

# MOBILE FOOD UNITS



OPERATIONS IN THE CITY OF  
ROCHESTER



2019

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## Operating outside of the Downtown zone

Mobile food units (MFUs) operating outside of the downtown zone are still required to hold a City license to operate anywhere within the city of Rochester. No additional general City permits are required for operating on public or private space outside of the downtown zone, but all restrictions and regulations in Rochester Code of Ordinances Chapter 5-21 must be followed.

**Section 5-21-2. 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 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.

RCO Section 5-21-8 includes restrictions on vending activity that apply to all MFU operations in Rochester. These include:

- Hours of operation are limited to 6 a.m. to midnight
  - Where an MFU is within 300 feet of a residential or mixed use building with a residential component, hours are limited to 7 a.m. – 10 p.m.
- MFUs shall not vend within 150 feet of the property line of an established restaurant unless the MFU operator has obtained the written consent of restaurant's proprietor
- MFUs cannot obstruct access to a fire lane, fire apparatus access road, means of egress from a building or public space, or a fire department connection

## Public right-of-way/streets

Within the public right-of-way and city streets outside of the downtown zone, MFUs can locate and operate in areas where they can **legally** park to do so. Operations must comply with all provisions of Chapter 143A.

Regulations specific to operating in public right-of-way or city streets include:

- MFU operators can only vend when the MFU is lawfully stopped, and legally parked with its vending side facing and parallel to the curb
- MFU operators cannot vend to anyone standing in the street

## Private property

With the consent of the property owner, as well as the written consent of any restaurants located within 150 feet, MFUs can operate on private property. Under state law, operating in one location for longer than 21 days requires additional review and permitting by Olmsted County Public Health in conjunction with Planning & Zoning.

## City parks

An operator vending in a City park must satisfy any permit requirements and pay any permit fees adopted by the Park Board, in addition to the City license fees and requirements of Chapter 143A.

Section 5-21-8 (b) includes additional restrictions for operating in and around City parks:

- An Operator shall Vend in or adjacent to a park only during the posted park operating hours.
- An Operator shall not Vend within 50 feet of a right-of-way adjoining a park.
- An Operator shall not Vend within 150 feet of a person to whom a park concession permit has been issued by the Board of Park Commissioners.
- An Operator shall not Vend within 150 feet of the Soldier's Field Veteran's Memorial.
- An Operator shall not Vend within 500 feet of any event being held in a park and for which a permit has been issued by the Board of Park Commissioners or the City's Park and Recreation Department.

## Downtown Zone

All Mobile Food Units (MFUs) must obtain a city license in order to operate anywhere in the City of Rochester. The requirement to also obtain a franchise to operate in some areas has been eliminated. Instead, only within the mobile food unit zone downtown is it necessary to operate in specific identified zones, and to obtain a permit from the City Clerk's Office for those zones. Depending upon the zone, in some locations daily permits for assigned spots will be required while other zones may use longer-term general permits.

Sec. 5-21-3. Zone 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. The zone permit fee for a Mobile Food Unit shall be established by resolution as part of the Fee Schedule adopted by the Council.

There are currently three different types of operation zones in the downtown MFU zone. These are the only areas within the downtown zone where MFUs can operate.

Permit applications can be completed online or by visiting the City Clerk's Office in City Hall.

**\*\*\*PLEASE NOTE: ONLY THE MOBILE FOOD UNIT MAY BE PARKED IN THE MFU ZONE. IF YOU HAVE ADDITIONAL PERSONAL OR BUSINESS VEHICLES, THEY MUST BE LEGALLY PARKED IN A LOCATION OUTSIDE OF THE MFU ZONE. THIS INCLUDES TRUCKS FOR PULLING OR SUPPLYING A MFU.**

### MFU Anytime Operation Zones (6 a.m.-12 a.m.)

- Two zones
- Not currently signed as designated for MFU use only
- Metered parking exists – must park lawfully and pay for any meters parked in during hours of meter operation (8 a.m. – 5 p.m.)
- Requires monthly permit from City Clerk's Office at a cost of \$40 per month
- Any support or transit vehicles can be legally parked at a meter in or out of these zones, with proper payment and adherence to all other parking rules

### MFU Lunch Operation Zones (9:00 a.m. – 2:00 p.m.)

- Two zones
- Signed and designated for MFU use only during designated hours
- No meters in these areas
- Requires monthly permit from City Clerk's Office at a cost of \$100 per month
- No support or transit vehicles can be parked in these zones, only the MFU

### MFU Late Night Operation Zones (9:00 p.m. – 2:30 a.m.)

- Two zones
- Signed and designated for MFU use only during designated hours
- Meters in area 1, but not enforced for payment during designated hours
- No meters in area 2
- Area 1 requires daily permit from City Clerk's Office for use of reserved spots on Friday and Saturday nights at a cost of \$30 per night
- Area 2 requires monthly permit from City Clerk's Office at a cost of \$50 per month
- No support or transit vehicles can be parked in these zones, only the MFU

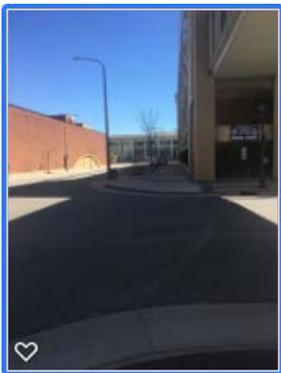
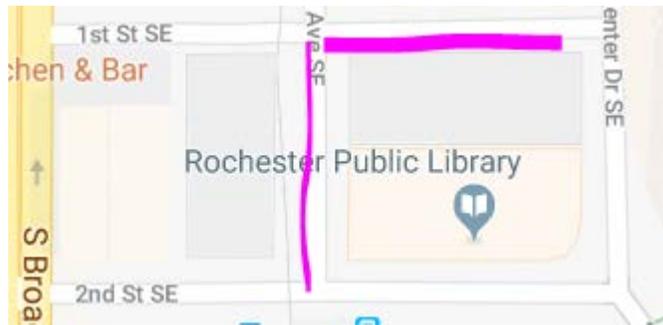
## MFU Anytime Operation Zones (6 a.m.-12 a.m.)

These zones are colored fuchsia on the MFU Zone map maintained by the City Clerk’s Office.

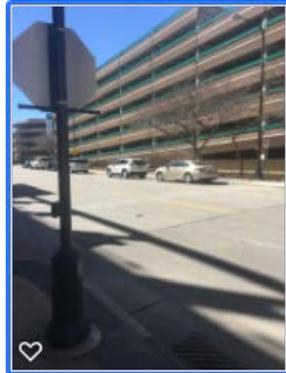
These zones allow for MFUs to operate anytime authorized under RCO Chapter 143A in Sections 143A.07 and 143A.08. Generally, these hours are 6 am – midnight, but it is not permitted to set up or move a MFU between 7 a.m. and 9 a.m. and between 4 p.m. and 5:30 p.m.

There are currently two areas identified for these zones. These have not been heavily utilized previously, but this is the first season one of the two areas will be available due to prior construction-related restrictions. There are not presently signs posted for these areas as MFU zones, but open spots in these areas are available for use by licensed MFUs during any permitted hours. In these zones, MFUs need to be legally parked, following all traffic and parking rules and restrictions. In metered spaces, during hours meters are operational, any spaces used by MFUs must be paid.

Area one: near the Rochester Public Library, on the west side of 1<sup>st</sup> Ave SE between 2<sup>nd</sup> St SE and 1<sup>st</sup> St SE, and on the south side of 1<sup>st</sup> St SE between 1<sup>st</sup> Ave SE and Civic Center Dr SE.



1<sup>st</sup> St SE



1<sup>st</sup> Ave SE



Area two: near Central Park, on the north side of 2<sup>nd</sup> St NW, between 1<sup>st</sup> and 2<sup>nd</sup> aves NW, and the west side of 1<sup>st</sup> Ave NW between 2<sup>nd</sup> and 3<sup>rd</sup> sts NW.



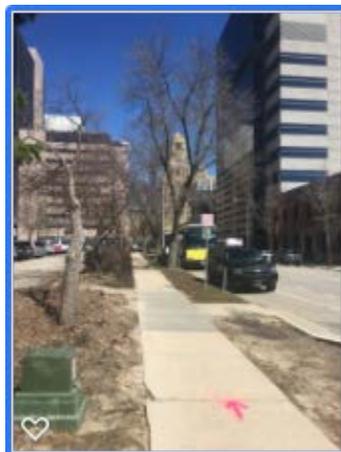
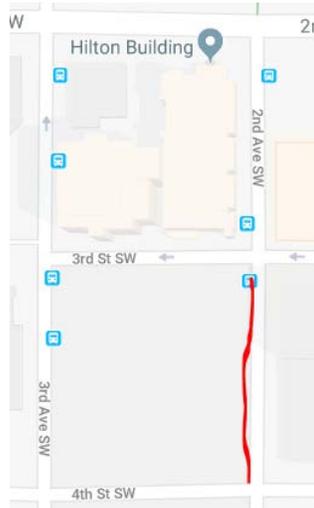
\*\*\*NOTE: During the course of the 2019 season, there may be construction in some of these areas making them unavailable at certain times. Check with the City Clerk's Office on the current status of any particular zone.

## MFU Lunch Operation Zones (9:00 a.m. – 2:00 p.m.)

These zones are colored orange on the MFU Zone map maintained by the City Clerk's Office. These zones allow for MFUs to operate between 9:00 a.m. and 2:00 p.m.

There are currently two areas identified, and both areas have signs in place identifying them as MFU zones, with designated parking. There are no meters in these locations.

The first location is on the west side of 2<sup>nd</sup> Ave SW between 3<sup>rd</sup> and 4<sup>th</sup> streets SW. The entire block is designated as a MFU zone, however at this point signs are in place only on the north half of the block due to limited use.



Different views of 2<sup>nd</sup> Ave SW location

The second location is on the north side of 1<sup>st</sup> St SW, in the portion of the street immediately west of 4<sup>th</sup> Ave SW.



1<sup>st</sup> St SW location



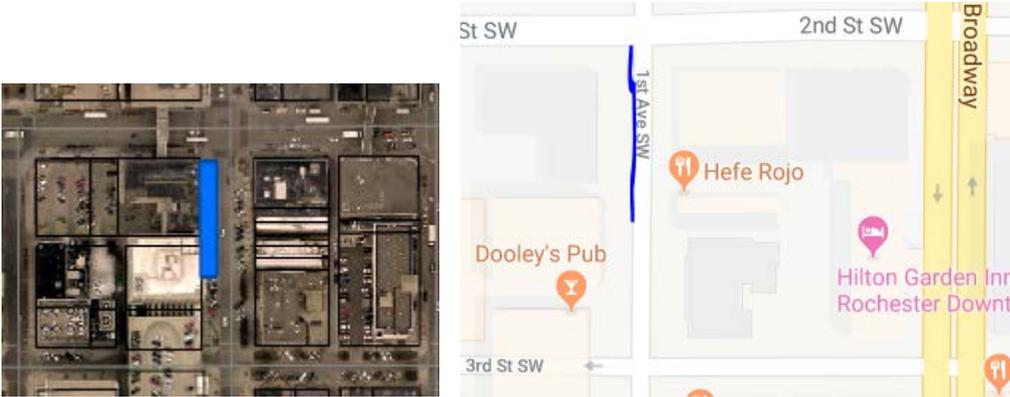
\*\*\*NOTE: During the course of the 2019 season, there may be construction in some of these areas making them unavailable at certain times. Check with the City Clerk's Office on the current status of any particular zone.

## MFU Late Night Operation Zones (9:00 p.m. – 2:30 a.m.)

These zones are colored blue on the MFU Zone map maintained by the City Clerk’s Office. These zones allow for MFUs to operate between 9:00 p.m. and 2:00 a.m.

There are currently two areas identified, and both areas have signs in place identifying them as MFU zones, with designated parking.

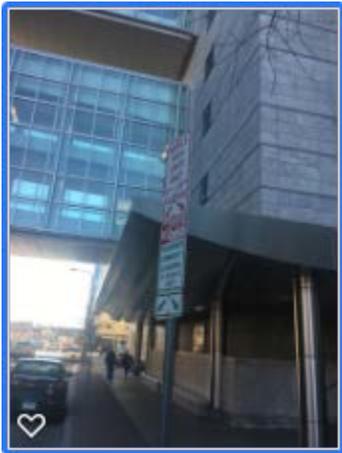
The first location is on the west side of 1<sup>st</sup> Ave SW, just south of 2<sup>nd</sup> St SW. In this location, there are parking meters that are designated for MFUs during designated hours. We will be piloting a daily permit process to allow interested MFUs to reserve space when they plan to be out so we can assure these spaces are open and available when they will be used. Signs are in place in this area, and there has been discussion of increasing the area available here with additional signage if there is sufficient demand for usage by licensed MFU operators.



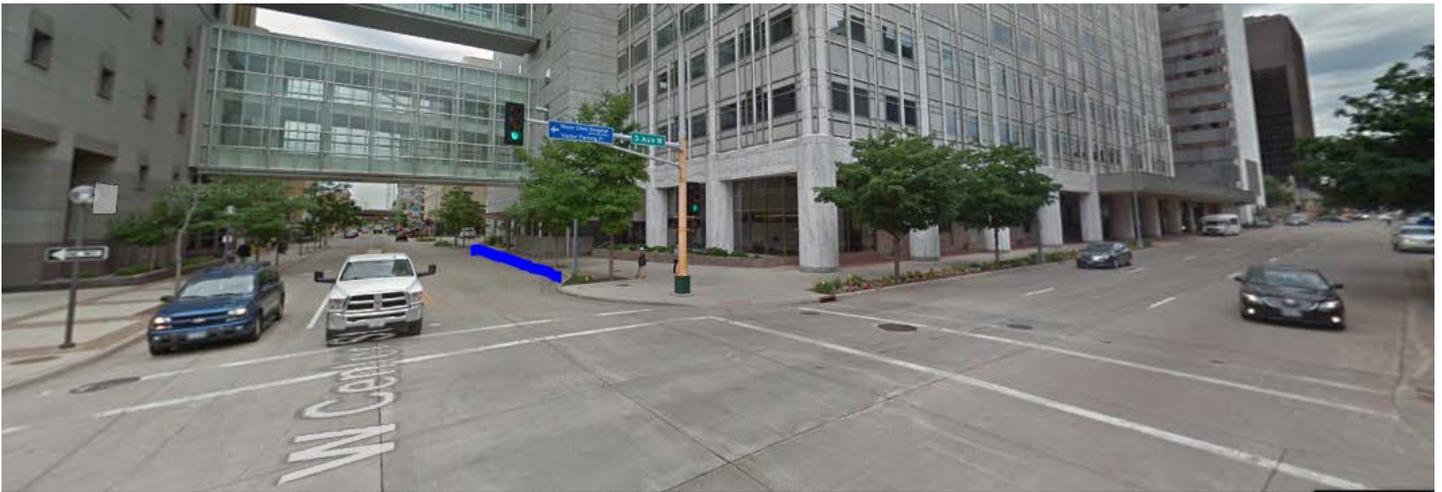
1<sup>st</sup> Ave SW



The second late night zone is on Center St just east of 3<sup>rd</sup> Ave SW, in front of the northwest corner of the Gonda Building. This zone is signed, and does not have any meters.



Center Street



\*\*\*NOTE: During the course of the 2019 season, there may be construction in some of these areas making them unavailable at certain times. Check with the City Clerk's Office on the current status of any particular zone.

# MOBILE FOOD UNIT GUIDANCE ON VENDING IN THE CITY OF ROCHESTER

## – from Rochester Code of Ordinances, Chapter 5-21

### Sec. 5-21-2. 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 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.

### Sec. 5-21-3. Zone 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. The zone permit fee for a Mobile Food Unit shall be established by resolution as part of the Fee Schedule adopted by the Council.

### Sec. 5-21-7. Zones of Operation.

An Operator may Vend in the Mobile Food Unit Zone subject to those restrictions and limitations identified in 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.

### Sec. 5-21-8. 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:

- 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. 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 device, 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 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.

Subd. 2. In addition to the restrictions found in subdivision 1, the following restrictions apply to Mobile Food Units and Operators in all City parks located outside of a Mobile Food Unit Zone:

- A. An Operator shall Vend in or adjacent to a park only during the posted park operating hours.
- B. An Operator shall not Vend within 50 feet of a right-of-way adjoining a park.
- C. An Operator shall not Vend within 150 feet of a person to whom a park concession permit has been issued by the Board of Park Commissioners.
- D. An Operator shall not Vend within 150 feet of the Soldier's Field Veteran's Memorial.
- E. An Operator shall not Vend within 500 feet of any event being held in a park and for which a permit has been issued by the Board of Park Commissioners or the City's Park and Recreation Department.

Subd. 3. An Operator who is Vending in a City park must satisfy any permit requirements and pay any permit fees adopted by the Board of Park Commissioners in addition to the license and fees established by this chapter

# MOBILE FOOD UNIT APPLICATION REQUIREMENTS FOR THE CITY OF ROCHESTER

## – from Rochester Code of Ordinances, Chapter 5-21

### Sec. 5-21-4. 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 name and address of an approved commercial supply source and affiliated licensed food establishment in the County 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. Proof of an approved current Transient Food Service Plan Review Application with Olmsted County and copies 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.

Subd. 2. Upon receipt of all required information and the payment of all required license and franchise fees, the City Clerk shall forward the application to the Council for approval.

Subd. 3. The Mobile Food Unit license may not be transferred to another person without Council approval. Each license is valid for only one Mobile Food Unit.

### Sec. 5-21-5. 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.

**Sec. 5-21-6. Inspection.** (a) Prior to the initial use and operation of a Mobile Food Unit, the Unit 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 Mobile Food Unit has met the standards of safety prescribed by law must be presented to the City Clerk at the time of license application.

# ROCHESTER



## Office of the City Clerk

### MOBILE FOOD UNIT LICENSE APPLICATION

[Rochester Code of Ordinances, Chapter 143A](#) applies to Mobile Food Units on Public Streets. A license from the City is required to operate a mobile food unit anywhere in the City of Rochester.

Licenses must be renewed annually, with the license period running from April 1 through March 31 each year. The current annual license fee set at \$150 per vehicle per year.

Information about Olmsted County Public Health licensing of Mobile Food Units is available at [www.co.olmsted.mn.us/OCPHS/programs/food/foodservicesinquiries/Pages/TemporarySeasonalFoodStands.aspx](http://www.co.olmsted.mn.us/OCPHS/programs/food/foodservicesinquiries/Pages/TemporarySeasonalFoodStands.aspx)

A. CHECKLIST OF MATERIALS REQUIRED FOR LICENSE APPROVAL			
Staff Initials			
	1. <input type="checkbox"/> License Application Completed		
	2. <input type="checkbox"/> \$150 Annual License fee per vehicle/unit, Total number of vehicles: _____		
	3. <input type="checkbox"/> Certificate of insurance showing 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, providing coverage of not less than \$1million per occurrence. (The policy shall further provide that it may not be modified, cancelled, or terminated except upon 30 days' written notice filed with the City Clerk.)		
	4. <input type="checkbox"/> Initial (subsequently minimum of annual) inspection reports for each vehicle by certified mechanic – Addendum A		
	5. <input type="checkbox"/> Proof of an approved current Transient Food Service Plan Review Application with Olmsted County and copies of all licenses or permits required by the State Health Department or Olmsted County Public Health		
	6. <input type="checkbox"/> 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		
	7. <input type="checkbox"/> Evidence of Workers' Compensation insurance, or certification it is not required		
	8. <input type="checkbox"/> City Council Approval of License (requires 1-7 to be complete) Meeting date: _____		
	9. <input type="checkbox"/> Vehicle Identification Tag Issued by Clerk's Office		
B. BUSINESS APPLICANT INFORMATION			
Entity license will be issued to (Legal Corporate Name of Business, or, <i>only if sole proprietor</i> , name of individual)		Business Trade Name (DBA) if different than legal name	
Business Address	City	State	Zip Code
Email Address	Business Telephone Number		Cell Phone Number
Name of Primary Contact Person	<input type="checkbox"/> Owner <input type="checkbox"/> Officer <input type="checkbox"/> Partner <input type="checkbox"/> Other: _____		

APPENDIX A

Mailing Address (if different than Business Address)		City, State, Zip Code	
Federal Tax ID Number		Minnesota Sales Tax ID Number	
Type of Ownership <input type="checkbox"/> LLC <input type="checkbox"/> Partnership	<input type="checkbox"/> Corporation <input type="checkbox"/> Sole Proprietor <input type="checkbox"/> Non-profit	Date of Incorporation	State of Incorporation
Name of Person Completing this application		Role of person completing application: <input type="checkbox"/> Owner <input type="checkbox"/> Officer <input type="checkbox"/> Partner <input type="checkbox"/> Manager <input type="checkbox"/> Agent for the Owner <input type="checkbox"/> Other _____	
Will any one other than the primary contact person by operating the mobile food unit on City streets? <input type="checkbox"/> Yes <input type="checkbox"/> No		If so, please indicate the names and contact information (phone and email) for anyone other than the primary contact person who will be responsible for responding immediately to any issues during the course of operations:	

**C. MOBILE FOOD UNIT BUSINESS DETAILS** (attach additional sheets as needed for any questions)

Provide the name and address of the commercial supply source and affiliated licensed food establishment in the City of Rochester being used for food preparation. If there is no affiliated licensed food establishment owned by the applicant, explain how the requirement to prepare food in a commercial kitchen will be met.

Describe the food preparation methods to be used and the food product that will be offered for sale, including the intended menu, display, and food distribution containers.

Describe the anticipated volume of food to be stored, prepared, and sold.

**Vehicle(s) to be Used** (Attach additional sheets if needed)  
*An inspection form from a certified mechanic must be supplied for each vehicle at the time of license application*

Year/Make/Model	Vehicle Identification No. (VIN)	License Plate No./State

**D. SIGNED INDEMNIFICATION**

As the applicant for a mobile food unit license, I (print name) \_\_\_\_\_ hereby agree to defend, indemnify, and hold the City of Rochester harmless from any and all claims for damage to property or injury to persons which might result or arise out of the operation of a Mobile Food Unit as permitted by RCO Chapter 143A.

Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_

**E. NOTIFICATION AND VERIFICATION****Notice of Collection of Private Data**

The information collected and required as part of a license application will be used to determine eligibility for a City of Rochester License or Permit. Disclosure of this information is voluntary. It is not legally required to provide requested data, however, failure to do so may mean the City of Rochester is unable to process this application.

Social Security Numbers and Birth Dates are classified as private data, and are not available to the public. Access to this data is limited to staff with a business need in order to determine license eligibility, and to administer and manage the licensing program.

Disclosure of Social Security Number (or Individual Tax ID Number only for individuals without a social security number), and a Minnesota Tax ID Number is required by Minnesota Statutes 270C.72, and may be requested by and released to the Minnesota Commissioner of Revenue.

All other information contained in this application is public information upon submission pursuant to the Government Data Practices Act, Minnesota Statutes Chapter 13. Individuals have the right to see and obtain copies of the data maintained on them, including private data, and also have the right to be told the contents and meaning of the data, and to contest the accuracy and completeness of the data.

**Notice of Ability to Sign up for Electronic Notifications of Proposed City Ordinances**

As an applicant for a business license or renewal of an existing business license, you are also hereby notified that the City of Rochester distributes general city information and notices through an electronic notification system, and you may sign up to receive notices through this electronic notification system on the City's website at <http://www.rochestermn.gov/i-want-to/sign-up-for/email-updates> This includes notice of proposed ordinances at least 10 days prior to final adoption by the City Council in accordance with Minn. Stat. 415.19.

**A SIGNATURE IS REQUIRED IN ORDER TO PROCESS YOUR LICENSE APPLICATION**

I, (print name) \_\_\_\_\_, have read and understand the above information regarding my rights as a subject of government data. I acknowledge I have been provided information about what is required to obtain a business license from the City of Rochester, and how to receive notifications of proposed City ordinances. I agree I will strictly comply with all the laws of the State of Minnesota governing the taxation of business and all ordinances of the City of Rochester, and understand I can review all City ordinances on the City website or in the City Clerk's Office. I certify that I have read and understand every question in this application and that the answer to every question is true to my knowledge, information and belief, and further understand that the giving of false information as part of this application, regardless of when it is discovered, and/or failure to give required pertinent information can constitute cause for denial, suspension, or revocation of my business license.

Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_

APPENDIX A

MOBILE FOOD UNIT ADDENDUM A – VEHICLE INSPECTION FORM				
To be completed by a certified mechanic at least annually for all mobile food unit vehicles				
BUSINESS INFORMATION				
Legal Corporate Name of Business, or, <i>only if sole proprietor</i> , name of individual		Business Trade Name (DBA) if different than legal name		
Business Address		City	State	Zip Code
Email Address		Business Telephone Number		Cell Phone Number
VEHICLE INFORMATION				
Year:	Make:	Model:	Color:	
VIN:		License Plate No.:		License Plate State:
COMPONENT	PASS	FAIL	REASON FOR FAILURE	
GLASS: no broken or missing glass, any windshield cracks do not interfere with driver's vision				
SIDE VIEW MIRRORS: non missing, cracked or broken to the extent to obstruct vision				
CONVEX MIRROR: mounted on the front of the vehicle as required by RCO 143A.05 so the operator in a normal seating position can see the area in front of the vehicle obscured by the hood				
TIRES: fair to excellent condition; no wear bar level with the tread; no portion of tire groove worn flat, no visible cord or metal; no sidewall plugs				
BODY CONDITION: no major body damage, no missing body parts, etc.				
DOOR KNOBS AND HANDLES: in place and in good working order				
AUDIBLE ALARM: activated when the vehicle is in motion backwards				
REAR VIEW MIRROR: in place and operational				
FIRE EXTINGUISHER: installed in vehicle, with a minimum fire suppression rating of 2A:10B:C				
EXTERIOR LIGHTS (HEADLIGHTS, HAZARD, BACKUP, ETC.): all bulbs working, no glass or plastic covers broken				
OTHER: any condition that would place users or the general public at risk				

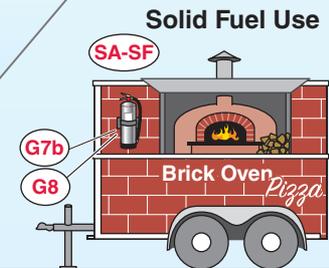
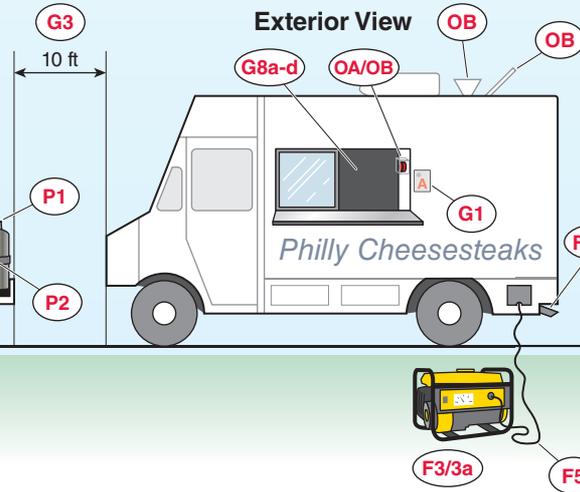
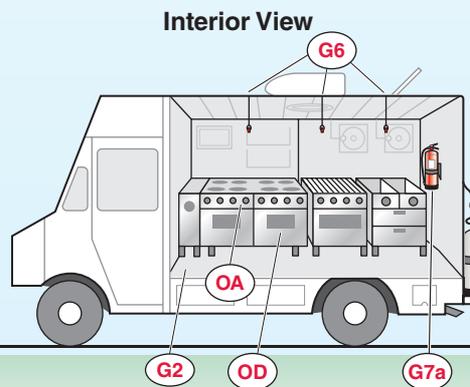
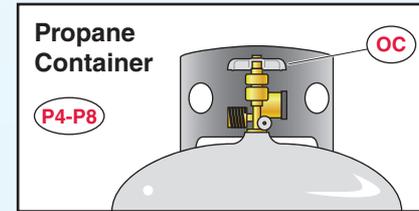
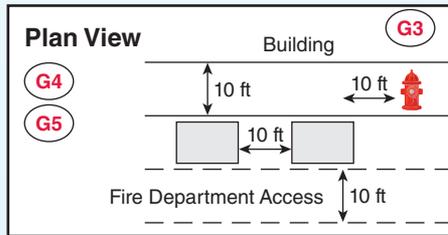
Shop/Business Name: \_\_\_\_\_ Date of Inspection: \_\_\_\_\_

Mechanic's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Mechanic's Printed Name: \_\_\_\_\_



# FACT SHEET » Food Truck Safety



**NATIONAL FIRE PROTECTION ASSOCIATION**

The leading information and knowledge resource on fire, electrical and related hazards

NOTE: This information is provided to help advance safety of mobile and temporary cooking operations. It is not intended to be a comprehensive list of requirements for mobile and temporary cooking operations. Check with the local jurisdiction for specific requirements. This safety sheet does not represent the official position of the NFPA or its Technical Committees. The NFPA disclaims liability for any personal injury, property, or other damages of any nature whatsoever resulting from the use of this information. For more information, go to [nfpa.org/foodtrucksafety](http://nfpa.org/foodtrucksafety).

# APPENDIX A FACT SHEET » Food Truck Safety (continued)

NFPA code references are provided at the end of each item. The red keys correspond to the NFPA food truck safety diagram. For more detailed information, see Annex B in NFPA 96.

## GENERAL SAFETY CHECKLIST

- Obtain license or permits from the local authorities. [1:1.12.8(a)] **G1**
- Ensure there is no public seating within the mobile food truck. **G2**
- Check that there is a clearance of at least 10 ft away from buildings, structures, vehicles, and any combustible materials. [96:7.8.2; 96:7.8.3 for carnivals only] **G3**
- Verify fire department vehicular access is provided for fire lanes and access roads. [1:18.2.4] **G4**
- Ensure clearance is provided for the fire department to access fire hydrants and access fire department connections. [1:13.1.3; 1:13.1.4; 1:13.1.5] **G5**
- Check that appliances using combustible media are protected by an approved fire extinguishing system. [96:10.1.2] **G6**
- Verify portable fire extinguishers have been selected and installed in kitchen cooking areas in accordance with NFPA 10. [96:10.9.3] **G7a**
- Where solid fuel cooking appliance produce grease-laden vapors, make sure the appliances are protected by listed fire-extinguishing equipment. [96:14.7.1] **G7b**
- Ensure that workers are trained in the following: [96:B.15.1]: **G8**
  - Proper use of portable fire extinguishers and extinguishing systems [10:1.2] **G8a**
  - Proper method of shutting off fuel sources [96:10.4.1] **G8b**
  - Proper procedure for notifying the local fire department [1:10.14.9 for carnivals only] **G8c**
  - Proper procedure for how to perform simple leak test on gas connections [58:6.16, 58:6.17] **G8d**

## FUEL & POWER SOURCES CHECKLIST

- Verify that fuel tanks are filled to the capacity needed for uninterrupted operation during normal operating hours. [1:10.14.10.1 for carnivals only] **F1a**
- Ensure that refueling is conducted only during non-operating hours. [96:B.18.3] **F1b**
- Check that any engine-driven source of power is separated from the public by barriers, such as physical guards, fencing, or enclosures. [96:B.16.2.2] **F2**
- Ensure that any engine-driven source of power is shut down prior to refueling from a portable container. [1:11.7.2.1.2] **F3**
- Check that surfaces of engine-driven source of power are cool to the touch prior to refueling from a portable container. **F3a**
- Make sure that exhaust from engine-driven source of power complies with the following: **F4**
  - At least 10 ft in all directions from openings and air intakes [96:B.13] **F4a**
  - At least 10 ft from every means of egress [96:B.13] **F4b**
  - Directed away from all buildings [1:11.7.2.2] **F4c**
  - Directed away from all other cooking vehicles and operations [1:11.7.2.2] **F4d**
- Ensure that all electrical appliances, fixtures, equipment, and wiring complies with the NFPA 70®. [96:B.18] **F5**

## PROPANE SYSTEM INTEGRITY CHECKLIST

- Check that the main shutoff valve on all gas containers is readily accessible. [58:6.26.4.1(3)] **P1**
- Ensure that portable gas containers are in the upright position and secured to prevent tipping over. [58:6.26.3.4] **P2**
- Inspect gas systems prior to each use. [96:B.19.2.3] **P3**
- Perform leak testing on all new gas connections of the gas system. [58:6.16; 58:6.17] **P4**
- Perform leak testing on all gas connections affected by replacement of an exchangeable container. [58:6.16; 58:6.17] **P5**
- Document leak testing and make documentation available for review by the authorized official. [58:6.26.5.1(M)] **P6**
- Ensure that on gas system piping, a flexible connector is installed between the regulator outlet and the fixed piping system. [58:6.26.5.1(B)] **P7**
- Where a gas detection system is installed, ensure that it has been tested in accordance with the manufacturer's instructions. [96:B.19.2.1] **P8**

## OPERATIONAL SAFETY CHECKLIST

- Do not leave cooking equipment unattended while it is still hot. (This is the leading cause of home structure fires and home fire injuries.) **OA**
- Operate cooking equipment only when all windows, service hatches, and ventilation sources are fully opened. [96:14.2.2; 96:14.2.3] **OB**
- Close gas supply piping valves and gas container valves when equipment is not in use. [58:6.26.8.3] **OC**
- Keep cooking equipment, including the cooking ventilation system, clean by regularly removing grease. [96:11.4] **OD**

## SOLID FUEL SAFETY CHECKLIST (WHERE WOOD, CHARCOAL, OR OTHER SOLID FUEL IS USED)

- Fuel is not stored above any heat-producing appliance or vent. [96:14.9.2.2] **SA**
- Fuel is not stored closer than 3 ft to any cooking appliance. [96:14.9.2.2] **SB**
- Fuel is not stored near any combustible flammable liquids, ignition sources, chemicals, and food supplies and packaged goods. [96:14.9.2.7] **SC**
- Fuel is not stored in the path of the ash removal or near removed ashes. [96:14.9.2.4] **SD**
- Ash, cinders, and other fire debris should be removed from the firebox at regular intervals and at least once a day. [96:14.9.3.6.1] **SE**
- Removed ashes, cinders, and other removed fire debris should be placed in a closed, metal container located at least 3 ft from any cooking appliance. [96:14.9.3.8] **SF**

## NFPA RESOURCES

NFPA 1, *Fire Code*, 2015 Edition  
NFPA 1 *Fire Code Handbook*, 2015 Edition  
NFPA 58, *Liquefied Petroleum Gas Code*, 2017 Edition  
*LP-Gas Code Handbook*, 2017 Edition  
NFPA 70®, *National Electrical Code®*, 2017 Edition  
*National Electrical Code® Handbook*, 2017 Edition

NFPA 96, *Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations*, 2017 Edition  
NFPA 96: *Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations Handbook*, 2017 Edition

For more of these resources,  
**become an NFPA member**

## Mobile Food Unit Licensing & Permit Fees

### City of Rochester License

All Mobile Food Units operating in the City of Rochester must obtain a City license through the City Clerk's Office.

The fee for this license is currently set at \$150 annually, and covers the license period of April 1 of the current year through March 31 of the following year. Licenses are not prorated, regardless of when during the course of the license year an application is submitted.

### Zone permits

Permits are required to operate only within the downtown zone. Through implementing the use of specific zone permits, the intent is to both better gauge operator demand and to ensure alignment of appropriate resources to allow for successful vending operations. Allowing operators to select both the time period and location they wish to operate in can make it more possible for operators to try out different operation plans while still ensuring appropriate resources are in place to oversee operations. Permits can be applied for in person at the City Clerk's Office or online by visiting <https://www.rochestermn.gov/departments/city-clerk/licenses-and-permits>

The type of permit and cost varies based upon which zone within the downtown zone is desired for operations.

Licensed MFU operators can apply for an unlimited number of monthly permits at one time. Nightly reservations can be made for a maximum of 4 dates at one time, but must be made no later than 4 p.m. on Wednesdays ahead of the weekend intended for use.

### Anytime Operation Zones (6 a.m. – midnight)

- Permits available for these two areas within the downtown zone on a monthly basis, starting with May
- Operators must also pay meter fees for any meters they are parked at if operating during hours meters are enforced (8 a.m. – 5 p.m.) – MFUs can exceed the time limit of meters in these zones but must continue paying for spaces occupied during hours of enforcement
- Spots are available on a first-come/first-available basis at this time
- Permit fee = \$40/month

### Lunch Operation Zones (9 a.m. – 2 p.m.)

- Permits are available for these two areas within the downtown zone on a monthly basis, starting with May
- There are no meters in these zones
- Spots are available on a first-come/first available basis at this time
- Permit fee = \$100/month

### Late Night Operation Zones (9 p.m. – 2:30 a.m.)

#### *Center Street outside of the Gonda Building*

- Permits are available on a monthly basis, starting with May
- There are no meters in this zone, and spots are available on a first come basis
- Permit fee = \$50/month

#### *1<sup>st</sup> Ave SW south of 2<sup>nd</sup> St SW*

- Nightly permits are available for reserved spots on Friday and Saturday nights
- Reservations will be accepted up to two weeks in advance, but no later than Thursday at 4 p.m. before the current weekend
- PD will ensure spaces are cleared from parkers when a reservation is in place
- Nightly reservation permit fee = \$30

APPENDIX C

**PLEASE NOTE: ORD. NO. 4373 AMENDS THIS CHAPTER, BUT HAS NOT YET BEEN CODIFIED. THE ORDINANCE FOLLOWS THIS CHAPTER FOR REFERENCE AS TO THE CHANGES NOT YET REFLECTED HERE.**

CHAPTER 5-21. - MOBILE FOOD UNITS

Sec. 5-21-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Applicant* means a person who applies for a mobile food unit license.

*Council* means the City of Rochester Common Council.

*Licensee* means a person who possesses a mobile food unit license.

*Mobile food unit* means a food and beverage service establishment that is a vehicle-mounted unit, either motorized or trailered, and readily movable, without disassembling, for transport to another location for the purpose of vending.

*Mobile food unit zone* means the area of the city bounded by the following line: commencing at the center of the 4th Street bridge over Bear Creek; thence northerly along the centerline of Bear Creek to the center of the intersection of the Zumbro River; thence northerly along the centerline of the Zumbro River to Civic Center Drive Northeast; thence westerly along the centerline of Civic Center Drive to its intersection with Third Avenue Northwest; thence southerly along the centerline of Third Avenue Northwest to West Center Street; thence westerly on West Center Street to Sixth Avenue Northwest; thence southerly on Sixth Avenue Northwest to First Street Southwest; thence easterly on First Street Southwest to Third Avenue Northwest; thence southerly on Third Avenue Northwest to Seventh Street Southwest; thence easterly on Seventh Street Southwest to Second Avenue Southwest; thence southerly on Second Avenue Southwest to a point where Second Avenue Southwest intersects with Soldiers Field Drive; thence southerly along the centerline of Soldiers Field Drive to a point where it would intersect Ninth Street Southwest if Ninth Street Southwest were extended west of Broadway; thence easterly along that centerline to the centerline of the Zumbro River; thence northerly to the center of the Fourth Street bridge over the Zumbro River; thence easterly along the centerline of Fourth Street Southeast to the point of beginning.

*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 mobile food unit for the purpose of vending, or the person driving or operating any such unit.

*Vend or vending* means offering food for sale from a mobile food unit on the city streets.

*Zone* means an area within the mobile food unit zone as identified in Exhibit A of the ordinance from which this chapter is derived.

(Code 1965, § 143A.01; Ord. No. 4277, 1-4-2017)

Sec. 5-21-2. - License required.

- (a) No operator shall vend from a mobile food unit 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 established by resolution 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.
- (b) 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.

(Code 1965, § 143A.02)

Sec. 5-21-3. - Franchise required.

## APPENDIX C

No person shall operate a mobile food unit upon or over a public street, alley, or public right-of-way unless the person has obtained a franchise from the city. 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 franchise fee for a mobile food unit shall be established by resolution 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.

(Code 1965, § 143A.03)

Sec. 5-21-4. - License application and approval.

- (a) 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:
- (1) Name and address of the applicant;
  - (2) Name and address of the approved commercial supply source and affiliated licensed food establishment in the city. 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;
  - (3) A description of the preparation methods and food products offered for sale, including the intended menu, display, and distribution containers;
  - (4) The anticipated volume of food to be stored, prepared, and sold;
  - (5) 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;
  - (6) Copies of all licenses or permits required by the state health department or the county public health;
  - (7) 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;
  - (8) 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 \$1,000,000.00 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;
  - (9) An inspection report required by section 5-21-6.
- (b) Upon receipt of all required information and the payment of all required license and franchise fees, the city clerk shall forward the application to the council for approval.
- (c) The mobile food unit license may not be transferred to another person without council approval. Each license is valid for only one mobile food unit.

(Code 1965, § 143A.04)

## APPENDIX C

### Sec. 5-21-5. - Required equipment.

In addition to other equipment required by law, every mobile food unit shall be equipped with:

- (1) 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
- (2) An audible alarm which is activated when the vehicle is in motion backwards.

(Code 1965, § 143A.05)

### Sec. 5-21-6. - Inspection.

- (a) Prior to the initial use and operation of a mobile food unit, the unit 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 mobile food unit has met the standards of safety prescribed by law must be presented to the city clerk at the time of license application.
- (b) Every mobile food unit licensed pursuant to this chapter shall be inspected from time to time and at least annually by a certified mechanic to ensure the continued maintenance of safe operating conditions. The operation of any mobile food unit which fails to meet the standards of safety established by laws shall be discontinued until such time as the deficiency is eliminated.

(Code 1965, § 143A.06)

### Sec. 5-21-7. - Zones of operation.

An operator may vend in a mobile food unit zone subject to those restrictions and limitations identified in Exhibit A of the ordinance from which this chapter is derived. 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.

(Code 1965, § 143A.07)

### Sec. 5-21-8. - Restrictions on vending activity.

- (a) The following restrictions apply to mobile food units and operators throughout the city:
  - (1) The operator shall vend only when the mobile food unit is lawfully stopped.
  - (2) The operator shall vend only from a mobile food unit legally parked on any street by vending to the sidewalk side of the street.
  - (3) The operator shall not vend to any person standing in the roadway.
  - (4) The operator shall not vend after 1:00 a.m.
  - (5) The operator shall not vend within 150 feet of the property line of an established restaurant located outside of a mobile food unit zone.
  - (6) Each mobile food unit must provide its own water and electricity.
  - (7) No power cable, cord, equipment, or any utility hose may extend from the mobile food unit.
  - (8) 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 of the ordinance from which this chapter is derived. Outside a zone, a licensee must comply with all posted parking

restrictions. For purposes of this subsection, the term "parking restrictions" does not include a parking meter fee or charge.

- (9) The operator of a mobile food unit shall not back the vehicle to vend or attempt to vend.
  - (10) 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.
  - (11) The operator must comply with the state food code.
- (b) In addition to the restrictions found in subsection (a) of this section, the following restrictions apply to mobile food units and operators in all city parks located outside of a mobile food unit zone:
- (1) An operator shall vend in or adjacent to a park only during the posted park operating hours.
  - (2) An operator shall not vend within 50 feet of a right-of-way adjoining a park.
  - (3) An operator shall not vend within 150 feet of a person to whom a park concession permit has been issued by the board of park commissioners.
  - (4) An operator shall not vend within 150 feet of the Soldiers Field Veteran's Memorial.
  - (5) An operator shall not vend within 500 feet of any event being held in a park and for which a permit has been issued by the board of park commissioners or the city's parks and recreation department.
- (c) An operator who is vending in a city park must satisfy any permit requirements and pay any permit fees adopted by the board of park commissioners in addition to the license requirements and fees established by this chapter.

(Code 1965, § 143A.08)

Sec. 5-21-9. - Penalty.

Any person, firm or corporation violating any provision of this chapter 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.

(Code 1965, § 143A.09)

Sec. 5-21-10. - License suspension, revocation and denial.

- (a) Any license issued by the city pursuant to the provisions of this chapter may be suspended, revoked or placed on probation or, in connection with the application or renewal of a license, denied upon a finding that the licensee:
- (1) Failed to comply with any applicable state law, city ordinance, state food code, or state or county health regulation relating to a mobile food unit;
  - (2) Failed to possess any license, permit, or approval from any state or county authority needed in order to legally operate the mobile food unit within the state or county;
  - (3) Violated any provision of this chapter;
  - (4) Failed to comply with any condition set forth in the license, set forth in a council action regarding the license, or set forth as part of the placement of the license on probation;

## APPENDIX C

- (5) Allowed the mobile food unit business to be operated or maintained in a way that unreasonably annoyed, endangered or injured the safety, health, morals, comfort or repose of any considerable number of members of the public; or
- (6) Provided false or misleading information on the application.
- (b) Whenever it appears to the council that adequate grounds may exist for the suspension, revocation or imposition of probation of a license, the council shall by resolution specify the nature of the alleged grounds and order that a hearing on the matter be held as provided below.
- (c) No such suspension, revocation or probation shall be effective until the licensee has been afforded an opportunity for a hearing after reasonable notice. The notice shall state the time, place and issues to be addressed. All parties will be afforded an opportunity at the hearing to present evidence and argument concerning the issues.
- (d) Upon a finding that the licensee has violated any such statute or ordinance, the council may:
  - (1) Suspend the license for up to 60 days;
  - (2) Revoke the license; or
  - (3) Place the license on probation for a stated time period. The council may impose conditions upon the license during the time of probation.

(Code 1965, § 143A.10)

ORDINANCE NO. 4373

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 resolution 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. Franchise Zone 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 franchise zone permit fee for a Mobile Food Unit shall be established by resolution 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 Name and address of the an approved commercial supply source and affiliated licensed food establishment in the City/County 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 Copies 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:~~

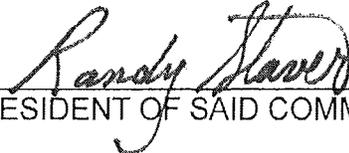
- A. All foods, beverages, and ice must be obtained from an approved commercial source. Food cannot be stored or prepared in a home. Any food preparation or food storage done off-site must be accomplished at a food establishment location licensed by Olmsted County.
- B. The Operator shall Vend only when 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

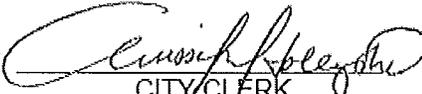
corporation shall either pay or accept payment for the written consent provided herein.

- 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.

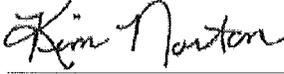
Section 8. This ordinance shall become effective as of the date of its publication.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF  
ROCHESTER, MINNESOTA, THIS 1st DAY OF April, 2019.

  
RESIDENT OF SAID COMMON COUNCIL

ATTEST:   
CITY CLERK

APPROVED THIS 2nd DAY OF April, 2019.

  
MAYOR OF SAID CITY



Ord15/143A.Amend