

ORDINANCE NO.

847

**AN ORDINANCE ESTABLISHING RULES AND REGULATIONS FOR CERTAIN
OUTDOOR AND MOBILE VENDORS DOING BUSINESS WITHIN THE CORPORATE
LIMITS OF THE CITY OF MONTICELLO**

Whereas, mobile vendors have experienced a rise in popularity across the United States;

Whereas, within the City of Monticello, there is an increased interest and demand for mobile vendors;

Whereas, the City of Monticello desires to support local small businesses and foster economic development;

Whereas, the primary goal of the City of Monticello is to serve and protect the health, safety, and welfare of the general public;

Whereas, there is a need to clarify and simplify the regulations for mobile vendors in order to facilitate and encourage mobile vendors to do business in the City of Monticello; and

Whereas, the City of Monticello wishes to promote stable vendors who will enrich the city's ambiance.

NOW, THERE, BE ORDAINED BY THE CITY COUNCIL OF MONTICELLO:

Section 1. Definitions

- A. Mobile Food Vehicle - a food establishment preparing and/or serving foods from a self-contained vehicle either motorized or within a trailer that is readily movable without disassembling for transport to another location. Mobile food vehicles may serve as a conveyance for outdoor vending at a fixed location.
- B. Mobile Food Vendor - any person that owns or operates a mobile food vehicle for the purpose of mobile vending, as defined.
- C. Outdoor Vending - exhibiting, displaying, selling or offering for sale any food, beverages, goods, wares, or merchandise from a conveyance at a fixed location on public

or private property.

- D. Outdoor Vendor - a person that exhibits, displays, sells or offers for sale any food, beverages, goods, wares or merchandise from a conveyance at a fixed location. This definition does not include a door-to-door solicitor, mobile food vending, children's lemonade stands or homeowners having garage sales.

Section 2. Application Process

A. Permit Required

- a. It shall be the responsibility of the Mayor or his designee to permit mobile vendors to do business within the corporate limits of Monticello.
- b. Operations on property owned by schools shall require express written permission from the school's governing body or its designee.
- c. Written-permission, must be present at the mobile vendor vehicle and available for inspection at all times.
- d. The provisions of this section shall apply to all mobile vendors who are providing a service within the corporate limits of Monticello.
- e. Mobile vendor operators shall obtain the following prior to conducting business in the City and maintain at the premises while conducting business in the City of Monticello.
 - i. A current health inspection; food only
 - ii. A valid driver's license; and
 - iii. Vendors shall present a copy of the property owner's written authorization to operate on the designated property. The written authorization shall describe the approved location, and operation schedule.
 - iv. A valid mobile vendor business license issued from the City of Monticello.

B. Rules and Regulations

- a. General
 - i. Mobile vendors shall not stay in one location for longer than thirty days (30 days). This provision does not apply to private property with the consent of the property owner.
 - ii. No operator of a mobile vehicle shall, stand or

move a vehicle and conduct business within unauthorized areas of the City.

- iii. The operator of a mobile vehicle is not granted or entitled to the exclusive use of the service location, in whole or in part, other than the approved time and place.
 - iv. No mobile food truck shall provide any dining area, including but not limited to tables, chairs, booths, bar stools, benches and standup counters without prior approval from the City.
 - v. All mobile food trucks shall offer a waste container for public use that the operator shall empty at his or her expense;
 - vi. Mobile food truck operators shall remove all trash at their expense. Mobile food truck operators shall not utilize dumpsters of other existing businesses without the permission of such businesses.
 - vii. Mobile vendors shall not conduct business while parked on a public street within the City of Monticello.
 - viii. No mobile vendor shall make or cause to be made any unreasonable or excessive noise in violation of City ordinances.
 - ix. Hours of operation shall be consistent with the permit.
- b. Inspection. The food truck applicant shall ensure compliance with all city and state health regulations for mobile vendors and mobile food vendors. The City reserves the right to conduct quality and safety inspections at the discretion of the City.

C. Licensing

- a. Each mobile vendor applicant shall obtain an annual business license.
- b. The following category shall be added to the occupational annual fee schedule: Mobile Vendor-(\$100.00)

D. Enforcement

- a. Fine for Violation. Any person operating a mobile business or service in violation of any provision of this ordinance may be subject to a fine of three hundred dollars (\$300.00) per day. Each violation daily shall

constitute a separate and distinct offense.

Section 3. Exemptions

A. Special Events

- a. The provisions of this Ordinance shall not apply to special events on public property.
- b. The provisions of this Ordinance shall not apply to government or Monticello Chamber of Commerce or Monticello Economic Development Commission sanctioned events.

B. Catering Events - The provisions of this ordinance shall not apply to residential and commercial private catering events.

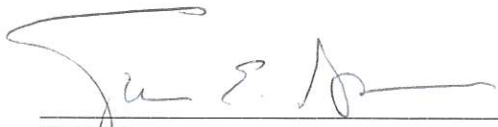
Section 4. Recreational Areas

Mobile food trucks may be permitted in recreational areas owned by the City (including, but not limited to, city parks, Lake Monticello, Monticello Sports Complex and Monticello city square) in areas designated by the Mayor. These mobile food trucks must be self-contained including providing its own water, gray water and gas or electricity. Gray water is defined as waster water without bodily fluids.

Section 5. Severability Clause

That the provisions of this Ordinance are hereby declared to be severable and if any section, phrase, or provisions shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases, or provisions.

PASSED AND APPROVED THIS 27 day of June, 2023.



Mayor



City Clerk