

AN ORDINANCE REGULATING WAGON VENDORS, ESTABLISHING PERMIT FEES AND PROVIDING PENALTIES FOR VIOLATION.

THE CITY COUNCIL OF THE CITY OF OAK PARK HEIGHTS, WASHINGTON COUNTY, MINNESOTA, DOES ORDAIN:

1401.01 Purpose and Intent.

This Ordinance is adopted for the purpose of protecting the public health, safety, morals, comfort, convenience, and general welfare of the citizens of the City of Oak Park Heights, by regulating the activities of wagon vendors on the public streets of the City of Oak Park Heights. It is not intended by the provisions of this Ordinance to abrogate, in any way, the provisions of Minnesota Statutes regarding the licensing of the sale of food, but it is deemed essential for the Oak Park Heights City Council to require the issuance of a permit in order to control the hours and routes of operation of vehicles dispensing or vending confections and to assure that insurance and other safety requirements, as set forth herein, have been complied with.

1401.02 Permit Required.

A. No owner or operator of any vehicle which is used for the purpose of offering for sale, dispensing or vending goods directly from such vehicle shall carry on such dispensing or vending activity on the public streets of the City of Oak Park Heights unless such vehicle is licensed by the State of Minnesota and unless the provisions of this ordinance have been met. No other vehicle, trailer or mobile food unit based food sales other than as permitted in this Ordinance may operate in the City.

B. This Ordinance shall not apply to persons using vehicles for the delivery of, as distinguished from offering for sale, goods or services directly to homes or establishments where the goods are taken by the operator of the vehicle onto private or public property for delivery. The permit shall be required, however, to assure compliance with the provisions of this Ordinance for any mobile unit being used on the public streets for the purpose of vending or dispensing as aforesaid.

C. A mobile food unit may operate on private property with the written consent of the private property owner for temporary private catering purposes and serving only the owner(s) of the property and/or their direct employees and shall not be open for nor engage in sales to the general public, visitors to the site or to any other party. Any private property owner may host up to one mobile food unit at one time. A mobile food unit may not operate on City property without the prior written approval by the City Council. Mobile food units are otherwise prohibited in all other locations and may not operate at large in the City or on City right of ways. For the purposes of this Ordinance a “mobile food unit” is: (1) A self-contained food service operation,

located in a readily movable motorized wheeled or towed vehicle that is readily movable without disassembling and that is used to store, prepare, display or serve food intended for individual portion service; or (2) A mobile food unit as defined in Minnesota Statutes, section 157.15, subdivision 9.

D. Mobile food units fully compliant with Section C of 1401.02 and operating on private property are not required to secure any further permits from the City

E. On lands zoned B-2 or B-4, private property owners may apply for a temporary mobile food unit permit from the City for the placement of mobile food units for the sole purposes of the sale of food items to the general public however such operations must be exclusively operated by a IRS recognized 501 c. 3 charitable organization where a majority of all funds collected are for the sole purposes of directly benefitting such organization or its charitable purposes. Food sales shall only occur on Saturdays and Sundays between 10 am and 6 pm. No property may host more than one mobile food unit at one time up to a total of ten (10) days per calendar year. A separate permit shall be secured by the property owner from the City prior to the commencement of any operation of a mobile food unit under this section. Proof of the 501 c. 3 designation and liability insurance will be required.

F. All mobile food units must comply with all other County or State requirements or laws relative to those respective agencies licensures and/or inspections and all operators must be prepared to produce documentation of such compliance while in operation.

1401.03 Application for Permit.

A. Application for a wagon vendor's permit shall be made to the City Clerk on a form to be provided by the City. The application shall describe the vehicle from which said vending operations will be carried on and shall give the names of the persons interested in said business. It shall describe the types of confections or other goods which will be sold from said vehicle.

B. The applicant shall also set forth the names of the insurers providing liability coverage on the vehicle and the amount of coverage carried and shall contain the proposed hours and routes of operation. The application shall be for a specific vehicle and shall contain the name, signature and address of the owner, a description of the vehicle including the serial number, the Minnesota vehicle license number, the make and model of the vehicle, and the number of the license issued by the Commissioner of Agriculture for the sale of food.

1401.04 Permit Fee.

The applicant applying for a wagon vendor's permit shall, before being issued a permit, pay to the City Clerk such sum as shall be established by City Council resolution. The application shall be approved by the City Council. The permit shall be nontransferable and all permits shall be for a period of one year and shall expire on the 31st day of December of each year.

1401.05 Hours and Routes and Items Approved for Sale.

No owner or operator issued a Wagon Vendor's permit for vending and dispensing as aforesaid shall carry on such activities in the City of Oak Park Heights except between the hours of 1:00 P.M. to 4:00 P.M. and 6:30 P.M. to 9:30 P.M. More than ten (10) days before the commencement of his operations, the applicant shall file with the Chief of Police a proposed route or routes over which the vehicle will travel each day within the City. The applicant shall follow such route while operating within the City. Proposed changes shall be filed with the Chief of Police at least ten days in advance of making such changes. If the Chief of Police shall disapprove of such routes, the applicant may appeal the ruling of the Chief to the City Council for determination. Only such routes shall be approved as will minimize the hazard to persons who may be customers to such vehicle and which will minimize traffic difficulties which may arise out of such operations. A Wagon Vendor may only sell confections and novelties limited to prepackaged goods such as popcorn, soft drinks, and ice cream.

1401.06 Safety Requirements.

Every applicant shall maintain liability insurance in the amount of at least \$100,000.00 for single injuries and \$300,000.00 for each accident, together with at least \$10,000.00 property insurance. Vehicles must be parked at the curb while engaging in vending operations and vending shall be done only at the curb side of the vehicle. Each vehicle must be equipped with flashing lights on both the front and rear of the vehicle clearly visible to oncoming traffic in full daylight.

1401.07 Revocation.

Every such permit may be revoked by the City Council for violation of any provision of this Ordinance if the permittee has been given reasonable notice and opportunity to be heard.

1401.08 Severability of Invalid Provisions.

If any provision of this Ordinance shall be held invalid, its invalidity shall not affect any other provisions of this Ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this ordinance are hereby declared to be severable.

1401.09 Penalty.

Violation of this Ordinance shall be a misdemeanor and may be punishable by a fine not to exceed Seven Hundred Dollars (\$700.00) or imprisonment not to exceed ninety (90) days, or both. Each separate day such violation is continued shall constitute a separate offense.

Amended Sections 1401.02 and 1401.05 by the City Council 1/12/2016.