

ORDINANCE NO. 586

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF GRUNDY CENTER, IOWA, TO ADD THE PROVISIONS FOR CHAPTER 125 MOBILE FOOD SERVICE VENDORS

Be It Ordained By the Council of the City of Grundy Center, Iowa:

SECTION 1. PURPOSE. The purpose of this Ordinance is to amend the present Code of Ordinances pertaining to mobile food service vendors.

SECTION 2. ADDITION. Chapter 125 – Mobile Food Service Vendors to the Code of Ordinances of the City of Grundy Center, Iowa, as previously amended, is adding the following:

CHAPTER 125

MOBILE FOOD SERVICE VENDORS

125.01 Purpose
125.02 Definitions
125.03 License Required
125.04 License Application Requirements
125.05 License Fees
125.06 Transferability of License
125.07 Revocation of License
125.08 Public Safety and Congestion

125.09 Mobile Food Vending in Association with Special Events
125.10 General Rules and Regulations
125.11 Rules and Regulations for Operation Upon Any Public Right-of-Way or Other Public Property
125.12 Mobile Food Vendors in City Parks
125.13 Mobile Food Vendors on Private Property

125.01 PURPOSE. The purpose of this chapter is to provide for the issuance of permits to mobile food vendors for service of food on private and public property within the City.

125.02 DEFINITIONS. For purposes of this chapter the following terms are defined:

1. “City park” means a parcel of land, owned, operated as, and designated as a park by the City.
2. “Food” means a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption.
3. “Food cart” means a non-self-propelled vehicle food establishment that facilitates the preparation, marketing, and sale of food that is whole and unprocessed, prepared, packaged, non-potentially hazardous, or commissary-wrapped foods maintained at proper temperatures or precooked foods that require limited assembly, such as frankfurters.
4. “Food, packaged” means bottled, canned, cartoned, securely bagged, or securely wrapped, whether packaged in a food establishment or a food processing plant. “Packaged” does not include a wrapper, carry-out box, or other nondurable container used to containerize food with the purpose of facilitating food protection during service and receipt of the food by the consumer.
5. “Food, prepared” means food that is packaged and also includes food that is cooked or handled in some way, altering an unprocessed wholefood by mechanical or human processing

which would occur in accordance with USDA or FDA regulations and is then consumed at a later time.

6. “Food, potentially hazardous” means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacean, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not include clean, whole, uncracked, odor-free shell eggs or foods that have a pH level of 4.6 or below or a water activity (aw) value of 0.85 or less.

7. “Food stand” means any article, device, fixture, or equipment that is used as a place to provide food and includes, but is not limited to, food tents, food shacks, food pods, and food booths that are non-motorized, with or without a mobile kitchen, and facilitates the preparation, marketing, and sale of food that is whole unprocessed, prepared, or not potentially hazardous. Food stands are not lawfully permitted as a permanent structure.

8. “Food truck” or “Food trailer” or “Food wagon” means a self-propelled, or non-self-propelled vehicle or trailer, which is operable and is currently licensed through a North American department of motor vehicles. A food truck or food trailer contains a mobile kitchen and facilitates the preparation, marketing, and sale of food that is whole unprocessed, packaged, prepared, or not potentially hazardous.

9. “Food, unprocessed whole” means products that are not potentially hazardous raw food and do not have a post-harvest human or mechanical required element of preparation prior to safe human consumption. Generally, these items are whole fruits or vegetables.

10. “Intermittent sales” means food sales that occur from a mobile vending unit that is only stopped when making a sale. Stops for sales are generally less than five minutes in total duration.

11. “Market” means an establishment consisting of at least five vendors where people may gather, indoors or outside, and a permanent structure is on-site offering food that is prepared on-site for consumption on-site. Non-food goods and other prepared and packaged food, prepared on-site is offered for sale as a function of the establishment.

12. “Mobile food vending unit” means a food establishment that is self-contained, with the exception of grills and smokers, and readily movable. A food truck, food trailer, and food wagon are each considered to be a mobile food vending unit.

13. “Mobile food vendor” means an individual, entity, or group preparing, marketing, or selling food from a mobile food vending unit or food stand.

14. “Mobile food vendor sales” means an exchange of prepared or packaged food for American currency at a set price, not for goodwill donation, or for free.

15. “Mobile food vendor license” means the document issued by the Clerk granting permission for a person, corporation, entity, or group to sell unprocessed whole food, prepared food, or prepackaged food from a mobile vending unit or food stand.

16. “Private property” means a lot or defined area of land that is not in the ownership of a local, State, or federal government entity.

17. “Public alley” means the public right-of-way and service area at the rear or sometimes side of buildings, generally more narrow than the street.

18. “Public right-of-way” means an easement over land reserved for transportation purposes including public roadways, parking, sidewalks, and alleys.

19. “Restaurant” means a retail business licensed to serve food and beverages for on-premises consumption and that uses a kitchen on the premises for food preparation. These establishments

may include entertainment, dancing, and the serving of alcoholic beverages if permitted by applicable State or local law and any required licenses or permits have been acquired. For the purposes of this chapter, a restaurant must also derive at least 25 percent of their revenue from the sale of food for immediate consumption on the premises and be located on the street level.

20. “Special event” means an event or celebration sponsored by a civic, business, education, government, community, or veterans’ organization and may include athletic contests.

21. “Temporary sales” or “Seasonal sales” means sales occurring from a mobile food vending unit or food stand of unprocessed whole food relating to, occurring in, or varying with a particular season or defined period of time no greater than four consecutive months in duration.

125.03 LICENSE REQUIRED. No mobile food vendor shall operate within the City limits without first obtaining a City mobile food vendor license, unless:

1. The mobile food vendor is a charitable, educational, or religious organization that is exempt from taxation under Section 501(c)(3) of the *United States Internal Revenue Code* and that maintains a permanent facility or regularly holds events or provides services in the City, provided that such sales are not conducted by such organization in excess of three consecutive days in any seven-day period at the same location.

2. The mobile food vendor is selling unprocessed whole food on the same parcel or group of parcels under common ownership upon which said food is grown, and the parcel(s) is assessed as agricultural land by the County Assessor.

3. A market, as defined by this chapter, operates as a primary use on the parcel, but only while the market is in operation.

4. The mobile food vending is ancillary to an existing primary use on the same parcel and all of the following conditions are met:

A. There is a primary land use in a building on the parcel in which the mobile food vending unit would be located; and

B. Sale of food associated with the primary structure on the parcel would be allowed or is lawfully occurring on said parcel; and

C. The parcel has been classified by the County Assessor to be exempt, industrial, or commercial; and

D. The mobile food vendor is the owner of the parcel or owns a business in a permanent structure on the parcel where the mobile food vending unit or food stand would be located.

5. The mobile food vendor is engaged in temporary or seasonal sales of unprocessed whole food upon a parcel that has been classified by the County Assessor to be exempt, industrial, or commercial.

125.04 LICENSE APPLICATION REQUIREMENTS.

1. When a mobile food vendor license is required, the applicant shall submit the following to the Clerk:

A. Completed application furnished by the Clerk.

B. Application fee set by Council resolution.

C. A description of the mobile food vendor's operation, including the specific location the mobile food vendor intends to operate.

- D. A request to use public right-of-way or other public property, if the mobile food vendor intends to operate from a public right-of-way or other public property.
 - E. Proof of general liability insurance, including products liability coverage, in the amount of \$1,000,000 or more per occurrence and \$1,000,000 for property damage. A certificate of insurance shall be delivered to the Clerk prior to the issuance of a mobile food vendor license.
 - F. Proof of licensing or permitting through the County, State, and federal governments, as required.
2. The Clerk shall decline any application that does not meet the requirements set forth in this section.

125.05 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.

125.06 TRANSFERABILITY OF LICENSE. A mobile food vendor license shall not be transferable in any manner.

125.07 REVOCATION OF LICENSE.

- 1. Any mobile food vendor license may, after notice in writing to the licensee and reasonable opportunity for hearing, be suspended, or revoked for misrepresentation of any material fact in the application for the license; or in the course of conducting business, for making fraudulent, false, or incorrect statements, for violating this chapter or any other ordinance or regulation adopted by the City, for otherwise conducting business in an unlawful manner, or if the mobile food vending operation becomes a public nuisance.
- 2. A licensee whose license has been revoked or denied for renewal shall not be eligible for another such license for a period of 180 days after such revocation or denial of renewal.

125.08 PUBLIC SAFETY AND CONGESTION. The City reserves the right, in the event public safety or congestion so requires, to limit the number of food trucks or food carts to a maximum number. Licenses will be issued in the order of priority based on the first date and time the application is stamped received by the Clerk.

125.09 MOBILE FOOD VENDING IN ASSOCIATION WITH SPECIAL EVENTS.

- 1. Mobile food vending units or food stands operating within a City-approved special event shall not be required to obtain a mobile food vendor license from the Clerk, but shall comply with all federal, State, and County requirements for mobile food vendors.
- 2. A mobile food vending unit or food stand operating within a City-approved special event shall not be located upon a public right-of-way or other City-owned property unless specifically authorized by the Council as part of the special event.

125.10 GENERAL RULES AND REGULATIONS.

- 1. All mobile food vendors shall comply with federal, State and County laws, statutes, ordinances, and regulations related to mobile food vending units or food stands.

2. No mobile food vendor shall:
 - A. Leave a food cart unattended upon the public right-of-way or other City-owned property.
 - B. Operate, store, leave unattended, or park any mobile vending unit upon the public right-of-way between the hours of 2:00 a.m. and 6:30 a.m.
 - C. Leave any location without first picking up and removing all trash and refuse, including all products spilled on the sidewalk, as a direct result of the mobile food vending operation.
 - D. Dispose of trash and refuse in a dumpster or trash receptacle which is not owned or permissible for use by the mobile food vendor.
 - E. Sell to any person situated in a motor vehicle.
 - F. Conduct any sale from a mobile food vending unit from a parking space which is designated as a handicap parking space.
 - G. Conduct any sales from outside the mobile vending unit, unless reasonable accommodation is necessary to serve a customer with a disability.
 - H. Sell or attempt to sell alcoholic beverages or anything other than prepared, packaged, or whole unprocessed foods that are not potentially hazardous, without the state issued license from the Iowa Department of Revenue, Alcohol and Tax Operations Division.
 - I. Locate within three feet of a fire hydrant or within 10 feet of a building ingress or egress door.
 - J. Leave less than six feet of unobstructed passage on a public or private sidewalk.
 - K. Operate a mobile food vending unit or food stand within a public alley.
 - L. Stop, idle, or park in a location in which the mobile food vending unit or food stand or patrons thereof would be within a bike lane, fire lane, parking space not permitted for use by a mobile food vendor, or loading zone.
 - M. Park so as to block visibility at any intersection.
 - N. Operate a mobile food vending unit or food stand upon State or federal right-of-way

125.11 RULES AND REGULATIONS FOR OPERATIONS UPON ANY PUBLIC RIGHT-OF-WAY OR OTHER PUBLIC PROPERTY. Any mobile food vendor operating upon any public right-of-way shall be subject to the following:

1. No mobile food vending unit or food stand shall operate upon public right-of-way or other public property within 100 feet from a parcel where the primary use is as a restaurant between 6:30 a.m. and 10:00 p.m.
2. Neither food stands nor food carts shall locate in any on-street parking space in the public right-of-way.
3. Neither food stands nor food carts shall locate within five feet of sidewalk ramps.
4. No food truck shall locate upon a sidewalk.
5. No food truck shall park within 35 feet of a stop sign in the direction of approach.

6. Sales activities and the transfer of food and beverages to the customer shall not occur on the street side of any mobile vending unit operating from any public right-of-way.
7. No mobile food vendor shall set up or maintain the use of any table, chair, crate, cation, rack, or any other device placed within the public right-of-way, to market or provide a seating or eating area for the mobile food vending operation. This shall include providing tables, chairs, or other furniture within the public right-of-way.
8. Not more than one sandwich board type sign (also known as A frame sign), no larger than six square feet per side is permitted and shall be placed off of the traveled portion of the street within five feet of where the mobile food vending unit or food stand is located.
9. All mobile food vendors shall be legally parked.
10. Food trucks engaging in intermittent sales upon a public right-of-way shall also be subject to the following:
 - A. The mobile food vending unit shall not exceed five miles per hour while playing music.
 - B. Sales are restricted to pedestrians and only at such a time when the food truck has come to a complete stop.
 - C. Hours of operation shall be no earlier than 10:00 a.m. and no later than 8:00 p.m. or sunset, whichever occurs first.
 - D. No loudspeaker or other sound system which may disturb the peace in the area is permitted. Music from the food truck is permitted to draw attention to the sales operation, but shall not be of a magnitude to create a disturbance in the surrounding area.
 - E. A sign displaying the name of the company and telephone number shall be affixed to the vehicle and be no smaller than one square foot.

125.12 MOBILE FOOD VENDORS IN CITY PARKS. Mobile food vendors within City parks shall also be subject to the following:

1. No mobile food vendor shall operate within a parking lot directly adjacent to, or with direct access to, a concession stand while said concession stand is in operation.
2. Mobile food vendors shall be limited to hard-surfaced or other designated parking areas of the park, but this shall not mean within any roadway or parking lot drive aisle.
3. Mobile food vending shall be limited to the park hours of operation set by the City.
4. A mobile food vending unit or food stand shall not be located upon public right-of-way or other public property within 200 feet of a City park where a special event is being held unless approved by the sponsor of such special event.

125.13 MOBILE FOOD VENDORS ON PRIVATE PROPERTY. No mobile food vendor shall operate a mobile food vending unit or food stand upon private property without a mobile food vendor license pursuant to this chapter.

SECTION 3. SEPARABILITY OF PROVISIONS. It is the intention of the City Council that each section, paragraph, sentence, clause and provision of this Ordinance is separable, and if any such provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance or any part thereof other than that affected by such decision.

SECTION 4. REPEALER. All Ordinances or parts of Ordinances heretofore enacted by the City Council of the City of Grundy Center, Iowa, in conflict with the provisions of this Ordinance and of the Municipal Code are hereby expressly repealed.

SECTION 5. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

PASSED AND ADOPTED this 20th day of October, 2025.

Dr. Paul Eberline, Mayor

ATTEST: Kristy Sawyer, City Clerk