

ORDINANCE NO. 845

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ORANGE CITY, IOWA, BY THE ADDITION OF CHAPTER 125, MOBILE FOOD AND BEVERAGE VENDORS

WHEREAS, the City of Orange City has experienced an increase in the number of mobile food and beverage vendors engaged in business within its City limits; and

WHEREAS, the Orange City Council sees the need to license and regulate such enterprises for the protection of the City's residents, the preservation of the attractiveness of the City's public spaces, and the encouragement of fair and orderly growth of the mobile food and beverage segment of the local economy;

BE IT ENACTED by the City Council of the City of Orange City, Iowa, as follows:

SECTION 1. ADD CHAPTER 125, Mobile Food and Beverage Vendors. The Code of Ordinances of the City of Orange City, Iowa, is amended by the addition of Chapter 125, Mobile Food and Beverage Vendors, by adopting the following wording:

125.01 PURPOSE. The purpose of this chapter is to protect residents of the City against fraud, unfair competition, and unsafe food sources; preserve the attractiveness of the City's public spaces; and encourage the fair and orderly growth of the mobile food and beverage segment of the local economy by licensing and regulating mobile food and beverage vendors

125.02 DEFINITION. The following words, terms, and phrases when used in this Chapter shall have the following meaning:

1. Mobile Vendor means a person engaged in the business of selling food, beverages, or both, from a Mobile Vendor Vehicle.
2. Mobile Vendor Vehicle means a licensed motorized vehicle, a licensed trailer, or both, used for the sale of food, beverages, or both, for immediate consumption. The definition of Mobile Vendor Vehicle includes but is not limited to the common term "Food Truck."
3. Restaurant means a food service establishment which derives at least fifty percent (50%) of its gross receipts from the sale of food, beverages, or both, for immediate consumption on the premises.

125.03 MOBILE VENDOR LICENSE REQUIRED. Before offering for sale any food or beverage in the City, a Mobile Vendor shall obtain a license for their sale from the City Clerk as provided in this Chapter. A separate Mobile Vendor license shall be required for each Mobile Vending Vehicle.

1. Regulations relating to the allowed location or area of Mobile Vendors' operations may be modified by the City for the Tulip Festival or RAGBRAI as stated in Chapter 124, Special Events

125.04 APPLICATION FOR LICENSE. A Mobile Vendor shall apply online for a Mobile Vendor license at least three (3) business days prior to its use by providing the following information and providing the required documents specified below and paying the application fee for the period of the license duration in the amount set in Subsection 125.05.

1. The full name, permanent address, e-mail address, if any, and telephone number of the applicant.

2. The business name and address.

3. A description of the licensed motorized vehicle or licensed trailer from which the sale will be conducted, including the license plate number, and the length of the motorized vehicle or the trailer and tow vehicle.

4. A summary of the food and beverages to be sold.

5. The application must be accompanied by a copy of the Retail Sales Tax Permit issued to the applicant by the Iowa Department of Revenue. A copy of the Mobile Vendor Vehicle issued by the Iowa Department of Inspections and Appeals for the Mobile Vendor Vehicle.

6. Required site plan/map of where in the City the Mobile Vendor Vehicle will conduct sales.

125.05 LICENSE FEES. The following fees shall be paid to the City Clerk prior to the issuance of any license.

1. For one day.....	\$10.00
2. For one week.....	\$25.00
3. For one month.....	\$75.00
4. For one year.....	\$500.00

125.06 INSURANCE REQUIRED. Before a license under this chapter is issued to a Mobile Food and Beverage Vendor an applicant shall provide to the Clerk evidence that the applicant has established insurance as outlined in Subsection 124.09 of this Code of Ordinances.

125.07 POLICE DEPARTMENT REVIEW. Each application for a Mobile Vendor license may be provided to the Police Chief for review and comment and the applicant's submission of such an application authorizes the police to conduct a background check with respect to the applicant.

125.08 ACTION BY CITY CLERK. All references to the City Clerk in this chapter shall be deemed to include the City Clerk designee.

125.09 AREAS OF MOBILE VENDOR VEHICLE OPERATION.

1. Operation of Mobile Vendor Vehicles shall not be permitted on public road rights-of-way, including all streets and off-street parking in the downtown business district, with the following **exceptions**:

- a. The west side of Windmill Park on Arizona Ave. NW between 2nd Street NW and 3rd Street NW on the east side of street in the dedicated off-street parking area.
- b. The south side of Windmill Park on 2nd Street NW between Central Ave. NW and Arizona Ave. NW on the north side of the street in the dedicated off-street parking area.
- c. Tulip Festival, RAGBRAI, and special events with a permit.

2. Mobile Vendor Vehicles may be permitted in Orange City Parks upon approval of the City and limited to designated parking areas.

125.10 GENERAL REGULATIONS. The following rules govern operations of Mobile Food and Beverage Vendors:

1. They may operate seasonally or year round.
2. Hours of Operation. Mobile Food and Beverage Vendors may set up and/or operate between the hours of 7:00 A.M. and 10:00 P.M. local time.
3. No Mobile Vendor shall conduct any sale from a Mobile Vendor Vehicle located within one hundred (100) feet of any public entrance of any street level restaurant that's open for business, unless authorized by the restaurant or specifically approved for a special event by the City Council.
4. No Mobile Vendor Vehicle shall be operated within 10 feet of any building or other structure and shall not be operated within 50 feet of any other Mobile Vendor Vehicle, unless specifically approved for a special event by the City Council.
5. No Mobile Vendor shall conduct any sale in a residential neighborhood unless such sales are specifically authorized in the Mobile Vendors license and then shall only be in the specific areas stated in the license.
6. The Mobile Vendor Vehicle must be removed from the location of operation after the hours of operation.
7. Mobile Vendors must be totally self-contained when engaged in the preparation, serving and sale of food within City owned parks and right-of-ways. No outside sources of electrical power, public or private are permitted. No outside sources of water, public or private, are permitted.

8. Trash Receptacles. A Mobile Vendor shall provide one or more trash receptacles readily accessible to its customers either in or attached to the Mobile Vendor Vehicle. All accumulations of trash and litter shall be removed from the site by the Mobile Vendor before departing.

9. Mobile Vendors may not operate as a permanent or semi-permanent “restaurant”.

10. No alcoholic beverages or tobacco products may be sold.

125.11 ENFORCEMENT AND PENALTIES. Any person who violates this ordinance shall be guilty of a municipal infraction and subject to penalties in accordance with the Code of Ordinances of Orange City and Iowa law.

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

SECTION 3. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be invalid or unconstitutional, such adjudication shall not affect the validity of this ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed and approved by the City Council of the City of Orange City, Iowa this 5th day of February, 2024.

Deb De Haan, Mayor

ATTEST: _____
Janet Brown, City Clerk

1st reading- January 15, 2024

2nd reading- February 5, 2024

3rd reading- waived

I certify that the foregoing was published as Ordinance No. 845 on the 8th day of February, 2024.

City Clerk