

**CITY OF PINE ISLAND  
ORDINANCE NO. 145**

**ORDINANCE AMENDING CHAPTER 6 BY ADDING SECTION 6.38 RELATING TO VENDING CARTS**

THE CITY COUNCIL OF THE CITY OF PINE ISLAND, MINNESOTA, HEREBY ORDAINS:

SECTION 1. Section 6.38 (Vending Cart Permit), Subdivisions 1-4 of the Pine Island City Code shall be amended to read as follows:

**SEC. 6.38. VENDING CARTS**

**Subd. 1. DEFINITIONS.** As used in this section, the following words and terms shall have the following meanings:

- A. Vending Cart.** A self-contained mobile device of sufficiently lightweight construction so that it can be moved from place to place by one adult person without any auxiliary power where food and other permitted goods are dispensed to the public, either with or without charge.
- B. Permittee.** Any person issued a Vending Cart permit.

**Subd. 2. PERMIT REQUIRED.** No person shall place a Vending Cart on any public sidewalk or on any public property or park without first obtaining a Vending Cart permit from the City. No Vending Cart permit may be issued unless the applicant and the application complies with all requirements of this chapter.

**Subd. 3. APPLICATION FOR PERMIT.**

- A.** The application shall be submitted to the City Clerk at least 20 days before the date of desired issuance to provide adequate time for review. The City Council shall act upon vending cart permit applications at a regular or special meeting.
- B.** The application shall require the following:
  - 1. The applicant's true and correct full legal name, including any former names or aliases used during the last ten years
  - 2. The applicant's present residence address, telephone numbers and mailing address, if different.
  - 3. A scaled diagram depicting the desired vending cart location and surrounding area in sufficient detail to determine whether or not the requirements of this chapter have been met. The Council may determine the exact location where the cart may be located.
  - 4. A description of the proposed vending cart, including its dimensions in sufficient detail to determine if the requirements of this chapter have been met.
  - 5. A listing of product to be sold.
  - 6. A five-year history of the applicant's felony, gross misdemeanor or misdemeanor convictions.

7. A listing of any criminal charges currently pending against the applicant.
8. A copy of all permits or licenses issued to the applicant by state or local health authorities.
9. A certificate of insurance.

**Subd. 4. VENDING CART REGULATIONS.**

- A. A Vending Cart permit will be issued on a first-come, first-serve basis. Permit applications shall be submitted in person to the City Clerk and shall be date stamped. Each permit issued shall expire at midnight on December 31 of the year so issued. The permit shall be valid only when used at the permit operating location designated on the permit and is valid for one cart only.
- B. A Vending Cart may not be located within 75 feet of the primary entrance of an existing street level establishment that, at the time of permit issuance, sells similar items, unless this prohibition is waived in writing by that establishment.
- C. Carts may not be located within five feet of any crosswalk, access ramp, handicapped parking space or bus stop or in a manner that would impede access to any adjacent business. A clear and continuous sidewalk width of five feet must be maintained at all times.
- D. A Vending Cart permit does not authorize the distribution or sale of liquor, wine or beer.
- E. A Vending Cart permit is valid from 7:00 AM to 8:00 PM, unless otherwise provided by the Council.
- F. No permit issued under this section, shall allow any permanent installation to be placed on any City sidewalk or park. No tables, chairs or other equipment, except a trash receptacle, is permitted, unless as expressly provided herein.
- G. Vending items will be limited to: food for immediate consumption and non-alcoholic beverages.
- H. The vending cart area will be required to be swept and cleaned daily by the permit holder. Each Permittee is responsible for disposal of the Permittee's own trash.

**Subd. 5. VENDING CART DESIGN REQUIREMENTS**

- A. The area occupied by the vending cart may not exceed 40 square feet
- B. Umbrellas or canopies shall be a minimum of seven feet above the sidewalk if they extend beyond the edge of the cart.
- C. Two coolers are allowed for storage purposes, provided they fit within the 40 square feet area.

**Subd. 6. INSURANCE.** A Vending Cart permit is not effective until the applicant has filed with the City Clerk evidence of insurance insuring the applicant against liability imposed by law arising out of the ownership, maintenance, or operation of such vending cart in amounts of at least \$500,000 for the injury or death of one person, \$1,500,000 for the injury or death of two or more persons, and \$10,000 for damage to property. The City shall be named as an additional named insured in the policy providing such insurance. Such policy shall further provide that it may not be cancelled except upon ten days written notice filed with the City Clerk. The applicant shall also provide evidence of worker's compensation insurance coverage to the City Clerk if applicable. A Vending Cart permit is effective only if the required insurance coverage is constantly maintained and evidence of its continuance is on file with the City Clerk.

**Subd. 7. PERMIT FEE.** Each year at the time of filing the application for a permit, the applicant shall pay to the City Clerk the sum of \$150.

**Subd. 8. PERMIT SUSPENSION AND REVOCATION.**

- A. The City reserves the right to temporarily suspend or relocate the permitted location for a Vending Cart during a City special event, as determined by the City Administrator.
- B. Any permit issued by the City pursuant to the provision of this chapter may be suspended or revoked upon a finding by the City Administrator that the Permittee, during the term of the permit or in connection with the application or renewal of such permit:
  - 1. Failed to comply with any applicable statute or ordinance relating to a Vending Cart permit
  - 2. Violated any provision of chapter 6.38.
  - 3. Failed to comply with any condition set forth in the permit, set forth in a council action regarding the permit, or set forth as part of the placement of the permit on probation; or
  - 4. Allowed the permitted business to be operated or maintained in a way that unreasonably annoyed, endangered or injured the safety, health, morals, comfort or repose of any considerable number of members of the public.
- C. A Permittee whose permit has been suspended or revoked may appeal the City Administrator's determination to the City Council which shall, within sixty (60) days of receipt of a written appeal, determine whether there were adequate grounds for the suspension or revocation of a permit.
- D. Any appeal shall afford the Permittee a hearing, after reasonable notice, before the City Council. The notice shall state the time, place and issues to be addressed. All parties will be afforded an opportunity at the hearing to present evidence and argument concerning the issues. The City Council's decision to sustain or reverse the suspension or revocation shall be in writing and provided to the Permittee.

**Subd. 9. PENALTY.** Any person violating any provision of this chapter shall be guilty of a misdemeanor.

SECTION 2. This ordinance shall take effect and be in force immediately after its passage and publication in accordance with applicable law.

Adopted by the City Council this 21<sup>st</sup> day of April, 2020.

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Rod Steele  
Mayor

ATTEST:

BY: \_\_\_\_\_  
Elizabeth Howard  
City Administrator

Published in the \_\_\_\_\_ on the \_\_ day of \_\_\_\_\_, 2020.