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ORDINANCE NO. 035-25

AN ORDINANCE REPEALING CHAPTER 42A OF THE MUNICIPAL CODE, MOBILE FOOD VENDORS, AND ENACTING A NEW CHAPTER 42A IN ITS PLACE TO AMEND DEFINITIONS, VENDING AND PARKING REGULATIONS, AND LICENSE EXEMPTIONS

WHEREAS, Chapter 42A of the Municipal Code contains rules and regulations for mobile food vendors in the City, and

WHEREAS, it is necessary to amend definitions, vending and parking regulations, and license exemptions applicable to mobile food vendors, as well as other provisions, in Chapter 42A,

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA as follows:

Section 1. Chapter 42A of the Cedar Rapids Municipal Code is hereby repealed and in its place a new Chapter 42A is enacted as follows:

"**42A.01 ADOPTION AND SCOPE.**

This ordinance shall be known as the Cedar Rapids Mobile Food Vendor Code and shall apply to mobile food vendors within the city limits of Cedar Rapids.

42A.02 DEFINITIONS.

As used in the Chapter, unless context required otherwise:

(a) **Angled parking space.** A parking space which is oriented at an acute angle with the curb and direction of approach.

(b) **Bustaurant.** A mobile food vending unit in a converted bus or similar vehicle which includes an eat-in restaurant. This type of mobile food vending unit contains a mobile kitchen and facilitates the preparation, marketing, and sale of food that is whole unprocessed, packaged, prepared and/or not potentially hazardous.

(c) **City block.** The entire right-of-way of a public street extending from the centerline of an intersecting street or the lateral centerline of any river bridge, to the centerline of the next intersecting street or the lateral centerline of any river bridge, whichever is closer.

(d) **City Golf Course.** A parcel of land, owned, and operated as a golf course by the City of Cedar Rapids.

(e) **City Park.** A parcel of land, owned, operated as, and designated as a park by the City of Cedar Rapids.

(f) **Event Venue.** An establishment on a parcel of land which is operated solely or primarily to host specialized events, generally occurring weekly, or throughout a month, but not occurring daily. These specialized events may be exclusive to said establishment and are not prevalent throughout the City. The City of Cedar Rapids Zoning Administrator shall make the determination if a venue is an Event Venue.

(g) **Food.** A raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum.

(h) **Food cart.** A non-self-propelled vehicle food establishment which facilitates the preparation, marketing, and sale of food that is whole and unprocessed, prepared, packaged, and/or non-potentially hazardous or commissary-wrapped foods maintained at proper temperatures or precooked foods that require limited assembly, such as frankfurters.

(i) **Food and Drug Administration (FDA).** The Department of the United States government responsible for monitoring trading and safety standards in the food and drug industries.

(j) **Food, packaged.** Bottled, canned, cartoned, securely bagged, or securely wrapped, whether packaged in a food establishment or a food processing plant. "Packaged" does not include a wrapper, carry-out box, or other nondurable container used to containerize food with the purpose of facilitating food protection during service and receipt of the food by the consumer.

(k) **Food, prepared.** Food that is packaged and also includes food which is cooked or handled in some way, altering an unprocessed wholefood by mechanical or human processing which would occur in accordance with USDA or FDA regulations and is then consumed at a later time.

(l) **Food, potentially hazardous.** Any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacean, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not include clean, whole, uncracked, odor-free shell eggs or foods which have a pH level of 4.6 or below or a water activity (aw) value of 0.85 or less.

(m) **Food stand.** Any article, device, fixture, or equipment that is used as a place to provide food and includes, but is not limited to, food tents, food shacks, food pods or food booths that are non-motorized, with or without a mobile kitchen, and facilitates the preparation, marketing, and sale of food that is whole unprocessed, prepared and/or not potentially hazardous. Food stands are not lawfully permitted as a permanent structure.

(n) **Food trailer.** See food truck.

(o) **Food truck.** A vehicle or trailer, which is operable and is currently licensed through a North American Department of Motor Vehicles. A food truck contains a mobile kitchen and facilitates the preparation, marketing, and sale of food that is whole unprocessed, packaged, prepared and/or not potentially hazardous.

(p) **Food, unprocessed whole.** Products which are not potentially hazardous raw food and do not have a post-harvest human or mechanical required element of preparation prior to safe human consumption. Generally, these items are whole fruits or vegetables.

(q) **Food wagon.** See food truck.

(r) **Hard-surfaced.** A surface that is comprised of Portland Cement Concrete (PCC), Asphalt Cement Concrete (ACC), or other paved, or seal coated surface.

(s) **Intermittent sales.** Food sales which occur from a mobile vending unit which is only stopped when making a sale. Stops for sales are generally less than five (5) minutes in total duration.

(t) **Mall.** A building containing retail and other commercial establishments operated by different tenants. The building as a whole is planned, developed, owned, and managed as a single property; a majority of the tenants lease enclosed separate tenant space(s) with a means of egress to the outside or the common pedestrian area within the Mall structure.

(u) **Market.** An establishment consisting of at least five (5) vendors where people may gather, indoors or outside, a permanent structure is on site, offering food that is prepared on site, for consumption on site. Non-food goods and other prepared and packaged food, prepared on site, are offered for sale as a function of the establishment. For purposes of this Chapter, a Mall is not a Market.

(v) **Mobile food vendor.** The person, corporation, entity, or group obtaining the license to prepare, market, or sell food from a mobile vending unit or food stand.

(w) **Mobile food vendor sales.** An exchange of packaged or prepared food for American currency at a set price, not for goodwill donation or for free.

(x) **Mobile food vendor license.** The document issued by the Office of the City Clerk granting permission for a person, corporation, entity, or group to sell unprocessed whole food, prepared food or prepackaged food from a mobile vending unit or food stand.

(y) **Mobile food vending unit.** A food establishment that is self-contained, and readily movable, such as a food cart, bustaurant, or food truck.

(z) **Parking Manager.** The City of Cedar Rapids or designated agent thereof who manages parking spaces within the corporate limits.

(aa) **Parking space, pay-by-plate.** All on-street or off-street parking spaces managed by the City or Parking Manager for which signs have been installed with instructions to enter a vehicle license plate number with payment at a centralized pay station, via Pay by Phone application, or QR code in order to park within the designated area for a set period of time. Payment is required for all on-street parking spaces along a block face where such signs have been installed.

(bb) **Private property.** A lot or defined area of land which is not in the ownership of a local, state, or federal government entity.

(cc) **Public alley.** The public right-of-way and service area at the rear or sometimes side of buildings, generally more narrow than the street.

(dd) **Public right-of-way.** Any sidewalk, street, alley, highway, or other thoroughfare established for travel by vehicles or persons and open or available for use by the public.

(ee) **Restaurant.** A retail business licensed to serve food and beverages for on-premises consumption and that uses a kitchen on the premises for food preparation. These establishments may include entertainment, dancing, and the serving of alcoholic beverages if permitted by applicable state or local law and any required licenses or permits have been acquired. For the purposes of this Chapter, a restaurant must also derive at least 25% of their revenue from the sale of food, not alcohol, for immediate consumption on the premises and be located on the street level.

(ff) **Seasonal sales.** See Temporary Sales.

(gg) **Sight triangle.** An area on a corner lot, measured from the point of the lot where two property lines meet street right-of-way. From this point of intersection, 30 feet in each direction along two property lines, then the two lines are connected by a straight line, forming a triangle.

(hh) **Special Event.** An event or celebration for which a permit is granted by the City Council or Office of the City of Cedar Rapids City Manager. An "event or celebration" is a significant occurrence or happening sponsored by a civic, business, educational, government, community, or veterans' organization and may include athletic contests.

(ii) **Temporary sales.** Sales occurring from a mobile food vending unit or food stand of unprocessed whole food relating to, occurring in, or varying with a particular season or defined period of time no greater than four (4) consecutive months in duration.

(jj) **United States Department of Agriculture (USDA).** The department of the United States government that manages various programs related to food, agriculture, natural resources, rural development, and nutrition.

42A.03 LICENSE APPLICATION REQUIREMENTS.

When a mobile food vendor license is required, the applicant shall submit the following to the Office of the City Clerk:

(a) Completed application furnished by the Office of the City Clerk.

(b) Each mobile food vendor shall provide proof of general liability insurance, including products liability coverage, in the amount of $1,000,000 or more per occurrence and $1,000,000 for property damage. A certificate of insurance shall be delivered to the City Clerk prior to the issuance of a mobile food vendor license.

(c) Fee for license according to the fee schedule adopted from time to time by City Council resolution.

42A.04 LICENSE ISSUANCE.

(a) Each mobile food vending unit or food stand shall obtain the necessary licenses and/or permits as may be required by the county, state, or federal governing bodies. All applicants shall comply with all applicable county, state, and federal laws, rules, and regulations.

(b) The Office of the City Clerk shall issue to each licensee a license for each mobile food vending unit or food stand. Said license shall be carried at all times by

licensee and exhibit the license as evidence of compliance with all requirements of this Chapter upon request.

(c) The Office of the City Clerk or authorized representative is authorized to establish administrative rules not inconsistent with any ordinance to carry out the provisions of this Chapter. A copy of said rules shall be on file at the Office of the City Clerk.

(d) A mobile food vendor license shall be denied to any applicant who has been found to have operated a mobile food vending unit or food stand in material violation of any of the requirements of this Chapter within the prior 180 days.

(e) The Office of the City Clerk shall deny any application for the operation of a mobile food vending unit or food stand that does not conform with all applicable requirements of this Chapter, this City Code, the Iowa Code, and the Iowa Administrative Code.

(f) In the event an application for a mobile vendor license is denied, the Office of the City Clerk or authorized designee shall cause notice of such denial to be promptly communicated to the applicant or the applicant's representative by phone at the phone 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 reasons therefore, and the applicant's right to appeal the denial to a hearing officer by filing a written notice of appeal with the Office of the City Clerk within ten (10) business of receiving written notice.

(g) Appeals will be heard by a hearing officer. Notice of the hearing shall be mailed to the licensee at the last known address at least 5 days prior to the date set for the hearing. At the hearing the applicant shall be afforded the opportunity to present evidence and argument. Formal rules of evidence and procedure shall not apply. Legal counsel shall not be required but shall be permitted. Within thirty (30) days after the conclusion of a hearing held pursuant to this section, the hearing officer shall make written findings which shall be based on a preponderance of the evidence as the standard of proof. Any decision rendered pursuant to this section shall be deemed a final action of the City and subject to appeal in accordance with Iowa law. Until an appeal is heard and determined by the hearing officer, the mobile food vendor shall not engage in any mobile food vending operations for which the permit would be required.

(h) If no appeal from the denial of a license is timely filed, or if the denial is not reversed upon final disposition of any appeal, the Office of the City Clerk shall promptly refund the refundable portion of the application fee, as set in the schedule of fees adopted by the City council by resolution.

42A.05 TRANSFERABILITY OF LICENSE.

A mobile food vendor license shall not be transferable from person to person or from mobile food vending unit to mobile food vending unit or from food stand to food stand.

42A.06 REVOCATION OF LICENSE.

(a) Any mobile food vendor license may, after notice in writing to the licensee and reasonable opportunity for hearing, be suspended or revoked for any of the following reasons:

1. Misrepresentation of any material fact in the application for the license;

2. The licensee, in the course of conducting business, has made fraudulent, false, or incorrect statements;

3. The licensee has violated this Chapter or any other ordinance or regulation adopted by the City of Cedar Rapids governing any activities or matters which may affect the sale of food and the health, safety, and welfare; or

4. The licensee has otherwise conducted business in an unlawful manner or the mobile food vending operation has become a public nuisance.

(b) In the event a mobile vendor license is suspended or revoked, the Office of the City Clerk or authorized designee shall cause notice of such revocation to be promptly communicated to the licensee or the licensee's representative by phone at the phone number provided in the application. Written notice shall also be sent to the licensee at the business address identified in the permit informing the licensee of the suspension or revocation, the reasons therefore, and the licensee's right to appeal the suspension or revocation to an administrative hearing officer.

(c) Licensee may appeal the suspension or revocation of the mobile food vendor license in writing to the Office of the City Clerk within fifteen (15) days of receiving written notice. Appeals will be heard by a hearing officer. Notice of the hearing shall be mailed to the licensee at the last known address at least five (5) days prior to the date set for the hearing. At the hearing the licensee shall be afforded the opportunity to present evidence and argument. Formal rules of evidence and procedure shall not apply. Legal counsel shall not be required but shall be permitted. Within thirty (30) days after the conclusion of a hearing held pursuant to this section, the hearing officer shall make written findings which shall be based on a preponderance of the evidence as the standard of proof. Any decision rendered pursuant to this section shall be deemed a final action of the City and subject to appeal in accordance with Iowa law. Until an appeal is heard and determined by the hearing officer, the mobile food vendor shall cease all mobile food vending operations.

(d) A licensee whose license has been revoked or denied for renewal shall not be eligible for another such license for a period of 180 days after such revocation or denial of renewal.

42A.07 PUBLIC SAFETY AND CONGESTION.

The City reserves the right, in the event public safety or congestion so requires, to limit the number of licenses issued to food trucks and/or food carts to a maximum number. Licenses will be issued in the order of priority based on the first date and time the application is stamped received by the Office of the City Clerk.

42A.08 DUTY OF THE POLICE TO ENFORCE.

It shall be the duty of the police officers of the City of Cedar Rapids to examine all places of business or persons subject to the provisions of this Chapter, to determine if this Chapter has been complied with and to enforce the provisions of this Chapter against any person found to be violating the same.

42A.09 MOBILE FOOD VENDING IN ASSOCIATION WITH SPECIAL EVENTS AND CARNIVALS.

(a) Mobile food vending units or food stands approved by a Special Event Permit holder(s) operating in conjunction with said approved Special Event Permit issued

by the City Manager, or a Carnival and Fair Operational Permit holder(s) or similar permit issued by the Cedar Rapids Fire Department, are not required to obtain a mobile food vendor license from the Office of the City Clerk.

(b) A mobile food vending unit or food stand shall not be located in a public right-of-way within two (2) City blocks of the affected blocks of a Special Event, which has been approved by the City of Cedar Rapids, during the scheduled Special Event hours of operation, unless specifically licensed as part of said Special Event by the permit holder of said Special Event. For the purposes of this section:

1. The "affected blocks" are any blocks containing any portion of a block for which the Special Event Permit has been issued.

2. Any entity, organization, or person with an approved Special Event Permit, may provide in writing, to the Office of the City Clerk, a written statement indicating that they waive the requirement of the two (2) block affected area during their Special Event hours of operation.

42A.10 GENERAL PROVISIONS.

(a) The regulations in this Section are applicable to all mobile food vending units or food stands.

(b) No mobile food vendor Shall:

1. Leave a food cart unattended in the public right-of-way.

2. Operate, store, leave unattended, or park any mobile vending unit in the public right-of-way between the hours of 2:00 AM- 6:30 AM.

3. Leave any location without first picking up and removing all trash and refuse including all products spilled on the sidewalk as a direct result of the mobile food vending operation.

4. Dispose of trash and refuse in a dumpster or trash receptacle which is not owned or permissible for use by the mobile food vendor.

5. Sell to any person situated in a motor vehicle.

6. Conduct any sale from a mobile food vending unit from a parking space which is designated as a handicap parking space.

7. Conduct any sales from outside the mobile vending unit, unless a reasonable accommodation is necessary to serve a customer with a disability.

8. Sell or attempt to sell alcoholic beverages and anything other than prepared, packaged, and/or whole unprocessed foods that are not potentially hazardous.

9. Locate within three (3) feet of a fire hydrant or ten (10) feet of a building ingress/egress door.

10. Operate a generator and/or vehicle motor which generates visible smoke, excessive noise, or excessive gasoline/diesel fumes.

11. Operate a mobile food vending unit without a current valid inspection approved by the Cedar Rapids Fire Department and having obtained all necessary operational permits.

12. Leave less than six (6) feet of unobstructed passage on a public or private sidewalk.

13. Operate a mobile food vending unit or food stand within a public alley.

14. Stop, idle, or park in a location in which the mobile food vending unit, food stand, or patrons thereof would be within a bike lane, fire lane, sight triangle, loading zone, or parking space not permitted for use by a mobile food vendor.

15. Operate a mobile food vending unit or food stand within state or federal right-of-way.

16. Operate a grill or smoker outside of the mobile food vending unit or food stand.

(c) Mobile food vendors shall comply with Federal, State, and County Laws in relation to mobile food vending units or food stands.

42A.11 MOBILE FOOD VENDING IN THE PUBLIC RIGHT-OF-WAY.

(a) No mobile food vendor shall operate a mobile food vending unit or food stand within or upon the public right-of-way without a mobile food vendor license pursuant to this Chapter.

(b) No mobile food vending unit or food stand shall operate in public right-of-way within 100 feet from the entrance of an open restaurant measured as a 100-foot buffer of a point, located at the center of the primary entrance of a restaurant, between 6:30 AM and 10:00 PM. For purposes of this section, a restaurant is open during its operating hours.

1. A restaurant owner may provide in writing, to the Office of the City Clerk, a written statement indicating that they waive the 100-foot buffer prohibition in this paragraph.

2. The Office of the City Clerk shall provide a copy of the waiver to the food truck owner. The waiver must be in the food truck and available for display while the truck is operating in the right-of-way.

(c) Neither food stands nor food carts shall locate in any on-street parking space in the public right-of-way.

(d) Neither food stands nor food carts shall locate within 5 feet of sidewalk ramps.

(e) No food truck shall locate upon a sidewalk.

(f) No food truck shall vend within 35 feet of an intersection measured from the back of the sidewalk or end of the curb radius or in a travel lane. The food truck must park in a designated parking lane or space.

(g) All sales activities and the transfer of food and beverages to the customer shall occur only on the sidewalk side of the mobile vending unit.

(h) No food truck shall operate in angled parking spaces unless approved by the City of Cedar Rapids.

(i) Neither the mobile food vendor, nor any employees or agents thereof shall shout, make any outcry, blow a horn, or use any other sound device including any loud speaking radio or amplifying system for the purpose of attracting attention to the operation.

(j) No mobile food vendor shall set up or maintain the use of any table, chair, crate, carton, rack, or any other device placed within the public right-of-way, to market or provide a seating and/or eating area for the mobile food vending operation. This shall include providing tables, chairs, or other furniture within the public right-of-way.

(k) Not more than one (1) sandwich board type sign (also known as A frame sign), no larger than six (6) square feet is permitted and shall be placed only on the sidewalk within five (5) feet of where the mobile food vending unit or food stand is located and be in conformance with the requirements of Chapter 32.

(l) Food trucks operating in pay-by-plate parking spaces shall also be subject to the following:

1. A food truck shall occupy no more than one (1) pay-by-plate parking space at any given time unless said food truck cannot park entirely within one pay-by-plate parking space; in this instance a food truck shall occupy no more than two (2) pay-by-plate parking spaces.

    A. Employee vehicles and any other vehicles associated with the food truck or the mobile food vending operation shall be legally parked in a parking ramp or off street parking lot.

    B. A food truck towed by a vehicle shall be unhooked from its towing vehicle when parked in a pay-by-plate parking space.

2. Parking for mobile food vending in a pay-by-plate space or spaces shall require a reserved space placard Monday - Friday between the hours of 9:00 AM and 5:00 PM, when the City or its Parking Manager has reserved a dedicated pay-by-plate space or spaces for the mobile food vending unit to operate.

3. Parking for mobile food vending in a pay-by-plate space or spaces shall be authorized Monday – Friday between the hours of 6:30 AM and 9:00 AM, and 5:00 PM and 2:00 AM, and 6:30 AM – 2:00 AM Saturday and Sunday, when a food truck is legally parked.

4. Reservation of a pay-by-plate parking space shall require a reserved space placard which will be issued by the Parking Manager after the requisite fee is paid in accordance with the fee schedule set by the City or its Parking Manager.

5. Pay-by-plate parking spaces reserved by a mobile food vendor may be rendered temporarily or permanently unavailable with no notification to the licensee for the purposes of road construction, Special Event(s)s, and/or other circumstances requiring the use of the area where the parking space is located.

6. A mobile food vendor with a reserved space placard shall not move the place of its operations within the public right-of-way from one approved location to another location without approval of the Parking Manager.

7. All temporary structures, vehicles, and all other items related to the operation of a food truck must be removed from public right-of-way when not in operation.

(m) Food trucks operating in parking spaces that are not pay-by-plate shall be subject to the following:

1. A mobile food vendor license shall be required.

2. Mobile food vendors shall be legally parked.

(n) Food Trucks engaging in intermittent sales in the public right-of-way shall also be subject to the following:

1. The mobile food vending unit shall not exceed five (5) miles per hour while playing music.

2. Sales are restricted to pedestrians and only at such a time when the food truck has come to a complete stop and is legally parked.

3. Hours of operation shall be no earlier than 10:00 AM and no later than 8:00 PM or sunset, whichever occurs first.

4. No loudspeaker or other sound system which may disturb the peace in the area is permitted. Music from the food truck is permitted to draw attention to the sales operation, but shall not be of a magnitude to create a disturbance in the surrounding area.

5. A sign displaying the name of the company and telephone number shall be affixed to the vehicle and be no smaller than one (1) square foot.

42A.12 MOBILE FOOD VENDORS IN CITY PARKS OR CITY GOLF COURSES.

Mobile food vendors within City Parks or City Golf Courses shall also be subject to the following:

(a) No mobile food vendor shall operate within a parking lot directly adjacent to, or with direct access to, a concession stand while said concession stand is in operation.

(b) Mobile food vendors shall be limited to hard-surfaced areas of the park, but this shall not mean within any roadway or parking lot drive aisle.

(c) Any temporary signage utilized by the mobile food vendor shall comply with Chapter 32 of this Code.

(d) Mobile food vending shall be limited to the park hours of operation set by the City of Cedar Rapids.

(e) A mobile food vending unit or food stand shall not be located in public right-of-way within two (2) City blocks of the affected area within a City Park holding a Special Event or other operation as deemed necessary by the City Parks and Recreation

Department unless specifically licensed as part of said Special Event by the permit holder of said Special Event.

1. The City of Cedar Rapids Director of Parks and Recreation or designee thereof, or Special Event Permit holder, may provide in writing, to the Office of the City Clerk, a written statement indicating that they waive the requirement of the two (2) block affected area during the event hours of operation.

42A.13 MOBILE FOOD VENDORS ON PRIVATE PROPERTY.

(a) No mobile food vendor shall operate a mobile food vending unit or food stand within or upon private property without a mobile food vendor license pursuant to this Chapter.

(b) Any signage associated with the mobile food vendor shall comply with all applicable statutes, ordinances, and regulations.

1. Signage placed on a food cart or on a food truck shall be exempt from total signage area allocated to the parcel so long as the food truck or food cart is operational.

2. Any freestanding temporary signage associated with the mobile food vending operation shall count against the temporary signage allotted to the parcel.

3. Signage types which are prohibited by Chapter 32 of the Municipal Code shall be prohibited from placement by any mobile food vendor licensee.

42A.14 EXEMPTIONS TO LICENSE REQUIREMENT IN 42A.13.

When a mobile food vendor is operating on private property, a license is not required to be obtained from the Office of the City Clerk if one or more of the following conditions is met:

(a) Non-Profit Organizations

1. Sales activities by a charitable, educational, or religious organization which is exempt from taxation under section 501(c)(3) of the United States Internal Revenue Code when the proceeds thereof shall be applied to the payment of the expenses thereof and the charitable or religious object for which the charitable or religious society exists, provided that such sales are not conducted by such organization in excess of three (3) consecutive days in any seven-day period at the same location.

(b) Farm Stands

1. In the event unprocessed whole food is being sold or attempted to be sold on the same parcel or group of parcels under common ownership on which said food is grown, and the parcel(s) is assessed as Agricultural Land by the Cedar Rapids City Assessor, a mobile food vendor license is not required.

(c) Markets

1. Any property with a Market, as defined by this Chapter, as a primary use on the parcel, but only when vendors are operating at a Market during

operational hours, that is, when the building the Market occupies is open to the public.

2. For purposes of this Section, a Market is in operation when a majority of the vendors therein are open and conducting business transactions.

(d) Event Venues

1. Any Event Venue as defined by this Chapter, but only during the time period of the event and two (2) hours before and after the event.

(e) Mobile Food Vending Ancillary to an Existing Primary Use. A mobile food vendor license shall not be required if the mobile food vending is ancillary to an existing primary use on the same parcel if all of the following conditions are met:

1. There is a primary land use in a building, which is constructed or which is being constructed, on the parcel in which the mobile food vending unit would be located; and

2. Sales of food, associated with the primary structure on the parcel would be allowed, or is lawfully occurring on said parcel; and

3. The parcel has been classified by the Cedar Rapids City Assessor to be exempt, industrial, or commercial; and

4. The mobile food vendor is the owner of the parcel or owns a business in a permanent structure on the parcel where the mobile food vending unit or food stand would be located.

(f) Temporary/Seasonal Sales of Unprocessed Whole Food — A mobile food vendor license shall not be required for temporary/seasonal sales of unprocessed whole food if the parcel upon which the mobile food vending unit or food stand is located has been classified by the Cedar Rapids City Assessor to be exempt, industrial, or commercial.

When a mobile food vendor license is not required from the Office of the City Clerk, permits may still be required from other Federal, State, or local government agencies and shall be obtained by the mobile food vendor."

Section 2. It is the intention of the Council that each section, paragraph, sentence, clause, and provision of this Ordinance is separable, and, if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance nor any part thereof other than that provision affected by such decision.

Section 3. All ordinances or parts of ordinances in conflict with any provision of this Ordinance are hereby repealed.

Section 4. The changes as provided in this Ordinance shall be made a part of the replacement pages of the Cedar Rapids Municipal Code and made a part of said Code as provided by law.

Section 5. This Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Introduced this 27th day of May, 2025.

Passed this 24th day of June, 2025.

Voting: Council member Overland moved the adoption of the ordinance; seconded by Council member Olson (Tyler). Adopted, Ayes, Council members Hoeger, Maier, Olson (Scott), Olson (Tyler), Overland, Poe, Todd, Vanorny and Mayor O'Donnell.

Tiffany D. O'Donnell, Mayor

Attest:

Alissa Van Sloten, City Clerk