



## MEMORANDUM

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**DATE:** June 14, 2021  
**TO:** Honorable Mayor and City Councilmembers  
Dave Perrault, City Administrator  
**FROM:** Julie Hanson, City Clerk  
**SUBJECT:** Consideration of Food Truck Ordinance Updates

Budgeted Amount:  
N/A

Actual Amount:  
N/A

Funding Source:  
N/A

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### **Council Should Consider**

Motions to approve, table, or deny the following:

- Ordinance 2021-005 Amending Chapter 3, Section 320 - Limited, Temporary Permits, Subsections 320.09, 320.10 and 320.12; Section 395, Subsection 395.05, Subd. 1 and Subd. 2A; and Subsection 395.06; and Ordinance 2021-006 Amending 2021 Fee Schedule

*All items need a simple majority for action unless otherwise noted.*

### **Background/Discussion**

At its special work session on May 24, 2021 the City Council directed staff to provide draft language amending City Code pertaining to mobile food units/food trucks to include implementing a residential food truck permit which caps private residential properties at two catered events per calendar year and a fee violation in the amount of \$100. Attached is a copy of the draft May 24, 2021 special work session draft minutes which are slated for consideration of approval at this June 14, 2021 regular City Council meeting.

These items would require an amendment to City Code Chapter 3 and also the 2021 Fee Schedule should the Council wish to move forward.

Attached for Council review and consideration are a red-lined and clean version of the amended ordinance, a summary ordinance for publication, a red-lined and clean version of the draft 2021 Fee Schedule, and a draft residential food truck permit.

**Budget Impact**

N/A

**Attachments**

- A: Draft Ordinance 2021-005 (red-lined version)
- B. Final Ordinance 2021-005 (clean version)
- C. Summary Ordinance 2021-005
- D. Draft Ordinance 2021-006 Fee Schedule (red-lined version – page 7)
- E. Final Ordinance 2021-006 Fee Schedule (clean version – page 7)
- F. Draft residential Food Truck permit
- G. Draft May 24, 2021 Special Work Session minutes



**ORDINANCE NO. 2021-005**

**CITY OF ARDEN HILLS  
COUNTY OF RAMSEY  
STATE OF MINNESOTA**

**AN ORDINANCE AMENDING CHAPTER 3,  
SECTION 320, SUBSECTIONS 320.09, 320.10 AND 320.12;  
SECTION 395, SUBSECTION 395.05, SUBD. 1 AND SUBD. 2A;  
AND SUBSECTION 395.06 OF THE ARDEN HILLS CITY CODE**

THE CITY COUNCIL OF THE CITY OF ARDEN HILLS, MINNESOTA, ORDAINS:

**SECTION 1.** Chapter 3 – Licenses and Regulations, Section 320 – Limited, Temporary Permits, Subsections 320.09, 320.10 and 320.12 are hereby amended by deleting ~~struck through~~ language and adding the underlined language as follows:

**320.09 Businesses, Occupations, and Activities for which Permit Fee not Required.**

The activities for which permit fees shall not be required, but nevertheless a permit shall be required, are as follows:

- Purchase of fireworks and operation of fireworks display or program;
- Boutique or garage sale;
- Mobile food unit/food truck catered parties/events; and
- Newspaper distribution locations.

**320.10 Approval.**

Approval of an application for a permit to engage in the following type of activity shall be granted by the body, department or officer of the City indicated across therefrom in the following schedule:

- Circuses and carnivals: City Council;
- Commercial advertising distribution: City's designated law enforcement provider and City Administrator;
- Installation or construction of courtesy benches or shelters: City's designated law enforcement provider and City Administrator, if such a bench or shelter is to abut a county road, county permission must also be obtained;
- Fireworks purchase and/or display: City Council;
- Flea markets or commercial sidewalk sales: City Council;
- Boutiques or garage sales at a private home: City's designated law enforcement provider and City Administrator;

. Mobile food unit/food truck catered parties/events: City's designated law enforcement provider and City Administrator;

- Group picnics or camping: park director and City Administrator;
- Peddlers, solicitors and transient merchants: City Administrator;
- Newspaper distribution locations: City's designated law enforcement provider and City Administrator;
- Outdoor concerts: City Council; and
- Roadside stands: City Administrator.

**320.12 Limit on Occasion of Mobile Food Unit/Food Truck Catered Parties/Events on Residential Properties.**

A residential property shall be limited to no more than two (2) mobile food unit/food truck catered events per calendar year.

**SECTION 2.** Chapter 3 – Licenses and Regulations, Section 395 - Mobile Food Units, Subsection 395.05, Subd.1 and Subd. 2A, and Subsection 395.06 are hereby amended by deleting ~~striktthrough~~ language and adding the underlined language as follows:

**395.05 Conditions of Licensing.**

A mobile food unit may only operate as set forth in the following:

Subd. 1 **Locations.** A mobile food unit may only operate in the locations set forth in this paragraph and as specified in the permit. A mobile food unit may operate in a private commercial or industrial parking lot and on private residential property, with the written consent of the private property owner.

When operations occur on private residential property, mobile food unit sales may only be for catering purposes (such as a private graduation party or wedding) and not open for sales or service to the general public. Sales or service may only be made only -to the applicant of the residential mobile food unit/food truck permit, their family and guests at the catered event.

The owner of the residential property must have obtained required city permits for the event as required by Section 320 or other provision of this Code.

A mobile food unit may only operate in a City park or on City property ~~and~~ or rights of way with the prior written approval or permit by the City and as specified in the approval or permit, and additional park or other permits may be required for such operations.

Subd. 2 **Performance standards.** A mobile food unit licensee is subject to the following performance standards:

A. Any- mobile food unit with an annual license may not operate on the same non-residential property or commercial property for more than twenty-one (21) days total during any

calendar year, and any mobile food unit with an annual or temporary license may operate at no more than two catered events at a residential property during any calendar year, provided the owner of the residential property has obtained all required permits for the event and has complied with all terms of those permits.

**395.06 Suspension or Revocation of a License, Criminal Penalty.**

A license may be suspended, revoked, or denied for renewal for any violations of this Code or conditions of any license. Any violation of this Code or provisions of any license shall be a misdemeanor. It shall be a violation for a property owner to allow a mobile food unit to operate on their property in violation of this Code or conditions of any license, and the property owner may be charged with a misdemeanor or administrative penalty set by the Council (see current Fee Schedule – Appendix As/~~charges ordinance~~).

**SECTION 3.** This Ordinance shall become effective immediately upon its passage and publication according to law.

**PASSED and ADOPTED** this 14th day of June, 2021, by the City Council of the City of Arden Hills, Minnesota.

**CITY OF ARDEN HILLS**

By \_\_\_\_\_  
David Grant, Mayor

ATTEST:

\_\_\_\_\_  
Julie Hanson, City Clerk



**ORDINANCE NO. 2021-005**

**CITY OF ARDEN HILLS  
COUNTY OF RAMSEY  
STATE OF MINNESOTA**

**AN ORDINANCE AMENDING CHAPTER 3,  
SECTION 320, SUBSECTIONS 320.09, 320.10 AND 320.12;  
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- Mobile food unit/food truck catered parties/events: City's designated law enforcement provider and City Administrator;
- Group picnics or camping: park director and City Administrator;
- Peddlers, solicitors and transient merchants: City Administrator;
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The owner of the residential property must have obtained required city permits for the event as required by Section 320 or other provision of this Code.

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A. Any mobile food unit with an annual license may not operate on the same non-residential or commercial property for more than twenty-one (21) days total during any calendar

year, and any mobile food unit with an annual or temporary license may operate at no more than two catered events at a residential property during any calendar year, provided the owner of the residential property has obtained all required permits for the event and has complied with all terms of those permits.

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**SECTION 3.** This Ordinance shall become effective immediately upon its passage and publication according to law.

**PASSED and ADOPTED** this 14th day of June, 2021, by the City Council of the City of Arden Hills, Minnesota.

**CITY OF ARDEN HILLS**

By \_\_\_\_\_  
David Grant, Mayor

ATTEST:

\_\_\_\_\_  
Julie Hanson, City Clerk





**SUMMARY ORDINANCE NO. 2021-005**

**CITY OF ARDEN HILLS  
RAMSEY COUNTY, MINNESOTA**

**AN ORDINANCE AMENDING CHAPTER 3,  
SECTION 320, SUBSECTIONS 320.09, 320.10 AND 320.12;  
SECTION 395, SUBSECTION 395.05, SUBD. 1 AND SUBD. 2A;  
AND SUBSECTION 395.06 OF THE ARDEN HILLS CITY CODE**

**NOTICE IS HEREBY GIVEN** that, on June 14, 2021, Ordinance No. 2021-005 was adopted by the City Council of the City of Arden Hills, Minnesota.

**NOTICE IS FURTHER GIVEN** that, because of the lengthy nature of Ordinance No. 2021-005, the following summary of the ordinance has been prepared for publication.

**NOTICE IS FURTHER GIVEN** that the ordinance adopted by the City Council adds Mobile food unit/food truck as an activity requiring a permit fee for catered parties/events. The Ordinance requires approval from the City for Mobile food unit/food truck activities; provides that a residential property is limited to two Mobile food unit/food truck catered events per calendar year; and provides additional conditions of licensing regarding permit requirements and criminal penalty.

A printed copy of the whole ordinance is available for inspection by any person during the City's regular office hours or on the City's website.

**APPROVED** for publication by the City Council of the City of Arden Hills, Minnesota, this 14<sup>th</sup> day of June, 2021.

**CITY OF ARDEN HILLS**

By \_\_\_\_\_  
David Grant, Mayor

ATTEST:

\_\_\_\_\_  
Julie Hanson, City Clerk



**City of Arden Hills**  
**Ordinance 2021-0026 – Appendix A**  
**Amended 2021 Fee Schedule**

<b>I. Administrative</b>		
Dogs/Cats – Licenses	Two years (Pro-rated for second year @ \$15.00)	\$30.00
Dogs/Cats – Duplicate Tags	Each	\$6.50
Dogs/Cats – Boarding		\$22.00 per day
Dogs/Cats – Impoundment Fee		\$50.00
Dogs/Cats – Surrender Fee	Each	\$25.00
Dogs – Residential Kennel License	Annual	\$21.00
Dogs – Dangerous Dog Fee	Annual	\$500.00
Dogs – Potentially Dangerous Dog Fee	Annual	\$250.00
Copying – General City Material		\$0.25 8 ½ x 11; \$0.50 large. Per Page. Add postage if mailing copies
Assessment Search		\$53.00 per half hour
Private Activity Revenue Bonds	Non-refundable application fee	\$500.00
	Annual Administrative Fee	1/8 of 1% (0.125%) of outstanding principal balance of the bonds for the life of the bonds
	Reimbursement of all City costs	
<b>II. Building Construction (All permits are non-refundable after 90 days)</b>		
Building Permits – Permit Fee		Fees shall be based according to the 2020 State Statute 326B.153 and are determined by the City’s Building Official
Commercial Building Permits – Plan Review Fee		65% of Building Permit Fee. Payment equaling half of this fee is due at time of permit submittal (non-refundable)
Residential New Construction/Additions – Escrow		\$2,000
Temporary Certificate of Occupancy (CO)	Escrow	To be determined by Building Official
Building Permits – Re-inspection		\$63.25 per State Statute 326B.153
Building Permits – Manufactured Home Location ,		\$100.00 + State Surcharge fee as outlined in State Statute 326B.148
Building Permits – Demolition	Permit Fee	\$100.00 + State Surcharge fee as outlined in Statute 326B.148
	Escrow	\$2,000
Building Permits – Special Investigations		100% of Permit Fee

Water Meter/Spacer Charges – Greater than 1”		Contact Public Works for Quote
Water Connection Fee – Connection fee for previously un-served or expanded lots		\$855.00 per acre or portion thereof
Water Availability Fee – New or Additional Units	The units are based on the Metropolitan Council’s formula for calculating new sewer availability charge (SAC) units	\$ 1,375 per unit
Sewer Connection Fee – Connection fee for previously un-served or expanded lots		\$840.00 per acre or portion thereof
Sewer Availability Fee – New or Additional Units	The units are based on the Metropolitan Council’s formula for calculating new sewer availability charge (SAC) units	\$ 825.00 per unit
Sewer Permits – Service Installation/Alternations/Repairs	Per inspection	\$42.00
Sewer Permits – Plan Review Fee		Set by Inspector
Sewer Permits – Reinspections		\$42.00 per hour
Sewer Access Charge	Set by Met Council Annually	\$2,485.00 (Contact Met Council)
Sanitary Sewer Utility Prohibited Sump Pump Connection Surcharge		\$100.00 per month
<b>IX. Miscellaneous/Retail Activities</b>		
Boutique/Garage Sale	Application/notification of City Hall required	No charge
<u>Residential Mobile Food Unit/Food Truck Permit</u>	<u>Application/notification of City Hall required</u>	<u>\$20.00 per permit (limited to 2 catered events per calendar year)</u>
	<u>Administrative Penalty</u>	<u>\$100.00</u>
Tent Permit		\$55.00+ State Surcharge
Sidewalk Sales		\$53.00
Business Licensing – Amusement Facilities	Includes arcade, dance hall, movie theater, pool/billiard tables, bowling alleys, indoor tennis, skating facility, outdoor tennis, driving ranges, etc.	\$105.00
Business Licensing – Wholesale Bulk Fuel Storage	Liability insurance required	\$210.00
Business Licensing – Hotel/Motel		\$6.50 per room
Business Licensing – Courtesy Bench, Non-advertising		\$26.00
Business Licensing – Courtesy Bench, Advertising		\$79.00
Business Licensing – Mechanical/Electronic Devices	Includes musical devices, amusement rides, bowling alleys, etc.	\$15.00 per location + \$15.00 per machine (MN Statute 449.15 sets maximum permit fee at \$15 per location and \$15 per machine)



**City of Arden Hills  
Ordinance 2021-006 – Appendix A  
Amended 2021 Fee Schedule**

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City of Arden Hills  
1245 West Highway 96  
Arden Hills, MN 55112  
Phone 651.792.7800 \* Fax 651.634.5137

**RESIDENTIAL APPLICATION  
MOBILE FOOD UNIT/FOOD TRUCK PERMIT**

**FEE - \$20 per permitted catered event**  
*(Limit of 2 catered events per calendar year)*

**Applicant/Property Owner Name:** \_\_\_\_\_

**Applicant/Property Owner Address:** \_\_\_\_\_

**Email Address:** \_\_\_\_\_

**Location of Event:** \_\_\_\_\_

**Date of Operation:** \_\_\_\_\_

**Hours of Operation:** \_\_\_\_\_

**Type of Catered Event:** \_\_\_\_\_

**Mobile Food Unit/Food Truck Vendor Name:** \_\_\_\_\_

**Important Information about Residential Mobile Food Unit/Food Truck Catered Events:**

- All mobile food unit/food truck vendors must obtain a City Mobile Food Unit License pursuant to Chapter 3, Sections 320 and 395
- By signing below, residential property owners acknowledge the following:
  - Per Chapter 3, Section 395.05, Subd. 1, sales or service may only be made to the applicant of this permit and guests at the catered event.
  - Per Chapter 3, Section 395.05, Subd. 2 A, a residential property is limited to no more than two (2) mobile food unit/food truck catered events per calendar year.

**I agree to the above:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

OFFICE USE ONLY

\_\_\_\_\_  
Approved by City Personnel

\_\_\_\_\_  
Date



Approved: June 14, 2021

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**CITY OF ARDEN HILLS, MINNESOTA  
CITY COUNCIL SPECIAL WORK SESSION  
MAY 24, 2021  
5:45 P.M. - ARDEN HILLS CITY COUNCIL CHAMBERS**

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**CALL TO ORDER/ROLL CALL**

Pursuant to due call and notice thereof, Mayor Grant called to order the City Council Special Work Session at 5:45 p.m.

*Note: On March 20<sup>th</sup>, 2020 the Mayor signed a determination allowing Councilmembers to participate in City Council meetings via telephone pursuant to State Statute 13D.021*

**Present:** Mayor David Grant; Councilmembers Fran Holmes, Dave McClung, and Steve Scott

**Absent:** Councilmember Brenda Holden (excused)

**Also present:** City Administrator Dave Perrault; City Clerk Julie Hanson and City Attorney Joel Jamnik

**1. AGENDA ITEMS**

**A. Food Truck Discussion**

**City Clerk Hanson** stated that the City Council had directed staff to provide draft language amending City Code pertaining to mobile food units (food trucks) and that staff was looking for further direction. She said some points to be discussed were clarifying language regarding who may be served, limiting food trucks on residential properties to two catered events per year, requiring residential property owners to obtain a permit that could be similar to garage sales, and implementing a penalty if in violation for which the Council could assign a fine or fee if it so chooses. She indicated this draft was just a first round draft for Council discussion and depending on the direction, amendments could involve changes to Sections 395 and 320 and also the Fee Schedule.

**Councilmember Scott** asked if food trucks need a permit under the current ordinance when serving at a one-off catered event such as a graduation party or wedding reception and asked if it was the responsibility of the resident or the business to obtain the permit.

**City Clerk Hanson** stated at this time the City holds the actual vendor responsible for obtaining the license since they are the business operating at the event. She said that vendors must submit the City's application, a Certificate of Insurance, a copy of their Minnesota Department of Health license and/Ramsey County and then also written permission from the property owner at which the food truck would be operating.

**Councilmember Scott** asked for clarification of the temporary license.

**City Clerk Hanson** stated generally vendors have obtained a temporary license which allows operation of 7 days or less events in a calendar year.

**City Administrator Perrault** indicated that the vendor is technically issued a license, not a permit, and that a permit would be discussed later in the meeting as it pertains to residential properties.

**Councilmember Holmes** asked if vendors must obtain permission from the resident in order to have the event on the resident's property.

**City Clerk Hanson** stated that vendors must obtain written permission from the property owner and that this applies to all locations, commercial or residential properties. She stated she has been obtaining written permission from the host property owner prior to issuing a food truck license.

**Councilmember Holmes** asked about locations of neighborhoods hosting food trucks in the city.

**City Clerk Hanson** stated that last year the City was aware of one food truck event and subsequently found out this year that last summer the food trucks had been extended for several weeks. She said that so far this spring the City had been made aware of two locations in the city hosting food trucks. She indicated one property owner was following the current ordinance and providing written permission for trucks operating on their property but that she had not heard from the property owner of the other location and so had reached out to the property owner via mail. She indicated that she did not have confirmation that other location was operating and heard nothing further since the City received a complaint regarding that area. She said that it was confirmed food trucks were operating in the one area of the city and the vendors had been obtaining the required license.

**Councilmember Holmes** asked if there were violations in the past.

**City Clerk Hanson** replied that potentially, yes.

**Councilmember Holmes** stated she wanted to discuss requiring a fee for a residential permit versus a free permit such as is the case for garage sales.

**City Administrator Perrault** indicated he had spoken with Councilmember Holden who said she supported this and recommended a fee in the range of \$10 to \$20.

**Mayor Grant** asked what a reasonable fee could be and what other similar permits' fees are.



**City Clerk Hanson** stated the City has garage sales and boutiques permits that are no fee permits. She said there is also a miscellaneous permit application that provides for 5K races at no fee, block parties at no fee (generally Night to Unite), sidewalk sales at \$53, and solicitors/transient merchants which also have an associated permit and background check fees. She said there are various general rentals and then the actual business licenses that are more defined.

**Councilmember McClung** stated he supports the proposal to regulate a commercial health food service activity in terms of staff time. He indicated he supports a fee be assessed to recuperate the costs of staff receiving information, answering questions, and so forth and noted the City is not trying to raise money but rather recuperate staff costs.

**Mayor Grant** said that charging a fee would enable this function to not be overlooked and recover staff time.

A short discussion ensued and the City Council agreed to implement a fee of \$20 for a residential food truck permit.

**Councilmember Holmes** asked about an administrative penalty for a resident not obtaining a permit and suggested Council discuss a fee of \$100.

**Mayor Grant** asked what the fee was for violations such as a peddler.

**City Clerk Hanson** deferred to City Attorney Joel Jamnik as this type of particular fee is not called out currently in the Fee Schedule.

**City Attorney Jamnik** stated that most misdemeanor violations are on a payables list and may be reduced if it goes to court. He said that having a \$100 administrative penalty could be consistent with City Ordinance and other charges.

**Mayor Grant** asked if this fee is consistent with other cities that City Attorney Jamnik represents.

**City Attorney Jamnik** said that most cities double or triple the initial permit fee but that many do not have such a small initial fee for a permit of \$20.

The City Council agreed to propose a \$100 administrative fine.

**Councilmember McClung** stated regarding conditions of licensing and condition, that he would like better clarification and proposed taking the word “resident” out so there is no ambiguity as to the definition of resident.

**Mayor Grant** agreed as he had attended a catered event in Shoreview, noting he was invited but is not a resident of Shoreview.

**City Attorney Jamnik** indicated that the intent of the use of the word resident was to indicate a resident of the property where the truck will be located. He said the intent is to reference that food may be provided to the owners of property and their guests but not to the members of the general public.

**Councilmember McClung** stated he was fine with this but would like to better clarify the language referring to resident.

**City Attorney Jamnik** stated that the Council can clarify that the resident is the owner of the property where the truck is located and their guests.

**Councilmember McClung** stated the purpose of an amendment is to not have a resident say that anyone they invite is a “guest” as it becomes a community event rather than a private catered event.

**City Attorney Jamnik** noted that a fairly broad net can be cast if the City were to try to classify events and thus enforcement becomes difficult. He stated that rather the City could regulate the events as far as the number of events allowed at a property.

**Councilmember Holmes** also questioned the word “resident” and agreed that it is ambiguous. She recommended that the permit indicate the type of event and thus not be a general invitation. She said she would prefer to use the word guests as resident is too vague.

**City Attorney Jamnik** reiterated that limiting the number of events is being proposed just for residential properties and not commercial establishments.

**Councilmember Scott** asked for clarification about temporary versus annual licenses and the duration of such.

**City Administrator Perrault** stated that the maximum of no more than 21 days applies to non-residential properties of which can operate up to 21 days at the same location, but the food truck can operate in other locations in the city throughout the year. He reiterated the 21 days for an annual license refers to operation at one, single commercial location.

**City Attorney Jamnik** concurred with the definition of the annual license as it pertains to commercial properties and reiterated the difference between a temporary and annual license. He said that under the proposed amendment, a residential property would be limited to two events at a single residence.

**Councilmember Holmes** said yes, the food truck can operate at several residential properties as long as it is not at the same residential property more than twice.

The City Council resumed discussion regarding locations and the reference to “residents” instead of “guests”.

**City Attorney Jamnik** said his preference would be to elaborate that residents means owners or residents of the subject property and not a broader resident of the community or neighborhood. He suggested adding language to indicate that “resident” is referring to the resident of the property, the owners, the tenants or other occupants.

**Councilmember McClung** suggested saying “sales or service may only be made to residents of the property requesting the permit and guests at the catered event”.

A short discussion ensued about using the word resident versus owner.

**Councilmember McClung** further refined the language to state “sales or service may only be made to the applicant of the residential permit, their family and guests at the catered event”.

A discussion ensued about the ordinance being prospective or to look back in 2021. The City Council agreed to implement a residential food truck permit capped at two catered events per year prospective upon adoption of the ordinance and directed staff to bring the changes forward at the next regular meeting in June.

**2. COUNCIL/STAFF COMMENTS**

None.

**ADJOURN**

Mayor Grant adjourned the Special City Council Work Session at 6:25 p.m.

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Julie Hanson  
City Clerk

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David Grant  
Mayor