



## Legislation Details (With Text)

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**Type:** Ordinance      **Status:** Passed

**In control:** City Council

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**Title:** Creating Chapter 346 of the Saint Paul Legislative Code pertaining to the establishment of a license for Mobile Retail.

**Sponsors:** Dave Thune

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
5/28/2013	2	Mayor's Office	Signed	
5/22/2013	2	City Council	Adopted	Pass
5/15/2013	2	City Council	Public Hearing Closed; Laid Over to Fourth Reading/Final Adoption	Pass
5/8/2013	2	City Council	Laid Over to Third Reading/Public Hearing	
5/1/2013	2	City Council	Laid Over to Second Reading	

Creating Chapter 346 of the Saint Paul Legislative Code pertaining to the establishment of a license for Mobile Retail.

THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN:

### SECTION 1

Chapter 346 of the Saint Paul Legislative Code is hereby created to read as follows:

#### Chapter 346 Mobile Retail

**Sec. 346.01 - Definition.** Mobile retail means selling or offering to sell non-food merchandise from a vehicle.

#### Sec. 346.02 - License required.

It is unlawful for any person to engage in mobile retail within the City of Saint Paul without first obtaining a license in compliance with the provisions of the chapter.

#### Sec. 346.03 - License fees; term.

- (a) The annual license fee for mobile retail must be established by ordinance as specified in section 310.18 (a) of the Legislative Code.
- (b) Each license granted under this chapter expires one (1) year from date of original application.

### **Sec. 346.04 - Application.**

Application for license must be filed with the inspector, and must contain the following information in addition to that prescribed by the inspector:

- (a) The name and address of the applicant.
- (b) A brief description of the nature of the business and the goods to be sold.
- (c) A mobile retail parking and operations plan.
- (d) If employed, the name and address of the employer.
- (e) Applicant's principle place of business.
- (f) Description of the retail vehicle, together with license number or other means of identification.
- (g) The applicant's Minnesota sales tax permit number.
- (h) Proof of vehicle and general or business liability insurance and proof of compliance with the worker's compensation statutory requirements.

### **Sec. 346.05 - Insurance required.**

No license may be issued or renewed without proof of general or business liability insurance on the form required by the city. The policy of insurance shall be in the minimum amount of one million dollars (\$1,000,000.00). Proof of insurance must comply with subsection 310.07(b) of this Code. Licensees must also carry vehicle insurance and comply with Minnesota worker's compensation statutory requirements. Failure to maintain insurance is grounds for license revocation.

### **Sec. 346.06 - Vehicle Inspection.**

All mobile retail vehicles must pass an initial condition and safety inspection before a mobile retail license may be issued. The department may, in its discretion, accept any substantially similar condition and safety inspection from another city or similar jurisdiction if completed within sixty (60) days prior to the date of the application.

### **Sec. 346.07 - Exhibition of license.**

Mobile retailers must display the license issued by the department in a conspicuous place on the mobile retail vehicle.

### **Sec. 346.08 - License not transferable.**

Each retail merchant must secure a personal license. No license may be used at any time by any person other than the one to whom it is issued. Licenses issued under this chapter are not transferable.

### **Sec. 346.09 - General Restrictions.**

- (a) Mobile retailers may only sell new, unused items.
- (b) Mobile retailers may not sell counterfeit merchandise. Selling counterfeit merchandise is grounds for license revocation.
- (c) Mobile retailers may not stand upon any sidewalk, street or alley for the purpose of disposing of their goods

without first obtaining a use of street permit from the department of public works.

(d) No licensee has any exclusive right to any location in the public sidewalks, streets or other public property. Mobile retailers may not operate in a congested area where such operation might impede or inconvenience the public use of such streets or public ways. For the purpose of this chapter, the judgment of a police officer or license inspector, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced.

(e) It is unlawful to engage in mobile retail activity in such a manner as to:

- (1) Impede the flow of pedestrian or vehicular traffic, or obstruct or hinder the view of pedestrians or motorists, on any street, alley, sidewalk or right-of-way;
- (2) Create an unsafe condition or situation; or
- (3) Generate litter by the licensee or the licensee's customers that is not promptly removed by the licensee.

(f) Sales activity may not take place within the travel portion of any street or alley, or upon any median thereof, while such street or alley is open to vehicular traffic.

(g) Mobile retail is prohibited within the State Capitol. Mobile retail is also prohibited at any park or parkway, building or place under the jurisdiction of the director of parks and recreation unless by the permission of said director or by some person duly authorized by the director and subject to such rules and regulations as the director shall prescribe.

(h) Mobile retailers may not operate within two thousand (2,000) feet of any area for which a block party or community festival permit has been issued except when the licensee has obtained written permission from the organizers of the event.

(i) Mobile retailers may not operate within 100 feet of an entrance to any place holding an event for which admission is charged within 3 hours of that event except when the licensee has obtained written permission from the organizers of the event.

(j) Mobile retailers must comply with applicable zoning and parking regulations.

(k) Any single mobile retail vehicle or operation must not occupy more than two parking spaces.

(l) All vehicles must provide a safe entrance and exit for pedestrians.

(m) Mobile retailers may not use any amplified or speaker which projects sound from the vehicle with a volume of more than one watt, without a broadcasting vehicle license.

(n) In addition to the restrictions stated in subsection (a) of this section, additional conditions may be placed on the license in accordance with section 310.06(c) of the Legislative Code.

#### **Sec. 346.10 - Locations and hours of operation.**

(a) No person may operate a mobile retail vehicle on a public street between 3:30 p.m. to 5:30 p.m. on any weekday, excluding national holidays.

(b) No person may operate a mobile retail vehicle on a public street between the hours of 10:00 p.m. and 10:00 a.m. on any day of the week.

(c) Upon the approval of a written request made to the director of public works, the prohibitions in subdivisions (a) and (b) may be waived for special events.

(d) Licensees may only engage in mobile vehicle operations on public streets in that part of downtown Saint Paul within the boundaries of the downtown development district, as described in the appendix to section 17.07.1 of the City Charter.

#### **Sec. 346.11 - Violation**

Adverse action may be taken against the license of any person who violates any provision of this article as provided in section 310.05 of the Legislative Code. Each day that an offense continues constitutes a separate violation.

### **SECTION 2**

This Ordinance shall take effect and be in force thirty (30) days following its passage, approval and publication.