



MOBILE FOOD UNIT APPLICATION

The City of Big Lake is pleased to consider your Mobile Food Unit (MFU) Application. This letter and the attached materials are intended to assist you with the formal processing of your application.

APPLICATION

The attached materials outline the processing procedures, submittal requirements, and fees for your Mobile Food Unit application. City staff use these checklists to monitor the status of your application. The contact person for Mobile Food Unit Applications is: Deputy City Clerk Lisa Miller at lmiller@biglakemn.org or by phone at 763-251-2983.

REQUIRED FEES – Payment can be made by cash, check, or credit card. The City of Big Lake offers an annual permit, along with tiered pricing for shorter term permits. Payments can be made online at www.biglakemn.org. Select the *Make a Payment* icon, *All Other Payments*, and select Payment Type ‘*Permits – Must Submit Application.*’

- **GENERAL MOBILE FOOD UNIT PERMITS** (vending at private and public locations with the exception of Lakeside Park)
 - **Annual Fees –**
 - Annual MFU Permit Fee - **\$200**
 - All Annual MFU Permits expire December 31st of each year.
 - Annual MFU Permit fees cannot be prorated.
 - **Daily Fees –**
 - 1 to 4 Day MFU Permit - **\$50**
 - 5 to 10 Day MFU Permit - **\$100**
 - Applicant must contact the Deputy City Clerk at least twenty-four (24) hours in advance of operating, and must provide the date and location of vending.
 - Specified days do not need to be concurrent.

- **LAKESIDE PARK VENDOR PERMITS**
 - **Seasonal Lakeside Park Vendor Permit Only - \$200**
 - **Seasonal Lakeside Park Vendor Permit & General Mobile Food Unit Permit Annual Fee - \$300.** Fee includes Annual General Mobile Food Unit Permit and cannot be prorated.
 - Seasonal Vendor Permits are valid May through October.
 - Seasonal Vendor Permits are valid every day of the week except during City sponsored events or other approved Special Events. Staff will update vendors as these dates are confirmed.
 - Vending dates must be preapproved by Recreation and Communication Coordinator Corrie Scott at cscott@biglakemn.org or 612-297-6331.
 - Availability of vending dates are subject to change at the discretion of the City. The City of Big Lake reserves the right to cancel and or restrict vending at Lakeside Park.
 - Businesses located in the City of Big Lake, Big Lake Township, and Orrock Township will receive preference until March 1 of each year; after this deadline, application will be open to any Minnesota business.
 - Up to two vendors will be able to operate within the same day at Lakeside Park.
 - The City of Big Lake Lakeside Park Vendor Policy regulates vending at Lakeside Park.

- **SPECIAL EVENT PERMITS**
 - **City Sponsored Events**
 - Farmers Market Events – There is a Farmers Market Vendor fee and application associated with vending during this event. All vending applications must be preapproved by Recreation and Communication coordinator Corrie Scott at cscott@biglakemn.org or 612-297-6331. Preference will be given to businesses located in the City of Big Lake, and Big Lake and Orrock Townships.
 - Movie in the Park Events – There is no fee to operate during Movie in the Park events; however, all vending applications must be preapproved by Recreation and Communication Coordinator Corrie Scott at cscott@biglakemn.org or 612-297-6331. Preference will be given to businesses located in the City of Big Lake, and Big Lake and Orrock Townships.
 - Music in the Park Events – There is no fee to operate during Music in the Park events; however, all vending applications must be preapproved by Recreation and Communication Coordinator Corrie Scott at cscott@biglakemn.org or 612-297-6331. Preference will be given to businesses located in the City of Big Lake, and Big Lake and Orrock Townships.
 - **Special Event Permits Issued**
 - Section 321.04A of the Big Lake City Code exempts MFU licensing requirements for vending at events that have been issued a City of Big Lake Special Event Permit. No additional application/fee is required.

Notice to Applicant:

In the course of your application for a license under the City of Big Lake's general licensing requirement, you may be asked to supply non-public data. The purpose and intended use of this data is to provide a means for the City to evaluate whether you comply with the application requirements for the general license application. You may refuse to supply the requested data, but this may result in an incomplete application which may result in your application being denied. This non-public data may be reviewed by the City of Big Lake, employees of the City of Big Lake who are assigned to review such information, and the City of Big Lake's legal counsel. In addition, this data may be reviewed by specific Board and subcommittees of the City of Big Lake, who assist the City in evaluating your application. You hereby agree to release the data to those Boards and subcommittees for the purpose of effectuating that review.

Failure to complete, supply, or falsify any or all information contained within this application will result in a delay or denial or revocation of your license and/or application.

The undersigned understands and consents to the release and use of private or confidential data, as described above. Also, the undersigned does hereby agree to defend, indemnify, and hold harmless, the City of Big Lake, its officers, employees, and agents, for any and all claims, causes of action, lawsuits, losses or expenses, including reasonable attorney's fees and costs, on account of bodily injury, sickness, disease, death, and property damage as a result of any action of the undersigned.

Applicant Signature

Date

CONTACT INFORMATION, REQUIRED FEES, AND DOCUMENTATION

STAFF COMMENTS	CITY CONTACT PERSON	Deputy Clerk Lisa Miller Email: Lmiller@biglakemn.org Phone: 763-251-2983	Recreation and Communication Coordinator Corrie Scott Email: cscott@biglakemn.org Phone: 612-297-6331
Received by: _____ Date Rec'd: _____ Cash _____ CC _____ Check # _____	FEES	<u>Annual MFU Permit Only</u> - (expires December 31 st of each year). Annual fees cannot be prorated. Applicant is not required to contact the City with dates of operation. <u>Daily MFU Permit</u> - 1 to 4 Day Permit 5 to 10 Day Permit <u>Lakeside Park Vendor Permit Only</u> - vending requires preapproval from Recreation and Communication Coordinator. <u>Annual MFU & Lakeside Park Vendor Permit</u> - vending requires preapproval from Recreation and Communication Coordinator.	\$200 \$50 \$100 \$200 \$300
Daily Licenses 1 to 4 Day –or- 5 to 10 Day Dates do not need to be consecutive, or pre-determined at time of application. Applicant must notify the City within 24 hours of selling. Notification can be by phone at 763-251-2983 or by email at lmiller@biglakemn.org	1 to 4 Day Term (\$50 fee due at application) DAY 1 _____ DAY 2 _____ DAY 3 _____ DAY 4 _____	1 to 10 Day Term (\$100 fee due at application) DAY 1 _____ DAY 6 _____ DAY 2 _____ DAY 7 _____ DAY 3 _____ DAY 8 _____ DAY 4 _____ DAY 9 _____ DAY 5 _____ DAY 10 _____	
Date Submitted: _____	INSURANCE CERTIFICATE	Applicants must provide a CERTIFICATE OF INSURANCE *general policy of liability insurance which shall provide a limit of coverage of not less than three hundred thousand dollars/one hundred thousand dollars (\$300,000/\$100,000) for bodily injury and twenty-five thousand dollars (\$25,000) for property damage. City of Big Lake must be listed as Certificate Holder. *If vending is occurring on City owned property (streets, right-of-way, parks, etc.), the City must be listed as <u>Coinsured</u> (additional insured) on the policy.	
Date Submitted: _____	COPY OF STATE LICENSING	Applicants must provide proof of State Department of Health or Agriculture Approved license. A copy of the license can be hand delivered, or emailed.	
Is a Noise Permit Required? Yes No If so, List Permit No. _____	NOISE PERMIT	Section 321.03, Subd. 6. Regulates Sound Devices. No person operating a Mobile Food Unit shall shout, make any cry out, blow a horn, ring a bell or use any sound device, including any loud speaking radio or sound amplifying system upon any public property, or upon any private premises in the City where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon public property, for the purpose of attracting attention to any goods, wares or merchandise which such permittee proposes to sell, unless prior approval with conditions is received from the City.	



E-mail: dli.license@state.mn.us
Web Site: www.dli.mn.gov
Phone: (651) 284-5034

Certificate of Compliance

Minnesota Workers' Compensation Law

This form must be completed by the business license applicant.

Print in ink or type

Minnesota Statutes § 176.182 requires every state and local licensing agency to withhold the issuance or renewal of a license or permit to operate a business in Minnesota until the applicant presents acceptable evidence of compliance with the workers' compensation insurance coverage requirement of Minn. Stat. chapter 176. If the required information is not provided or is falsely stated, it shall result in a \$2,000 penalty assessed against the applicant by the commissioner of the Department of Labor and Industry.

A valid workers' compensation policy must be kept in effect at all times by employers as required by law.

License or certificate number (if applicable)	Business telephone number	Alternate telephone number
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Business name (Provide the legal name of the business entity. If the business is a sole proprietor or partnership, provide the owner's name(s), for example John Doe, or John Doe and Jane Doe.)

DBA ("doing business as" or "also known as" an assumed name), if applicable

Business address (must be physical street address, no P.O. boxes)	City	State	ZIP code
County	Email address		

You must complete number 1 or 2 below.

Note: You must resubmit this form to the authority issuing your license if any of the information you have provided changes.

1. **I have a workers' compensation insurance policy.**

Insurance company name (not the insurance agent)

Policy number	Effective date	Expiration date
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I am self-insured for workers' compensation. (Attach a copy of the authorization to self-insure from the Minnesota Department of Commerce; see <https://mn.gov/commerce/industries/insurance/licensing/self-insurance>.)

2. **I am not required to have workers' compensation insurance because:**

- I only use independent contractors and do not have employees. (See [Minn. Stat. § 176.043](#) for trucking and messenger courier industries; [Minn. Stat. § 181.723, subd. 4](#), for building construction; and [Minnesota Rules chapter 5224](#) for other industries.)
- I do not use independent contractors and have no employees. (See [Minn. Stat. § 176.011, subd. 9](#), for the definition of an employee.)
- I use independent contractors and I have employees who are not required to be covered by the workers' compensation law. (Explain below.)
- I only have employees who are not required to be covered by the workers' compensation law. (Explain below.) (See [Minn. Stat. § 176.041](#) for a list of excluded employees.)

Explain why your employees are not required to be covered

I certify the information provided on this form is accurate and complete. If I am signing on behalf of a business, I certify I am authorized to sign on behalf of the business.

Print name

Applicant signature (required)	Title	Date
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If you have questions about completing this form or to request this form in Braille, large print or audio.

Section 321- Mobile Food Units

321.01 Purpose. The purpose of this Section is to protect the public health, safety, and general welfare of the community through the establishment of standards to ensure that Mobile Food Units as defined herein are appropriately located, licensed and inspected, do not impede vehicular access, traffic flow or circulation, or create public safety hazards.

321.02 Definitions. The following words and phrases, when used in this Section and unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this Subsection:

Commissary - shall be defined as a permanent, State-licensed location which services food trucks, including but not limited to the provision of food storage, paper goods and supplies, waste and grease disposal and food preparation.

Lakeside Park Vendor Permit – shall be defined as a Vendor Permit issued by the City of Big Lake to a Mobile Food Unit to vend at Lakeside Park, 101 Lakeshore Drive, Big Lake, MN.

Mobile Food Unit – means a food and beverage service establishment that is a vehicle mounted unit, such as:

- A. Motorized or Trailer: shall be defined as any self-propelled vehicle or fully contained trailer, licensed by the State of Minnesota to operate on public streets and roadways, which vends food (either prepackaged, prepared in the unit, or at a commissary) at retail for immediate consumption by the customer. Said vehicle and/or trailer may also be referred to herein as “unit”.
- B. A unit operating in conjunction with a permanent business licensed under MN Statutes Chapter 157 or Chapter 128A at the site of the permanent business by the same individual or company, and readily moveable, without disassembling, for transport to another location; and a self-contained unit, in which food is stored, cooked, and prepared for direct sale to the consumer.
- C. Food Cart: shall be defined as a food and beverage service establishment that is a non-motorized vehicle self-propelled by the operator.
- D. Ice Cream Truck: shall be defined as a motor vehicle utilized as the point of retail sales of pre-wrapped or pre-packaged ice cream, frozen yogurt, frozen custard, flavored frozen water, or similar frozen dessert products.

Vend or Vending - shall be defined as the process of the transfer of a food product from the unit operator to a customer. Vending begins when the unit initially stops in a location at which customers can access the unit and continues until the unit leaves that location.

321.03 Applicability. Notwithstanding any contrary provision of any City ordinance, regulation, or rule, Mobile Food Units shall be licensed and located as provided in this ordinance:

Subd. 1. Permit Required. Within the City of Big Lake, no person shall vend from a Mobile Food Unit without first having obtained a permit to do so from the City.

- A. Form. An application for a permit shall be submitted to the City on forms prepared by the City.
- B. Required Information. The applicant shall file with the application such information that will clearly establish the times and places where the applicant desires to operate; the applicant shall describe the physical characteristics of the vehicle/unit being used; the applicant shall describe products to be sold and any other information the City may require.
 - 1. Mobile Food Unit applicants wishing to operate on any publicly owned land, right-of-way, or street located in a residential district, or any city park shall be required to meet all requirements listed under Section 321.05 (Investigation, Approval, or Disapproval) of this Section.

Subd. 2. Fees. All applications for a permit under this Section shall be accompanied by the fee established in the City's fee schedule as adopted from time to time by the Council.

- A. Proration of any fee in this Section is not allowed.
- B. There shall be no refunding of paid fees, nor shall a permit be transferrable.
- C. A separate permit shall be required for each Mobile Food Unit regardless of ownership, and the approved permit shall be displayed on or within the unit, visible from the outside of the unit, whenever the unit is vending.

Subd. 3. Department of Health License Requirement. Applicants must provide evidence of current licensing of the unit by the Minnesota Department of Health, the Minnesota Department of Agriculture, or other approved Department of Health licensing authority.

Subd. 4. Term of Permit.

- A. Annual Permits.
 - 1. Permits issued as an annual permit, shall expire at 11:59 p.m. on December 31 of each year.
- B. Termed Permit.
 - 1. Termed Permits are issued on a 1 to 4 day term, or a 5 to 10 day term. Dates of vending are not required to be concurrent.
 - 2. All permits issued for a specific term must adhere to the dates allowed to vend identified on the applicant's permit.
 - 3. Termed permit fees shall not be prorated unless otherwise specified by this Code or by law.

Subd. 5. Insurance Requirements.

- A. The Applicant shall carry a general policy of liability insurance which shall provide a limit of coverage of not less than three hundred thousand dollars/one hundred thousand dollars (\$300,000/\$100,000) for bodily injury and twenty five thousand dollars (\$25,000) for property damage.
 - 1. Coinsured Requirement. Mobile Food Units operating on any public property must provide a certificate of insurance showing the City listed as coinsured.
- B. Notice of Cancellation. The insurance policy required by this Section shall further provide that no cancellation of said insurance policy, for any cause, may be made by the insured or the insurance company without first giving thirty (30) days' notice to the City, in writing, of the intention to cancel.

Subd. 6. Sound Devices. No person operating a Mobile Food Unit shall shout, make any cryout, blow a horn, ring a bell or use any sound device, including any loud speaking radio or sound amplifying system upon any public property, or upon any private premises in the City where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon public property, for the purpose of attracting attention to any goods, wares or merchandise which such permittee proposes to sell, unless prior approval with conditions is received from the City.

Subd. 7. Mobile Food Unit Operations.

- A. At no time shall any sales be made from a Mobile Food Unit while it is in motion.
- B. Shall not employ or utilize any signs that are not attached directly to the vehicle/trailer/unit. Signs may not project above the unit, nor more than six (6) inches from the side of the unit. No flashing, strobing or intermittent lighting is allowed.
- C. No external seating may be utilized while operating on public property.
- D. No other equipment may be utilized that is not fully contained within the vehicle/trailer/unit while operating on public property.
- E. Any generator in use must be self-contained and fully screened from view, and operate so as not to be deemed a nuisance.
- F. Operations shall be limited to the number of days indicated on the applicant's State License.

- G. Applicant shall provide waste disposal for litter and garbage generated by the operation of the Mobile Food Unit, and shall clean all such litter and garbage before moving from the location.
- H. The Mobile Food Unit and Vendor shall obey the orders of any traffic control officer, peace officer, zoning official, or inspector, and shall be open to inspection during all open hours.
- I. Hours of operation.
 - 1. Public Property - Hours of vending operation shall be allowed from 8:00 a.m. to 10:00 p.m. An exemption of this requirement would require approval from the City.
 - 2. Private Property - Hours of vending operation shall be allowed from 7:00 a.m. to 1:00 a.m. An exemption of this requirement would require approval from the City.

Subd. 8. Mobile Food Units are prohibited from the following vending activity:

- A. Vending is not allowed at Lakeside Park located at 101 Lakeshore Drive without having first obtained a Lakeside Park Vendor Permit issued by the City.
- B. Vending is not allowed within 500 feet of the property boundary of Lakeside Park without having first obtained a Lakeside Park Vendor Permit issued by the City.
- C. Vending is not allowed on any publicly owned Highway or County Road within the City.
- D. Vending is not allowed within 150 feet of the property line of any restaurant within the City.
- E. Vending is not allowed within 300 feet of a community event for which the City has issued a Special Event Permit, unless they are specifically authorized by the event sponsor to participate in the event. The terms of the Special Event Permit shall apply.

Subd. 9. Location or Placement.

- A. On public property.
 - 1. No unit shall occupy more than two (2) parking stalls.
 - 2. In no case shall a unit vend while occupying a traffic lane, parked on a sidewalk, or in any location which obstructs or impedes traffic.
 - 3. The unit shall vend only from the side of the vehicle away from moving traffic and as near as possible to the curb or side of the street.
 - 4. The unit shall not vend to any person standing in the traveled portion of any public street.

5. On public streets, no unit shall vend within sixty (60) feet of the intersection of two or more public streets, nor within thirty (30) feet of a driveway which enters onto a public street.
 6. No unit shall vend while in motion.
 7. There shall be no overnight parking of Food Trucks/Vendors on any public property.
 8. Connection of the unit to any public utilities is strictly prohibited.
- B. On private property. Mobile Food Units are allowed to operate on private property zoned retail, commercial, or industrial as expressly authorized by the owner/manager/agent for the private property, only for the length of time authorized by their State License, and only upon issuance of a City of Big Lake Mobile Food Unit Permit.

321.04 Exemptions. The following are exempt from Mobile Food Unit licensing requirements:

- A. Mobile Food Units which are vending under a Special Event Permit issued by the City of Big Lake are allowed to operate under that Special Event Permit as authorized by the organizers/managers of the event, at the location of, and for, the duration of the event.
- B. Appropriately licensed caterers are exempted from this Section for catered events.
- C. Mobile Foods Units which are vending at a school, church, or other non-profit owned land for a non-profit event.
- D. Mobile Food Units which are hired to vend on private property for private events, located in any residential or agriculture zoned property. The Mobile Food Units must be fully contained on private property.
- E. Mobile Food Units owned and operated by a commercial food business located in the City of Big Lake.

321.05 Investigation, Approval, or Disapproval. The City may conduct such background checks as the city deems necessary and prudent when considering Mobile Food Unit applications.

- A. Mobile Food Unit applicants wishing to operate on any publicly owned land, right-of-way, or street located in a residential district, or in any City Park, shall be required to undergo a background check that may include, but is not limited to, a driver's license check and a criminal history check, for the protection of the public good.

321.06 Approval, or Denial of Permit. The City shall approve or deny the application in the manner prescribed in this Section within a reasonable period of time. The following shall be grounds for denying a permit:

- A. Failure of an applicant to truthfully provide any information requested by the City as part of the application process.
- B. Failure of the applicant to complete the application and/or pay any required fee.
- C. When an applicant has a bad business reputation. Evidence of a bad business reputation may include prior revocations of any permit or license, prior convictions for violation of any federal, state, or local law or which adversely reflects upon the person's ability to conduct the business for which the permit is being sought, or prior complaints with the City, Better Business Bureau, State Attorney General, or other similar business or consumer rights office.
- D. The conviction of the applicant within the past five years from the date of application, for any violation of any Federal or State statute or regulation, or of any local ordinance, which adversely reflects on the person's ability to conduct the business for which the license is being sought in an honest and legal manner or that will not adversely affect the health, safety, and welfare of the residents of the City. Such violations shall include but not be limited to: burglary, theft, larceny, swindling, fraud, unlawful business practices, and any form of actual or threatened physical harm against another person.
- E. The revocation within the past five years of any license issued to the applicant for the purpose of conducting a Mobile Food Unit or similar business transaction.
- F. The denial, within the last year, of any license or permit application for the purpose of conducting a Mobile Food Unit or similar business transaction.
- G. Failure to follow all Federal, State, and Local regulations, including failure to be registered, licensed or permitted if such registration, license or permit is required by any Federal, State, or Local regulation.
- H. Appeal. Any permit applicant aggrieved by the denial of a permit may appeal by filing with the City Administrator within ten (10) days of the date of mailing of the notice of denial, a written statement requesting a hearing before the City Council and setting forth fully the grounds for the appeal. A hearing shall be held within thirty (30) days of receipt of the request. Notice of the hearing shall be given by the City Administrator in writing, setting forth the time and place of hearing. Such notice shall be mailed, postage prepaid, to the permit applicant at his/her last known address at least five (5) days prior to the date set for hearing, or shall be delivered by a police officer in the same manner as a summons at least three (3) prior to the date set for hearing.

321.07 Suspension or Revocation.