Ordinance No. 2016 – 045 City of Minneapolis File No. 16 – 00776

By Yang

Amending Title 10, Chapter 188 of the Minneapolis Code of Ordinances relating to Food Code: Administration and Licensing.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 188.510 of the above-entitled ordinance be amended to read as follows.

188.510. - Sidewalk cart food vendors. Notwithstanding the provisions of sections 188.110, ~~188.480(8),~~ 427.110 and 427.130 of this Code, licenses may be issued pursuant to section 259.30 for sidewalk cart food vendors for the sale of specified food and beverage items from mobile pushcarts on the public sidewalks, which shall be operated and conducted in accordance with the following conditions:

(1) Each sidewalk cart shall be separately licensed and may operate only at the location specified in the license, except as permitted in subsection (20). However, in the event a licensee holds licenses for more than one (1) location, the licensee may place any of the licensee's licensed carts at any location for which the licensee holds a license. No licensee may trade carts or locations with another licensee; however, should a licensee apply for and be granted a different location for a cart during the licensing year and chooses to surrender the original location for that cart, the fee for such midseason cart location transfer shall be the fee indicated in section 188.250 of this Code for transfer alone.

(2) Application procedure:

a. Each applicant shall file an application with the licensing official on forms provided by the official. In addition to the requirements of section 188.180 of this Code, the licensing official may require such information on the application as the official considers reasonable and necessary.

b. No application for a single license or for the first of several licenses shall be accepted for filing unless the applicant files therewith plans and specifications for the cart which have been approved by the ~~environmental health division. Provided, however, that if the cart is not ready and available for~~ inspection sixty (60) days after the application is filed, the applicant's proposed operating location shall be available to other applicants, and the applicant shall be required to select a new location.

No application from a single applicant for licenses beyond a first license shall be accepted for filing unless the applicant possesses sidewalk carts ready and available for inspection for each location beyond the first location. A single applicant, for the purposes of this section, shall mean an individual person, or any member of that person's immediate family and shall also include a corporation and any corporation with substantially the same ownership or ownership by persons of the immediate family of the stockholders of that corporation or partnership.

c. Each applicant shall include in the application a proposed operating location. The proposed location shall be referred to the director of public works for the approval or disapproval. The director of public works shall not approve a location where a sidewalk cart would substantially impair the movement of

pedestrians or vehicles, or pose a hazard to public safety. Further, the director of public works shall not approve any location which is adjacent to a bus stop, taxi stand, or handicap loading zone, within fifty (50) feet of an intersection, within three (3) feet of a curb, or directly in front of a commercial entryway. If the applicant's proposed location is disapproved, the applicant shall be so notified, and the applicant may select an alternate location, which shall also be referred to the director of public works for approval or disapproval. A holder of a valid license for the previous license year may renew that license and thereby reserve that location for another license year. Any license not renewed by April fifteenth shall cause that location to become available to other applicants. Licenses may be renewed between April first and April fifteenth by the payment of a late fee in addition to the license fee. All licensees shall be notified of the availability of locations which have been vacated or for which licenses have not been renewed. The notification shall include a due date for applicants for these locations and a date upon which a lottery will be held to choose among multiple applicants.

d. The director of public works shall refer the subject of sidewalk cart food vendors on the Nicollet Mall to the advisory board provided for in Minnesota Statutes, Section 430.101, subdivision 3. The advisory board shall report its recommendations concerning the number and location of sidewalk cart sites on the Nicollet Mall to the director of public works. The director of public works shall review the board's report and prepare a list of approved locations on the Nicollet Mall. The list shall be available in the office of the licensing official to any applicant or interested person.

e. No location which has been chosen in a previous application shall be available for selection.

(3) All sidewalk cart food vendor licenses shall expire on April first of each year subject to renewal year to year thereafter.

(4) No sidewalk cart shall have dimensions exceeding four (4) feet in width, eight (8) feet in length and eight (8) feet in height. However, a cart may be equipped with an awning which overhangs by not more than twelve (12) inches in any direction. Each sidewalk cart shall be self-propelled and capable of being moved and kept under control by one (1) person traveling on foot. A special license may be granted to a handicapped person to operate a sidewalk cart propelled by electric motor, provided that the applicant shall meet all other conditions for a license.

(5) Location restrictions:

a. Sidewalk cart food vendors may operate ~~only within the area bounded by the following: Commencing at the intersection of Third Avenue North and the Mississippi River, thence southeasterly along the Mississippi River to Interstate 35 West, thence southerly along Interstate 35 West to Interstate 94, thence westerly and northerly along Interstate 94 to Glenwood Avenue, thence easterly to Tenth Street, thence northerly to Third Avenue North, thence northeasterly to the point of beginning or the sidewalk abutting the south side of Vineland Place between Lyndale Avenue South and Bryant Avenue South~~ in the Downtown Business Improvement Special Service District ("the district"), as defined in section 465.10. Sidewalk cart food vendors may operate outside of "the district" in commercial corridors, following restrictions of 188.510(2)(c). The licensing official shall maintain a map of eligible operation locations that is available for review by the public.

b. A sidewalk cart food vendor licensed under this section may operate on privately or publicly owned property, within the boundaries described in subparagraph (1) above, with the express written consent of the property owner, and the approval of the director of public works.

c. Food carts shall not operate within five hundred (500) feet of any education facility (K-12 school) or neighborhood park building measured in a straight line to the nearest point of the school or park building. Food carts may operate on or near school or park property with specific written invitation from an authorized administrator for school or park sponsored events.

d. No sidewalk food cart shall operate from the public right-of-way where a restaurant, with direct access to the sidewalk, or a permitted sidewalk cafe is within one hundred (100) feet on the same block face. This requirement may be waived if the licensee furnishes written consent from the proprietor of the restaurant. No person or corporation shall either pay or accept payment for the written consent provided herein.

(6) A sidewalk cart food vendor license shall not be transferable from person to person or from place to place without approval of the licensing official.

(7) Every licensee shall maintain a permanent location within the City of Minneapolis for the storage and preparation of food and beverages carried by the licensee's sidewalk carts, and for the cleaning and servicing of those carts. Such permanent location shall comply in all respects with the requirements of the Minneapolis Food and Beverage Ordinances, and shall be separately licensed as a food distributor. Each sidewalk cart shall return to the permanent location at least once daily for cleaning and servicing.

(8) Each sidewalk cart shall meet National Sanitation Foundation (NSF) standards for food storage, preparation and dispensing. Toilet facilities shall be required at the permanent location but not on each cart.

(9) Each cart shall carry adequate hand-washing facilities for the employees of the licensee. A waste retention tank with fifteen (15) percent larger capacity than water supply tank shall be provided.

(10) All waste liquids, garbage, litter and refuse shall be kept in leakproof, nonabsorbent containers which shall be kept covered with tight-fitting lids and properly disposed of at the permanent location. No waste liquids, garbage, litter or refuse shall be dumped or drained into sidewalks, streets, gutters, drains, trash receptacles or any other place except at the permanent location. When leaving the sales area the licensee or his employees shall pick up all litter resulting from his business and shall deposit such litter in an approved container located on his cart.

(11) The environmental health division shall publish, and may from time to time amend, a list of approved food and beverage items which may be sold by sidewalk cart food vendors. No items of any kind, other than approved food and beverage items, shall be sold or dispensed from sidewalk carts.

(12) There shall be issued to each licensee a suitable decal for each licensed pushcart. Every pushcart licensed under this chapter shall at all times have the decal permanently and prominently fastened on the pushcart.

(13) Affixed permanently and prominently to each pushcart shall be a sign no smaller than twelve (12) inches by twelve (12) inches displaying the name, address and telephone number of the pushcart owner.

(14) Each licensee shall provide proof of liability insurance in the amount of one hundred thousand dollars ($100,000.00) for individuals, three hundred thousand dollars ($300,000.00) for any single incident and ten thousand dollars ($10,000.00) for property damage. A certificate of insurance shall be delivered to the licensing official prior to issuance of a license. The city shall be named an additional insured.

(15) No sidewalk cart operator shall use lights or noisemakers, such as bells, horns or whistles, to attract customers. A sidewalk cart operator may use battery-operated lights with protective shielding for the purpose of illuminating food and utensils.

(16) No sidewalk cart shall operate before 7:00 a.m. or after 11:00 p.m. on any day.

(17) No sidewalk cart shall operate, park, stand or stop in any street or alley except to cross at designated street crossings.

(18) The city council shall establish a reasonable fee, not to exceed two hundred fifty dollars ($250.00) per year, to be charged to each sidewalk cart food vendor not located on a specially assessed mall, to defray the cost of cleanup and maintenance and other policing in connection with the operation of the food cart.

~~(19) Any sidewalk cart operator who shall fail to operate at any licensed location for thirty (30) consecutive days between May first and October first shall forfeit that location. The licensing official shall notify all licensees of the vacation of said location and shall set a date for a lottery, if necessary, to choose among multiple applicants.~~

(~~20~~ 19) Notwithstanding other provisions of this section, a licensed sidewalk cart may operate at an indoor location other than its normal sidewalk location, with the approval of the environmental health division and the consent of the property owner, during the following times:

a. Between October first and April thirtieth.

b. Between May first and October first only during periods of inclement weather.

All other conditions and restrictions of this section shall continue to apply to a sidewalk cart operated at an indoor location under this subsection.

Notice: 5/27/2016 Intro. & 1st Reading: 6/17/2016 Committee: CDRS

Public Hearing: 6/21/2016 2nd Reading & Passage: 7/1/2016 Publication: JUL 09 2016

RECORD OF COUNCIL VOTE				
MEMBER	AYE	NAY	ABSTAIN	ABSENT
REICH	X			
GORDON	X			
FREY	X			
B. JOHNSON	X			
YANG	X			
WARSAME	X			
GOODMAN	X			
GLIDDEN	X			
CANO	X			
BENDER	X			
QUINCY	X			
A. JOHNSON				X
PALMISANO	X			
DATE:	JUL 01 2016			

☒ APPROVED ☐ VETOED

MAYOR HODGES

JUL 06 2016

DATE

Certified an official action of the City Council

ATTEST:

CITY CLERK

Presented to the Mayor:	JUL 01 2016	Received from the Mayor:	JUL 07 2016