

**CITY OF PINE ISLAND
ORDINANCE NO. 162**

ORDINANCE AMENDING CHAPTER 6 BY ADDING SECTION 6.40 RELATING TO MOBILE BUSINESS UNITS

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

SECTION 1. Section 6.40 (Mobile Business Unit), Subdivisions 1-9 of the Pine Island City Code shall be amended to read as follows:

SEC. 6.40. MOBILE BUSINESS UNITS

Subd. 1. PURPOSE. The purpose of this section is to regulate the operations of “Mobile Business Units” with the City.

Subd. 2. DEFINITIONS. As used in this section, the following words and terms shall have the following meaning:

- A. Mobile Business Unit.** A self-contained service operation, located in a readily movable motorized wheeled or towed vehicle that is readily movable without disassembling and that is used to offer services to the public.
- B. Permittee.** Any person issued a Mobile Business Unit permit.

Subd. 3. PERMIT REQUIRED. No person shall place a Mobile Business Unit on any public property or park without first obtaining a Mobile Business Unit permit from the City. No Mobile Business Unit permit may be issued unless the applicant and the application comply with all requirements of this chapter.

- A. Permit Exemption.** No city permit shall be required for operation within the city solely as part of a special event or community festival, as permitted by the Park Board or the City Council.
- B. Duration of Sales.** The permit shall expire at midnight on December 31st of the year so issued.
 - 1. Private Property.** A permit is not required when operating on private property with the permission from the property owner. Operators of a Mobile Business Unit operating on private property or part of a city festival must provide the City Clerk with a copy of all necessary permits or licenses issued to the applicant by state or local authorities required by the State or County.

Subd. 4. APPLICATION FOR PERMIT.

- A.** The application shall be submitted to City Clerk at least 20 days before the date of desired issuance to provide adequate time for review. The City Council shall act upon a Mobile Business Unit permit application 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. The applicant's present residence address, telephone numbers and mailing address, if different. If the applicant is a corporation, LLC, or partnership, the name and contact information of the primary operator to be responsible for the Mobile Business Unit.
 - 2.** A description of the product and/or service offered for sale.
 - 3.** A five-year history of the applicant's felony, gross misdemeanor or misdemeanor convictions. As well as a listing of any criminal charges currently pending against the applicant.
 - 4.** A copy of all permits or licenses issued to the applicant by state or local authorities required by the State or County.
 - 5.** A certificate of insurance. (See Subdivision 6. Insurance)
 - 6.** A signed statement that the applicant will defend, indemnify, and hold the city harmless from any and all claims for damage to property or injury to persons which might result or arise out of the applicant's operation of a mobile business unit as permitted by this chapter.

Subd. 5. MOBILE BUSINESS UNIT REGULATIONS.

- A. Parking.** A Mobile Business Unit must be located on a paved surface. A mobile business unit may not operate in a traffic lane, on a sidewalk, or in any location which causes an obstruction of traffic, such as queuing of patrons, or advancement of vehicles. No parking or sales shall take place with 60 feet of an intersection of two or more streets, nor within 30 feet of a private driveway or public alley that accesses a public street.
 - 1.** A mobile business unit shall not vend within 150 feet of the property line of an established business with similar sales/services unless permission from the establishment is granted.

2. A mobile business unit shall maintain a separation distance of at least 10 feet from the closest point of the mobile business unit to any building, structure, vehicle, fire hydrant, and any combustible materials. A clear lane of a minimum of 10 feet shall be maintained on any side of a parked and operating mobile business unit adjacent to a street or fire apparatus access road to allow passage of an emergency vehicle.
 3. A mobile business unit must comply with all posted parking restrictions.
 4. A mobile business unit shall only vend while lawfully stopped.
 5. A mobile business unit shall not vend in a residential zone, unless on private property with the permission of the owner.
- B. Hours of Operation.** A mobile Business Unit may operate between the hours of 7:00 AM to 8:00 PM, unless otherwise provided by the Council. Mobile Business Units shall not be left unattended nor remain parked outside of these allowed hours of operation.
1. Mobile business units are strictly prohibited from vending during the duration of an approved community festival or event unless specifically authorized by the event organizer to participate.
 2. Mobile business units shall reserve their location for their hours of operation by contacting City Hall.
- C. Self-Containment.** Mobile Business Units must provide their own water and electricity. Any generators must be self-contained. There shall be no power cable, cord, equipment, or any utility hose extending from the mobile business unit.
- D. Waste Disposal.** Mobile Business Units shall provide waste disposal and clean up all litter and garbage generated by the unit or patrons. All waste liquids, garbage, litter and refuse shall be kept in leak proof, nonabsorbent containers which shall be kept covered with tight-fitting covers and properly disposed of. No waste liquids, garbage, litter or refuse shall be dumped or drained into sidewalks, streets, gutters, drains, trash receptacles, or any other place other than the mobile business unit. The garbage receptacle shall be easily accessible for customer use. The permittee shall be responsible for all litter and garbage left by customers.
- E. Advertising.** Calling attention to the mobile business unit or items to be sold by means of blowing any horn or whistle, ringing any bell, crying out, or using any outside sound amplifying equipment, televisions or similar visual entertainment devices is strictly prohibited. One "A" frame sign, not exceeding 12 square feet per side is permitted during operation, not to impede on vehicular or pedestrian traffic.
- F. Seating.** Mobile business units may not provide external seating to its patrons.

G. Mobile Business Unit Conditions. All mobile business units shall be kept in good repair and order and shall have a neat appearance.

Subd. 6. INSURANCE. A mobile business unit 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 mobile business unit 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 mobile business unit 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 annual fee located in the fee schedule.

Subd. 8. PERMIT SUSPENSION AND REVOCATION.

- A.** 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 Mobile Business Unit permit
 - 2.** Violated any provision of chapter 6.39
 - 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.
- B.** 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.
- C.** 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 21st day of September 2022

BY: _____
David Friese
Mayor

ATTEST:

BY: _____
Elizabeth Howard
City Administrator

Published in the News Record on the _____ day of _____, 2022.