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LE MARS FIRE - RESCUE DEPARTMENT

EMERGENCY SERVICES

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MOBILE FOOD TRUCK / BOOTH REQUIREMENTS

INSPECTIONS

All mobile food trucks or booths where cooking operations occur will be inspected prior to opening to the public. This includes carnivals, fairs, festivals and other public events. The Le Mars Fire-Rescue Department will schedule the inspection. There are no fees associated with the fire inspection; however, violations must be corrected before the food truck or booth is authorized for business.

FIRE EXTINGUISHERS

1. Fire Extinguishers are required in all mobile food trucks or booths.
2. Vendors shall have a minimum of one 2A:10BC portable fire extinguisher, mounted in a visible and easily accessible location within the kitchen area.
3. All mobile food vendors who utilize deep fat fryers shall also have a Class "K" portable fire extinguisher for up to four (4) fryers having a maximum cooking capacity of 80 pounds each. For every additional group of four (4) fryers, an additional Class "K" portable fire extinguisher is required.
4. Carnivals with mobile generator(s) shall have a current 3A:40BC extinguisher outside of the generator(s) in addition to the other fire extinguishers.
5. All portable fire extinguishers shall have a current inspection tag, be fully charged, and mounted properly.

TYPE I COOKING HOODS (if applicable)

1. Hood shall be clean and all filters in place.
2. Hood suppression system must be inspected and tagged within the past year.

BAFFLES AND CLOSURES

1. All deep-fat fryers shall have a steel baffle between the fryer and surface flames of any adjacent appliances. The baffle shall be no less than 8 inches in height.
2. A positive closing lid shall be required on the fryers with latching mechanisms that secure it in the open or closed positions. EXCEPTION: Fryers installed under a Type 1 Hood with fire suppression system.

LIQUIFIED PETROLEUM GAS (LPG)

1. LPG containers shall be located and secured on the exterior of the mobile food booth, open to the atmosphere, or, if containers are kept in a compartment, said compartment must be separate from the interior food preparation area. Access to the compartment must be from the exterior of the unit, and compartment floor and exterior door must be vented to the atmosphere.
2. All mobile food trucks or booths with propane shall post a "NO SMOKING" sign next to or directly above the propane bottle and visible to the public. Such sign shall be posted with a minimum of 4 inch lettering.
3. Any hose used to pipe LPG to a device shall be UL or FM listed specifically for LPG service. All couplings, fittings, and any other device shall meet requirements for LPG as outlined in the International Gas Code, NFPA 54 and NFPA 58, or be deemed unapproved and removed from service.
4. LPG tanks shall be located outside the mobile food truck a minimum of 3 feet from the primary means of egress.

EMERGENCY EGRESS

1. Mobile food trucks and booths shall have a clear, unobstructed height over the aisle-way portion of the unit at least 74 inches from floor to ceiling and a minimum of 30 inches of unobstructed horizontal aisle space.
2. Should travel distance from any portion of the interior exceed 10 feet, the mobile food truck or booth shall have a minimum of two exits located remote from each other and so arranged as to provide a means of unobstructed travel to the outside of the booth.
3. The latch mechanism of any exit shall be openable by hand and shall not require the use of a key or special knowledge for operation from the inside. The Secondary exit shall be labeled with the word "EXIT" with a 2-inch minimum letters on contrasting background.

GENERATOR REFUELING

1. The refueling of generators shall be performed in an approved location not less than 20 feet from the mobile food booth.
2. Fuel shall be stored in a UL or FM approved metal flammable liquid safety container in an approved location. Generators shall not be refueled in areas occupied by the public.
3. Generators shall be grounded in an approved method.

EXTENSION CORDS

1. Extension cords shall be grounded, in good condition and free of damage or splices.
2. Total amperage should not exceed that for which the extension cord is designed for.
3. Extension cords shall not extend across aisles or paths of egress that may become a tripping hazard. (EXCEPTION): Cords that are protected by cable covers or other approved manner.

ORDINANCE NO.

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LE MARS, IOWA, BY ADDING A NEW CHAPTER REGULATING MOBILE FOOD VENDORS.

BE IT ENACTED by the City Council of the City of Le Mars, Iowa:

SECTION 1. NEW CHAPTER. The Code of Ordinances of the City of Le Mars, Iowa, is amended by adding a new Chapter 126, entitled MOBILE FOOD VENDORS, which is hereby adopted to read as follows:

MOBILE FOOD VENDORS

126.01 DEFINITIONS

1. "Mobile Food Vendor" means a person engaged in the business of selling food or beverages from a mobile food unit (self-contained motorized vehicle, trailer or pushcart).

126.02 PERMIT REQUIRED. It shall be unlawful for any person to engage in the sale of food or beverages to the public from a temporary or mobile facility on public property within the corporate limits of the City without first obtaining a mobile food unit permit from the City, in addition to any other State or federal permits, certifications and licenses. A mobile food unit permit by the City shall be subject to the following:

1. A mobile food unit permit may be an annual permit that expires on December 31 of each year or a single use permit.
2. Each mobile food unit shall be permitted separately. No permit transfer between units is allowed.
3. Permits are location specific. Multiple locations will require additional permits.
4. Each mobile food unit shall comply with State of Iowa requirements for health inspections, licensing, safety and fire code requirements and display its licensing in full view of the public in or on the unit.
5. The following shall be exempt from this requirement:
 - A. Vendors granted permission in conjunction with a community permitted special event.

126.03 PERMIT APPLICATION.

1. Filing. Application requests shall be filed with the City Code Enforcement Officer. No application request shall be accepted for filing and processing unless it conforms to the requirements of this chapter. This would include a complete and true application, all of the required materials and information prescribed, and is accompanied by the required fees.

2. **Timely Submittal.** Unless otherwise provided herein, applications must be submitted not less than ten (10) calendar days prior to the proposed start date of the mobile food unit activities. The City reserves the right to reject any application that has not been timely submitted to the City.
3. **Application Contents.** Application shall be made on a form provided by the City and shall include:
 - A. Full name of the applicant.
 - B. Applicant's contact information including mailing address, phone numbers and e-mail address.
 - C. State health inspection certificate with the classification level of the state license.
 - D. Photographs of the mobile food unit from the front, side and back.
 - E. Make, model and year of vehicle to be used and the license plate number.
4. **Right to Appeal.** Any applicant whose application for a permit was disapproved may appeal to the City Council at its next regularly scheduled meeting by filing with the City Clerk or the City Clerk's designee a written request for an appeal to the City Council at least seven (7) days prior to the meeting. As a result of this appeal, the City Council may affirm, modify or reverse the decision of the City Code Enforcement Officer not to issue the permit. If the application for a permit is denied, the applicant is not eligible for the issuance of a permit under this chapter for a period of one year from the date of notification that the permit application was disapproved, was served in person or deposited in U.S. mail.
5. **Application Deemed Withdrawn.** Any application received shall be deemed withdrawn if it has been held in abeyance, awaiting the submittal of additional requested information from the applicant, and if the applicant has not communicated in writing with the City and made reasonable progress within thirty (30) days from the last notification from the City to the applicant. The application fee is nonrefundable. Any application deemed withdrawn shall require submission of a new application and fees to begin a new review and approval process.
6. **Issuance of Permit.** Upon completion of the review process and a determination of compliance with the applicable regulations, the City Code Enforcement Officer may issue a mobile food unit permit.

126.04 LOCATIONS. A mobile food unit may be parked on public property or street as approved in the permit application or as part of a City approved event. Mobile units are prohibited from parking within seventy-five (75) feet of the main entrance of an establishment that sells prepared food (this only applies from one (1) hour before the establishment's opening to one (1) hour after closing) without approval from the food establishment owner.

126.05 PERFORMANCE STANDARDS. Persons conducting business from a mobile food unit must do so in compliance with the following standards:

1. The mobile food vendor must obtain a Mobile Food Unit permit from the City if on public property. The permit must be kept in full view of the public in or on the

unit. Written consent does not excuse or permit the violation of any other imposable regulations.

2. Mobile food units that are within three (300) feet of a residential use or residentially zoned property, shall be limited to hours of operation between 7:00 a.m. and 10:00 p.m.
3. Mobile food units shall serve patrons which are on foot only; no drive-up service to the unit itself shall be provided or allowed.
4. All mobile food units shall maintain a minimum separation from buildings of ten (10) feet as measured to the closest building element including awnings or canopies, tents or membrane structures. Location of the mobile food unit shall not impede pedestrians entering or exiting a building.
5. The window or area where a patron orders and receives their purchase shall be located so as not to require a patron to stand, or create a line that may cause pedestrians to be in the public right-of-way, vehicle travel lane, including parking lot drive aisles, or similar situation that may create a potential safety hazard. Adequate space for patrons waiting for their order must be available on the property where the mobile food unit is located.
6. Signs are limited to those that are attached to the exterior of the mobile unit and must be mounted flat against the unit and not projects more than six (6) inches from the exterior of the unit. No freestanding signs, banners, flags, or similar items are allowed. Off premises signs directing patrons to the mobile food unit are prohibited.
7. During business hours, the mobile food vendor shall provide a trash receptacle for use by customers and shall keep the area around the mobile food unit clear of litter and debris at all times.
8. All mobile food units shall be located in such a manner as to not create a safety hazard, such as blocking emergency access to buildings and the site, obstructing access to fire hydrants, impeding entering and exiting from a building, creating a visual impediment for the motoring public at drive entrances, intersections, pedestrian crossings, or similar movement and access.

126.06 PERMIT FEES. At the time of the submittal of a permit application, the applicant shall pay to the City the applicable permit fee. The fee schedule will be set by resolution and may be modified from time to time with approval by resolution of the City Council.

126.07 SUSPENSION OR REVOCATION OF PERMIT. Any permit issued under the Provisions of this chapter may be suspended or revoked by the City as follows:

1. Grounds. The City may suspend or revoke any permit issued under this chapter, for any of, but not limited to, the following reasons:
 - A. The permit holder has made fraudulent statements in his/her application for the permit or in the conduct of his/her business.
 - B. The permit holder has violated this chapter or any other chapter of this Code or has otherwise conducted his/her business in an unlawful manner.
 - C. The permit holder has conducted his/her business in such a manner as to endanger the public welfare, safety, order, or morals.

D. The City has received and investigated three (3) or more found complaints during the permitted period related to the manner in which the permit holder is conducting business.

2. Notice of Suspension or Renovation; Right of Appeal. The City shall cause notice of the permit revocation to be served in person by a City official or by mail to the permit holder's local address, which notice shall specify the reason(s) for such action, at which time operations of the permit holder must cease within the corporate limits of the City. The permit holder may appeal the revocation of the permit to the City Council at its next regularly scheduled meeting by filing with the City Clerk or the City Clerk's designee a written request for an appeal to the City Council at least seven (7) days prior to the meeting. The City Council may affirm, modify or reverse the decision to revoke the permit. If the permit is revoked, no refund of any permit fee paid shall be made. Upon the revocation of a permit, the permit holder is not eligible for the issuance of a new permit under this chapter for a period of one (1) year from the date the permit revocation is served in person or deposited in the U.S. mail.

All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law and shall be effective _____, 2020

PASSED AND APPROVED this _____ day of _____ 2020.

ATTEST:

Dick Kirchoff, Mayor

Beverly Langel, City Clerk

CLERK'S CERTIFICATE

STATE OF IOWA)
 * ss:
PLYMOUTH COUNTY)

I, Beverly Langel, City Clerk of the City of Le Mars, Iowa certify that the foregoing Ordinance was passed by a duly constituted quorum of the City Council of the City of Le Mars, Iowa, meeting in regular session on the _____ day of _____, 2020 and that said Ordinance was published in the official City newspaper, the Le Mars Daily Sentinel, in its issue date this _____ day of _____, 2020.

Beverly Langel, City Clerk

SEAL

First Reading: _____
Second Reading: _____
Third Reading: _____