

# CITY OF HOLSTEIN, IOWA

## Food Truck & Mobile Food Information & Policy Packet

The City of Holstein staff has compiled this packet to assist the Holstein City Council in understanding the requirements, regulations, and best practices related to food truck and mobile food vendor operations.

### PACKET CONTENTS

<b>1</b>	<b>Local Business Information</b> Information distributed to businesses in Holstein regarding mobile food vendor opportunities and city policies.
<b>2</b>	<b>City of Holstein Ordinance — Chapter 122: Peddlers, Solicitors, and Transient Merchants</b> Local municipal ordinance governing peddlers, solicitors, and transient merchants operating within the City of Holstein, including permit requirements, fees, and regulations.
<b>3</b>	<b>State of Iowa — Laws &amp; Regulations for Mobile Food Requirements</b> State-level statutes and administrative rules governing the operation of mobile food units in Iowa, including licensing, inspections, and food safety standards.
<b>4</b>	<b>Examples — Other Cities' Food Truck Ordinances, Policies &amp; Applications</b> Reference materials from neighboring communities for comparison and best practices.
<i>Included:</i> <ul style="list-style-type: none"><li>● City of Storm Lake</li><li>● City of Marcus</li><li>● City of Emmetsburg</li><li>● City of Le Mars</li><li>● Siouxland District Health Department</li><li>● Johnson County</li><li>● City of Grinnell</li><li>● City of Tiffin</li></ul>	
<b>5</b>	<b>Iowa Code Chapter 9C — Transient Merchants</b> Applicable provisions of Iowa state law governing transient merchants, including definitions, permit requirements, and enforcement provisions.



## Mobile Food Trucks City of Holstein

Mobile food trucks are considered “Transient Merchants” and must adhere to Chapter 122 of the City of Holstein Ordinance for Solicitors, Peddlers and Transient Merchants. Mobile food truck vendors in Holstein must comply with the Chapter 122 city regulations, requiring a specific application for operating on public property. Applications and permits for food trucks/mobile vendors, including those for public property, are handled through the City of Holstein’s website or by contacting the city clerk’s office. Some highlights to keep in mind from this ordinance are as follows:

- A license (aka permit) is required to be secured with the city before a mobile food truck can conduct business in city limits. This should be completed a minimum of 3 business days prior to the scheduled date
- The permit request is available from City Hall or on the City of Holstein website. The permit must be completed in full and turned into City Hall with the permit fee to be reviewed and approved.
- The permit request also requires that the mobile food truck provides the City of Holstein with their evidence that they have filed a bond with the Secretary of State in accordance with Chapter 9C of the *Code of Iowa*. Please note that this is a State of Iowa requirement, and the City of Holstein is ensuring compliance by asking for this.
- A fee of \$20.00 per day is collected prior to the issuance of the license. The license issued should be displayed in the food truck for the public to view.

If you are planning for a food truck to come to Holstein or are scheduling future events that will feature a food truck, please contact the City Office as soon as you have scheduled it. If you provide us with the food truck business and contact name as well as contact information, we will work directly with them to get the permit request and license issued timely so they are ready to serve food at your event!

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## CHAPTER 122

### PEDDLERS, SOLICITORS, AND TRANSIENT MERCHANTS

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122.01 Purpose	122.10 Time Restriction
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#### **122.01 PURPOSE.**

The purpose of this chapter is to protect residents of the City against fraud, unfair competition and intrusion into the privacy of their homes by licensing and regulating peddlers, solicitors and transient merchants.

#### **122.02 DEFINITIONS.**

For use in this chapter the following terms are defined:

1. "Peddler" means any person carrying goods or merchandise who sells or offers for sale for immediate delivery such goods or merchandise from house to house or upon the public street.
2. "Solicitor" means any person who solicits or attempts to solicit from house to house or upon the public street any contribution or donation or any order for goods, services, subscriptions or merchandise to be delivered at a future date.
3. "Transient merchant" means any person who engages in a temporary or itinerant merchandising business and in the course of such business hires, leases or occupies any building or structure whatsoever, or who operates out of a vehicle which is parked anywhere within the City limits. Temporary association with a local merchant, dealer, trader or auctioneer, or conduct of such transient business in connection with, as a part of, or in the name of any local merchant, dealer, trader or auctioneer does not exempt any person from being considered a transient merchant.

#### **122.03 LICENSE REQUIRED.**

Any person engaging in peddling, soliciting or in the business of a transient merchant in the City without first obtaining a license as herein provided is in violation of this chapter.

#### **122.04 APPLICATION FOR LICENSE.**

An application in writing shall be filed with the Clerk for a license under this chapter. Such application shall set forth the applicant's name, permanent and local address and business address if any. The application shall also set forth the applicant's employer, if any, and the employer's address, the nature of the applicant's business, the last three places of such business and the length of time sought to be covered by the license.

#### **122.05 LICENSE FEES.**

The application and license fees shall be set by a resolution approved by the Council and paid to the Clerk prior to issuance of any license.

#### **122.06 BOND REQUIRED.**

Before a license under this chapter is issued to a transient merchant, an applicant shall provide to the Clerk evidence that the applicant has filed a bond with the Secretary of State in accordance with Chapter 9C of the *Code of Iowa*.

#### **122.07 LICENSE ISSUED.**

If the Clerk finds the application is completed in conformance with the requirements of this chapter, the facts stated therein are found to be correct and the license fee paid, a license shall be issued immediately.

#### **122.08 DISPLAY OF LICENSE.**

Each solicitor or peddler shall keep such license in possession at all times while doing business in the City and shall, upon the request of prospective customers, exhibit the license as evidence of compliance with all requirements of this chapter. Each transient merchant shall display publicly such merchant's license in the merchant's place of business.

#### **122.09 LICENSE NOT TRANSFERABLE.**

Licenses issued under the provisions of this chapter are not transferable in any situation and are to be applicable only to the person filing the application.

#### **122.10 TIME RESTRICTION.**

All peddler's and solicitor's licenses shall provide that said licenses are in force and effect only between the hours of 8:00 a.m. and 6:00 p.m.

#### **122.11 REVOCATION OF LICENSE.**

After notice and hearing, the Clerk may revoke any license issued under this chapter for the following reasons:

1. Fraudulent Statements. The licensee has made fraudulent statements in the application for the license or in the conduct of the business.
2. Violation of Law. The licensee has violated this chapter or has otherwise conducted the business in an unlawful manner.
3. Endangered Public Welfare, Health or Safety. The licensee has conducted the business in such manner as to endanger the public welfare, safety, order or morals.

#### **122.12 NOTICE.**

The Clerk shall send a notice to the licensee at the licensee's local address, not less than 10 days before the date set for a hearing on the possible revocation of a license. Such notice shall contain particulars of the complaints against the licensee, the ordinance provisions or State statutes allegedly violated, and the date, time and place for hearing on the matter.

#### **122.13 HEARING.**

The Clerk shall conduct a hearing at which both the licensee and any complainants shall be present to determine the truth of the facts alleged in the complaint and notice. Should the licensee, or authorized representative, fail to appear without good cause, the Clerk may proceed to a determination of the complaint.

#### **122.14 RECORD AND DETERMINATION.**

The Clerk shall make and record findings of fact and conclusions of law, and shall revoke a license only when upon review of the entire record the Clerk finds clear and convincing evidence of substantial violation of this chapter or State law.

#### **122.15 APPEAL.**

If the Clerk revokes or refuses to issue a license, the Clerk shall make a part of the record the reasons therefor. The licensee, or the applicant, shall have a right to a hearing before the Council at its next regular meeting. The Council may reverse, modify or affirm the decision of the Clerk by a majority vote of the Council members present and the Clerk shall carry out the decision of the Council.

#### **122.16 EFFECT OF REVOCATION.**

Revocation of any license shall bar the licensee from being eligible for any license under this chapter for a period of one year from the date of the revocation.

#### **122.17 LICENSE EXEMPTIONS.**

The following are excluded from the application of this chapter.

1. Newspapers. Persons delivering, collecting for or selling subscriptions to newspapers.
2. Club Members. Members of local civic and service clubs, Boy Scout, Girl Scout, 4-H Clubs, Future Farmers of America and similar organizations.
3. Local Residents and Farmers. Local residents and farmers who offer for sale their own products.
4. Students. Students representing the Galva-Holstein Community School District conducting projects sponsored by organizations recognized by the school.
5. Route Sales. Route delivery persons who only incidentally solicit additional business or make special sales.
6. Resale or Institutional Use. Persons customarily calling on businesses or institutions for the purposes of selling products for resale or institutional use.
7. Minor Businesses. An on-site transactional business traditionally operated exclusively by a person under the age of 18, operated on an occasional basis for no more than 89 calendar days in a calendar year.

*(Code of Iowa, Sec. 364.3[13])*

#### **122.18 CHARITABLE AND NONPROFIT ORGANIZATIONS.**

Authorized representatives of charitable or nonprofit organizations operating under the provisions of Chapter 504 of the *Code of Iowa* desiring to solicit money or to distribute literature are exempt from the operation of Sections 122.04 and 122.05. All such organizations are required to submit in writing to the Clerk the name and purpose of the cause for which such activities are sought, names and addresses of the officers and directors of the organization, the period during which such activities are to be carried on, and whether any commissions, fees or wages are to be charged by the solicitor and the amount thereof. If the Clerk finds that the organization is a bona fide charity or nonprofit organization the Clerk shall issue, free of charge, a license containing the above information to the applicant. In the event the Clerk denies the exemption, the authorized representatives of the organization may appeal the decision to the Council, as provided in Section 122.15 of this chapter.



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## MOBILE FOOD UNIT BASIC REQUIREMENTS

### LAWS AND REGULATIONS

- Iowa follows the [2017 FDA Food Code](#) (with the 2019 Supplement). It complies with [Iowa Code 137F](#) and Iowa Administrative Codes [Chapter 30](#) and [Chapter 31](#). These regulations govern food establishments.
- Refer to Chapter 4 of the FDA Food Code for equipment requirements. For plumbing and water needs, see Chapter 5. Chapter 6 provides details on physical facilities. Refer to the table of contents to find the section on operations and procedures.
- All licensed facilities must follow State and Local Fire, Plumbing and Building Codes, including mechanical ventilation. If you have any questions, please contact your local agencies.
- A pre-operational inspection and approval is required before opening for business.
- Mobile Food Units need to meet the requirements for [mobile food operations](#).

### LICENSING

- An application for a license must be submitted 30 days before opening the food establishment. [Apply for your license here](#).
- A license application for the intended operation must be on file with the Department prior to a plan review.
- A Food Establishment needs an inspection and approval to open.
  - After the application is processed, an inspector will be assigned. Then, a pre-operational inspection may be done to approve the license. Operating without an approved license will result in a penalty fee. This fee will be the same as the original license fee. It could also lead to closure of your operation. Penalty fees must be paid before a license can be issued. Once issued, a license is valid for one year from the date of approval.
- **The following items should be submitted with the License Application:**
  - Menu- including seasonal menus
  - [Certified Food Protection Manager Certificate of Completion](#). (when applicable)
  - Standard operating procedures, including:
    - [Employee Health Policy](#) (Refer to the linked document or create a similar one. Ensure it includes all the necessary information; reference the [U.S. Food & Drug Employee Health and Personal Hygiene Handbook](#).)
    - Clean up Procedures ([specific to your facility](#)) for vomit or diarrhea incidents. ([Info to help create your procedure](#))
    - HACCP Plans for [Specialized Food Processes](#). (when applicable)

For specific questions:

Email: [foodcode@dial.iowa.gov](mailto:foodcode@dial.iowa.gov)

Phone: 515-380-7491

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DIAL-FS-MOBILE-FOOD-UNIT-LIC-REQ-2025-06



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## **PLAN REVIEWS**

- **Submit [plan reviews](#) for new construction and remodeled facilities.** The plan review process may take up to 30 days from the date of submission.
  - Email any plans not submitted with the license application to [fcs-plans@dia.iowa.gov](mailto:fcs-plans@dia.iowa.gov).
- **When plans go through the review process, they should include, at a minimum, the following:**
  - Intended Menu
  - Proposed establishment layout drawn to scale which includes:
    - Floor, wall, and ceiling finish materials and specifications.
    - The equipment layout including:
      - cooking and hot holding equipment
      - refrigerators and freezers
      - dish washing sinks/commercial dish machine
      - mop sink and food prep sinks
      - handwashing sinks
    - Equipment specifications including:
      - Types and sizes needed
      - Manufacturers make and model numbers
      - Installation specifications
      - Plumbing backflow connections
      - Mechanical ventilation (when required)

**Below is the list of facility and equipment needs. (The 2017 FDA Food Code contains a complete list.)**

**Demonstration of Knowledge:** FDA Food Code: 2-101.11, 2-102.11, and 2-103.11

- The permit holder must have a person in charge (PIC) present at the food establishment when it is open. The PIC must show that they understand food safety and how to prevent foodborne diseases. They should know HACCP principles and the FDA Food Code requirements.
- The PIC must demonstrate this knowledge by the following:
  - Compliance with the Code by having no priority violations during the current inspection.
  - Being a certified food protection manager.
  - Provide the correct answers to the inspector's questions about the food operation.

**Certified Food Protection Manager:** FDA Food Code: 2-102.12 and IAC Ch. 31.1(2)

- The facility must have at least one employee with supervisory duties. This person must be a certified food protection manager.



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**Employee Health:** FDA Food Code: 2-201.11, 2-103.11

- Employees must report illness symptoms or diagnosed illnesses to the PIC.
- The PIC must report certain illness symptoms or diagnoses to the regulatory authority.
- A verifiable employee health procedure is required.

**Clean-up of Vomiting and Diarrheal Events:** FDA Food Code: 2-501.11

- A food establishment needs written procedures for staff for dealing with vomiting or diarrhea. These procedures should be specific to their facility.

**HACCP Plans:** FDA Food Code: 8-201.13, 8-2.1014, and 3-502.11

- When the establishment uses special processes, to prepare food, it must have a HACCP plan and an approved variance.

↳ Hazard Analysis Critical Control Points - Food Safety

**Food Source and Temperatures:** 3-101.11, 3-201.11-16, 3-202.11, 3-202.16, 3-501.16, 3-501.18

- All food items need to come from a licensed grocery store, food manufacturer, food supply company, or other approved source. Home-produced foods only qualify if made in a licensed home food processing establishment.
- Ice used for food must be made from drinking water
- Refrigerated ingredients or prepared foods should be received and stored at 41°F or lower, or 135°F or higher.
- Hot or cold foods prepared by the facility must have a preparation date. They must be sold or discarded within seven days.
- Cottage Foods cannot be stored or sold in mobile units.

**Handwashing Facilities:** FDA Food Code: 5-202.12(A), 5-203.11, and 5-204.11

- Handwashing sinks should have hot water of at least 100°F and be easy for all employees to access. Position hand sinks in all areas where food is prepared and served. They also need to be in dishwashing areas, and restrooms.

**Warewashing:** FDA Food Code: 4-301.12, 4-301.13, 4-501.116

- Clean and sanitize all dishes. Sink compartments should be big enough to fit the largest item being cleaned.
- Drainboards, shelves, or tables should be available for clean sanitized dishes to air dry. Have areas available to hold dirty dishes until they can be cleaned and sanitized.
- Use a test kit and thermometer to verify sanitizer concentrations and water temperatures.

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**Water & Sewage:** FDA Food Code: 5-101.11, 5-103.11, 5-202.11, 5-202.13, 5-203.13, 5-203.14, 5-203.15, 5-402.11

- Drinking water must come from an approved source. This can be a public water system, or a non-public water system. The non-public system must follow legal guidelines. Builders, maintenance teams, and operators must build, maintain, and operate it according to the law. Annual well testing must be on file.
- The hot and cold-water sources must be able to meet the peak water needs of the food establishments.
- Plumbing systems, fixtures, and beverage dispenser carbonators, need proper backflow prevention.
- Ensure that drains on equipment for liquid waste are safe from backflow.
- Remove sewage and other liquid from the unit safely. This should be done in an approved way that does not post a public health risk.

**Water Tanks:** The FDA Food Code Chapter 5, section 3 outlines the full requirements for water tanks and hoses.

- Water tanks should be smooth, durable, and easy to clean. Install them so they slope full drainage.
- Water hoses should be smooth, durable, and easy to clean. They must be intended for drinking water use. If water hoses are not permanently attached, label them for their specific use.
- Wastewater tanks must be 15% larger than freshwater tanks.

**Restrooms:** FDA Food Code: 5-203.12

- Keep a written restroom agreement for restroom use with the neighboring business must be maintained in the mobile unit. Not required when operating at an event or farmers market.

**Equipment:** FDA Food Code: 4-201.11, 4-204.16, 4-204.112, 4-301.11, 4-302.12

- Equipment and utensils must be durable and retain their key qualities when used as intended.
- Cover ice bins to prevent contamination.
- Beverage tubing and cold-plate cooling devices may not touch stored ice.
- Provide thermometers in all refrigerated units, placed in a visible location towards the front.
- Facilities need enough equipment to hold hot and cold food. Equipment should quickly cool or reheat food.
- Use a thermometer to monitor food temperatures. Thermometers must have a tip-sensitive probe for testing thin foods (such as meat patties).

For specific questions:

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**Surface Characteristics & Outer Openings:** FDA Food Code: 5-501.11, 6-101.11, 6-201.13, 6-201.16, 6-202.15

- Exterior surfaces of mobile food units must be weather-resistant.
- Interior floors, walls, and ceilings must be smooth, durable, nonabsorbent, and easy to clean.
- Keep the inside of the mobile unit pest free.
- Protect outer openings from insects and rodents by:
  - Filling or closing holes and gaps.
  - Using closed, tight-fitting windows.
  - Installing solid, self-closing, tight-fitting doors.
  - By other effective means.

**Lighting and Ventilation:** FDA Food Code: 6-202.11, 6-304.11

- Shatter-resistant or covered light bulbs are needed inside the mobile unit.
- When necessary, mechanical ventilation must control excessive heat, steam, or humidity. Odors, vapors, smoke, and fumes must be controlled.
- Specific towns may require local fire department inspections to operate.

**Storage:** FDA Food Code: 3-305.11, 4-903.11

- Store equipment, prepared food, and ingredients in the following ways:
  - Food must be covered.
  - In a clean, dry location at least 6 inches off the floor.
  - Away from splash, dust, or other contamination.
- Mobile units must prepare and keep their equipment, food and ingredients at a licensed facility. This may include an additionally licensed food establishment or warehouse operated by the mobile unit owner.

**Other:** FDA Food Code: 6-202.111, 6-202.112

- Mobile food units cannot operate in a private home.
- Living or sleeping areas within a mobile food unit must have full walls and solid self-closing doors to separate them from food operations.



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The following information in Tables 1 and 2: **Mobile Food Unit Classifications and General Requirements and Limitations**, explains the differences between Class 1, 2, 3, and 4 mobile food units and pushcarts.

The following information in Table 3: **FDA Food Code Mobile Food Establishment Matrix**, explains the Food Code requirements for mobile food units and pushcarts based on the type of food being prepared or provided.

**To use the table, read down the columns based on the menu and operation in use.** For example, if only prepackaged time/temperature control (TCS) for safety food is served, then requirements listed in the TCS Food Menu - Prepackaged column apply. Likewise, if only food that is not time/temperature control for safety food is prepared on board, then requirements listed in the Non-TCS Food Preparation column apply.

**Table 1: Mobile Food Unit Classifications**

Mobile food unit classifications are based on the menu and preparation steps. A mobile unit can serve menu items within its classification number or below.

<b>Class I</b> Mobile Units with no refrigeration	These units can only serve commercially prepackaged and labeled food and drinks. They must not need temperature control for safety (TCS). <i>Examples: prepackaged chips, crackers, cookies, soda, and sweets.</i> These units DO NOT require a mobile unit license for operation. An additional warehouse license may be required.
<b>Class II</b> Refrigerated or Hot Mobile Units	These units can only serve packaged TCS and non-TCS foods and packaged drinks. The food items may be prepared at a licensed restaurant or commissary operated by the permit holder or through commercial means. No open packages of food or beverage on the unit is allowed. <i>Examples: packaged sandwiches, ice cream bars, and hot dogs that are cooked and wrapped prior to being on the unit.</i>
<b>Class III</b> Mobile Units, including Pushcarts	These units serve TCS and Non-TCS foods with <u>limited assembly</u> . Preparation, assembly, or cooking of raw animal foods <u>is not allowed</u> . Precooked foods, from a licensed facility, may be reheated on the unit. Customer self-service of unpackaged food <u>is not allowed</u> . Menu items need prior approval and require review during a pre-operational inspection. <i>Examples: packaged salads, packaged meat and cheese trays, hot dogs, shaved ice, scooping ice cream into a cone or dish.</i>
<b>Class IV</b> Mobile Units	These units serve TCS and Non-TCS foods, including raw animal foods that are prepared, cooked, cooled, or reheated, and assembled. The menu is unlimited, but processes must be reviewed at a pre-operational inspection. <i>Examples: Fully equipped self-contained Mobile Food Units. All meats, fish, poultry, plant foods, and dairy.</i>



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**Table 2: Mobile Food Unit General Requirements and Limitations**

Requirements	Class I	Class II	Class III	Class IV
Plan Review	No	Yes	Yes	Yes
Commissary or Warehouse required	*	*	*	*
Pushcart operation	Yes	Yes	Yes	No
Full service operation	No	No	***Yes	Yes
CFPM	No	No	Yes	Yes
Employee Health Policy	No	No	Yes	Yes
Assembly or preparation is allowed	No	No	***Yes (Limited)	Yes
Cooking is allowed	No	No	Reheating only	Yes
Cold holding equipment	No	**Yes	**Yes	**Yes
Hot holding equipment	No	**Yes	**Yes	**Yes
Hot & Cold water supply	No	No	Yes	Yes
Waste water tank	No	No	Yes	Yes
Handwashing sink	No	No	Yes	Yes
Dish washing sinks	No	No	Yes	Yes
Adequate ventilation	No	No	Yes	Yes
Examples	Pre-packaged non-TCS foods. Snacks, sodas, cookies, chips, crackers	Pre-packaged TCS and Non-TCS foods. Ice cream, frozen meats, sandwiches	Pre-cooked foods with limited assembly. Hot dogs, shaved ice, etc.	No Menu Limitations. BBQ, tacos, pizza, other similar menus.

\* An additional licensed commissary or warehouse may be required based upon the plan and menu review and pre-operational inspection.

\*\* Holding equipment is based on food type.

\*\*\* Limited food assembly. On-site menu and processes shall be provided during a plan review and preoperational inspection for approval.

For specific questions:

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<b>Table 3: FDA FOOD CODE MOBILE FOOD ESTABLISHMENT MATRIX</b>			
<i>Food Code</i>	<i>Time/Temperature Control for Safety (TCS) Food Menu</i>		<i>Non-TCS Food Menu</i>
<i>Areas/Chapter</i>	<i>Food Preparation</i>	<i>Prepackaged</i>	<i>Food Preparation</i>
<b>Personnel</b>	Applicable Sections of Parts 2-2 - 2-4 5-203.11 (C)	Applicable Sections of Parts 2-2 - 2-4 5-203.11 (C)	Applicable Sections of Parts 2-2 - 2-4 5-203.11 (C)
<b>Food</b>	3-101.11 3-201.11-.16 3-202.16; Applicable Sections of Part 3-3; 3-501.16 3-501.18(A)	3-101.11 3-201.11-.16 3-303.12(A) 3-501.16 3-305.11; 3-305.12 (Applicable to Service Area or Commissary)	3-101.11; 3-201.11 3-202.16; Applicable Sections of Part 3-3
<b>Temperature Requirements</b>	3-202.11; Applicable Sections of Parts 3-4 & 3-5	3-202.11 3-501.16	NONE
<b>Equipment Requirements</b>	Applicable Sections of Parts 4-1 - 4-9 and 5-5	Applicable Sections of Parts 4-1 - 4-2; 4-6 and 5-5	Applicable Sections of Parts 4-1 - 4-2; 4-5 - 4-6 and 5-5
<b>Water &amp; Sewage</b>	5-104.12 5-203.11(A) & (C) Part 5-3; 5-401.11 5-402.13-.15	5-104.12 5-203.11(A) & (C) Part 5-3; 5-401.11 5-402.13-.15	5-104.12 5-203.11(A) & (C) Part 5-3; 5-401.11 5-402.13-.15
<b>Physical Facility</b>	6-101.11; 6-201.11 6-102.11(A) & (B) 6-202.15; 6-501.11 6-501.12; 6-501.111	6-101.11 6-102.11(A) & (B) 6-202.15 6-501.111	6-101.11; 6-201.11 6-102.11(A) & (B) 6-202.15; 6-501.11 6-501.12; 6-501.111
<b>Toxic Materials</b>	Applicable Sections of Chapter 7	Applicable Sections of Chapter 7	Applicable Sections of Chapter 7
<b>Servicing</b>	6-202.18 As necessary to comply with Food Code	6-202.18 As necessary to comply with the Food Code	6-202.18 As necessary to comply with the Food Code
<b>Compliance and Enforcement</b>	Applicable Sections of Chapter 8 and Annex 1	Applicable Sections of Chapter 8 and Annex 1	Applicable Sections of Chapter 8 and Annex 1

Storm  
Lake

**ORDINANCE NO. 04-O-2022-2023**

**AN ORDINANCE AMENDING TITLE IV OF THE STORM LAKE, IOWA CITY CODE BY AMENDING SECTION 4-3-2(d) OF CHAPTER 4-3 ON SOLICITORS, WHICH SECTION DEFINES "TRANSIENT MERCHANT," AND BY ADDING NEW CHAPTER 4-10 REGULATING MOBILE FOOD AND BEVERAGE VENDORS**

WHEREAS, the City of Storm Lake has experienced an increase in the number of mobile food and beverage vendors engaged in business within its city limits; and

WHEREAS, the Storm Lake City Council sees the need to license and regulate such enterprises for the protection of the City's residents, the preservation of the attractiveness of the City's public spaces, and the encouragement of fair and orderly growth of the mobile food and beverage segment of the local economy;

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Storm Lake, Iowa as follows:

Section 1. Paragraph (d) under Section 2, entitled "Definitions," in Chapter 4-3 on Solicitors is amended by inserting at the end of the definition of "Transient Merchant" the following sentence:

Notwithstanding the foregoing definition of "Transient Merchant," the term, "Transient Merchant" shall not include a "Mobile Vendor," as defined in Chapter 4-10 on Mobile Food and Beverage Vendors.

Section 2. Title IV of the Storm Lake City Code, on Business, is amended by inserting the following new Chapter 4-10, entitled "Mobile Food and Beverage Vendors," immediately after existing Chapter 4-9:

**4-10-1 PURPOSE.** The purpose of this chapter is to protect residents of the City against fraud, unfair competition, and unsafe food sources; preserve the attractiveness of the City's public spaces; and encourage the fair and orderly growth of the mobile food and beverage segment of the local economy by licensing and regulating mobile food and beverage vendors.

**4-10-2 DEFINITIONS.** The following words, terms and phrases when used in this Chapter shall have the following meanings:

Food Service Establishment shall have the meaning established by Section 481-30.2 of the Iowa Administrative Code.

Mobile Vendor means a person engaged in the business of selling food, beverages, or both, from a Mobile Vendor Vehicle on public property.

Mobile Vendor Vehicle means a licensed motorized vehicle, a licensed trailer, or both, used for the sale of food, beverages, or both, for immediate consumption. The definition of Mobile Vendor Vehicle includes but is not limited to the common term "Food Truck."

Restaurant means a food service establishment which derives at least fifty percent (50%) of its gross receipts from the sale of food, beverages, or both, for immediate consumption on the premises.

4-10-3 MOBILE VENDOR LICENSE REQUIRED. Before offering for sale any food or beverage in the City, a Mobile Vendor shall obtain a license for their sale from the City Clerk as provided in this Chapter. A separate Mobile Vendor License shall be required for each Mobile Vending Vehicle.

For any community event, the City Clerk may issue a license to the organization hosting the event to allow Mobile Vendors authorized by the hosting organization to operate without an individual Mobile Vendor license for a limited number of days, not to exceed the number of days of the event being hosted. Regulations relating to the allowed location or area of Mobile Vendors' operations may be modified by the City for community events.

4-10-4 APPLICATION FOR LICENSE. A Mobile Vendor shall apply to the City Clerk for a Mobile Vendor license at least three (3) business days prior to its use by providing the following information upon a form to be provided by the City Clerk, providing the required documents specified below, and paying the application fee for the period of the license's duration in the amount set in the Schedule of Fees as adopted by the City Council by resolution:

- A. The full name, age, permanent address, e-mail address, if any, and telephone number of the applicant.
- B. The business name and address.
- C. A description of the licensed motorized vehicle or licensed trailer from which the sale will be conducted, including the license plate number, and the length of the motorized vehicle or the trailer and tow vehicle.
- D. A summary of the food and beverages to be sold.
- E. The period of time the applicant has been engaged in the same or similar business and the jurisdictions in which the applicant has previously conducted business in the last year.
- F. The application must be accompanied by a copy of the Retail Sales Tax Permit issued to the applicant by the Iowa Department of Revenue.
- G. If the Mobile Vendor sells food or beverages other than prepackaged items that do not require hot or cold handling procedures, then the application shall also contain the following:
  1. A copy of the Mobile Food Unit License issued by the Iowa Department of Inspections and Appeals for the Mobile Vendor Vehicle.
  2. The addresses of the businesses or facilities at which any fat, oil or grease generated in the operation of the Mobile Vendor business are disposed of, including the contact information for the individual or business responsible for the operation of each such business or facility.
- H. The location where the Mobile Vendor Vehicle will be regularly parked when not in use.
- I. The precise location or locations in the city where the Mobile Vendor Vehicle will conduct sales.

v.e.  
Kundifest

- J. The requested period of duration for the license which shall be one of the periods specified in Section 4-10-9.

4-10-5 POLICE DEPARTMENT REVIEW. Each application for a Mobile Vendor license may be provided to the Police Chief for review and comment and the applicant's submission of such an application authorizes the police to conduct a background check with respect to the applicant.

4-10-6 ACTION BY CITY CLERK. All references to the City Clerk in this chapter shall be deemed to include the City Clerk's designee.

#### 4-10-7 AREAS OF MOBILE VENDOR VEHICLE OPERATION.

- A. Operation of Mobile Vendor Vehicles shall not be permitted on public road rights-of-way, but shall be permitted on designated public parking areas of City property as permitted by the City, within intended locations to be designated on a map or diagram submitted with the application together with dates and times of operation.
- B. Mobile Vendor Vehicle operation may be permitted in Storm Lake City Parks only upon approval of the City in accordance with Park Department Rules.

#### 4-10-8 LICENSE ISSUANCE.

- A. A Mobile Vendor license may be denied to any applicant who has operated a Mobile Vendor business in material violation of any of the requirements of this article or any other chapter of this Code within the prior one hundred eighty (180) days.
- B. If the City Clerk finds that the information provided in an application for a Mobile Vendor license is true and correct and that the requirements of this Chapter for issuance of the license have been satisfied, the City Clerk shall issue a Mobile Vendor license for the period of duration authorized by Section 4-10-9 that is requested by the applicant. The license shall identify whether the Mobile Vendor is limited to the sale of prepackaged food and beverages that do not require hot or cold handling procedures.
- C. The City Clerk shall deny any application for the operation of a Mobile Vendor business that does not conform with all applicable requirements of this article, the City Code, the Iowa Code and the Iowa Administrative Code.
- D. In the event an application for a Mobile Vendor license is denied, the City Clerk shall cause notice of such denial to be promptly communicated to the applicant or the applicant's representative by telephone at the telephone number provided in the application. Written notice shall also be sent to the applicant at the business address identified in the application informing the applicant of the denial, the reason therefor, and the applicant's right to appeal the denial to the City Council of the City of Storm Lake, Iowa, by filing a written notice of appeal with the City Clerk within ten (10) business days after the date of such notice.

4-10-9 DURATION OF LICENSE. The Mobile Vendor license may be issued for a period of one day, seven consecutive days, or twenty-eight consecutive days. No licensee shall be permitted more than 183 one-day licenses in a calendar year, more than 26 seven-day licenses in a calendar year, or more than 6 twenty-eight day licenses in a calendar year. In

addition, no licensee shall be permitted licenses of any duration whose periods exceed 183 days in the aggregate each calendar year.

4-10-10 BOND REQUIRED. Before a license under this Chapter shall be issued, each proposed licensee shall post with the City Clerk a bond issued by a surety company authorized to engage in the business of insuring the fidelity of others in Iowa, in the amount of one thousand dollars (\$1,000.00), to the effect that the licensee and the surety company shall consent to the forfeiture of the principal sum of the bond or such part thereof as may be necessary (1) to indemnify the City of Storm Lake for any penalties or costs occasioned by the enforcement of this Chapter, and (2) to make payment of any judgment rendered against the licensee as a result of a claim or litigation arising out of or in connection with any activities regulated or covered by this Chapter. Said bond shall not be retired until a lapse of one (1) year from the expiration of the license which it covers. Notwithstanding the foregoing requirement to post a bond, a licensee who has posted such a bond for a license previously issued under this Chapter that remains in effect at the time the new such license is to be issued shall not be required to post a new bond provided that the bond that remains in effect, by its original terms or any amendment or extension thereof, will not expire until a lapse of one (1) year from the expiration of the new license. Before issuance of the new license, the City Clerk shall require written evidence from the surety company that the bond previously issued will not expire until a lapse of at least one (1) year from the expiration of the new license.

4-10-11 MOBILE VENDOR LICENSES NOT TRANSFERRABLE. Mobile Vendor licenses issued under this chapter are not transferrable.

#### 4-10-12 GENERAL REGULATIONS.

- A. Hours of Operation. Mobile Food Vendors may operate between the hours of 7:00 a.m. and 11:00 p.m. local time.
- B. Allowed Locations.
  - 1. No Mobile Vendor shall conduct any sale from the Mobile Vendor Vehicle which is not parked as shown or as set out in the Mobile Vendor's license application.
  - 2. No Mobile Vendor shall conduct any sale from a parking space which is designated as an "Accessible Parking Space" or otherwise designated as "Limited Parking."
  - 3. No Mobile Vendor shall conduct any sale from a Mobile Vendor Vehicle located within one hundred (100) feet of any public entrance of any street level restaurant then open for business, unless authorized by the restaurant.
  - 4. No Mobile Vendor shall conduct any sale in a residential neighborhood unless such sales are specifically authorized in the Mobile Vendor's license and then shall only be in the specific areas stated in the license.
  - 5. No Mobile Vendor shall conduct any sale from a Mobile Vendor vehicle unless such sales are specifically authorized in the Mobile Vendor's license.
  - 6. The Mobile Vendor Vehicle must be removed from the location of operation after the hours of operation.

7. No Mobile Vendor Vehicle shall be operated within 10 feet of any building or other structure, and shall not be operated within 50 feet of any other Mobile Vendor Vehicle, unless specifically approved for a special event by the City Clerk.
- C. Mobile Vendor Vehicle.
1. Any vehicle used as a Mobile Vendor Vehicle shall be no larger than thirty-seven (37) feet long and eight and a half (8 ½) feet wide. Any trailer used as a Mobile Vendor Vehicle, together with the tow vehicle, shall be no longer than thirty-seven (37) feet long and eight and a half (8 ½) feet wide.
  2. A Mobile Vendor Vehicle shall not have a second story or any interior space used for customer service or seating.
  3. Any generator used by the Mobile Vendor must be as quiet as possible to avoid being a disruption to the area in which it is located. The generator should have a decibel rating of 60dB or less. If necessary, sound proofing can be used to reach the desired rating.
- D. Display of License. License required by this Chapter and a valid Sales Tax Permit for such business shall be displayed within the Mobile Vendor Vehicle in a manner such that it is readily visible to all persons seeking to conduct business with the Mobile Vendor.
- E. Sale of Merchandise. No Mobile Vendor shall offer any merchandise or wares for sale other than food and beverages for immediate consumption.
- F. Food Safety. Any Mobile Vendor who offers food or beverages for sale, other than prepackaged items that do not require hot or cold handling procedures, shall be subject to the following additional requirements:
1. A valid Mobile Vendor license for the Mobile Vendor Vehicle shall be displayed within the Mobile Vendor Vehicle in a location that is readily visible to all customers.
  2. No Mobile Vendor shall operate the business in a manner that violates any applicable food or sanitation laws.
- G. Use of Street and Sidewalk. No Mobile Vendor shall place any tables, chairs, furniture, equipment, signage or other material on the ground, streets or sidewalks. No Mobile Vendor shall place any food, materials or equipment on the ground or on tables, chairs, or shelves that are not incorporated into the Mobile Vendor Vehicle, or immediately adjacent to the Mobile Vendor Vehicle.
- H. Trash Receptacles. A Mobile Vendor shall provide one or more trash receptacles readily accessible to its customers either in or attached to the Mobile Vendor Vehicle. All accumulations of trash and litter shall be removed from the site by the Mobile Vendor before departing.
- I. All Sales from Safe Locations. No Mobile Food Vendor shall conduct any sales from outside the Mobile Vendor Vehicle. All sales, activities and transfer of food and beverages to the customer shall occur only from a safe location such that the customer is not exposed to traffic on the street. No Mobile Vendor shall sell to any persons situated in a motor vehicle. The requirements of this paragraph do not apply to Mobile Vendors operating on private property.

#### 4-10-13 SUSPENSION OR REVOCATION OF LICENSE.

- A. Upon complaint or a reasonable suspicion that a licensee or the licensee's employees have furnished any false information required under this chapter or has violated or

failed to comply with any of the requirements of this chapter or any other provisions of the City Code, the City Clerk may cause the matter to be investigated. If the City Clerk finds that a violation has occurred, the City Clerk shall give notice to the licensee of intent to suspend or revoke the license, or to deny its renewal.

- B. Notice of the City's intent to suspend, revoke, or deny renewal of a license shall be served upon the licensee by personal service or by certified mail, return receipt requested. The suspension, revocation, or denial of renewal shall become effective seven (7) days after notice is served or mailed.

4-10-14 APPEAL. Any applicant or licensee aggrieved by the refusal of the City Clerk to issue a license or by suspension, revocation, or non-renewal of a license under this chapter has the right to appeal the City Clerk's decision to the City Council of the City of Storm Lake, Iowa. Such appeal shall be requested by submitting a written request to the City Clerk within ten (10) days of the action of the City Clerk which is appealed. The City Council shall consider the appeal at the first regularly scheduled meeting following the filing of the appeal before which meeting sufficient time exists to give the public the required notice of the existence of the appeal hearing on the agenda. At the appeal hearing, the appellant shall be entitled to present his or her appeal orally or in writing. The City Council shall act on the appeal within twenty-one (21) days of the hearing and shall either uphold the action of the City Clerk or shall direct the issuance of a license.

4-10-15 MUNICIPAL INFRACTION. A violation of any provision of this Chapter shall constitute a Municipal Infraction subject to the penalties and alternative relief authorized by Title I, Chapter 20 of this Code and by Section 364.22 of the Code of Iowa.

Section 3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 4. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 5. This ordinance shall be in effect following its final passage, approval and publication as provided by law.

PASSED AND APPROVED this 17th day of April, 2023.

  
\_\_\_\_\_  
Michael Porsch, Mayor

ATTEST:

  
\_\_\_\_\_  
Mayra A. Martinez, City Clerk

## CHAPTER 126

### MOBILE FOOD UNITS

126.01 Definitions

126.02 Permit Required

126.03 Permit Application

126.04 Locations

126.05 Performance Standards

126.06 Permit Fees

126.07 Suspension or Revocation Permit

**126.01 DEFINITIONS.** “Mobile food vendor” means a person engaged in the business of selling food or beverages from a mobile food self-contained motorized vehicle, trailer, or pushcart.

**126.02 PERMIT REQUIRED.** 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 on public property within the corporate limits of the City without first obtaining a Mobile Food Unit Permit from the City, in addition to any other State or federal permits, certifications and licenses. A Mobile Food Unit Permit by the City shall be subject to the following:

1. A Mobile Food Unit Permit may be an annual permit that expires on December 31 of each year or a single use permit.
2. Each mobile food unit shall be permitted separately. No permit transfer between units is allowed.
3. Permits are location specific. Multiple locations will require additional permits.
4. Each mobile food unit shall comply with State of Iowa requirements for health inspections, licensing, safety, and Fire Code requirements and display its licensing in full view of the public in or on the unit.
5. The following shall be exempt from this requirement:
  - A. For community events, the City Clerk may issue a license to the organization hosting the event to allow mobile vendors authorized by the hosting organization to operate without an individual mobile vendor license for a limited number of days, not to exceed the number of days of the event being hosted.
  - B. Catering businesses.
  - C. Grilling and food preparation activities of brick-and-mortar establishments on the establishment’s premises for immediate consumption by patrons or employees.
  - D. Concession stands associated with sports or recreational venues that have been approved as part of the site plan or permitted Conditional Use Permit for the venue.

**126.03 PERMIT APPLICATION.**

1. 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 required fees.

2. Timely Submittal. Unless otherwise provided herein, applications must be submitted not less than 10 calendar days prior to the proposed start date of the mobile food unit activities. The City reserves the right to reject any application that has not been timely submitted to the City.

3. Application Contents. Application shall be made on a form provided by the City and shall include:

- A. Full name of the applicant.
- B. Applicant's contact information including mailing address, phone numbers and e-mail address.
- C. State health inspection certificate with the classification level of the State license.
- D. Photographs of the mobile food unit from the front, side and back.
- E. Make, model and year of vehicle to be used and the license plate number.

4. Right to Appeal. Any applicant whose application for a permit was disapproved may appeal to the Council at its next regularly scheduled meeting by filing with the Clerk a written request for an appeal to the Council at least seven days prior to the meeting. As a result of this appeal, the Council may affirm, modify, or reverse the decision of the City Clerk not to issue the permit. If the application for a permit is denied, the applicant is not eligible for the issuance of a permit under this chapter for a period of one year from the date of notification that the permit application was disapproved, was served in person or deposited in U.S. Mail.

5. Application 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 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.

6. Issuance of Permit. Upon completion of the review process and a determination of compliance with the applicable regulations, the City Clerk may issue a Mobile Food Unit Permit.

**126.04 LOCATIONS.** A mobile food unit may be parked on public property or street as approved in the permit application or as part of a City approved event. Mobile units are prohibited from parking within 150 feet of the main entrance of an establishment that sells prepared food. This only applies from one hour before the establishment's opening to one hour after closing, without approval from the food establishment owner.

**126.05 PERFORMANCE STANDARDS.** Persons conducting business from a mobile food unit must do so in compliance with the following standards:

1. The mobile food vendor must obtain a Mobile Food Unit Permit from the City if on public property. The permit must be kept in full view of the public in or on the

unit. Written consent does not excuse or permit the violation of any other imposable regulations.

2. Mobile food units that are within 150 feet of a residential use or residentially zoned property, shall be limited to hours of operation between 7:00 a.m. and 10:00 p.m.

3. Mobile food units shall serve patrons which are on foot only; no drive-up service to the unit itself shall be provided or allowed.

4. All mobile food units shall maintain a minimum separation from buildings of 10 feet as measured to the closest building element including awnings or canopies, tents, or membrane structures. Location of the mobile food unit shall not impede pedestrians entering or exiting a building.

5. The window or area where a patron orders and receives their purchase shall be located so as not to require a patron to stand or create a line that may cause pedestrians to be in the public right-of-way, vehicle travel lane, including parking lot drive aisles, or similar situation that may create a potential safety hazard. Adequate space for patrons waiting for their order must be available on the property where the mobile food unit is located.

6. Signs are limited to those that are attached to the exterior of the mobile unit and must be mounted flat against the unit and not project more than 6 inches from the exterior of the unit. No freestanding signs, banners, flags, or similar items are allowed. Off premises signs directing patrons to the mobile food unit are prohibited.

7. During business hours, the mobile food vendor shall provide a trash receptacle for use by customers and shall keep the area around the mobile food unit clear of litter and debris at all times.

8. All mobile food units shall be located in such a manner as to not create a safety hazard, such as blocking emergency access to buildings and the site, obstructing access to fire hydrants, impeding entering and exiting from a building, creating a visual impediment for the motoring public at drive entrances, intersections, pedestrian crossings, or similar movement and access.

**126.06 PERMIT FEES.** At the time of the submittal of a permit application, the applicant shall pay to the City the applicable permit fee. The fee schedule will be set by resolution and may be modified from time to time with approval by resolution of the Council.

**126.07 SUSPENSION OR REVOCATION PERMIT.** Any permit issued under the provisions of this chapter may be suspended or revoked by the City as follows:

1. Grounds. The permit may be suspended or revoked if it is found that;
  - A. The permit holder has made fraudulent statements in his/her application for the permit or in the conduct of his/her business.
  - B. The permit holder has violated this chapter or any other chapter of this Code or has otherwise conducted his/her business in an unlawful manner.
  - C. The permit holder has conducted his/her business in such a manner as to endanger the public welfare, safety, order, or morals.
  - D. The City has received and investigated three or more found complaints during the permitted period related to the manner in which the permit holder is conducting business.

2. Notice of Suspension or Renovation; Right of Appeal. The City shall cause notice of the permit revocation to be served in person by a City official or by mail to the permit holder's local address, which notice shall specify the reason(s) for such action, at which time operations of the permit holder must cease within the corporate limits of the City. The permit holder may appeal the revocation of the permit to the Council at its next regularly scheduled meeting by filing with the Clerk a written request for an appeal to the Council at least seven days prior to the meeting. The Council may affirm, modify, or reverse the decision to revoke the permit. If the permit is revoked, no refund of any permit fee paid shall be made. Upon the revocation of a permit, the permit holder is not eligible for the issuance of a new permit under this chapter for a period of one year from the date the permit revocation is served in person or deposited in the U.S. Mail.

*(Chapter 126 – Ord. 359 – Nov. 23 Supp.)*

[The next page is 1091]



David Schipper, Chief  
Steve Schwarz, Asst. Chief  
Charlie Mohning, Batt. Chief

# LE MARS FIRE - RESCUE DEPARTMENT

## EMERGENCY SERVICES

45 1st Ave. S.W.  
P.O. Box 35  
Le Mars, Iowa 51031-0035  
(712) 546-4023

### MOBILE FOOD TRUCK / BOOTH REQUIREMENTS

#### **INSPECTIONS**

All mobile food trucks or booths where cooking operations occur will be inspected prior to opening to the public. This includes carnivals, fairs, festivals and other public events. The Le Mars Fire-Rescue Department will schedule the inspection. There are no fees associated with the fire inspection; however, violations must be corrected before the food truck or booth is authorized for business.

#### **FIRE EXTINGUISHERS**

1. Fire Extinguishers are required in all mobile food trucks or booths.
2. Vendors shall have a minimum of one 2A:10BC portable fire extinguisher, mounted in a visible and easily accessible location within the kitchen area.
3. All mobile food vendors who utilize deep fat fryers shall also have a Class "K" portable fire extinguisher for up to four (4) fryers having a maximum cooking capacity of 80 pounds each. For every additional group of four (4) fryers, an additional Class "K" portable fire extinguisher is required.
4. Carnivals with mobile generator(s) shall have a current 3A:40BC extinguisher outside of the generator(s) in addition to the other fire extinguishers.
5. All portable fire extinguishers shall have a current inspection tag, be fully charged, and mounted properly.

#### **TYPE I COOKING HOODS (if applicable)**

1. Hood shall be clean and all filters in place.
2. Hood suppression system must be inspected and tagged within the past year.

#### **BAFFLES AND CLOSURES**

1. All deep-fat fryers shall have a steel baffle between the fryer and surface flames of any adjacent appliances. The baffle shall be no less than 8 inches in height.
2. A positive closing lid shall be required on the fryers with latching mechanisms that secure it in the open or closed positions. EXCEPTION: Fryers installed under a Type 1 Hood with fire suppression system.

## **LIQUIFIED PETROLEUM GAS (LPG)**

1. LPG containers shall be located and secured on the exterior of the mobile food booth, open to the atmosphere, or, if containers are kept in a compartment, said compartment must be separate from the interior food preparation area. Access to the compartment must be from the exterior of the unit, and compartment floor and exterior door must be vented to the atmosphere.
2. All mobile food trucks or booths with propane shall post a "NO SMOKING" sign next to or directly above the propane bottle and visible to the public. Such sign shall be posted with a minimum of 4 inch lettering.
3. Any hose used to pipe LPG to a device shall be UL or FM listed specifically for LPG service. All couplings, fittings, and any other device shall meet requirements for LPG as outlined in the International Gas Code, NFPA 54 and NFPA 58, or be deemed unapproved and removed from service.
4. LPG tanks shall be located outside the mobile food truck a minimum of 3 feet from the primary means of egress.

## **EMERGENCY EGRESS**

1. Mobile food trucks and booths shall have a clear, unobstructed height over the aisle-way portion of the unit at least 74 inches from floor to ceiling and a minimum of 30 inches of unobstructed horizontal aisle space.
2. Should travel distance from any portion of the interior exceed 10 feet, the mobile food truck or booth shall have a minimum of two exits located remote from each other and so arranged as to provide a means of unobstructed travel to the outside of the booth.
3. The latch mechanism of any exit shall be openable by hand and shall not require the use of a key or special knowledge for operation from the inside. The Secondary exit shall be labeled with the word "EXIT" with a 2-inch minimum letters on contrasting background.

## **GENERATOR REFUELING**

1. The refueling of generators shall be performed in an approved location not less than 20 feet from the mobile food booth.
2. Fuel shall be stored in a UL or FM approved metal flammable liquid safety container in an approved location. Generators shall not be refueled in areas occupied by the public.
3. Generators shall be grounded in an approved method.

## **EXTENSION CORDS**

1. Extension cords shall be grounded, in good condition and free of damage or splices.
2. Total amperage should not exceed that for which the extension cord is designed for.
3. Extension cords shall not extend across aisles or paths of egress that may become a tripping hazard. (EXCEPTION): Cords that are protected by cable covers or other approved manner.



# CITY OF LE MARS, IOWA

40 CENTRAL AVENUE SE · LE MARS, IOWA 51031 · PHONE (712) 546-7018 · FAX (712) 548-4976

**City of Le Mars  
MOBILE FOOD VENDOR APPLICATION  
(Chapter 126 Le Mars Code of Ordinance)  
This is NOT your permit**

Applicant: \_\_\_\_\_ Date of Application: \_\_\_\_\_  
Home Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Business Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address \_\_\_\_\_  
Email Address: \_\_\_\_\_

This application is for (check one): \_\_\_\_\_ Mobile Food Unit \_\_\_\_\_ Pushcart \_\_\_\_\_ Trailer \_\_\_\_\_ Other  
Year \_\_\_\_\_ Make \_\_\_\_\_ Model \_\_\_\_\_ License plate number \_\_\_\_\_  
(provide pictures of all sides including license plate)

Type of food and beverage to be sold: \_\_\_\_\_  
(no alcoholic beverages)

**Application for Mobile Food Vendor Permit is for the use on Public Property such as, city street parking area, public parking lots or other public area's controlled by the City of Le Mars. Operation on private property and community permitted events are exempt from obtaining a permit.**

(check one)  
\_\_\_\_\_ **Single Use Permit Fee: \$20.** For a specific Date, Time and Location. Expires at the end of day at the time specified  
Date: \_\_\_\_\_ Time: \_\_\_\_\_ to \_\_\_\_\_  
Location (be specific) \_\_\_\_\_

\_\_\_\_\_ **Annual Use Permit Fee: \$100.** Expires on December 31 of the year issued. Annual permit fee is not prorated.  
Location (be specific) \_\_\_\_\_

Issued permits are for a specific unit and are not transferable to another unit. If you have more than one unit to be operating on public property in Le Mars, each unit must have a permit. Issued permits are for a specific location of public property and is not transferable to another location of public property. A new permit application must be completed and new permit must be issued for each location.

**Applicant Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Attach a copy of approval required by the State of Iowa Department of Inspections and Appeals.  
Attach copy of Iowa Retail Sales Tax Permit.  
Photographs of unit including license plate.

**For Office Use Only**  
Location approved: \_\_\_\_\_ Yes \_\_\_\_\_ No Payment received: \_\_\_\_\_ Yes \_\_\_\_\_ No  
Fire Inspection: \_\_\_\_\_ Yes \_\_\_\_\_ No Fire Inspection approved: \_\_\_\_\_ Yes \_\_\_\_\_ No Date: \_\_\_\_\_  
Permit approved: \_\_\_\_\_ Yes \_\_\_\_\_ No Date: \_\_\_\_\_  
**Staff Comments:** \_\_\_\_\_

**Signature of Fire Official:** \_\_\_\_\_  
**Signature of City Official:** \_\_\_\_\_

# Food Trucks

Welcome to the Johnson County Mobile Food Vendor Resource Hub! This page contains basic information to support those who are in the early stages of their mobile food business. While this page contains many great resources, it is not exhaustive. If you have any suggestions for additional content or have specific questions, please reach out to [localfoods@johnsoncountyiowa.gov](mailto:localfoods@johnsoncountyiowa.gov).

<a href="#">Food Truck or Food Cart Requirements in Iowa</a>
<a href="#">Business Structure</a>
<a href="#">Food Safety Licensing</a>
<a href="#">City Zoning and Licensing Permit</a>
<b>Find out where you can vend and what the city's requirements are</b>
<ul style="list-style-type: none"><li>• <b>Iowa City</b><ul style="list-style-type: none"><li>◦ Application, guidance, and administrative rules can be found at the <a href="#">City of Iowa City website</a> &gt; Government &gt; Permits, Licenses, and Plans &gt; Food Trucks</li><li>◦ Contact <a href="#">Building Inspection Services</a> (319-356-5123) for permit and licensing support</li><li>◦ View Iowa City Code about food truck parking and regulations <a href="#">here</a></li></ul></li><li>• <b>Coralville</b><ul style="list-style-type: none"><li>◦ Application and ordinance can be found at the <a href="#">City of Coralville website</a> &gt; Government &gt; City Clerk &gt; Licenses &amp; Permits &gt; Peddlers Permit</li><li>◦ Contact City Clerk Thorsten Johnson at <a href="mailto:tjohnson@coralville.org">tjohnson@coralville.org</a> with questions</li><li>◦ Summary of action from City Clerk:<ul style="list-style-type: none"><li>▪ "There is a <b>once a year \$25.00 application fee for the permit</b>, but the vendor needs to <b>submit a form for each location they plan to use that is signed by the property owner or manager</b>. We are still using the same forms as we use for transient merchants but vendors do not need a Surety Bond. They need to <b>provide a copy of their state mobile food vendor permit and proof of liability insurance and a photo ID.</b>"</li></ul></li></ul></li><li>• <b>Hills</b><ul style="list-style-type: none"><li>◦ Currently the City of Hills does not require a permit. Mobile food vendors should go into the City Office for permission to sell here in town and to provide a license that they are licensed</li></ul></li></ul>

with the state or county to sell.

- No permits or ordinances necessary; food truck owners just call Hills City Office (319 679 3179) for permission

## • North Liberty

- Mobile Food Unit Permit Application and guidance can be found on the [City of North Liberty website](#) > Departments > Building Inspection > Permits > scroll down or search "Mobile Food Unit"
- Contact Tom Palmer, Building Official with questions ([tpalmer@northlibertyiowa.org](mailto:tpalmer@northlibertyiowa.org) | 319-626-5713)

## • Tiffin

- Mobile Food Truck Application can be found on the [City of Tiffin website](#) > City Government > Departments > City Hall > see left side panel
- Contact Bill Erb, Code Enforcement Officer, for unit inspection ([berb@tiffin-iowa.org](mailto:berb@tiffin-iowa.org) | 319.545.2572 ext 6)

## • Lone Tree

- Lone Tree does not require a permit for food trucks
- Contact Lone Tree City Clerk with any questions ([lonetreecity@windstream.net](mailto:lonetreecity@windstream.net) | 319.629.4615)

## • Shueyville

- Ordinance for peddlers, solicitors, and transient merchants [can be found here](#)
- [Application for permit can be found here](#). Application fee is \$15. Daily fee for each person is \$25. Weekly fee for each person is \$75.
- Contact Shueyville City Clerk with any questions ([shueyville@southslope.net](mailto:shueyville@southslope.net) | 319.848.7626)

## • Swisher

- [Application for permit can be found here](#). Application fee is \$20 per person or truck. Peddlers, transient merchants, and food truck fee is \$10 for one day, \$50 for one week, \$75 for six months, \$100 for one year
- Contact Swisher City Clerk with any questions ([swisher2@southslope.net](mailto:swisher2@southslope.net) | 319.857.4539)

## • University of Iowa campus

- [This resource](#) walks vendors through the process to be considered as options for providing food truck services on the University of Iowa campus

## • Private property

- Food truck catering (not selling) from private property does not need a permit from the city.
- Requirements for food truck selling from private property in [Iowa City](#):
  - Temporary use permit completed via [CSS](#)
  - Health permit, Certificate Of Insurance and a site plan.
  - \$75 fee for new application, \$25 for a renewal/good for six months (note: this does not include any fees/rent/etc. that may be paid to the property owner)

Insurance for Mobile Food Unit

Commercial Kitchen and Shared Kitchen Spaces

Local Procurement (Purchase Local Ingredients)

Business Planning Support

Funding your Mobile Food Unit

Marketing

Lean on Community Experts

# FOOD ESTABLISHMENT LICENSE APPLICATION

## Food Service Establishments/Retail Food Establishments/Mobile Food Units

**Siouxland District Health Department**  
Division of Environmental Health  
1014 Nebraska Street  
Sioux City, IA 51105  
712-279-6119      800-587-3005  
[www.siouxlanddistricthealth.org](http://www.siouxlanddistricthealth.org)

This is an application for obtaining a food/beverage establishment license from the Siouxland District Health Department. This is the application that is used to apply for a retail food, food service, or mobile food unit establishment license in Woodbury, Plymouth, Sioux, Lyon, Osceola, O'Brien, Cherokee, Clay, Dickinson, Emmet, or Palo Alto Counties in Iowa. Iowa law prohibits a food establishment from opening or operating until a license has first been obtained from the appropriate regulatory authority, and a successful preoperational inspection is completed. Completed applications and documents must be submitted at least 30 days prior to the anticipated opening date.

The application must be fully completed and returned with all necessary documents to Siouxland District Health Department. **INCOMPLETE APPLICATIONS WILL BE RETURNED WITHOUT REVIEW.**

Once applications and other required documents are received, the Department will review the documents and provide the applicant with the assigned inspector's contact information. The applicant is responsible for contacting the inspector to schedule a pre-operational inspection. Plan submission is required for new construction and remodels; the Department will review the plans and communicate the results of the plan review to the applicant. Plan reviews generally take 3 to 4 weeks. It would be beneficial to submit the plans prior to beginning construction, remodeling, or alteration of a facility. There is no separate fee for plan review. Please note, failure to provide all required information could delay plan approval and establishment operation.

*\*Remodel facilities with no change in ownership or location need only submit a floor plan and the list of equipment for the specific area(s) of the food establishment that are affected by the remodel submitted to the address below.*

MAILING ADDRESS:      **Siouxland District Health Department**  
                                 **Division of Environmental Health**  
                                 **1014 Nebraska Street**  
                                 **Sioux City, IA 51105-1435**

Application Checklist: Your application must include all of the following information:

- A fully completed Food Establishment License Application
- A copy of your intended menu
- Facility floor plan and equipment schedule (new construction or remodel)
- Water test (if using well water)
- Appropriate fee (check, money order, or cash)
- Copy of your or your staff member(s) current Certified Food Protection Manager Certificate(s) (if available – due within 6 months of opening)
- Written plans and procedures where specified in the Iowa Food Code
  - o HACCP plans (if required) see Iowa Food Code section [8-201.13](#)
  - o Procedures for clean-up of bodily fluids (all establishments) see Iowa Food Code Section [2-501.11](#)
  - o Employee illness reporting policy (all establishments) see [2-103.11](#)

Application Date: \_\_\_\_\_

Anticipated Date of Opening or Ownership Change: \_\_\_\_\_

**PHYSICAL LOCATION INFORMATION**

NAME OF FOOD ESTABLISHMENT: \_\_\_\_\_

ADDRESS OF FOOD ESTABLISHMENT:

\_\_\_\_\_  
Street Address City State Zip Code

\_\_\_\_\_  
County

\_\_\_\_\_  
Business Phone Number

\_\_\_\_\_  
Cell Number or Emergency Phone Number

\_\_\_\_\_  
Email address

\_\_\_\_\_  
Fax Number

**MAILING ADDRESS (If different from above) All licensing and regulatory correspondence will be sent to this address. You must contact us with changes to your mailing address.**

\_\_\_\_\_  
Name Street Address City/State Zip Code

**VERIFICATION**

I verify that all the information contained in this application is accurate.  
A copy of the establishment license and most recent inspection report must be posted at the establishment in a location readily visible to the public.

Signature \_\_\_\_\_

Printed name of Signatory \_\_\_\_\_

**License Type:** (select one of the following)

- Food Service Establishment** (“Food service sales” are taxable food or beverage sales or food or beverages sold for on premises consumption including alcoholic beverages; this may include up to \$20,000 in retail food sales)
- Retail Food Establishment** (Retail food sales are typically non-taxable food or beverages sold for off premises consumption; may NOT include any food service type sales)
- Both Food Service and Retail Food** (Needed if establishment has “food service sales” and more than \$20,000 annually in “retail food sales” such as many convenience stores and grocery stores)
- Mobile food unit or push cart** – also select Food Service if you also have a separate commissary where food preparation/handling is occurring at the same physical address. If you have a commissary at a different location an additional application is required for that location.

**All applicants must select one of the following:**

- New Food Establishment** (Indicate type)
  - New construction of a food establishment
  - A new food business in an existing physical structure not previously a food business
  - Re-opening a food business that has been closed/non-operational for more than 3 months.  
List name of previous owner (if known): \_\_\_\_\_
  - Opening a food business in an existing food facility that has been open/operational within the last 3 months but there will be a significant change in menu, food service style, or operation.  
List name of previous owner: \_\_\_\_\_
  - Moving an existing food business to a new location  
Current license number: \_\_\_\_\_

- Change of Ownership**  
A currently operating food business that will have new ownership but generally the same menu, food service style, and operation. Select only if the facility has been actively licensed and has been operational within the last 3 months, if not, select New Food Establishment above.  
List name of previous owner: \_\_\_\_\_

- Other, Describe** \_\_\_\_\_  
(If you are sharing a kitchen with another licensed business, please note here.)

**ESTABLISHMENT SERVICE INFORMATION**

**TYPE OF SERVICE (Check all that apply)**

**Retail Service (non-taxable food sold for off premises consumption)**

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Retail Grocery Store      | <input type="checkbox"/> Retail Deli Department   | <input type="checkbox"/> Retail Candy Store                  |
| <input type="checkbox"/> Retail Meat Department    | <input type="checkbox"/> Retail Bakery Department | <input type="checkbox"/> Variety Store                       |
| <input type="checkbox"/> Retail Seafood Department | <input type="checkbox"/> Retail Salvage Food      | <input type="checkbox"/> Other Retail Store<br>Specify _____ |
| <input type="checkbox"/> Retail Produce Department | <input type="checkbox"/> Retail Convenience Store |  |

**Food Service (taxable food sales of prepared food or beverages or food intended for consumption on the premises)**

- |   |  |
|---|--|
| <input type="checkbox"/> Dine-in Food Service                               | <input type="checkbox"/> Commissary (service or preparation location for company owned outlets including vending machines and mobile food units) |
| <input type="checkbox"/> Take-out Food Service                              | <input type="checkbox"/> Concession Stand  |
| <input type="checkbox"/> Buffet Service                                     | <input type="checkbox"/> Food Service Deli   |
| <input type="checkbox"/> Salad Bar Service                                  | <input type="checkbox"/> Convenience Store Food Service  |
| <input type="checkbox"/> Alcoholic Beverage Service (no food preparation)   | <input type="checkbox"/> Continental Breakfast   |
| <input type="checkbox"/> Alcoholic Beverage Service (with food preparation) | <input type="checkbox"/> Other Food Service Specify _____  |
| <input type="checkbox"/> Catering   |  |

**Mobile Food Unit**

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Ice Cream (pre-packaged) | <input type="checkbox"/> Concessions Truck/Trailer | <input type="checkbox"/> Other Mobile<br>Specify _____ |
| <input type="checkbox"/> BBQ Unit                 | <input type="checkbox"/> Taco Truck                |  |
| <input type="checkbox"/> Push Cart                | <input type="checkbox"/> Frozen Food (prepackaged) |  |

**Institutional Food Service**

- |   |   |
|---|---|
| <input type="checkbox"/> Assisted Living (production and/or service site)                   | <input type="checkbox"/> School (not including K-5) (service site only)                           |
| <input type="checkbox"/> Assisted Living (service site only)                                | <input type="checkbox"/> Elderly Nutrition Program/Senior Center (production and/or service site) |
| <input type="checkbox"/> Elementary School (including K-5) (Production and/or service site) | <input type="checkbox"/> Elderly Nutrition Program/Senior Center (service site only)              |
| <input type="checkbox"/> Elementary School (including K-5) (service site only)              | <input type="checkbox"/> Hospitals (non-patient food service)                                     |
| <input type="checkbox"/> School (not including K-5) (production and/or service site)        | <input type="checkbox"/> Other Institutional Food Service Specify<br>_____                        |

**TYPE OF MENU (Check all that apply)**

Full Service Menu (numerous items) \*\* attach menu       Limited Menu (a few items) \*\* attach menu

Do you plan on serving any animal food undercooked, raw, or cooked to order?     YES     NO  
List: \_\_\_\_\_ If yes, is a consumer advisory on your menu?     YES     NO

Do you have or have you applied for an alcoholic beverage license?     YES     NO     N/A

**PROJECTED CAPACITY**

Number of seats = \_\_\_\_\_ (Include inside and outside seating. Mark '0' if no seating provided)

Patrons served daily (projected) = \_\_\_\_\_

**EMPLOYEE INFORMATION**

Anticipated # of employees/volunteers, including owner = \_\_\_\_\_

Do you have one or more Certified Food Protection Managers on staff that have supervisory responsibility?  
 YES     NO     Exempt (only serve or sell prepackaged foods and beverages)

If YES, Please attach a copy of your National Certificate(s)

If NO, Do you have a Person-In-Charge enrolled in Food Safety Training?     YES     NO

If YES, Name, Date, and Location of Course \_\_\_\_\_

Do you have written procedures and plans where specified in the Iowa Food Code (for example, HACCP plan if required, Employee Illness Reporting Policy, Standard Operating Procedures, Bodily Fluid Clean-up Procedures):     Yes     NO     N/A

If yes, attach copies

If no, please have any required plans and procedures available at the pre-opening inspection

**FACILITY FLOOR PLAN AND EQUIPMENT SCHEDULE**

All facilities must submit **ONE** hard copy of a facility floor plan/layout, EXCEPT for CHANGE OF OWNERSHIP FOR AN EXISTING FACILITY WHERE NO CONSTRUCTION, REMODELING, OR CHANGES ARE GOING TO OCCUR. This plan must include;

- the basic lay out of the facility,
- the location of all food service equipment,
- a listing of the equipment (including manufacturer's names and model numbers),
- water and sewer connection locations,
- restroom locations and fixtures,
- ventilation,
- lighting schedules,
- surface or finish coat materials of floors, walls and ceilings, and
- site plan showing exterior building structures (including storage areas, trash receptacles, outside refrigeration units, etc...).

Plans may be computer generated or hand drawn, to approximate scale, and must be neat and legible. Plans will not be returned to you. Be aware that plan reviews generally take 3 to 4 weeks. It would be beneficial to submit the plans prior to beginning construction, remodeling, or alteration of a facility. If any construction or remodeling is completed that does not meet the requirements of the Iowa Food Code, a license will not be issued until any required changes are completed. Failure to provide all required information could delay plan approval, license issuance, and establishment operation.

Remodel facilities need only submit a floor plan and the list of equipment for the specific area(s) of the food establishment that is affected by the remodel.

**WATER, SEWER, WASTE INFORMATION**

**WATER: The facility is using: (Check which one applies)**

- A public or municipal water supply. Name of Supply: \_\_\_\_\_
- A non-public / non-municipal / private water supply (example: well water). **A current water test must be provided.**
- Mobile Unit: Various water supplies because this is a mobile unit and not filling at one location each time. Operators must always use water from a tested and approved source. Water source documentation must be maintained on the mobile food unit.

**SEWER: The facility is using: (Check which one applies)**

- A municipal/public sewage disposal system. Name of System: \_\_\_\_\_
- A non-public sewage disposal system
- For Mobile Units: Appropriate sewage/waste holding tanks that will be disposed of at approved sanitary sewage disposal sites.

**REFUSE: (Check all that apply & complete fully)**

- The food facility refuse collector is \_\_\_\_\_ (company name)
- List any other refuse /waste collection companies (ex: grease collection) \_\_\_\_\_
- This facility is a mobile unit and will use various approved refuse sites for disposal of refuse and waste.

**DAYS OF OPERATION & TIME (Check days which apply & complete time facility is open)**

- |                                    |            |                                   |            |
|------------------------------------|------------|-----------------------------------|------------|
| <input type="checkbox"/> Monday    | Time _____ | <input type="checkbox"/> Friday   | Time _____ |
| <input type="checkbox"/> Tuesday   | Time _____ | <input type="checkbox"/> Saturday | Time _____ |
| <input type="checkbox"/> Wednesday | Time _____ | <input type="checkbox"/> Sunday   | Time _____ |
| <input type="checkbox"/> Thursday  | Time _____ |                                   |            |

If Seasonal: Indicate months of operation: \_\_\_\_\_

If mobile: List events or locations at which you intend to set up/sell:  
 \_\_\_\_\_  
 \_\_\_\_\_

**OWNERSHIP INFORMATION (Select the ownership type and complete the corresponding ownership box in the next section)**

- |  |   |
|--|---|
| <input type="checkbox"/> SOLE PROPRIETOR         | <input type="checkbox"/> LIMITED LIABILITY CO. (LLC) OR PARTNERSHIP (LLP) |
| <input type="checkbox"/> PARTNERSHIP             | <input type="checkbox"/> SCHOOL (K-12)                                    |
| <input type="checkbox"/> CORPORATION             | <input type="checkbox"/> GOVERNMENT/MUNICIPALITY                          |
| <input type="checkbox"/> NON-PROFIT ORGANIZATION |   |

**Please complete only the section that applies to your type of ownership structure:**

**Sole Proprietor**

First Name	Alternate or Cell Phone
Last Name	Email
Address City: _____ State: _____ Zip: _____	Fax
Phone	Signature

## Partnership

### **General Partner#1**

First Name	Alternate or Cell Phone
Last Name	Email
Address City State Zip	Fax
Phone	Signature

### **General Partner#2**

First Name	Alternate or Cell Phone
Last Name	Email
Address City State Zip	Fax
Phone	Signature

## Corporation

Corporation Name	Alternate or Cell Phone
Address City State Zip	Fax
Phone	Email
President/CEO	Title of Signatory
Name of Corporate Official	Signature of Corporate Official

## Non-Profit Organization

Name of Non-Profit Organization	Alternate or Cell Phone
Address City State Zip	Fax
Phone	Email
Organization President	Title of Signatory
Name of Organization Official	Signature

## Limited Liability Company (LLC)

Name of LLC	Email
Address City State Zip	Officer Name
Phone	Officer Title
Alternate or Cell Phone	Signature
Fax	