

ORDINANCE #22-25

**CITY OF RAMSEY
ANOKA COUNTY
STATE OF MINNESOTA**

**AMENDMENTS TO CHAPTER 26 AND CHAPTER 117
OF THE CITY CODE OF RAMSEY, MINNESOTA.**

**AN ORDINANCE AMENDING ZONING CODE TO ALLOW MOBILE FOOD UNITS
AND CHAPTER 26 FOR BUSINESS LICENSING REGULATION**

The City of Ramsey ordains:

SECTION 1. AUTHORITY

This ordinance is adopted pursuant to and under the authority of the City Charter of the City of Ramsey.

SECTION 2. AMENDMENT TO CITY CODE SECTION 117, ARTICLE I

The current City Code Section 117, Article I, is amended as follows (additions indicated by underlined text):

Chapter 117-1 Definitions:

MOBILE FOOD UNIT. A self-contained food service operation, located in a readily movable motorized wheeled or towed vehicle, used to store, prepare, display or serve food intended for individual portion service that is readily movable without disassembling, or as defined in M.S. § 157.15, Subd 9. This definition includes a smoker trailer, either attached or detached from the mobile food unit.

SECTION 3. AMENDMENT TO CITY CODE SECTION 117, ARTICLE II

The current City Code Section 117, Article II, Division 6, is amended as follows (additions indicated by underlined text):

Sec. 117-365 Mobile food units.

A mobile food unit is considered an accessory use to an established business use with the following requirements:

(1) The owner/operator of the mobile food unit shall have written permission of the current property owner to locate in a designated area.

(2) The owner/operator of the mobile food unit must keep a copy of the mobile food unit license with the unit and demonstrate compliance with the license set forth in Chapter 26 upon inspection.

(3) The area(s) designated for the mobile food unit and accessory outdoor seating may not block sidewalks, walkways, impede pedestrian or vehicular traffic, or interfere with public safety.

(4) Mobile food unit locations are limited to private property located in a COR, Business, or Employment District as listed in Chapter 117.

(5) Mobile food units shall be located on an asphalt or concrete surface.

(6) The owner/operator must provide trash/recycling receptacles for customer use and keep the site in a neat and orderly fashion, free from litter, refuse, debris, junk or other waste which results in offensive odors or unsightly conditions.

(7) Temporary freestanding signage is permitted in the form of up to two "A" frame or sandwich boards not to exceed six square feet per side. The signs must be placed within 10 feet of the mobile food unit.

(8) Mobile food units cannot be located within 100 feet of the main entrance of a restaurant or any outdoor dining area. This provision may be waived with written permission from the restaurant business owner.

(9) Mobile food units must vacate the property between 11:00 pm and 8:00 am the following day and return to its commissary kitchen or permanent registered business location. In no case shall a mobile food unit be open for business while the business at the property is closed.

(A) Exception. A mobile food unit may remain in place overnight in conjunction with a multi-day special event permit.

(10) Deviations from the standards above may be considered with a special event permit.

SECTION 4. AMENDMENT TO CITY CODE SECTION 26

The current City Code Section 26, Article XIX, is added as follows (additions indicated by underlined text):

Chapter 26 Article XIX - Mobile Food Units

DIVISION 1 – GENERALLY

Sec. 26-870 FINDINGS AND PURPOSE.

(A) Purpose. This chapter is enacted to establish standards for the regulation of mobile food units to protect the health, safety and general welfare of the people of the city.

(B) Objectives. The general objectives of this chapter are as follows:

(1) To ensure standards for the proper placement and operation of mobile food units.

(2) To meet consumer expectations of the safety of mobile food units.

(3) To ensure the temporary nature of this type of business.

(C) Scope. This chapter is applicable to all mobile food units where food, meals, snacks, beverages, or ingredients thereof are stored, prepared, and sold for consumption on or off the premises. This includes all City-sponsored, public, private, or special events located in the city.

Sec. 26-871 DEFINITIONS.

For the purpose of this section, the following definitions apply unless the context clearly indicates or requires a different meaning.

CITY. The City of Ramsey and its designated employees or person-in-charges.

MOBILE FOOD UNIT. A self-contained food service operation, located in a readily movable motorized wheeled or towed vehicle, used to store, prepare, display or serve food intended for individual portion service that is readily movable without disassembling, or as defined in M.S. §

157.15, Subd. 9. This definition includes a smoker trailer, either attached or detached from the mobile food unit.

DIVISION 2 – LICENSE

Sec. 26-872 LICENSE REQUIREMENTS.

(A) License required. It is unlawful to operate a mobile food unit within the city or engage in any enterprises described herein, unless a license has been obtained. Each license must be obtained in accordance with the requirements of the city code.

(B) General licensing. The application for such licenses must be made on forms furnished by the city and must describe the general nature of the business, the permanent business location, commissary kitchen, and any other information deemed necessary by the city.

(C) License expiration. Licenses issued pursuant to this chapter commence and expire on the dates indicated on the license certificate. All mobile food unit licenses will be issued for the applicable license year.

(D) Transfer and display of license.

(1) Only a person who complies with the requirements of this chapter is entitled to receive a license.

(2) A license is not transferable as to person.

(3) A valid license must be located on the mobile food unit and posted so that it is clearly visible to the public.

(4) All approved licenses must have a photo taken and an identification badge issued. Such photo identification badge must be worn whenever business is being conducted.

(E) Anoka County Health or Minnesota Department of Agriculture License Required. As part of the City license application, evidence of an active health license issued by Anoka County or Minnesota Department of Agriculture is required for each mobile food unit. Expiration or revocation of these licenses will automatically void the City license.

(F) Background Checks - Every application shall bear the written report and recommendation of the chief of police. The police chief or his designee shall immediately institute an investigation of the applicant including, but not limited to, a criminal history and wanted persons check with the Bureau of Criminal Apprehension, for the protection of the public good.

(G) Insurance - The Applicant shall carry a general policy of liability insurance which shall provide a limit of coverage of not less than \$300,000/\$100,000 for bodily injury and \$25,000 for property damage. Mobile Food Units operating on any public property must provide a certificate of insurance showing the City listed as coinsured.

(H) Adequate Parking / Traffic Flow - No mobile food unit license shall be issued for any location which does not have sufficient parking for customers and for areas where customer parking would interfere with normal traffic flow.

Sec. 26-873 LICENSE FEES.

(A) Fees. Fees for licenses issued hereunder must be in the amount set forth by the City Council. An additional fee will be charged for each additional mobile food unit that is separate, distinct or unique from the central or main food establishment.

Sec. 26-874 INSPECTIONS.

(A) Inspection authorized. The City may inspect each mobile food unit's site to ensure compliance with the standards set forth in Chapter 117 or other chapters of City Code.

(B) Interference with Health Authority. It is unlawful to interfere with or hinder the Health Authority in the performance of its duties, or refuse to permit the Health Authority to make such inspections.

(C) Removal and correction of violations. The owner, or operator, or person-in-charge of a mobile food unit, upon receipt of a report giving notification of one or more violations of this chapter or Chapter 117, must correct or remove each violation in a reasonable length of time as determined by the City.

(D) Penalties. Failure to correct violations can result in revocation of the City license or misdemeanor citation.

Sec. 26-875 NON-ISSUE/DENIAL

(A) If as a result of a background investigation, the applicant is found to be unsatisfactory, the chief of police shall endorse on such application his/her disapproval and the reasons for the same, and return the application to the licensing agent, who will in turn bring the request with recommendation for denial to the city council. The police chief must comply with the provisions of Minn. Stats. ch. 364 if the recommendation for denial is based in whole or in part upon prior criminal convictions. If the council denies the issuance of a license, the licensing agent shall notify the applicant that his/her application is disapproved and no permit shall be issued.

(B) Any applicant may be found to be unsatisfactory for reasons including, but not solely limited to:

(1) Fraud, misrepresentation or incorrect statement contained in the application for permit.

(2) Past fraud, misrepresentation or incorrect statement made in the course of carrying on a business.

(3) Past conviction of any crime or misdemeanor involving fraud, theft or moral turpitude, or any crime of violence as defined in Minn. Stats. § 624.713.

(4) Conducting the business in an unlawful manner or in such a manner as to constitute a breach of peace or to constitute a menace to the health, safety or general welfare of the public.

Sec. 26-876 - REVOCATION

Any license may be revoked by the council for a violation of any provision of this Code if the licensee has been given a reasonable notice of seven days and an opportunity to be heard.

Sec. 26-877 - USE OF DEVICES TO ATTRACT ATTENTION PROHIBITED

No person licensed under this article shall call attention to his business or to his merchandise by crying out, by blowing a horn, by ringing a bell, by any sound-amplified devices, or by any loud or unusual noise, unless otherwise noted in the permit application.

SECTION 5. EFFECTIVE DATE

This ordinance becomes effective 30 days after its passage and publication, subject to City Charter Section 5.04.

PASSED by the City Council of the City of Ramsey, Minnesota, the ___ day of ___, 2022.

Mayor

ATTEST:

City Clerk

Introduction date:

Posting dates:

Adoption date:

Publication date:

Effective date: