

RECREATION, LIBRARIES AND AUTHORITIES COMMITTEE

13-074-O

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS 27-6, 27-17, 27-18, 27-21
AND 27-23 OF THE DULUTH CITY CODE, 1959, AS AMENDED,
RELATED TO PEDDLERS AND MOBILE FOOD CARTS AND VEHICLES.

BY COUNCILOR LARSON:

The city of Duluth does ordain:

Section 1. That Section 27-6 of the Duluth City Code, 1959, as amended,
is hereby amended as follows:

Sec. 27-6. License--required.

No person within the city shall engage in or carry on the
business of peddler without first obtaining a license to carry on
such business. Said license is not required for operations
occurring entirely within a permitted Community Event pursuant to
Section 45-49.

Section 2. That Section 27-17 of the Duluth City Code, 1959, as amended,
is hereby amended as follows:

Sec. 27-17. License--required.

(a) No person or business shall operate a mobile food cart
or mobile food vehicle within the city without a license. Said
license is in lieu of the peddler license required pursuant to
Section 27-6. Mobile Food Cart and Mobile Food Vehicle licenses are
not required for operations occurring entirely within a permitted
Community Event pursuant to Section 45-49;

(b) The city may require such information on the license
application as city staff deem reasonable and necessary, including
but not limited to, the following information:

- (1) Trade name;
- (2) Name, mailing address, email address, and
telephone numbers of applicant and manager;
- (3) Name and contact information of commercial food

supply sources;

(4) Proof of applicable licenses or permits required by the state of Minnesota, St. Louis County, or this Code;

(5) Brief physical description of the mobile food cart or mobile food vehicle, which may include physical layout plan and dimensions, photographs, equipment types, manufacturer and model numbers, axle weight, license plate numbers, and vehicle identification numbers;

(6) Information regarding water supply, fuel supply, and waste disposal.

Section 3. That Section 27-18 of the Duluth City Code, 1959, as amended, is hereby amended as follows:

Sec. 27-18. Same--fees.

License applications under this Article shall be submitted to the city clerk with the designated license fee, said fee shall be set by city council resolution in accordance with Section 31-6(a) of this Code. Said fee is in lieu of the peddler license fee required pursuant to Section 27-8. Licenses shall be issued for a period of 12 months. Licenses are non-transferable.

Section 4. That Section 27-21 of the Duluth City Code, 1959, as amended, is hereby amended as follows:

Sec. 27-21. Same--insurance required.

(a) Motorized Mobile Food Vehicle. Before any license under this Article becomes effective, the licensee must possess an automobile commercial general liability insurance policy for its ~~mobile food cart and mobile food vehicle,~~ if motorized, ~~operations in an~~ with coverage amounts not less than \$250,000~~\$100,000~~ per ~~individual person~~ for bodily injury, \$500,000 per ~~accident for bodily injury~~single incident, and \$100,000

for property damage ~~occurring in any year,~~.

- (b) Mobile Food Vehicle and Mobile Food Cart. Before any license under this Article becomes effective, the Licensee shall possess a commercial general liability insurance policy for its Mobile Food Cart and Mobile Food Vehicle operations in coverage amounts not less than \$300,000 per occurrence and \$600,000 aggregate, with an signed endorsement satisfactory to the city attorney. Licensee shall name and maintain the city of Duluth as an additional insured on the insurance policy.

Section 5. That Section 27-23 of the Duluth City Code, 1959, as amended, is hereby amended as follows:

Sec. 27-23. Same--denial, revocation and suspension.

Before any license is issued to any person by the city clerk, the application shall first be submitted to the chief administrative officer for his approval or denial. License applications and current licenses may be denied, revoked, or suspended for good cause. The city shall mail written notice describing the reasons for denial, revocation, or suspension of a license covered by this Article. The licensee may then demand a hearing before the city council by delivering a written demand to the city clerk within ten business days after the notice of denial, revocation or suspension is mailed. Such appeal shall be heard at the first regularly scheduled meeting of the city council thereafter. For the purposes of this Section "good cause" shall include, but not be limited to:

- (a) The manner, or proposed manner, of operating the mobile food cart of mobile food vehicle violates any federal, state of Minnesota, St. Louis County, or city law (including this Article) or regulation;

(b) The manner of operating the mobile food cart or vehicle constitutes a public nuisance per Minnesota statutes 609.74 and 609.745, or their successors;

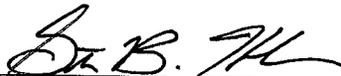
(c) Licensee or any employee or agent of the licensee are convicted of any crime relating to the operation of the mobile food cart or vehicle;

(d) Licensee or any employee or agent of licensee made omissions, deceptive statements, and/or false statements of material fact to city staff; or

(e) Failure to timely pay licensee fee or previous pattern of operation without license.

Section 6. That this ordinance shall take effect 30 days after its passage and publication.

Approved as to form:



Attorney

CCREQ/ATTY SBH:de 11/18/2013

STATEMENT OF PURPOSE: This ordinance increases insurance coverage requirements for mobile food cart and vehicle operations. This ordinance clarifies that peddler and mobile food cart and vehicle licenses are not required to operate within a permitted City Community Event. This ordinance clarifies that City-licensed mobile food carts and vehicles do not have to obtain a peddler license, and pay an additional peddler license fee.