

165.19 Mobile Food Units

1. Purpose: The purpose of this section is to allow for the use of Mobile Food Units within the City of Waukee, provide specific permitting and licensing requirements, and promote the public health, safety, and general welfare. These regulations are intended to prescribe the conditions under which limited duration mobile food sales may be permitted on private property and public property.

2. Definitions:

- A. Mobile Food Unit: Any type of annually licensed food establishment that is a readily moveable vehicle (on wheels), that is self-propelled (driven), or can be pulled or pushed to a location and used for the vending of food or beverage items at a stationary location to the public.
- B. Mobile Food Vendor: A person engaged in the business of selling food or beverages from a mobile food unit.
- C. Push Cart: A non-self-propelled mobile food unit that is pushed or pulled by the mobile food vendor to a location and serves a limited offering of food or beverage items.
- D. Approved Event or Special Event: A larger event, such as a farmers market, music festival, or similar activity that has been approved by the City through a special event permit, a temporary use permit (on private property) or a block party.
- E. State Licensing Level Classification: The Iowa Department of Inspections and Appeals has established classification levels for mobile food vendors that will be referenced as a part of this program. The levels are as follows:
 - (1) Class I: Non-refrigerated vending units that serve only intact, non-potentially hazardous commercially prepackaged food and beverages. Examples include chips, crackers, cookies, soda and sweets in manufacturers packaging.
 - (2) Class II: Refrigerated or hot vending units that serve potentially and non-potentially hazardous commercially prepackaged foods from an approved source. Examples include packaged sandwiches, ice cream bars, individually

wrapped and cooked hot dogs. No cooking is allowed as part of a Class II unit.

- (3) Class III: Units that serve potentially hazardous packaged food and unpackaged foods with limited assembly. These units are limited to pre-cooked foods from an approved source that may be reheated on the unit. Examples include pushcart operations, packaged salads, hot dogs, shaved ice.
- (4) Class IV: Units that serve potentially and non-potentially hazardous food that are prepared, cooked, cooled or reheated, and assembled on the unit. Examples include self-contained mobile food units, food trucks and any units that are capable of preparing and producing food items from precooked and/or raw products to finished product for consumption.

3. Exempt Uses/Instances:

- A. Grilling and food preparation activities of brick and mortar establishments on the establishments premises for immediate consumption by patrons or employees.
- B. Concession stands associated with sports or recreational venues.
- C. Mobile Food Vendors at the Waukee Downtown Farmers Market
- D. Mobile Food Vendors at City of Waukee sponsored or promoted special events.

4. General Regulations:

- A. All mobile food units operating within the City of Waukee that are not exempt from this Ordinance shall submit a Mobile Food Unit Permit Application on a form as provided by the Community Development Department. A permit fee shall be provided as established by the fee schedule. Mobile Food Unit permits will expire on December 31st of each year and shall be renewed each year thereafter.
- B. Mobile Food Units shall be permitted to operate on private property within any commercial (C) or industrial (M) zoned property or within the public right-of-way within any residential (R), C or M district.
- C. Mobile Food Units shall be permitted to operate within City parks if the Parks & Recreation Director or their designee, has approved the time and location of operation.
- D. Mobile Food Units shall be located on a paved surface, unless approved as a part of a Special Event.
- E. Mobile Food Units shall be limited to a maximum of five (5) consecutive days in one location.
- F. Mobile Food Vendor shall make arrangements to have permanent restroom facilities for employees within walking distance within adjacent buildings.
- G. The location of a Mobile Food Unit shall be located in manner where it does not take up required parking stalls required for the primary use of the property where the Mobile Food Unit is located.
- H. All Mobile Food Units utilizing deep fat fryers or open flame cooking shall be located 20 feet from any building unless an exemption is granted from the Waukee Fire Department.

- I. All Mobile Food Units shall be located in such a manner so as to not create a safety hazard, such as blocking emergency access to buildings and the site, obstructing access to fire hydrants, impeding ingress and egress from a building, creating a visual impediment for the motoring public at drive entrances, intersections pedestrian crossings, or similar movement and access.
- J. Mobile Food Units operating within the public right-of-way shall be located on the street side where on-street parking is permitted. Operations, food preparation and customer service shall not be conducted within the street.
- K. Mobile Food Units operating within the public right-of-way shall be limited to operate no more than two (2) hours in the same location or on the same street.
- L. Mobile Food Units shall not be allowed to operate within the public right-of-way on streets where on-street parking is prohibited.
- M. Mobile Food Units shall be licensed by the Iowa Department of Inspections and Appeals and shall provide proof as part of the application process.
- N. Mobile Food Units shall be inspected by the Waukee Fire Department on an annual basis. Alternatively, Mobile Food Unit operators can submit an approved inspection report from a Des Moines metro community (subject to approval by the Fire Marshal or their designee) where the inspection has been completed within the same calendar year.

5. Violations: The operation of a Mobile Food Unit is a privilege. A Mobile Food Unit Permit may be revoked or terminated at any time by order of the Administrative Official, Fire Chief, Police Chief, Building Official or their designees if the Mobile Food Unit is deemed as being a life safety hazard towards pedestrians, vehicles or property, or if the temporary use fails to comply with the terms of the permit or other City Ordinances.

