



Request for City Council Committee Action from Licenses and Consumer Services

Date: May 13, 2014

To: Council Member Lisa Goodman, Chair
Community Development and Regulatory Services
Committee

Subject: Ordinance amendment related to Mobile Food Stores

Recommendation: That the Community Development and Regulatory Services Committee approve amending Chapter 295 of the Minneapolis Code of Ordinances to allow a larger selection of healthy foods and expand the locations available for Mobile Food Stores.

Department Information

Prepared by: Gayle Prest, Sustainability Director, 673-2931 and Linda Roberts, Assistant Manager of Business Licenses, 673-3908

Approved by:

Cathy Polasky, Director of Economic Policy and Development

Grant Wilson, Manager of Business Licenses

Presenters in Committee: Linda Roberts

Financial Impact

- No financial impact

Community Impact

- Neighborhood Notification: Public Hearing Notices were electronically sent to all Business Associations, Neighborhood Organizations, and posted on the Business Licenses' website.
- City Goals: Businesses — big and small — start here, stay here, thrive here; Healthy choices are easy and economical.

Supporting Information

Minneapolis CPED asks the Council's consideration of ordinance amendments related to mobile grocery stores (MCO 295). The proposed changes will expand the locations of mobile grocery stores and offer a larger healthy selection of food.

Background: Currently, City regulations allow for groceterias and portable stores to sell only pre-packaged foods and operate only in designated senior citizens' high rise apartments that do not have a licensed grocery meat market operation on the premises. These limits have resulted in no mobile grocery stores in the City in the recent past.

City staff were approached by local entrepreneurs and a nonprofit organization to consider changes. All were interested in offering healthy foods. The Homegrown Minneapolis Food Council also drafted a letter to the City Council in 2013 in support of changes, and passage is part of their 2014 priorities. While there are different models across the country and it's a growing movement, mobile grocery stores are often viewed as a vehicle to align nutrition, food access, local farmers and jobs. Saint Paul and other nearby communities allow mobile grocery stores.

Highlights: Under the new regulations mobile grocery stores will be limited to parking lots accessory to commercial, industrial or high density residential properties. No mobile grocery store may operate within 100 feet of a licensed grocery store or operating farmers markets, except with express permission of that grocery store or farmers market. All must offer at least 50 items of fresh fruits and vegetables in at least 7 varieties. They cannot sell alcohol, tobacco or tobacco related products. Non-food items will only be allowed as a minor accessory, and can make up no more than 10% of the goods offered for sale. Hours of operation will be between 7:00 a.m. and 10:00 p.m., and there are reasonable restrictions on noise, litter, vehicle storage and locations where sales can occur.

2014-Or-
AN ORDINANCE
of the
CITY OF
MINNEAPOLIS

By: Gordon

Amending Title 13, Chapter 295 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Groceterias and Portable Stores.

The City Council of the City of Minneapolis do ordain as follows:

Section 1: That the title of Chapter 295 of the Minneapolis Code of Ordinances be amended to read as follows:

CHAPTER 295. ~~GROCETERIAS AND PORTABLE~~ MOBILE FOOD STORES

Section 2: That Section 295.10 of the above-entitled ordinance be amended to read as follows:

295.10. License required. No person shall maintain, use, conduct or operate within the city any ~~groceteria or any portable~~ mobile food store of any kind for transportation from place to place, and sale of, any groceries, meats, provisions and miscellaneous goods, wares and merchandise of any kind without first having procured a license to do so from the city council.

Section 3: That Section 295.20 of the above-entitled ordinance be amended to read as follows:

295.20. Application for license. Any person desiring a license under this chapter shall file with the licensing official a written application to the city council for such license, stating in such application the full name and address of the owner or proprietor of the ~~groceteria or portable~~ mobile food store to be conducted and operated by the applicant, and for which a license is desired, ~~and the locations within the city where the applicant proposes to conduct and operate the same,~~ and the kind of groceries, meats, provisions and miscellaneous goods, wares and merchandise the applicant desires to transport and sell under such license.

Section 4: That Chapter 295.30 of the above-entitled ordinance be amended to read as follows:

295.30. Place of sale limited. No sales of food or other products shall be made from any mobile ~~groceteria~~ food store upon the city streets, alleys or public ways, and sales of ~~prepackaged food products from such groceterias~~ mobile food stores shall be limited to ~~designated senior citizens' high rise apartments that do not have a licensed grocery-meat market operation on the premises~~ parking lots accessory to commercial, industrial, or high-density residential properties, with the written permission of the property owner or manager. No

mobile food store may operate within one hundred (100) feet of a licensed grocery store or operating farmers market, except with the express permission of that grocery store or farmers market. Mobile food stores shall not block fire lanes or access for persons with disabilities, and shall operate in a manner that avoids pedestrian and motor vehicle conflicts.

Section 5: That Section 295.40 of the above-entitled ordinance be amended to read as follows:

295.40. Foods permitted to be sold. (a) The licensee shall sell only prepackaged staple foods as defined by section 203.10 of this Code and fresh produce approved by the commissioner of health. As used in this section:

(a) 1) "Commissioner of health" shall mean the commissioner of health of the city and authorized representatives.

(b) 2) "Prepackaged foods" shall mean clean, unadulterated, wholesome food packaged in a substantial, clean container or wrapper.

(3) "Fresh produce" shall mean raw, uncut fruits and vegetables.

All perishable and readily perishable foods, as defined by section ~~188.40~~ 186.50 of this Code shall comply with this section.

Section 6: That Chapter 295 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 295.45 to read as follows:

295.45. Foods required to be sold. All mobile food stores licensed under this chapter must offer for sale at least fifty (50) items total of fresh fruits and vegetables in at least seven (7) varieties, and with no more than 50% of the total selection being from a single variety.

Section 7: That Section 295.50 of the above-entitled ordinance be amended to read as follows:

295.50. Protection from contamination and spoilage. All food while being stored or transported, shall be protected against contamination by dirt, dust, grease, flies, rodents and other vermin, and all perishable foods shall be kept at temperatures sufficient to protect against spoilage. The temperature of readily perishable food during storage and transportation shall be forty (40) degrees Fahrenheit or lower and frozen foods in storage and transportation shall be kept at or below zero (0) degrees Fahrenheit. Food may be sold inside the vehicle or from an area no more than thirty (30) feet from the vehicle and no larger than one hundred (100) square feet in size.

Section 8: That Section 295.60 of the above-entitled ordinance be amended to read as follows:

295.60. Sanitation. All equipment and utensils installed or used shall comply with or be equal to the requirements of the National Sanitation Foundation standards as required by chapter 188 of this Code. The floors, walls, ceiling and storage shelves of ~~groceries~~ mobile food stores shall be of such construction so as to withstand repeated washings, and shall be kept clean at all times. All employees shall maintain a high degree of personal cleanliness and conform to hygienic practices while in service in mobile stores.

Section 9: That Section 295.70 of the above-entitled ordinance be amended to read as follows:

295.70. Prevention of litter, noise; compliance with consumer protection. When leaving a sales area, the licensee or operator of a ~~grocery~~ mobile food store shall pick up all litter resulting from the business sales, and shall deposit such litter in an approved, covered metal garbage receptacle located on the mobile ~~grocery~~ food store. The licensee shall fully comply with all applicable city ordinances regarding noise control, and the mobile ~~grocery~~ food store shall comply with the provisions of **chapter 152** of this Code, relating to the sale of commodities. No mobile food store shall use or maintain any outside sound amplifying equipment, televisions or similar visual entertainment devices, lights, or noisemakers, such as bells, horns, or whistles.

Section 10: That Chapter 295 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 295.75 to read as follows:

295.75. Hours of operation. Hours of operation shall be limited to the hours between 8:00 a.m. and 9:00 p.m.

Section 11: That Section 295.90 of the above-entitled ordinance be amended to read as follows:

295.90. Insurance. The licensee shall provide evidence of liability insurance in the amount of ~~one hundred thousand dollars (\$100,000.00) for individual or three hundred thousand dollars (\$300,000.00) for any single incident and property damage coverage in the amount of five thousand dollars (\$5,000.00)~~ five hundred thousand dollars (\$500,000.00). Certificate of insurance shall be filed with the licensing official prior to issuance of a license.

Section 12: That Section 295.100 of the above-entitled ordinance be amended to read as follows:

295.100. When licenses expire and fees. The annual license fee for each mobile ~~grocery~~ food store under this chapter shall be as established in Appendix J, License Fee Schedule. The fee required shall be in addition to any fees required by ~~Chapter 188~~ for licenses otherwise required by the Code of Ordinances. Licenses issued under this chapter shall expire on April first of each year.

Section 13: That Chapter 295.110 of the above-entitled ordinance be amended to read as follows:

295.110. ~~Locations, schedules to be filed; m~~Marking and inspection of vehicles. The list of locations to be served and the schedule of service to each location shall be kept currently revised and on file with the department, and each vehicle used as a ~~grocery~~ mobile

food store shall have affixed thereto, in a conspicuous place so as to be legible at all times, the name, address, and telephone number of the owner or licensee, and a food vehicle license number and decal furnished by the licensing official. Each vehicle used as a mobile food store shall be in a good state of repair and appearance, shall at all times be in compliance with commercial vehicle safety and inspection requirements, and shall not be stored in residential districts or on-street.

Section 14: That Chapter 295 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 295.115 to read as follows:

295.115. Restricted products. Mobile food stores may not sell beverage alcohol, tobacco, or tobacco related products. Retail items that are not designed for human consumption shall comprise no more than 10% of the space in the mobile grocery store.

Section 15: That Section 295.120 of the above-entitled ordinance be amended to read as follows:

295.120. Violations. Should the conditions of licensing under this chapter or any other applicable ordinance of the city cease to be met, such violations shall be cause for adverse license actions including the issuance of an ordinance violation tag citations, and possible cause for the imposition of reasonable conditions or restrictions upon the license, a license suspension, denial of renewal, or license revocation.