

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AMENDING CHAPTER 14 – BUSINESSES AND BUSINESS REGULATIONS, ARTICLE IX. – PEDDLERS, SOLICITORS AND MOBILE FOOD VENDORS, RELATING TO MOBILE FOOD VENDORS.

WHEREAS, the popularity of food trucks and other mobile food preparation and vending equipment has increased;

WHEREAS, the City Council wishes to accommodate its residents and businesses who may wish to utilize mobile food vending equipment; and,

WHEREAS, the proposed regulations balance the interests of the City, residents, and businesses, while ensuring the proper use of streets, sidewalks and City property as well as compliance with health and safety standards.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AS FOLLOWS:

Section I. Division 3. of Chapter 14 – Businesses and business regulations, Article IX. – Peddlers, solicitors and mobile food vendors of the Code is hereby renamed from “Mobile Vendors” to “Mobile Vendors – ice, cream, milk, butter, tea, coffee.”

Section II. Sec. 14-500. – Food Trucks. of the Code is hereby repealed in its entirety.

Section III. A new Division 4 is hereby added to Chapter 14 – Businesses and business regulations, Article IX. – Peddlers, solicitors and mobile food vendors, as follows:

DIVISION 4. - MOBILE FOOD VENDORS

Sec. 14-500. - Applicability of division.

This division shall not apply to vendors of ice, cream, milk, butter, tea or coffee, which are regulated pursuant to Chapter 14, Article IX, Division 3.

Sec. 14-501. – Definitions

The following words, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Mobile food vendors means persons or business entities operating mobile food units or pushcarts engaged in the business of cooking, preparing and distributing food or beverage with or without charge upon or in public and private restricted spaces.

Mobile food unit means an enclosed vehicle-mounted food establishment that is designed to be readily movable and from which food is composed, compounded, processed, or prepared.

Pushcart means a non-self-propelled vehicle designed to be readily movable which is limited to the serving of non-potentially hazardous food maintained at proper temperatures or limited to the assembling and serving of frankfurters. Unpackaged non-potentially hazardous food items approved for sale from a pushcart shall be limited to popcorn, nuts, produce, pretzels and similar bakery products, shaved ice, and snow cones.

Restaurant means any establishment with a permanent location in the City of Maplewood where food or beverage of any kind is sold for consumption on the premises, in motor vehicles parked on the premises, or in any place on the premises outside the building where the food or beverage is prepared, excluding churches, schools, daycares and retirement homes.

Sec. 14-502. – Mobile Food Vendor Permits

- (a) No mobile food vendor shall operate a mobile food unit or pushcart in the city without having a valid mobile food vendor permit issued by the city clerk under the provisions of this division.
- (b) Any permit issued under this division shall be nontransferable and unassignable.
- (c) All catering, public use, and special use permits issued pursuant to this division shall be for single day use only. All festival use permits issued pursuant to this division shall be issued for the duration of the event, but may not exceed 3 consecutive days.
- (d) The issuance of a mobile food vendor permit does not grant or entitle the mobile food vendor to the exclusive use of any street. A predetermined and City-approved location will be stated on the permit and a temporary no parking sign will be provided by the City if located on public property.
- (e) The appropriate permit must be requested and obtained from the following four (4) options:
 - (1) Catering Permit shall be issued for the purpose of catering to a private event that is not open to the general public. Mobile food vendors obtaining a catering permit shall not sell, vend, or serve members of the public or any person not participating in the private event. Payment for goods must be made to the mobile food vendor by the sponsor of the private event, as in the case of typical catering services; no payments may be collected by or on behalf of the vendor from consumers. There is no fee for a catering permit.
 - (2) Public Use Permit shall be issued for a fee of sixty dollars (\$60) for the purpose of selling to the general public in the Light Manufacturing Zoning District and the Sunnen Business Park PUD only.
 - (3) Special Use Permit shall be issued for a fee of sixty dollars (\$60) for the purpose of selling to the general public inside of the 7100 block of Manchester and shall not be issued for use on any date coinciding with any fair, festival, special event or civic event that has been approved by the City. The City shall issue no more than eleven (11) special use permits per calendar year and no more than two (2) special use permits in a single month.
 - (4) Festival Use Permit shall be issued for a fee of sixty dollars (\$60) for the purpose of selling to the general public as part of any fair, festival, special event, or civic event that has been approved by the City. If the mobile food vendor requesting a permit also operates as a Restaurant in the City, then the fee

associated with obtaining a festival use permit shall be waived by the City. Only vendors who have been approved by the organizers of the fair, festival, special event, or civic event are eligible to request a festival use permit. The City shall issue no more than eleven (11) festival use permits per calendar year and no more than two (2) festival use permits per day. The Maplewood Richmond Heights School District shall not be subject to the limits set forth in the foregoing sentence, provided, however, that no more than eleven (11) festival use permits per calendar year and no more than two (2) festival use permits per day shall be issued for events sponsored by the Maplewood Richmond Heights School District and that such events are held on school property or in a public park.

- (f) The city clerk shall have the authority to make, amend, revoke and enforce rules and regulations governing the application for and issuance of permits.

Sec. 14-503. – Business License - When Required.

- (a) Any person or entity desiring to obtain a mobile food vendor permit for public use, special use, or festival use must procure from the city clerk a business license in accordance with Chapter 14. The issuance of such a business license shall be subject to the following additional requirements:
 - (1) the mobile food vendor must acquire and provide copies of a current and valid mobile food establishment or pushcart permit issued by St. Louis County Department of Public Health.
 - (2) the mobile food vendor must provide to the city clerk proof of an automobile insurance policy, in the amount of no less than fifty thousand dollars/one hundred thousand dollars/ten thousand dollars (\$50,000/\$100,000/\$10,000) issued by an insurance company licensed to do business in the State, covering all claims for damages to property and bodily injury, including death, which may arise from operation under or in connection with the license or permit. Such insurance shall name the city as an additional insured and shall provide that the policy shall not terminate or be cancelled prior to the expiration date without thirty (30) days' advance written notice to the City.
- (b) Any person or entity desiring to obtain a catering permit is not required to procure from the city clerk a business license in accordance with Chapter 14 but shall be subject to the requirements set forth in subsection (a)(1) and (2) of this section.

Section 14-504. – Regulations.

Any person or entity operating as a mobile food vendor is required to comply with the following regulations:

- (a) Mobile food vendors shall display the permit issued by the City pursuant to Sec. 14-502 on the mobile food unit or pushcart in a prominent location that is visible to the public;
- (b) Mobile food vendors shall only sell food and beverages and the sale of alcohol and/or beer is prohibited. Beverages shall be dispensed in cans or paper/plastic cups and shall not be glass or Styrofoam;

- (c) Mobile food vendors shall comply with all federal, state, and local regulations pertaining to the quality of food and beverage products offered for sale;
- (d) Mobile food vendors shall comply with all applicable federal, state, and local laws, rules and regulations, including, without limitation, applicable provisions of the Maplewood Zoning Code and all applicable St. Louis County regulations;
- (e) Operation as a mobile food vendor business (cooking, sales, distribution) shall take place within a mobile food unit and/or through a vending window or directly from a pushcart;
- (f) BBQ pits, canopies, and indoor seating inside mobile food units are not allowed; mobile food vendors may utilize outside seating consisting of one portable table with a maximum seating capacity of four;
- (g) Signage shall be contained to the surface of the mobile food unit or pushcart;
- (h) Mobile food vendors shall provide a trash receptacle with a self-closing lid for use by patrons. All items, containers, debris, litter, and garbage incidental to the operation of the mobile food units or pushcarts shall be collected and disposed of by the mobile food vendor and no trash produced by a mobile food vendor or its patrons shall be placed in or beside any public or private trash container, unless owned by vendor or with written consent of property owner. Trash shall not be disposed of in any drain along the streets and sidewalks. The cleanliness of the area of operation shall be the sole responsibility of the mobile food vendor;
- (i) All lights on mobile food units or pushcarts (other than headlights which may not be used once parked) or otherwise used by mobile food vendor shall be designed so that the light source is shielded with an opaque material and is not directed at adjacent businesses or residences;
- (j) Mobile food units shall be parked in conformance with all applicable parking restrictions when parked on public streets;
- (k) Mobile food units shall not, under any circumstances, stop, stand or park a vehicle upon any street during the hours when parking, stopping or standing has been prohibited by signs or curb markings or is prohibited by statute or ordinance;
- (l) Mobile food vendors shall not in any way restrict or interfere with the ingress or egress of the abutting property owner or tenant or otherwise hinder the lawful parking or operation of other vehicles;
- (m) Mobile food vendors shall not increase traffic congestion or delay, or constitute a hazard to traffic, life or property, or an obstruction to adequate access to fire, police or sanitation vehicles;
- (n) Mobile food vendors shall not stop, stand or park upon any street, or permit the vehicle to remain in the roadway except when at the curb for the purpose of vending therefrom;
- (o) Mobile food vendors shall not operate on private property without first obtaining written consent from the property owner. A private property owner shall not permit parking of a mobile food vendor operation until a permit has been granted by the City and that permit is in effect. Overnight parking is prohibited;

- (p) Any power or fuel required for the mobile food unit or pushcart shall be self-contained, and a mobile food vendor shall not use utilities drawn from the public right-of-way;
- (q) When parked on a thoroughfare mobile food vendors shall not operate within:
 - (1) Fifteen (15) feet of any entranceway to any building;
 - (2) Fifteen (15) feet of any driveway entrance to a police or fire station;
 - (3) One hundred (100) feet of a crosswalk or intersection;
 - (4) Fifty (50) feet of any bus stop sign;
- (r) Mobile food vendors shall not operate within five hundred (500) feet of an existing Restaurant located in the city limits of the City of Maplewood, unless operating pursuant to a catering permit or festival use permit.;
- (s) Mobile food vendors shall comply with the Maplewood Noise Code;
- (t) Mobile food vendors shall not operate between the hours of 11:00 p.m. and 6:00 a.m.;
- (u) Mobile food vendors shall not store their mobile food units, pushcarts, or any other equipment outdoors overnight on any property within the City other than on property owned by the vendor of the mobile food unit or pushcart on which such vendor operates a Restaurant.

Section 14-505. – Enforcement.

- (a) Any owner, manager, and/or operator operating as a mobile food vendor in violation of any provision of this Division shall be subject to all other enforcement provisions of this Code.
- (b) The owner, manager, and/or operator of a mobile food vendor that is in violation of this Division shall be punishable by a fine of not less than one hundred dollars (\$100) for the first (1st) offense and not less than two hundred fifty dollars (\$250) for the second (2nd) and subsequent violations, which fines shall be recovered for the use of the City of Maplewood. Each day that such unlawful act or violation continues shall be considered a separate offense. In addition, the City may seek recovery costs of any other legal and equitable remedies as may be available to the city.

Section 14-506. – Denial or Revocation of Mobile Food Vendor Permit.

- (a) In addition to any penalties generally applicable to the violation of provisions of this Code, any mobile food vendor permit issued pursuant to this Division may be revoked by the city clerk for failure to comply with the provisions of this Division and any rules or regulations promulgated by the City.
- (b) Any mobile food vendor who has violated this Division may be permanently prohibited from obtaining a mobile food vendor permit after one (1) violation, but shall be permanently prohibited from obtaining mobile food vendor permit after three (3) violations.
- (c) Any person aggrieved by the decision of the city clerk to revoke a mobile food vendor permit or permanently prohibit such mobile food vendor from obtaining a mobile food vendor permit shall have the right to appeal to the city council. Such appeal shall be taken

by filing with the city council a written statement fully setting forth grounds for the appeal within fourteen (14) days after notice of the revocation or permanent prohibition has been provided in person or mailed to the mobile food vendor's last-known address, as shown in the City's mobile food vendor or licensing records. The city council shall set a hearing to consider the question of the suspension. At least ten (10) days prior to the date of the hearing, a written notice shall be mailed to the mobile food vendor at his/her last known address in the as shown in the City's mobile food vendor or licensing records advising the appellant of the date, time, and place of the hearing. At the hearing set by the city council, the appellant shall have an opportunity to be heard by the city council and the city council shall consider all evidence relevant to the grounds for the revocation and/or prohibition. The city council shall have the authority to overturn the prohibition upon the affirmative vote of a majority of the council. The decision and order of the city council on such appeal shall be final and conclusive.

Section III. It is hereby declared to be the intention of the City Council that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the City Council intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect.

Section IV. This ordinance will become effective 30 days after the voters of the City of Maplewood pass a ballot measure that authorizes the permit fees laid out in this ordinance.

Passed this 10th day of January, 2023

Shawn Faulkingham, Deputy Mayor

Attest:

Karen Scheidt, City Clerk

Approved this 10th day of January, 2023

Shawn Faulkingham, Deputy Mayor

Attest:

Karen Scheidt, City Clerk