**CHAPTER 48**

**MOBILE FOOD VENDORS**

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**48.01 DEFINITION.** “Mobile food vendor” means a person engaged in the business of selling food or beverages from a mobile food unit (self-contained motorized vehicle, trailer or pushcart).

**48.02 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 is a special license and is required in addition to any other required City business license or state license or permit the person may hold or be required to hold. A mobile food unit license issued by the City Clerk or the City Clerk's designee shall be subject to the following:

* + 1. A mobile food unit license is an annual license that expires on December 31st each year and must be renewed prior to the first event after that date.
    2. Each mobile food unit shall be licensed separately. No license transfer is allowed.
    3. Each mobile food unit shall comply with Story County and State of Iowa inspection requirements and display State license in full view of the public in or on the unit.
    4. Each mobile food unit shall have a working fire suppression system.
    5. Fire Department Inspection
       1. All mobile food units that have cooking facilities shall be inspected by the Fire Department prior to initiation of business operations within the City.
       2. All mobile food units inspected must comply with the provisions of the International Fire Code, 2021 Edition, Section 319, as amended.
       3. Inspections are required annually and prior to submittal of a license application to the City. It shall be the obligation of the mobile food vendor to schedule the inspection with the Fire Department.
       4. The cost of the fire department inspection shall be set by resolution of the City Council.
       5. Upon completion of the annual fire inspection, if the Fire Department determines that the mobile food unit passes the inspection, the Fire Chief shall sign the certificate of compliance on the mobile food vendor license application and identify any conditions for operation as deemed appropriate as a result of said inspection.
    6. Exempt. The following shall be exempt from the licensing and fire department inspection requirement.
       1. Seasonal food stands selling only local fresh produce between May 15 and October 15.
       2. Vendors participating in the City approved, weekly Farmers Market.
       3. Concession stands associated with sports or recreational venues that have been approved as part of a site plan.
  1. **LICENSING APPLICATION**

1. Filing: Applications shall be filed with the City Clerk. 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, a certificate of compliance from the Fire Chief and is accompanied by the required fees.
2. Timely Submitted: Unless otherwise provided herein, applications must be submitted not less than ten (10) 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. The Clerk shall have the discretionary right to accept an application made less than 10 calendar days prior to the desired start date.
3. Application Contents: Application shall be made on a form provided by the city and shall include:
4. Full name of the applicant.
5. Applicant's contact information including mailing address, phone numbers and e-mail address.
6. State health inspection certificate with the classification level of the state license identified.
7. Description of the kitchen facilities, cooking facilities, preparation area, safety features (fire suppression system, etc.) of the mobile food unit.
8. Photographs of the mobile food unit from the front, side and back.
9. Make, model and year of vehicle to be used and the license plate number.
10. Overall size of the vehicle; to include length, width, and height.
11. Fire Chief certificate of compliance with the Fire Department inspection.
12. Application and license fees.
13. Site plan or drawing of location including:
    1. Address
    2. Property lines
    3. Driveways
    4. Sidewalks
    5. Parking areas
    6. Buildings on the property
    7. Fire hydrants
    8. Other utilities such as utility poles, street lights, transformers, utility boxes, and so forth.
14. Issuance of License. Upon completion of the review process and determination of compliance with the applicable regulations, the City Clerk will issue a mobile food unit license. The license shall be placed in the upper left (passenger side) fo the front windshield or the left front side of a trailer or cart to aid in the visual verification of the licensing for that year.
15. Modification of License After Issuance. Should the mobile food vendor change the food or beverage being offered during the term of an issued license that would change the designation of the mobile food unit to a higher State licensing level classification, a new application and fire inspection shall be required.
16. Right to Appeal: If the City Clerk revokes or refuses to issue a license, an applicant may appeal to the City Council at its next regularly scheduled meeting by filing with the City Clerk 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.
17. 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.
    1. **PERFORMANCE STANDARDS.**
18. Mobile food unit(s) are allowed to be operated on public property if approved by the City. Mobile units are prohibited from parking within 100 feet of any permanent building establishment that sells prepared food or beverages.
19. 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 approval. 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.
20. Music and Sound Making Devices: The use of music or sound making devices as a part of mobile food unit shall be prohibited, unless expressly allowed as part of an approved event.
21. Persons conducting business from a mobile food unit must do so in compliance with the following standards:
22. 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. 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.
23. No mobile food unit may be located on a vacant lot or lot with a vacant building.
24. The operator of the mobile food unit shall display their city license in full view of the public in or on the unit.
25. Mobile food shall be limited to the hours of operation between eight o'clock (8:00) A.M. and nine o'clock (9:00) P.M.
26. Mobile food units shall serve patrons which are on foot only; no drive-up service to the unit itself shall be provided or allowed.
27. The mobile food unit must be located on a paved or rocked surface, unless approved as part of an event permit.
28. Mobile food units shall be located on property that is zoned URBAN CORRIDOR (UC), DOWNTOWN COMMERCIAL (DC), GENERAL COMMERCIAL (GC), GENERAL INDUSTRIAL (GI), LIMITED INDUSTRIAL (LI), and LIMITED COMMERCIAL (LC).
29. All mobile food units shall maintain a minimum separation from buildings of fifteen feet as measured to the closest building element including awnings or canopies, tents or membrane structures. Location of food unit shall not impede pedestrians entering or exiting a building.
30. 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.
31. 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. One temporary freestanding business identification sign of 16 square feet or less is permitted. Such a sign shall only be permitted during the time the mobile unit is operating. Off premises signs directing patrons to the mobile food unit are prohibited.
32. 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.
33. 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.
    1. **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.
    2. **LICENSE FEES.** At the time of 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 license who surrenders their license prior to the date of expiration shall not be entitled to a refund of any portion of the fee.

* 1. **COMPLIANCE WITH THE LAW.** Each Mobile Food Unit vendor shall comply with all applicable federal, state, and local laws, regulations and rules.
  2. **SUSPENSION OR REVOCATION OF LICENSE.** Any license issued under the provisions of this chapter may be suspended or revoked by the city as follows:

1. Grounds: The City Clerk may suspend or revoke any license issued under this chapter, for any of, but not limited to, the following reasons:
2. The licensee has made fraudulent statements in his/her application for the license or conduct of his/her business.
3. The license has violated this chapter or any other chapter of this code or has otherwise conducted his/her business in an unlawful manner.
4. The licensee has conducted his/her business in such manner as to endanger the public welfare, safety, order or morals.
5. The city clerk or the city clerk'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.
6. Notice of Suspension or Revocation; Right to Appeal: The City Clerk 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 Nevada. The licensee may appeal the revocation of the license to the City Council at its next regularly scheduled meeting by filing with the City Clerk 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 Clerk 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.

**48.09 PENALTY.** Unless another penalty is expressly provided by this chapter for any particular provision or section, violations of this chapter are simple misdemeanors subject to a fine of not more than $625.00 or may be punishable as municipal infractions subject to a civil penalty as set forth in this Code of Ordinances.  Each day a municipal infraction occurs and/or is permitted to exist constitutes a separate offense. Police officers and code enforcement officers shall have the authority to issue citations for violations of this chapter, and shall have the discretion to enforce this chapter as either a simple misdemeanor or municipal infraction.