

ADMINISTRATIVE RULES GOVERNING FOOD TRUCKS

Effective Date: April 21, 2015

Revised: September 19, 2017

Title 9, Chapter 4 of the Code of Ordinances of the City of Iowa City provides that the City Manager may establish administrative rules for vending from mobile food trucks. Reference to the "City" in the following administrative rules shall mean the City Manager or his/her appointed designee.

1. Length of Permit

Permit shall be issued for a period of 1 year and shall be valid for 1 year providing the vendor meets all requirements, operational policies and has paid the fee. The permit period runs from January 1st to December 31st of each year. The permit may be revoked using the criteria found in Section 6 of these Administrative Rules at any time during the 1 year period. At the end of each 1 year period, all current permit holders will be required to re-apply.

2. Application

Applications will be received on a form provided by the City and available on the City's web site or at the Building Division's office at any time. However, any permit issued between January and November of a given year will always expire on December 31st of that year. Fees will be prorated on a monthly basis.

Applicants must contact the Johnson County Health Department prior to submission of the City application to review health code compliance requirements. The Health Department is located at 855 S. Dubuque Street, Iowa City. Phone is 319-356-6040.

3. Approval Criteria

The application for a Food Truck permit shall be approved if the following conditions are met:

- a. The applicant has obtained all necessary permits required by the Johnson County Health Department and provided the City with a copy of said permits.
- b. All applicable fees have been paid.
- c. The application is fully completed and executed.
- d. The indemnification agreement has been signed.
- e. A Certificate of Liability insurance showing the City of Iowa City as "Additional Insured" has been provided.
- f. The application contains no material falsehood or misrepresentation.
- g. The applicant has not damaged City property, and, if the applicant has, the damage has been paid in full and the applicant has paid all other outstanding debts to the City.

- h. The applicant has complied with all applicable laws concerning the sale or offering for sale any food related items.
- i. The use or activity intended by the applicant is not prohibited by law.
- j. Satisfactory past operation by City vending permittee. For this criterion to be applicable, the applicant must have had an ownership interest of more than 10% in the previously issued permit.

Criteria for approval of future renewal applications shall include the following in addition to the criteria set forth above:

- a. Prior satisfactory operation, including problems (if any) occurring during past operations.
- b. The appearance and maintenance of the food truck. The exterior and interior of the food truck must be maintained in a clean and sanitary manner.

4. Fees and Charges

Fees for all permits are established by resolution of the City Council and must be paid promptly and prior to the issuance of a permit. No Food Truck vendor shall be allowed to operate until the appropriate fee has been paid to the City.

The Food Truck vending permit fee is \$1,000 per year and the entire amount or prorated amount must be paid before a permit is issued. The fee will be prorated on a monthly basis for those permits issued after January in any given year. No prorated fees will be refunded if permittee voluntarily ceases operation before the permit expires.

5. Operational Policies

Food Trucks may operate seasonally or all year round.

The permitted hours of operation are from 7:00 AM to 2:00AM any day of the week.

The Food Truck vendor may sell any type of food or non-alcoholic beverage.

Food Trucks must be entirely self-contained. No outside source of electrical power, either public or private is permitted.

All Food Trucks must be equipped with a 5lb multi-purpose fire extinguisher.

The Food Truck's mode of operation must not impede the free flow of pedestrian traffic along the public right of way, or in or out of adjacent properties or vehicles.

All trash and debris generated by the Food Truck must be kept off of City right of way and the public sidewalks and the area left clean and litter free when the Food Truck departs. The Food Truck vendor must provide trash receptacles for customer use and removes said receptacles when leaving the site. Any grease, fat or oil generated by the Food Truck shall be disposed of in proper containers and not deposited on City right of way. The Food Truck vendor shall not dispose of any grease, fat, oil, trash or debris in a City trash receptacle.

At no time shall a Food Truck in operational mode be left unattended on City right of way.

Specific locations are prohibited for the operation of Food Trucks. Food Trucks are not permitted to operate within the area defined by the attached boundary map, within 150ft of any restaurant established in a building, within 150ft of any food service operation in a University building, any area adjacent to the Pentacrest or in any residential zone. Food trucks can operate in any commercial zone and the River Front Crossings districts.

No Food Truck shall operate in a manner that violates the Noise Ordinance of Iowa City set forth in Title 6, Chapter 4 of City Code. No amplified sound is permitted and no person shall offer for sale or sell anything from a Food Truck by shouting or raised voice.

Food trucks can occupy parking spaces for no more than 3 hours in metered spaces that normally allow up to 1 or 2 hours. For spaces that permit parking in excess of 3 hours, the Food Truck can operate for as long as the space legally permits.

The vendor shall display on the Food Truck a copy of the Johnson County Health Department permit.

The sale, transfer or assignment of a Food Truck permit is expressly prohibited. If the permitted vendor is not a natural person (for example a partnership, LLC or corporation) and there is a substantial change, as determined by the City, in the stock ownership, membership interest or partnership distribution, this will be considered a sale, transfer or re-assignment of the permit and will not be permitted. The permit will be revoked.

6. Revocation of a Permit

The City Manager or designee, or City Council if issued after an appeal may revoke a Food Truck permit based on the following criteria:

- a. It is determined by the Chief of Police or Fire Chief that, by reason of disaster, public calamity, riot or other emergency, the public safety requires such revocation.
- b. The vendor has misstated any material fact in the application.
- c. There is a substantial and material variance between the information in the application and the actual facts or those facts which appear reasonably to have occurred.
- d. The Food Truck, both exterior and interior, is not being maintained in clean and sanitary manner.
- e. The vendor is operating a Food Truck in violation of the terms of the permit, City ordinance, and all associated policies.
- f. The vendor's insurance has been cancelled.
- g. Vendor has past due parking violations.
- h. The vendor violates any of the previously stated administrative rules and requirements.

A vendor may appeal the revocation in the same manner as appealing the issuance or denial of a permit.

Upon revocation of any Food Truck permit, a pro-rated portion of the permit fee based on the month of revocation, less 20% of the pro-rated amount will be returned to the vendor.

7. Minimum Insurance Requirements

The applicant shall agree to indemnify, defend, and save harmless the City of Iowa City, its agents, officers, and employees, from and against all claims, damages, losses and expenses in a manner resulting from, arising out of or connected with, the Food Truck permit. The applicant shall at all times, maintain a policy of liability insurance from a company authorized to do insurance business in the State of Iowa in the minimum amount of \$1,000,000 for personal injuries and \$50,000 for property damage arising out of the permitted operation. The applicant shall submit to Neighborhood and Development Services, prior to vending, a Certificate of Liability insurance showing the City of Iowa City as "Additional Insured". Such cancellation or change without written approval shall be grounds to revoke the permit.