

ORDINANCE No. 528

AN ORDINANCE AMENDING TITLE 8 OF THE 2020 REVISED ORDINANCES OF THE CITY OF HILLSBORO.

Be it ordained by the City Commission of the City of Hillsboro, State of North Dakota:

Chapter 8.10 of Title 8 of the 2020 Revised Ordinances of the City of Hillsboro is hereby adopted to read as follows:

CHAPTER 8.10

MOBILE FOOD TRUCK

SECTIONS:

- 8.1001 Definitions
- 8.1002 Licenses
- 8.1003 Health and Safety Regulations
- 8.1004 Maintenance Regulations
- 8.1005 Noise Regulations
- 8.1006 Parking and Traffic Regulations
- 8.1007 General Regulations

8.1001. Definitions

For purposes of this Chapter., a "mobile food truck" is defined as a licensed mobile food unit, as licensed and defined by the North Dakota Department of Health (NDDOH).

8.1002. Licenses

1. No person may set up or operate a mobile food truck without first obtaining a license and meeting the requirements and conditions laid out in this Chapter. The City Auditor is authorized to issue a license for a mobile food truck. This license may only be obtained if the NDDOH has licensed the food truck.
2. Licenses are issued annually and are only valid for a twelve-month period. All licenses shall expire on December 31 of each year regardless of when a person obtains a license. License fees shall be set by the City Commission via resolution.
3. Any person having information that the mobile food truck license holder has violated any provisions of this Chapter may submit a complaint to the City Commission, City Auditor, or other City agent setting forth such violation.
4. Any violations of this Chapter shall be subject to the removal of the mobile food truck license for the remainder of the license issuance period, a ticket for \$1,000, or both a license revocation and a ticket.
5. The City retains the ability to immediately revoke the food truck license for any act or the failure to do any act which creates a public nuisance or for any cause deemed by the City Commission to be sufficient cause and justified by reason of public health or public morals.

8.1003. Health and Safety Regulations.

1. License holders for mobile food trucks and their employees shall comply with all NDDOH and other applicable regulatory agency requirements, including, but not limited to, the requirements for food

service. The license holder shall display in a conspicuous location all such required licenses and/or licenses and shall provide copies of those licenses and/or licenses to the City prior to issuance of a license for a food truck by the City. The license holder shall continuously maintain the required approvals, licenses and/or licenses and provide evidence to the City of the continuous maintenance of them.

2. The license holder shall obtain and display a certificate of insurance from a company licensed to do business in North Dakota, evidencing that the license holder has general liability insurance policies in effect with limits of at least \$250,000 per individual and \$1,000,000 per occurrence.
3. At the time of application, all license applicants must provide a copy of a notarized statement signed by the applicant holding the City harmless against claims and litigation for issuing a license.
4. Food trucks must be a dedicated truck for this purpose and must be approved by the NDDOH.
5. The license holder shall provide with their application the number of vehicles they intend to operate as a food truck, a description of all food trucks they intend to operate, license plate information for each food truck, VIN for each food truck, proof of insurance coverage for each food truck, and proof of fire and safety inspection for each food truck.
6. A separate application and fee is required for each food truck applied for by the applicant.
7. If anything changes, the license holder shall deliver updated and current information to the Auditor.

8.1004. Maintenance Regulations.

1. The license holder shall provide proper containers or some other means for the collection of waste and trash from the food truck. The license holder shall keep the immediate area around the food truck and the food truck clean of garbage, trash, paper, cups, cans or litter associated with the operation of the food truck. All waste and trash shall be properly disposed of by the license holder.
2. The license holder is responsible to remove any garbage, spills, or stains or repair any damage to the designated area resulting from operations of the food truck.
3. The license holder shall be responsible for the maintenance, upkeep and security of the food truck.
4. The food truck must be kept in good operating condition, with no rust or peeling paint.
5. Advertising decals are limited to the name of the licensed vendor, the types of food for sale, and the price lists of those items.

8.1005. Noise Regulations.

1. The license holder shall comply with all noise regulations set forth in the ordinances.
2. The license holder shall not have on the premises any bell, siren, horn, loudspeaker or any similar device to attract the attention of possible customers nor shall the license holder use any such device to attract attention.

8.1006. Parking and Traffic Regulations.

1. A food truck may not utilize a drive through window.
2. A food truck may not park on a sidewalk or other City right of way without prior approval from the City Commission or its authorized agent.

3. A food truck or its customers may not interfere with public access to adjacent parking stalls or to driveways or entrances of existing buildings or uses.
4. A food truck must locate the vending window to ensure pedestrian safety and may not make sales to anyone within a roadway.
5. Customers may not use the right-of-way or any City landscaped area for queueing without prior approval from the City Commission or its authorized agent.
6. A food truck may not operate in a congested area where such operation might impede or inconvenience the public use of such streets or public rights of way. For the purpose of this item, the judgment of a police officer or license inspector, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced.
7. A food truck must obey all state and local parking and traffic regulation.
8. Written approval must be granted by the owner or tenant of any property which a food truck wishes to park on prior to parking. Written approval shall contain the approved dates, locations, and whether the property may be used as a storage area for the food truck. The written approval shall be kept in the food truck and provided upon the request of the City Commission, its designated agent, or the appropriate policing authority.
9. A food truck must be parked at least 200 feet from any entrance of a restaurant, unless written approval is obtained from the restaurant operator; 5 feet from a driveway, ADA ramp, emergency call box, building entrance or utility box; and 15 feet from a fire hydrant.

8.1007. General Regulations.

1. A food truck may not be left unattended.
2. All power must be self-contained, or the food truck must have written approval by the property owner to hook up to power in a safe manner.
3. A food truck must be moved from its operating location and parked in a storage area each night unless written approval is obtained from the property owner for their property to serve as a storage area.
4. A food truck must provide portable lighting adequate to illuminate the vicinity of the mobile food truck for any nighttime operations.
5. A food truck may place chairs, tables, umbrellas, etc. on the private lot, as long as they do not impede parking and traffic. All items must be removed at the end of the operations of the food truck each day.
6. A six square foot menu board may be placed on the sidewalk directly in front of the food truck. Said menu board may not impede required ADA spacing.
7. A food truck may only be parked in the following zones, subject to all regulations in this section: I: Industrial; C-1: Commercial; and C-2: Highway Commercial District. All other zones require prior approval from the City Commission or its authorized agent.
8. A food truck may only operate between the hours of 7:00 a.m. to 10:00 p.m. unless prior approval for alternative hours is given by the City Commission or its authorized agent. A 30-minute allowance for set-up and tear-down is allowed. The food truck must be kept in a storage area when it is not in operation.

9. Furniture, canopies, fencing and/or other accessories used for the food truck shall be located so that a minimum clearance required by the Building Code or the Americans with Disabilities Act, whichever is more restrictive, shall be provided at all times.
10. All food trucks must comply with state and local sales tax regulations. At the request of the City, food truck licensees shall provide adequate proof of compliance with the collection and remittance of applicable sales taxes.

Terry Sando

Terry Sando, President of Board of City Commissioners

ATTEST:

Ashley Frederick

Ashley Frederick, City Auditor

First Reading Date: January 18, 2022

Second and Final Reading: February 7, 2022