

ORDINANCE NO. 919

**AN ORDINANCE AMENDING THE CITY CODE OF ORDINANCES OF THE
CITY OF GLENWOOD, IOWA, BY ADDING NEW CHAPTER 122A
REGARDING "MOBILE FOOD VENDORS"**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
GLENWOOD, IOWA:**

Section 1. The Glenwood City Code is hereby amended by adding Chapter 122A to read in full as follows:

**CHAPTER 122A
"MOBILE FOOD VENDORS"**

122A.01. DEFINITIONS.

"MOBILE FOOD VENDOR": A person engaged in the business of selling food or beverages from a mobile food unit (self-contained motorized vehicle, trailer or pushcart).

"PUSHCART": A pushcart is a non-motorized vehicle with dimensions not exceeding 4 feet in width and 8 feet in length and 8 feet in height and being capable of being moved and kept under control by one person traveling on foot.

122A.02. MOBILE FOOD UNIT LICENSE REQUIRED.

It shall be unlawful for any person to engage in the sale of food or beverages from a mobile food unit without first obtaining a mobile food unit license. A mobile food unit license issued by the city clerk or the city clerk's designee shall be subject to the following:

- A. A mobile food unit license is an annual license that expires on December 31st each year.
- B. Each mobile food unit shall be licensed separately. No license transfer is allowed.
- C. Each mobile food unit shall comply with State of Iowa inspection requirements and display its state license in full view of the public in or on the unit.
- D. Each mobile food unit shall have a working fire suppression system.

122A.03. MOBILE FOOD UNIT LICENSING APPLICATION:

- A. Filing: Application requests shall be filed with city hall. No application request shall be accepted for filing and processing unless it conforms to the requirements of this chapter. This would include a complete and true application, all of the required materials and information prescribed, and is accompanied by the required fees.

B. Timely Submittal: Unless otherwise provided herein, applications must be submitted not less than seven (7) calendar days prior to the proposed start date of the mobile food unit activities. The city reserves the right to reject any applications that have not been timely submitted to the city.

C. Application Contents: Application shall be made on a form provided by the city and shall include:

1. Full name of the applicant.
2. Applicant's contact information including mailing address, phone numbers and e-mail address.
3. Photographs of the mobile food unit from the front, side and back.
4. Make, model, and year of vehicle to be used and the license plate number (if required).
5. Overall size of the vehicle; to include length, width, and height.

D. Right to Appeal: Any applicant whose application for license was disapproved may appeal to the City Council at its next regularly scheduled meeting by filing with the city clerk or the city clerk's designee a written request for an appeal to the City Council at least seven (7) days prior to the meeting. As a result of this appeal, the City Council may affirm, modify or reverse the decision of the clerk not to issue the license. If the application for license is denied, the applicant is not eligible for the issuance of a license under this chapter for a period of one year from the date of notification that the license application was disapproved, was served in person or deposited in U.S. mail.

E. Applications Deemed Withdrawn: Any application received shall be deemed withdrawn if it has been held in abeyance, awaiting the submittal of additional requested information from the applicant, and if the applicant has not communicated in writing with the city and made reasonable progress within thirty (30) days from the last notification from the city to the applicant. The application fee is nonrefundable. Any application deemed withdrawn shall require submission of a new application and fees to begin a new review and approval process.

F. Issuance of License: Upon completion of the review process and a determination of compliance with the applicable regulations, the city clerk or the city clerk's designee will issue a mobile food unit license.

122A.04. MOBILE FOOD VENDOR LOCATIONS.

A. **Mobile Food Units On Public Property:** A mobile food unit (non-pushcart) may be parked on public property or street (on a non-residential side) as approved in the licensing application or as part of a city approved event under a public property special event permit issued by the City of Glenwood. Mobile units also are prohibited from parking within 100 feet of any facade or outdoor seating of a ground level establishment that sells prepared food or beverages (this only applies from one hour before the establishment's opening to an hour after closing) without approval from the food establishment owner.

B. Pushcarts are permitted to operate within city parks, walkway or greenways as well as private property (with property owner approval). However, a minimum forty-eight inch (48") open walkway must be maintained for passing pedestrians. The placement of the pushcart shall be in such a manner so as to minimize encroachment into the forty-eight inch (48") walkway by patrons waiting in line for service from the pushcart. Requests for authorization to vend within a city park or greenway (not as part of a city permitted public property special event) may be submitted no less than five (5) days and no more than fifteen (15) days prior to the requested day of vending. Pushcarts are prohibited from operating in the north marina parking and access area and the south marina parking and access area.

C. No Mobile Food Unit shall be left unattended or stored on any site overnight, unless that property is under the ownership or control of (by way of a lease or other contractual agreement) the operator of the unit and is being done so in compliance with all other city code requirements or the mobile food unit is a participant in a multiple (contiguous) day, city permitted, public property special event. Any mobile food unit found unattended shall be considered in violation of these regulations and subject to license revocation, towing, or any other action legally allowed.

D. **Music and Sound Making Devices:** The use of music or sound making devices as a part of a mobile food unit shall be prohibited, unless expressly allowed as part of an approved event.

E. **Mobile Food Unit Performance Standards:** Persons conducting business from a mobile food unit must do so in compliance with the following standards:

1. The mobile food vendor must obtain expressed written consent of the property owner or lessee to use the property on which they propose to operate or from the City if a pushcart on public property. The written consent must be kept in the unit at all times that the unit is on the property. Written consent does not excuse or permit the violation of any other imposable regulations.

2. The operator of the mobile food unit shall display their city license in full view of the public in or on the unit.
3. Mobile food units that are within three hundred feet (300') of a residential use or residentially zoned property, shall be limited to hours of operation between seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.
4. Mobile food units shall serve patrons which are on foot only; no drive-up service to the unit itself shall be provided or allowed.
5. The mobile food unit (non-pushcart) must be located on a paved or rocked surface.
6. No mobile food unit may be located on a vacant property or lot with a vacant building. Exceptions to this rule may be granted by city clerk after a review of the particular property and the vendor has been able to make arrangements to ensure safe and sanitary conditions. This would include, but is not limited to: employee access to restrooms, adequate access for fire and police personnel/vehicles, and that the site in general is free from hazards or dangerous conditions.
7. All mobile food units shall maintain a minimum separation from buildings of ten feet as measured to the closest building element including awnings or canopies, tents or membrane structures. Location of the food unit shall not impede pedestrians entering or exiting a building.
8. The window or area where a patron orders and receives their purchase shall be located so as to not require a patron to stand, or create a line that may cause pedestrians to be in the public right of way, vehicle travel lane, including parking lot drive aisles, or similar situation that may create a potential safety hazard. Adequate safe space for patrons waiting for their order must be available on the property where the mobile food unit is located.
9. Signs are limited to those that are attached to the exterior of the mobile unit and must be mounted flat against the unit and not project more than six inches (6") from the exterior of the unit. No freestanding signs, banners, flags, or similar items are allowed. Off premises signs directing patrons to the mobile food unit are prohibited.
10. During business hours, the mobile food vendor shall provide a trash receptacle for use by customers and shall keep the area around the mobile food unit clear of litter and debris at all times.
11. All mobile food units shall be located in such a manner as to not create a safety hazard, such as blocking emergency access to buildings and

the site, obstructing access to fire hydrants, impeding entering and exiting from a building, creating a visual impediment for the motoring public at drive entrances, intersections, pedestrian crossings, or similar movement and access.

122A.05. PROPERTY OWNER/LESSEE RESPONSIBILITY.

By allowing the mobile food unit on their property, the property owner or lessee jointly and severally with the vendor are responsible for compliance with this chapter and to ensure the safety of pedestrians and access of emergency vehicles to and around the site. Failure to do so could result in the property owner or lessee being party to any enforcement actions or penalties allowed by law.

122A.06. LICENSE FEES.

At the time of the submittal of a license application, the applicant shall pay to the city the applicable license fee in addition to any applicable inspection fee(s). The fee schedule will be set by resolution and may be modified from time to time with approval by resolution of the City Council.

Any licensee who surrenders their license prior to the date of expiration shall not be entitled to a refund of any portion of the fee.

122A.07. COMPLIANCE WITH THE LAW.

Each Mobile Food Unit vendor shall comply with all applicable federal, state, and local laws, regulations, and rules.

122A.08. SUSPENSION OR REVOCATION OF LICENSE.

Any license issued under the provisions of this chapter may be suspended or revoked by the city as follows:

- A. Grounds: The city administrator or the city administrator's designee may suspend or revoke any license issued under this chapter, for any of, but not limited to, the following reasons:
1. The licensee has made fraudulent statements in his/her application for the license or in the conduct of his/her business.
 2. The licensee has violated this chapter or any other chapter of this code or has otherwise conducted his/her business in an unlawful manner.
 3. The licensee has conducted his/her business in such manner as to endanger the public welfare, safety, order, or morals.
 4. The city administrator or the city administrator's designee has received and investigated three (3) or more found complaints during the licensed period related to the manner in which the licensee is conducting business.

B. Notice of Suspension or Revocation; Right to Appeal: The city administrator or the city administrator's designee shall cause notice of the license revocation to be served in person by a city official or by mail to the licensee's local address, which notice shall specify the reason(s) for such action, at which time operations of the licensee must cease within the corporate limits of the city of Glenwood. The licensee may appeal the revocation of the license to the city council at its next regularly scheduled meeting by filing with the city administrator or the city administrator's designee a written request for an appeal to the city council at least seven (7) days prior to the meeting. The city council may affirm, modify or reverse the decision of the city administrator or the city administrator's designee to revoke such license. If a license is revoked, no refund of any license fee paid shall be made. Upon the revocation of a license, the licensee is not eligible for the issuance of a new license under this chapter for a period of one year from the date the license revocation is served in person or deposited in the U.S. mail.

Section 2. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. This ordinance shall be in full force and effect after passage, approval and publication as provided by law.

PASSED AND ADOPTED at Glenwood, Iowa, this 12th day of July, 2022.

Ron Kohn
Ron Kohn, Mayor

ATTEST:

Jessie K
City Clerk