

# City of Elkader

207 North Main Street - P.O. Box 427

Elkader, IA 52043

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## **CITY OF ELKADER** **TRANSIENT FOOD VENDOR REGISTRATION FORM**

Thank you for registering your transient food vendor unit with the City. Please let us know if you have any questions during your time here. A copy of the ordinance pertaining to transient food vendors is attached for your convenience.

Name applicant/owner:	
Address:	
Phone number:	
Email:	
Name of onsite operator:	
Phone number of onsite operator:	
Food license number:	
Location of vendor: (please include street names)	
Description of setup: (this might include a description of the vehicle, location, hours of operation, type of food sold, etc.)	
Dates of operation:	

Sales tax permit number:	
I acknowledge the following:  _____ (signed)	All businesses owned and operating in Iowa need to collect and report sales tax to the State of Iowa Department of Revenue. Sales tax in Elkader is 7%.
Are you being sponsored by a local business?	If yes, please indicate name and business name:
Is a public restroom available at this location?	Yes _____ No _____
Please include any additional information you believe would be helpful.	

The following individual/entity has prepared this Transient Food Vendor Registration Form and requests that said registration be approved, authorizing the undersigned to operate as a Transient Food Vendor within the city limits of the City of Elkader, Iowa in accordance with Chapter 123, Mobile Food Vendors, of the Elkader City Code. The undersigned agrees to abide by all regulations as stated in Chapter 123 of the City of Elkader Code of Ordinances and further acknowledges that all of the information set forth herein is true and correct to the best of the undersigned's knowledge and belief.

\_\_\_\_\_  
APPLICANT

\_\_\_\_\_  
DATE

-----  
OFFICE USE:

Transient Food Vendor District: Y / N

Fee paid: Y / N Amount: \$ \_\_\_\_\_

REGISTRATION APPROVED / DENIED

IF DENIED – REASON FOR DENIAL: \_\_\_\_\_

\_\_\_\_\_  
City Administrator/Clerk

\_\_\_\_\_  
Date

Fees:

- In the Transient Food Vendor District (The street right-of-way of South Main Street between Boardman Street SW and Mechanic Street SW) = \$20 per registration; an additional \$10 per day for every day or partial day over 48 hours.
- Outside of the Transient Food Vendor District = \$10 per registration; an additional \$5 per day or partial day over 48 hours.
- Any registrant that operates in any manner that is inconsistent with the City Code will be assessed a fee of \$60.
- Any registration that is not obtained until after operations commence will incur an additional delinquent registration fee in the amount of \$30 for a first offense, and \$60 for a second offense, in addition to standard registration fees.
- Any registrant that provides intentionally false or misleading information in an Application will be subject to an additional fee of \$60

## Ordinance 2022-01

### AN ORDINANCE AMENDING THE MUNICIPAL CODE OF ORDINANCES OF THE CITY OF ELKADER, IOWA (2014), BY ADDING CHAPTER 123 “TRANSIENT FOOD VENDOR ORDINANCE”

WHEREAS, transient food vendors have expressed an interest in operating within the City limits of the City of Elkader; and

WHEREAS, it is prudent and in the interest of public health to establish regulations for transient food vendors;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELKADER, IOWA:**

**Section 1.** The Elkader City Code is hereby amended by adding the following:

#### CHAPTER 123 TRANSIENT FOOD VENDOR ORDINANCE

##### **123.01 DEFINITIONS.**

PREPARED FOOD - Food prepared and served for individual portion service intended for consumption.

TRANSIENT FOOD VENDOR - Any food vendor who sets up temporarily in a location (public or private) to sell prepared food to the public.

SPONSOR - Any business with a store front hosting a Transient Food Vendor.

TRANSIENT FOOD VENDOR DISTRICT – The street right-of-way of South Main Street between Boardman Street SW and Mechanic Street SW.

##### **123.02 TRANSIENT FOOD VENDOR REGISTRATION REQUIRED.**

It shall be unlawful for any person to engage in the sale of prepared food as a transient food vendor without first registering with the City of Elkader on a form provided by the City.

- A. A transient food vendor registration is required each time a vendor operates in Elkader.
- B. Each transient food vendor unit shall be registered separately. Registration is not transferable.
- C. All transient food vendors must register. Transient food vendors operating in a City park during an approved event sponsored by a registered tax exempt or not-for-profit organization must register, however no fee will be required.

##### **123.03 TRANSIENT FOOD VENDOR REGISTRATION FORM.**

- A. Filing: Registration forms shall be filed with the City Administrator/Clerk. No registration form shall be accepted for filing and processing unless it conforms to the requirements of this chapter and is accompanied by the required fees as set pursuant to Section 123.04.

- B. Timely Submittal: Unless otherwise provided herein, registration must be submitted not less than ten (10) calendar days prior to the proposed start date of the transient food vendor activities. The City reserves the right to reject any registration forms that have not been fully completed and timely submitted.
- C. Registration form contents: Registration shall be made on a form provided by the City and shall include:
1. Full name of the owner
  2. Owner's contact information including mailing address, phone numbers and e-mail address.
  3. Full name of the onsite operator
  4. Onsite operator's phone number
  5. Food license number
  6. Location of operation
  7. Dates of operation
  8. Description of operation
  9. Sales Tax Permit Number
  10. Acknowledgement of proper sales tax distribution
  11. Sponsor Name (if applicable)
  12. Acknowledgement of access to restroom
- D. Term: All registrations are for a period of 48 hours or less. If the vendor requires a registration that exceeds 48 hours they must receive approval from the City Administrator/Clerk for such a registration. Registrations that exceed 48 hours may incur more fees as outlined in section 123.04 if they are utilizing public parking.
- E. Fraudulent registration: Any registrant that provides intentionally false or misleading information on a registration form will be subject to an additional fee as set by resolution of the City Council. The registrant will be prohibited from registering as a transient food vendor for up to one year at the discretion of the City Administrator/Clerk. In the event of a prohibition by the City Administrator/Clerk, the City Administrator/Clerk shall notify the transient food vendor owner/operator in writing, by personal delivery or certified mail, of the prohibition and the reasons for the prohibition. The notification will also inform the owner of their right to appeal by filing a written appeal and delivering same to the City Administrator/Clerk's office within seven (7) days of their receipt of said notice. Upon receipt of a timely appeal, a hearing shall be set before the City Council. The City Council shall consider the appeal during an open meeting within fourteen (14) days of receipt. The decision of the City Council shall be final.

#### **123.04 TRANSIENT FOOD VENDOR REGISTRATION FEES.**

All fees associated with the registration of a transient food vendor will be set by resolution of the City Council and may be amended from time to time in the sole discretion of the City Council.

#### **123.05 TRANSIENT FOOD VENDOR LOCATIONS.**

- A. Transient Food Vendors on Public Property:
1. Any registered Transient Food Vendor may set up in the parking area of a public street provided they are sponsored by a business that operates in a location that is adjacent to the setup location.
  2. Any registered Transient Food Vendor may occupy a maximum of two diagonal parking spots or one parallel parking spot.

3. Any registered Transient Food Vendor utilizing public parking space is allowed to maintain their parked location for up to 48 hours provided the public street is open during that period, and a snow emergency has not been declared.
4. Registered transient food vendors may also park in the Transient Food Vendor District.

B. Rules of Operation:

1. Transient Food Vendors must not block street access or sidewalk access. Reasonable precautions must be made to make sure that the sidewalk is safe and accessible if the utilities of the sponsoring business are used.
2. Transient Food Vendors must provide an adequately sized waste receptacle for their patrons. They must carry this trash out with them or dispose of it with the sponsor business. The receptacle may be placed adjacent to the transient food vendor on the street or on the sidewalk but shall not be placed in a manner that obstructs vehicular or pedestrian traffic.
3. Transient Food Vendors must be able to offer access to a functioning restroom within walking distance. The restroom may be located inside of any business that has sponsored the transient food vendor and must be available at all times that the transient food vendor is actively open for service.
4. Transient Food Vendors are prohibited from the use of any signage but for signage attached to the food truck/cart or located on the premises. No off-premise signage is permitted.
5. If the Transient Food Vendor utilizes public parking for operation, ordering and serving of food must be towards the adjacent sidewalk or in the case of diagonal parking, to the adjacent parking space that is reserved as part of the registration. Operators are responsible for making sure that patrons are not blocking the sidewalk, traveled portion of the street, or other parking stalls not reserved for transient food vendor operations while ordering, waiting to order, or waiting to be served. When serving to the sidewalk, the line must proceed from the service window directly to the sidewalk and then form a single file line adjacent to the curb line. When serving to an adjacent reserved parking stall, the line must proceed from the service window in a single file line directly towards the sidewalk and then continue in a single file line along the curb line extending across the front of the stall in which the transient food vendor is parked. The line may not form on the roadway or any parking space that is not part of the registration nor may it impede the normal flow of traffic on the sidewalk.
6. If a generator is used no exhaust can be directed towards a sidewalk or public walkway, and the generator must not produce noise that can be heard from a block away.
7. Awnings may extend over the sidewalk so long as they do not impede the normal use of the sidewalk, do not extend over more than one-half of the sidewalk and clear the surface of the sidewalk by at least seven feet (7'). Awnings may extend over parking stalls that are reserved as part of the registration.
8. Improper operation: Any registrant that operates in a manner that is inconsistent with this Chapter or other laws, City or State, shall be assessed a fee, set by resolution of the City Council, and ordered to cease operations until operating in full compliance with the all applicable City and State Codes and regulations.

9. No transient food vendor may use or employ any device that plays or creates audible music or noise with the exception of a simple microphone/device used to announce that orders are ready to be picked up.

#### C. Registration Denial

The City Administrator/Clerk will not approve any registration from a Transient Food Vendors for one year if the vendor has failed to comply with any applicable City or State Code related to the operation as a Transient Food Vendor. The vendor will be notified in writing, by personal delivery or certified mail, of the denial of registration and the reasons for this denial. Vendors will have the right to appeal by filing a written appeal and delivering same to the City Administrator/Clerk within seven (7) days of their receipt of said denial. Upon receipt of a timely appeal, a hearing shall be set before the City Council. The City Council shall consider the appeal during an open meeting within fourteen (14) days of receipt. The decision of the City Council shall be final.

#### **123.06 FEES.**

Registered Transient Food Vendors who operate in the Transient Food Vendor District, must pay a registration fee, as established by resolution, per registration and an additional fee per day for every day over 48 hours.

Registered Transient Food Vendors who operate in public parking outside of the Transient Food Vendor District must pay a fee, as established by resolution, per registration and an additional fee per day over 48 hours.

Registered Transient Food Vendors who operate on private property, with consent of the property owner, will not be assessed any fee.

#### **123.07 FAILURE TO REGISTER.**

Transient Food Vendors that operate without first registering will be given an opportunity to finalize the registration process on site. If registration cannot be completed on-site the Transient Food Vendor owner/operator will be directed to cease operations and move from the public right-of-way until such time as their registration has been completed and approved.

Any registration that is not submitted and approved prior to the commencement of operations, a "Delinquent Registration", will incur an additional delinquent registration fee, set by Council Resolution, and an additional fee for a second offense in addition to the standard registration fees. Upon a third offense of Delinquent Registration the vendor will be required to cease operations, move from the public right-of-way, and will not be allowed to register for one (1) calendar year from the date of the third offense.

The City Administrator/Clerk, or designee, is authorized to enforce the terms of this provision. Transient Food Vendors who are found to be operating without an approved registration on City property or right-of-way who do not rectify the registration as allowed herein shall move all of their property from City property and/or right-of-way immediately or be subject to having their property towed or otherwise removed, the costs associated therewith to be assessed against and the responsibility of the owner.

**Section 2.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**Section 3.** This ordinance shall be in full force and effect after passage, approval and publication as provided by law.

**PASSED AND ADOPTED** at this 14<sup>th</sup> day of March, 2022.

\_\_\_\_\_  
Josh R. Pope, Mayor

ATTEST:

\_\_\_\_\_  
Jennifer K. Cowser, City Administrator/Clerk

I certify that the foregoing was published as Ordinance No. 2022-01 on the

\_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Jennifer K. Cowser, City Administrator/Clerk

<u>First Reading</u> <u>2/14/2022</u>	<u>Y</u>	<u>N</u>	<u>Second Reading</u> <u>2/28/2022</u>	<u>Y</u>	<u>N</u>	<u>Third Reading</u> <u>3/14/2022</u>	<u>Y</u>	<u>N</u>
Grau	x		Grau	x		Grau	x	
Schmidt	x		Schmidt	x		Schmidt	x	
Lane	x					Lane	x	
Henning		x	Henning		x	Henning		x
Hauber	x		Hauber	x		Hauber	x	