



MOBILE FOOD UNIT (MFU) REGISTRATION

New Hope City Hall
4401 Xylon Ave N, New Hope, MN 55428 763.531.5123

Applicant's Name: _____ Phone: _____

Applicant's Home Address: _____

Business Name: _____

Business Address (if different from above): _____

Description of MFU (motorized or trailered) and license plate numbers of food truck or trailer: _____

Other municipalities (up to 3) where applicant is/was recently registered: _____

Have you ever been convicted of a crime or violation of any municipal ordinance other than traffic violations? If yes, please explain: _____

Type of food products offered for sale: _____

Address(es) where mobile food unit will be parked: _____

Dates (with hours for each day) mobile food unit will be operating (not to exceed 21 days without authorization from city manager): _____

How will you dispose of trash/food waste? _____

What will you be using for power? _____

What is your plan for sanitation inside the trailer? _____

Where will employees access a restroom? _____

I have fully read and understand city code section 8-6 in its entirety, and agree to respect and obey all regulations of New Hope city code regarding the regulations with regard to mobile food units: Yes No

I agree to abide by the times of day of selling products between 8 am to 10 pm except by permission from the city. Yes No

- I have attached the following documents:
- Minnesota Health Department license (State code chapter 4626.1860)
 - Written consent from property owner where vehicle will be located – 8-6(d)(c)
 - Valid drivers license
 - Site plan to show the proposed location of the MFU in parking lot as well as remaining parking spaces. The remaining parking must meet minimum standards required by city code 4-3(e), 8-6(d)(14)(c), and (f)

APPLICANT TO COMPLETE **OFFICE USE ONLY**

\$50 fee due at time of application / Ice cream trucks are required to undergo a criminal background check (additional non-refundable fee of \$100) – code 14-8(4) Payment: Check Cash Charge card
Apply to 9001-4125

Signature of Applicant: _____ Received by: _____ Date: _____
If > 21 days in location, KMD to initial here:

APPLICANT MUST POSSESS COPY OF REGISTRATION WHILE SELLING PRODUCTS

Sec. 8-6. - Registration of solicitors, peddlers, hawkers, and transient merchants.

- (a) *Registration required.* Subject to the nuisance provisions of subsection (b) of this section, it is unlawful to engage in the business of solicitor, peddler, hawker or transient merchant in the city without first registering the intent to do so as required by this section, unless exempt from the registration requirements per subsection (e) of this section. In addition, no person may conduct business as a transient merchant within the city limits without first having obtained the appropriate license from the county as required by Minn. Stats. ch. 329, as amended.
- (b) *Nuisance.* The following practices are hereby deemed a nuisance and shall be unlawful:
- (1) Entering upon private property in the city by solicitors, peddlers, hawkers, or transient merchants, not having been requested or invited so to do by the owner or owners, occupant or occupants of said private property for the purpose of soliciting orders for the sale of goods, wares and merchandise, and/or for the purpose of selling, disposing of and/or peddling or hawking the same is declared to be a nuisance if, at the time of such sale or solicitation a sign is conspicuously posted by the occupant prohibiting selling, solicitation or peddling on the premises, and if the sign is on the front door, or within one foot of the front door, and plainly visible to a person attempting to knock or ring at the front door, or otherwise attempting to gain the attention of any occupant of the premises;
 - (2) Or entering upon private property not so posted by a solicitor, peddler, hawker or transient merchant for the purposes stated in subsection 8-6(b)(1) without first registering his or her intention to do so with the city clerk pursuant to this section.
- (c) *Definitions.* For purposes of this section, the terms defined in this subsection have the meanings given them.

Mobile food unit means a food and beverage service establishment that is a vehicle mounted unit in which food is stored, cooked, and prepared for direct sale to the consumer, either:

- (1) Motorized or trailered, operating no more than 21 days annually at any one place, or operating more than 21 days annually at any one place with the approval of the regulatory authority as defined in Minnesota Rules, part 4626.0020, subpart 70; or
- (2) Operated in conjunction with a permanent business licensed under Minn. Stat. ch. 157 or 128A at the site of the permanent business by the same individual or company, and readily movable, without disassembling, for transport to another location.
- (3) The following are also considered mobile food units for the purpose of this section:
 - a. *Food cart:* A food and beverage service establishment that is a non-motorized vehicle self-propelled by the operator.
 - b. *Ice cream truck:* A motor vehicle utilized as the point of retail sales of pre-wrapped or prepackaged ice cream, frozen yogurt, frozen custard, flavored frozen water or similar frozen dessert products.

Person means any person, individual, co-partnership, limited liability company and corporation, both as principal and agent, who engage in, do, or transact any temporary and transient business in the state or city regulated by this section.

Peddler means a person who goes from house to house, door to door, business to business, street to street, or any other type of place to place for the purpose of offering for sale, selling or attempting to sell, and delivering immediately upon sale the goods, wares, products, merchandise, or other personal property that the person is carrying or transporting; the term does not include vendors of milk, bakery products or groceries who distribute their products to regular customers on established routes. The term "peddler" shall mean the same as the term "hawker".

Solicitor means a person who goes from house to house, door to door, business to business, street to street, or any other type of place to place for the purpose of obtaining or attempting to obtain orders for the sale of goods, wares, or merchandise including magazines, books, periodicals,

other personal property or services of which they may be carrying or transporting samples, or that may be described in a catalog or by other means, and for which delivery or performance shall occur at a later time. The absence of samples or catalogs shall not remove a person from the scope of these provisions if the actual purpose of the person's activity is to obtain or attempt to obtain orders as discussed above. The term solicitor shall mean the same as the term "canvasser".

Transient merchant means a person, whether as owner, agent, consignee, or employee who engages in a temporary business out of a vehicle, trailer, box car, tent, other portable shelter, store front, or from a parking lot for the purpose of displaying for sale, selling or attempting to sell, and delivering goods, wares, products, merchandise or other personal property and who does not remain or intend to remain in any one location, including mobile food units.

- (d) *Form of registration.* A written registration under this section must be filed with the city clerk on a form provided by the city. The registration form must contain the following information:
- (1) Applicant's full legal name and other names under which the applicant conducts business or to which the applicant officially answers;
 - (2) Physical description of the applicant (hair color, eye color, height, weight, distinguishing marks or features);
 - (3) Complete permanent home and local address of the applicant; and in the case of transient merchants, the local address from which proposed sales will be made with a letter of signed permission from the property owner;
 - (4) Applicant's phone number(s);
 - (5) A brief description of the nature of the business and the goods to be sold or services to be provided;
 - (6) The name, address, and phone number of the employer, principal, or supplier of the applicant, together with credentials establishing the exact relationship;
 - (7) The dates during which the applicant intends to conduct business in the city;
 - (8) The supply source of the goods, or property prepared to be sold, or orders taken for the sale thereof, the location of such goods or products at the time of the application, and the proposed method of delivery;
 - (9) A statement as to whether or not the applicant has been convicted of any crime or violation of any municipal ordinance other than traffic violations, the nature of the offense, and the punishment or penalty assessed therefore;
 - (10) The names of up to three other municipalities where the applicant conducted similar business immediately preceding the date of the current application and the addresses from which such business was conducted within those municipalities;
 - (11) The applicant's driver's license number or other acceptable state-issued identification (a photo copy of which shall be attached to the registration);
 - (12) The license plate number(s) and description of the vehicle(s) to be used in conjunction with the licensed business, if applicable;
 - (13) Proof of county license (applicable to transient merchants only);
 - (14) Mobile food units are required to meet the following additional standards:
 - a. Mobile food units must be licensed by the Minnesota Department of Health and must adhere to state regulations for food trucks as provided in the Minnesota Food Code, Minnesota Rules part 4626.1860 Mobile food establishments; seasonal temporary food stands; seasonal permanent food stands. Evidence of the state license must be provided to the city as part of the local license application.

- b. Mobile food unit operations are permitted in the CB, LB, and I districts, and on commercial or mixed use sites in R-B and R-O districts. Mobile food units may operate in residential districts, public parks, school sites, church sites, or in conjunction with a block party or special event where a temporary use permit has been obtained per section 4-3(h) and subject to the conditions of this section. Ice cream truck vendors may operate in all zoning districts, but must adhere to the described hours of operation.
 - c. Mobile food units must be located on private property, and the applicant must provide written consent from the property owner. Ice cream trucks are allowed to operate within the public right-of-way in residential districts. Mobile food units may be located in a public park or within the public right-of-way in residential districts with approval from the city.
 - d. Mobile food units shall not be located within 100 feet of the main entrance of any other permanent food establishment on a separate lot. The setback shall be measured from the vehicle to the main entrance of the building.
 - e. Mobile food unit operations are not permitted between the hours of 10:00 p.m. and 8:00 a.m. except by approval from the city.
 - f. Mobile food unit sites shall be kept in a neat and orderly manner, and shall adhere to the following site requirements:
 - i. Trash and/or recycling collection and cleanup must be provided.
 - ii. Mobile food units must provide independent power supply which is screened from view. Generators are permitted.
 - iii. Mobile food units shall be located on an asphalt or concrete surface.
 - iv. Mobile food units must close during adverse weather conditions when shelter is not provided.
 - v. Mobile food units may not occupy parking spaces where the remaining parking will not meet minimum standards required by section 4-3(e) of this Code.
 - g. Ice cream truck vendors are required to undergo a criminal background check prior to operating in the community at the cost of the applicant.
 - h. If mobile food unit sites are found to be in noncompliance with any conditions as provided in this section, the city reserves the right to revoke the mobile food unit transient merchant license.
- (e) *Exemptions.* Exemptions from this section shall not excuse any person from complying with any other applicable statutory provision or local city code.
- (1) General exemption. For the purpose of the requirements of this section, the terms "peddler, solicitor, and transient merchant" shall not apply to and shall not include the following:
- a. Sale of personal property at wholesale to dealers in such articles;
 - b. The sale of papers or newspaper subscriptions;
 - c. Calling upon residents in connection with a regular route service for the sale and delivery of perishable daily necessities of life such as food, bakery products and dairy products. This section shall also not apply to any person who makes initial contacts with other people for the purpose of establishing or trying to establish a regular customer delivery route;
 - d. Calling upon residents at the request of said residents;
 - e. A sale required by statute, by order of any court or a bona fide auction sale pursuant to law;
 - f. Sales commonly known as garage sales, rummage sales, or estate sales as well as those persons participating in an organized, multi-person bazaar, flea market or farmers market;

- g. A person issued an invitation by the owner or legal occupant of a residential premise shall be exempt from the definitions of peddlers, solicitors, and transient merchants.
- (2) Nonprofit organizations and free expression exemption. Any organization, society, association, or corporation with a nonprofit status approved by the state or federal government desiring to solicit or to have solicited in its name money, donations of money or property, or financial assistance of any kind or desiring to sell or distribute any item of literature or merchandise for which a fee is charged or solicited from persons other than members of such organizations for a charitable, religious, patriotic, or philanthropic purpose by going from house to house, door to door, business to business, street to street, or other type of place to place, or when such activity is for the purpose of exercising that person's state or federal constitutional rights relating to the free exercise of religion or speech, is exempt from the registration requirements and fee of subsections (b) and (g) of this section, provided there is a limited registration filed in writing on a form to be provided by the city clerk which contains the following information:
 - a. Organization's name and specific cause for which exemption is sought;
 - b. Names and addresses of the officers and directors of the organization;
 - c. Period during which solicitation is to be conducted;
 - d. Whether or not any commission, fee, wages, or any form of compensation are to be expended in connection with such solicitation and the amount thereof; and
 - e. Names and addresses of all persons involved in canvassing efforts. Persons exercising constitutional rights may lose their exemption from registration and payment of fee if the person's exercise of constitutional rights is merely incidental to a commercial activity. Professional fund raisers working on behalf of an otherwise exempt person or group shall not be exempt from the registration requirements or fee of subsections (b) and (g) of this section. Organization's name and specific cause for which exemption is sought;
 - (3) Farm produce, horticultural. The outdoor sale of seasonal farm produce at a temporary sales site shall be regulated by section 8-31 of this Code. Registration under subsection 8-6(a) shall not be required for any other type of farm produce sale for any product grown, produced, cultivated, or raised on any farm. For the purposes of this section, "product" shall also mean any horticultural product grown, produced or cultivated and/or sold by any person in this state. Persons exempt under this section and not subject to section 8-31 shall register with the city as required by subsection 8-6(e)(2) above.
 - (4) Fireworks. The sale of fireworks shall be regulated by section 8-40 of this Code and shall be exempt from the requirements of this section.
 - (5) Mobile food units associated with city-sponsored events or nonprofit events not to exceed seven days where a temporary use permit has been obtained per section 4-3(h) are not required to obtain a transient merchant permit for the duration of the event. Mobile food units participating in these events must comply with all other standards in this section.
 - (6) Mobile food units associated with the Farmers Market may be exempt from transient merchant licensure at the city's discretion. All mobile food units operating at these sites must comply with all other standards in this section.
- (f) *Registration requirements.*
- (1) Duration. Each registration shall be valid only for the period specified therein, and no registration may extend beyond the 31st day of December of the year in which it is granted. Mobile food units may operate for more than 21 days in one location for a duration approved by the city.
 - (2) Registration nontransferable. No registration is transferable from one person to another. Each person involved in any activity regulated by this section shall be separately registered even though associated with an organization registered hereunder.

- (3) Identification. Every person registered must wear some type of identification conspicuously showing their name and the organization for which they are working.
- (g) *Registration fee.* At the time of registration, a registration fee set out in subsection 14-8(4) of this Code must be paid to the city clerk.
- (h) *Prohibited activities.*
- (1) Loud noises and speaking devices. A person registered under this section may not shout, cry out, blow a horn, ring a bell, or use any sound amplifying device upon any of the streets, alleys, parks, or other public places of the city or upon private premises where sound of sufficient volume is emitted or produced there from to be capable of being plainly heard upon the streets, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares, or merchandise which such person proposes to sell. Ice cream trucks traveling through a residential district may have outdoor music or noise-making devices to announce their presence.
 - (2) Use of streets. A person regulated under this section does not have an exclusive right to any location in the public streets, nor is such person permitted a permanent stationary location thereon. A person regulated under this section may not operate in a congested area where such operation might impede or inconvenience the public use of streets.
 - (3) Private property. Registration under this section does not permit a person to conduct the activity on private property without the ongoing permission of the property owner or the property owner's authorized agent. Mobile food units shall not be located within 100 feet from the main entrance of any other permanent food establishment on a separate lot.
 - (4) Practices prohibited. No peddler, solicitor or transient merchant shall conduct business in any of the following manners:
 - a. Obstructing the free flow of either vehicular or pedestrian traffic on any street, alley, sidewalk, or other public right-of-way;
 - b. Creating a direct threat to the health, safety, or welfare of any individual or the general public;
 - c. Entering upon any residential premises for the purpose of carrying on the registrant's trade or business between the hours of 8:00 p.m. and 9:00 a.m. of the following day, unless such person has been expressly invited to do so by the property owner or occupant thereof;
 - d. Harassing, intimidating, abusing, or threatening a person, continuing to offer merchandise for sale to any person after being told not to do so by that person, or failing or refusing to leave the premises of the resident occupant after being told to do so by the resident occupant.
- (i) *Penalty.* Violation of any provision of this section shall be a petty misdemeanor, punishable by a fine of up to \$300.00.

(Ord. No. 74-5; Ord. No. 83-1; Ord. No. 83-3; Ord. No. 10-07, § 1, 6-14-2010; Ord. No. 14-05, §§ 1—5, 3-24-2014)