

CHAPTER 125

MOBILE FOOD VENDORS

125.01 Definition

125.02 Mobile Food Units

125.01 DEFINITION. A mobile food vendor is a person engaged in the business of selling food or beverages from a mobile food unit.

125.02 MOBILE FOOD UNITS.

1. Mobile Food Unit Licensing. 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 within the corporate limits of the city of Polk City without first obtaining a mobile food unit license from the city, in addition to any other state, federal, or county permits, certifications, and licenses.

A. A mobile food unit license is an annual license that expires on April 15 each year and must be renewed prior to the first event after that date.

B. A three-day mobile food unit license is available for a specific three-day period.

C. Each mobile food unit shall be licensed separately. No license transfer is allowed.

D. Although certain activities may be exempt from the licensing requirements of this chapter, any food service to the public in the City of Polk City is expected to comply with all other local, county, and State requirements for health inspections, licensing, safety, and fire code requirements.

E. The following shall be exempt from this requirement:

(1) Catering businesses.

(2) Grilling and food preparation activities of brick and mortar establishments on the establishment's premises for immediate consumption by patrons or employees.

(3) Concession stands associated with sports or recreational venues that have been approved as part of a site plan or permitted conditional use permit for the venue.

2. License/Inspection Fee(s). At the time of the submittal of a license application, the applicant shall pay to the City Clerk the applicable license fee in addition to any applicable inspection fee(s).

A. The amount of the license and applicable inspections fee(s) shall be determined in accordance with an established fee schedule, which fee schedule may be modified from time to time with approval of the council.

B. Any licensee who surrenders their license prior to the date of expiration shall not be entitled to a refund of any portion of the fee.

3. Fire Department Inspection.
 - A. All mobile food units that have cooking facilities or use products with grease laden vapors (Class III and Class IV State licenses) shall be inspected by the fire department prior to initiation of business operations within the City.
 - B. Inspections are required annually and prior to issuance of a mobile food vending license. It shall be the obligation of the mobile food vendor to schedule the inspection with the fire department. Class I and II State license classifications are not required to meet this inspection requirement.
 - C. All Class III and IV mobile food units shall have an acceptable fire suppression system, as determined by the Polk City Fire Department.
 - D. Upon completion of the annual fire inspection, a certificate shall be issued to the applicant to verify completion of the fire inspection. Said certificate shall be kept in the vehicle during operation.
 - E. At the discretion of the Polk City Fire Department, they may accept the inspection of the mobile food unit by another City's fire inspector to satisfy the annual inspection requirement. Applicant is obligated to contact the fire department to verify whether or not another community's inspection is adequate to fulfill obligation of city of Polk City inspection requirements.
4. Mobile Food Unit Licensing Application.
 - A. Filing. Application requests shall be filed with the City Clerk. 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 appropriate fees.
 - B. Timely Submittal. Unless otherwise provided herein, applications must be submitted not less than seven calendar days prior to the proposed start date of the mobile food unit activities. The City reserves the right to reject any applications that have not been timely submitted to the City.
 - C. Applicant's Responsibility. Receiving approval of a mobile food unit license from the City shall not preclude, supersede, circumvent, or waive the applicant's responsibility to obtain any additional permits, licenses, and approvals for other applicable local, State, and federal regulations.
 - D. Application Contents. Application shall be made on a form provided by the City and shall include:
 - (1) Full name of the applicant.
 - (2) Applicant's contact information including mailing address, phone numbers, and e-mail address.
 - (3) State health inspection certificate with the classification level of the State license.
 - (4) Description of the kitchen facilities, cooking facilities, preparation area, safety features (such as, but not limited to, suppression system) of the mobile food unit.
 - (5) Photographs of the mobile food unit from the front, side, and back.

- (6) Make, model, and year of vehicle to be used and the license plate number.
- (7) Overall size of the vehicle; length and width.
- (8) Copy of fire department inspection certificate.
- (9) Fee.

E. Character of Applicant. Upon receipt of the complete application as required by this chapter, the Police Chief or a designee shall investigate the applicant as deemed necessary for the protection of the public health, safety, welfare, and good.

(1) Unsatisfactory Character and Business Responsibility. If, as a result of such investigation, the applicant's character and business responsibility are found to be unsatisfactory such that would harm the public good, the Police Chief may endorse on such application disapproval and state reasons for disapproval and return the application to the City Clerk who shall notify the applicant in writing that the application has been disapproved, state the reasons for the denial, and the applicant's right to appeal under Subsection 4(E)(3) of this section.

(2) Satisfactory Character and Business Responsibility. If, as a result of such investigation, the applicant's character and business responsibility are found to be satisfactory, the Police Chief may endorse approval on the application and shall return the application to the City Clerk and the license may be issued.

(3) Right To Appeal. Any applicant whose application for license was disapproved as under Subsection 4(E)(3) of this section may appeal to the City Manager within 10 days by filing a written request for an appeal. As a result of this appeal, the City Manager shall hold a hearing and enter a written decision which may affirm, modify, or reverse the decision of the City Clerk. Any party aggrieved by a final determination made by the City Manager pursuant to this Code section may challenge whether the City Manager exceeded proper jurisdiction or otherwise acted illegally by commencing a certiorari action in the district court for Polk County, Iowa. If the application for license is denied, the applicant is not eligible for the issuance of a license under this chapter for a period of one year from the date of notification that the license application was disapproved, was served in person, or deposited in U.S. mail.

F. Applications 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 30 days from the last written 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.

G. Issuance of License. Upon completion of the review process and a determination of compliance with the applicable regulations, the City Clerk will issue a mobile food unit license.

H. Modification of License After Issuance. Should the mobile food vendor change the food or beverage being offered during the term of an issued license that would change the designation of the mobile food unit to a higher state licensing level classification, a new application and fire inspection shall be required.

5. Mobile Food Units on Public Property. No mobile food unit may be operated on public property except as part of an approved event under a public property special event permit issued by the City Clerk's office or their designee, within a City park or greenway. Requests for authorization to vend within a City park or greenway (not as part of a City permitted public property special event) may be submitted no less than five days and no more than 15 days prior to the requested day of vending.

6. Unattended Mobile Food Unit. No mobile food unit shall be left unattended or stored on any site overnight, unless that property is under the ownership or control of (by way of a lease or other contractual agreement) the operator of the unit and is being done so in compliance with all other City Code requirements or the mobile food unit is a participant in a multiple (contiguous) day, City permitted, public property special event. Any mobile food unit found unattended shall be considered in violation of these regulations and subject to license revocation, municipal infraction, towing, or any other action legally allowed.

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