

ORDINANCE NO. 40, SEVENTH SERIES

**AN ORDINANCE AMENDING CITY CODE CHAPTER 5.22
ENTITLED GENERAL PRESUMPTION, REGULATIONS AND
PROHIBITIONS BY ADDING SECTION (L) ENTITLED
MOBILE FOOD TRUCK PARKING.**

THE CITY OF FERGUS FALLS DOES ORDAIN:

Section 1. City Code Chapter 5.22 is hereby amended by adding Section (L) to read as follows:

(L) *Mobile Food Truck Parking.*

A. *Definitions.* For purposes of this Section, the following definitions shall apply:

(1) “*Mobile food truck*” and “*mobile food truck/vendor*” shall be defined as any self-propelled vehicle or fully contained trailer, licensed by the State of Minnesota to operate on public streets and roadways, which vends food (either prepackaged, prepared in the unit, or at a commissary) at retail for immediate consumption by the customer. Said vehicle and/or trailer may also be referred to herein as “*unit*”.

(2) “*Commissary*” shall be defined as a permanent, state-licensed location which services food trucks, including but not limited to the provisions of food storage, paper goods and supplies, waste and grease disposal and food preparation.

(3) “*Vend or Vending*” shall be defined as the process of the transfer of a food product from the unit operator to a customer. Vending begins when the unit initially stops in a location at which customers can access the unit and continues until the unit leaves that location.

B. *Restrictions on Vending Activity.*

(1) Mobile food trucks/vendors are prohibited from vending activity on Lincoln Avenue in the area bounded by Friberg Avenue to the east and Oak Street to the west within the City, and from vending activity on any public street or private property within 200 feet from a public or private school as measured from the outer property line of the public or private school.

(2) Mobile food trucks/vendors are prohibited from vending activities within 200 feet of a community event for which the City has issued a special event permit, unless they are specifically authorized by the event sponsor to participate in the event. The terms of the special event permit shall apply.

(3) Mobile food trucks/vendors are allowed to vend on public streets between the hours of 8:00 a.m. to 10:00 p.m. inclusive, and on private property between the hours of 7:00 a.m. to 10:00 p.m. inclusive, on all days of the week.

C. *Location or Placement.* Mobile food trucks/vendors shall be located or placed as follows:

(1) On public streets and in City public parks, no unit shall occupy more than two (2) parking spaces.

(2) In no case shall an unit vend while occupying a traffic lane, parked on a sidewalk, or in any location which obstructs or impedes traffic.

(3) The unit shall vend only from the side of the vehicle away from moving traffic and as near as possible to the curb or side of the street.

(4) The unit shall not vend to any person standing in the traveled portion of any public roadway.

(5) On public streets, no unit shall vend within 60 feet of the intersection of two or more public streets, nor within 30 feet of a driveway which enters onto a public street, except within designated areas authorized by the City.

(6) No unit shall vend while the unit is in motion.

(7) Connection of the unit to public utilities is not permitted.

(8) There shall be no overnight parking of food trucks on the public right of way.

D. *Dimensions.*

(1) No mobile food truck shall exceed 32 feet in length (overall length for a self-propelled vehicle; trailer length including the towing vehicle for self-contained trailers) or 14 feet in height.

E. *Signs and Appurtenances.*

(1) Mobile food trucks/vendors shall not employ or utilize any signs that are not attached directly to the vehicle/trailer. Signs may not project above the unit nor more than 2 feet from the side of the unit. No flashing, strobing or intermittent lighting is allowed.

(2) No external seating shall be provided or utilized except as may be provided by the owner, manager, or agent of any private property on which the unit may be properly located.

(3) Any generator used by the unit must be self-contained within or on the unit, screened from view, and operate at no more than 70 decibels.

(4) While vending, operator may not call attention to the unit by crying out, blowing a horn, ringing a bell, or playing music or other sounds discernible beyond the unit. Amplified sound is not permitted outside of the unit.

(5) Waste receptacle(s) must be provided by the unit operator and the vending site must be cleaned of all litter and garbage generated by the unit and customers before the unit leaves the location.

F. *Enforcement.* Any violation of this Section, including but not limited to the vending operation of a mobile food truck within the City without a license issued pursuant to this Section, shall be a misdemeanor punishable by up to a \$1,000.00 fine and/or 90 days in jail.

Section 2. *Effective Date.* The effective date of this ordinance shall be the 4th day of June, 2016.

THIS ORDINANCE was introduced on May 2, 2016, and adopted by the City Council of the City of Fergus Falls, Minnesota, on the 16th day of May 2016, by the following vote:

AYES: Hurley, Spidahl, Hicks, Appert, Rachels, Fish, Arneson

NAYS: None

ABSTAIN: Schierer

ATTEST:

APPROVED:


City Administrator


Mayor

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