided in Chapter 11 of this Code.~~

~~16.05. SAFETY REQUIREMENTS~~

~~1. — Insurance.~~

~~Every licensee shall maintain liability insurance with respect to the operation of any vehicle used in such business. The liability coverage of such insurance shall be in an amount of at least \$50,000 for single injuries and at least \$100,000 for each accident with respect to personal injuries, together with at least \$5,000 for property damage.~~

~~2. — Parking.~~

~~When engaged in any vending operations, the vehicles used shall be parked at the curb of any street upon which the vehicle stands, and the vending shall be done only at the curb side of vehicle. When the vending is carried on near any school or other similar place, the vehicle used shall be parked at the curb side of the street nearest the school, or at a place next to such school or other similar public place as is safe and makes it reasonably unnecessary for a customer to cross a street or thoroughfare upon which there is traffic to reach such vehicle from the school or such other similar public place. At all times the vehicle used shall be stopped or parked only in such place as will not obstruct or cause a hazard to traffic and which creates no danger of injury to customers of the vehicle. Each vehicle shall be equipped with flashing lights on both the front and rear of the vehicle, which lights shall be clearly visible to oncoming traffic in full daylight.~~

~~3. — Operators.~~

No vehicle used in such vending operation shall be moved backward if:

A. — There is congregated a substantial number of people.

B. — There can reasonably be expected in and about such vehicle persons of minor age, infirmity or disability.

C. — Movement in such direction threatens injury to any person in and near such vehicle.

A vehicle operator shall at all times give adequate warnings to keep all persons clear of such vehicle while the same is in movement.

4. — Warning.

The vehicle used shall carry such signaling or warning devices as will enable the attendant reasonably at all times to give adequate warnings as required herein. Except as permitted by Section 16.05.5, no vehicle or equipment shall operate any device that shall produce any noise or sound for the purposes of attracting persons to the vending truck. (Ref. 243)

5. — Exception for Food/Beverage Vehicles.

Notwithstanding any other provision to the contrary, food/beverage vehicles may sound a manually operated bell, between the hours of 10:00 a.m. and 4:30 p.m., and 6:00 p.m. to 8:00 p.m. in any area zoned commercial or industrial, and only between the hours of 1:00 p.m. and 4:30 p.m., and 6:30 p.m. to 8:00 p.m. in any area zoned residential or other than commercial or industrial, which produces a noise level measured at a distance of 50 feet from, the source no greater than 65 decibels, as defined in Fridley City Code Chapter 124, "Noise". (Ref. 836)

16.06. ADDITIONAL REQUIREMENTS —

All vehicles used for street vending shall be subject to the applicable requirements of Chapter 11 of this Code.

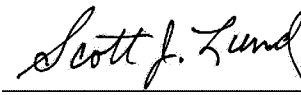
16.07. ADDITIONAL PENALTY —

Any licensee who violates any provision of this Chapter or who drives or operates his or her vehicle in a careless and negligent fashion may, in addition to the usual penalties, have his or her license revoked after hearing before the City Council, upon reasonable notice.

16.08. PENALTIES —

Any violation of this Chapter is a misdemeanor and is subject to all penalties provided for such violations under the provisions of Chapter 901 of this Code.

Passed and adopted by the City Council of the City of Fridley on this 26th day of June, 2023.



Scott J. Lund - Mayor



Melissa Moore - City Clerk

First Reading: June 12, 2023

Second Reading: June 26, 2023

Publication: June 29, 2023