

CHAPTER 123 OF THE SIOUX CENTER CITY CODE REGULATING “MOBILE FOOD OR BEVERAGE VENDORS”

123.01 PURPOSE. The purpose of this chapter is to protect residents of the City against fraud, unfair competition, and unsafe food sources by licensing and regulating mobile food and beverage vendors

123.02 DEFINITIONS. The following words, terms and phrases when used in this Chapter shall have the following meanings:

Food Service Establishment shall have the meaning established by Section 483-30.2 of the Iowa Administrative Code.

Mobile Vendor means a person engaged in the business of selling food or beverages from a Mobile Vendor Vehicle.

Mobile Vendor Vehicle means a vehicle or trailer used for the sale of food or beverages for immediate consumption. The definition of Mobile Vendor Vehicle includes the common term “Food Truck.”

Restaurant means a food service establishment which derives at least fifty percent (50%) of its gross receipts from the sale of food for immediate consumption on the premises.

123.03 AREAS OF OPERATION. Mobile Vendors may operate on private property or on public property pursuant to a permit issued in accordance with the provisions of this Chapter.

123.04 MOBILE VENDOR LICENSE REQUIRED. Every Mobile Vendor shall, before offering for sale any food or beverages in the City, obtain a license for their sale from the City Clerk as provided in this Chapter. A separate Mobile Vendor License shall be required for each Mobile Vending Vehicle.

For community events, the City Clerk may issue a license to the organization hosting the event to allow Mobile Vendors authorized by the hosting organization to operate without an individual Mobile Vendor license for a limited number of days, not to exceed the number of days of the event being hosted.

123.05 APPLICATION FOR LICENSE. Every Mobile Vendor shall apply to the City Clerk for a Mobile Vendor License at least three (3) business days prior to the use by providing the following information upon a form to be provided by the City Clerk and paying the application fee in the amount set in the Schedule of Fees as adopted by the City Council by resolution:

- A. The full name, age, permanent address, and phone number of the applicant.

- B. The business name and address.
- C. A description of the Motorized Vehicle or Trailer from which the sale will be conducted, including the license plate number, and the length of the motorized vehicle or the trailer and tow vehicle.
- D. A summary of the cuisine of the food and beverage to be sold.
- E. The period of time the applicant has been engaged in the same or similar business and the jurisdictions in which the applicant has previously conducted business in the last year.
- F. The application must be accompanied by a copy of the Retail Sales Tax Permit issued to the applicant by the Iowa Department of Revenue.
- G. If the Mobile Vendor sells food or beverages other than prepackaged items that do not require hot or cold handling procedures, then the application shall also contain the following:
 - 1. A copy of the Mobile Food Unit License issued by the Iowa Department of Inspections and Appeals for the Mobile Vendor Vehicle.
 - 2. The addresses of the businesses or facilities at which any fat, oil or grease generated in the operation of the Mobile Vendor business are disposed of, including the contact information for the individual or business responsible for the operation of each such business or facility.
- H. The location where the Mobile Vendor Vehicle will be regularly parked when not in use.
- I. The precise location in the city where the Mobile Vendor Vehicle will conduct sales.

123.06 POLICE DEPARTMENT REVIEW. Each application for a Mobile Vendor License may be provided to the Police Chief for review and comment and shall authorize the police to conduct a background check on the applicant.

123.07 ACTION BY CITY CLERK. All references to the City Clerk in this chapter shall be deemed to include the City Clerk's designee.

123.08 AREAS OF MOBILE VENDOR VEHICLE OPERATION.

- A. If a Mobile Vendor Vehicle is to be operated on private property, the applicant shall submit to the City Clerk a written approval for such use of private property signed by the property owner or designee. Such written approval shall include dates and times permitted.
- B. Operation of Mobile Vendor Vehicles shall not be permitted on public road rights-of-way (unless specifically granted by the city clerk), but shall be permitted on designated public parking areas of City property as permitted by the City, within intended locations to be designated on a map or diagram submitted with the application together with dates and times of operation.
- C. Mobile Vendor Vehicle operation may be permitted in Sioux Center City Parks only upon application to the Park Director and approval in accordance with Park Department Rules.

123.09 LICENSE ISSUANCE.

- A. A Mobile Vendor License may be denied to any applicant who has operated a Mobile Vendor business in material violation of any of the requirements of this article or any other chapter of this Code within the prior one hundred eighty (180) days.
- B. The City Clerk shall, upon satisfaction that the information provided in an application for a Mobile Vendor License is true and correct and that the requirements of this article for issuance of the license have been satisfied, shall issue a Mobile Vendor License which shall be valid for a period of one year from the date of issuance. The license shall identify whether the Mobile Vendor is limited to the sale of prepackaged food and beverages that do not require hot or cold handling procedures.
- C. The City Clerk shall deny any application for the operation of a Mobile Vendor business that does not conform with all applicable requirements of this article, the City Code, the Iowa Code, and the Iowa Administrative Code.
- D. In the event an application for a Mobile Vendor license is denied, the City Clerk shall cause notice of such denial to be promptly communicated to the applicant or the applicant's representative by phone at the phone number provided in the application. Written notice shall also be sent to the applicant at the business address identified in the application informing the applicant of the denial, the reason therefore, and the applicant's right to appeal the denial to the City Board of Adjustment by filing a written notice of appeal with the City Clerk within ten (10) business days after the date of such notice.

123.10 MOBILE VENDOR LICENSES NOT TRANSFERRABLE. Mobile Vendor Licenses issued under this article are not transferrable.

123.11 GENERAL REGULATIONS.

- A. Hours of Operation. Mobile Food Vendors may operate between the hours of 7:00 a.m. and 11:00 p.m. local time.
- B. Allowed Locations.
 1. No Mobile Vendor shall conduct any sale from the Mobile Vendor Vehicle which is not lawfully parked in an approved location.
 2. No Mobile Vendor shall conduct any sale from a parking space which is designated as an "Accessible Parking Space" or otherwise designated as "Limited Parking."
 3. No Mobile Vendor shall conduct any sale from a Mobile Vendor Vehicle located within one hundred (100) feet of any public entrance of any street level restaurant then open for business, unless authorized by the restaurant.
 4. No Mobile Vendor shall conduct any sale in a residential neighborhood unless such sales are specifically authorized in the Mobile Vendor's license and then shall only be in the specific areas stated in the license.

5. No Mobile Vendor shall conduct any sale from a Mobile Vendor vehicle unless such sales are specifically authorized in the Mobile Vendor's license.
6. The Mobile Vendor Vehicle must be removed from the location of operation after the hours of operation.
7. No Mobile Vendor Vehicle shall be operated within 10 feet of any building or other structure and shall not be operated within 50 feet of any other Mobile Vendor Vehicle, unless specifically approved for a special event by the City Clerk.

C. Mobile Vendor Vehicle.

1. Any vehicle used as a Mobile Vendor Vehicle shall be no larger than thirty-seven (37) feet long and eight and a half (8 $\frac{1}{2}$) feet wide. Any trailer used as a Mobile Vendor Vehicle, together with the tow vehicle, shall be no longer than thirty-seven (37) feet long and eight and a half (8 $\frac{1}{2}$) feet wide.
2. A Mobile Vendor Vehicle shall not have a second story, or any interior space used for customer service or seating.

D. Display of License. License required by this Chapter and a valid Sales Tax Permit for such business shall be displayed within the Mobile Vendor Vehicle in a manner such that it is readily visible to all persons seeking to conduct business with the Mobile Vendor.

E. Sale of Merchandise. No Mobile Vendor shall offer any merchandise or wares for sale other than food and beverages for immediate consumption.

F. Food Safety. Any Mobile Vendor who offers food or beverages for sale, other than prepackaged items that do not require hot or cold handling procedures, shall be subject to the following additional requirements:

1. Valid Mobile Food Vendor License for the Mobile Vendor Vehicle shall be displayed within the Mobile Vendor Vehicle in a location that is readily visible to all customers.
2. No Mobile Vendor shall operate the business in a manner that violates any applicable food or sanitation laws.

G. Use of Street and Sidewalk. No Mobile Vendor shall place any tables, chairs, furniture, equipment, signage or other material on the streets or sidewalks. No Mobile Vendor shall place any food, materials, or equipment on the ground or on tables, chairs, or shelves that are not incorporated into the Mobile Vendor Vehicle, or immediately adjacent to the Mobile Vendor Vehicle.

H. Trash Receptacles. A Mobile Vendor shall provide one or more trash receptacles readily accessible to its customers either in or attached to the Mobile Vendor Vehicle. All accumulations of trash and litter shall be removed from the site by the Mobile Vendor before departing.

I. All Sales from Safe Locations. No Mobile Food Vendor shall conduct any sales from outside the Mobile Vendor Vehicle. All sales, activities and transfer of food and beverages to the customer shall occur only from a safe location such that the customer is not exposed to traffic on the street. No Mobile Vendor shall sell to any persons situated in a motor vehicle. The requirements of this paragraph do not apply to Mobile Vendors operating on private property.

J. Signage. All signs used in connection with the operation of the Mobile Vendor Vehicle shall comply with the city signage ordinance. All signage located on the

Mobile Vendor Vehicle itself shall count as signage for purposes of the city signage ordinance.

123.12 SUSPENSION OR REVOCATION OF LICENSE.

- A. Upon complaint or a reasonable suspension that a licensee or the licensee's employees have furnished any false information required under this chapter or has violated or failed to comply with any of the requirements of this chapter or any other provisions of the City Code, the City Clerk may cause the matter to be investigated. If the City Clerk finds that a violation has occurred, the City Clerk shall give notice to the licensee of intent to suspend or revoke the license, or to deny its renewal.
- B. Notice of the City's intent to suspend, revoke, or deny renewal of a license shall be served upon the licensee by personal service or by certified mail, return receipt requested. The suspension, revocation, or denial of renewal shall become effective seven (7) days after notice is served or mailed.

123.13 APPEAL. Any application aggrieved by the refusal of the City Clerk to issue a license or by suspension, revocation, or non-renewal of a license under this chapter has the right to appeal the City Clerk's decision to the City Board of Adjustment. Such appeal shall be requested by submitting a written request to the Clerk within ten (10) days of the action of the City Clerk which is appealed.

The City Council shall consider the appeal at its next regularly scheduled meeting at which time the applicant/licensee shall be entitled to present his or her appeal orally or in writing. The Council shall act on the appeal within twenty-one (21) days of the hearing and shall either uphold the action of the City Clerk or shall direct the issuance of a license.