



City of Norwalk
705 North Ave.
Norwalk, IA 50211
Phone: 515-981-0228
Fax: 515-981-0933
Email: lindseyo@norwalk.iowa.gov

Application for Mobile Food Unit Permit

City of Norwalk Municipal Code Chapter 126 - Mobile Food Vendors and Chapter 177 Rates & Fees

Please refer to Ordinance No. 21-12 for the full Code pertaining to Mobile Food Vendors. It is unlawful for any person to engage in the sale of food or beverages to the public from a Mobile Food Unit within the corporate limits of the City without first obtaining a mobile food unit permit from the City, in addition to any other state, federal, or county permits, certifications, and licenses.

Applications will not be accepted without the following information:

- Completed application signed by the applicant with appropriate permit fee
- Location map indicating where sales are proposed to take place
- State and/or County inspection certificates
- Current vehicle registration
- Photographs of the mobile food unit from the front, side, and back
- Completed consent form from the property owner(s) and lessee(s) of the property to use the property to operate the mobile food unit
- Proof of general liability insurance in the amount of at least \$500,000 per occurrence/\$1M aggregate and \$500,000 for property damage
- Certificate of insurance naming the City of Norwalk as a "Certificate Holder"
- Fire inspection certificate issued by the Norwalk Fire Department or proof of inspection by another agency and accepted by the Norwalk Fire Chief
- Criminal History Report obtained from the Iowa Department of Public Safety



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Applicants Name(s): _____

Mobile Food Vendor Name: _____

Phone No.: _____ **2nd Phone No.:** _____

Mailing Address: _____

Email Address: _____

Description of the kitchen facilities, cooking facilities, preparation area, and safety features (such as, but not limited to, fire suppression system) of the mobile food unit:

Overall size of vehicle (length and width) _____

Description of any audio or visual devices to be used to advertise or promote sales and service:

Permit Application Fee: \$250.00 - 1 year license

By signing below, I acknowledge that I have received a copy of Ordinance 21-12 pertaining to Mobile Food Vendors and agree to abide by the Code of Ordinances of the Norwalk Municipal Code. I further acknowledge and agree to the following:

- A mobile food unit permit is an annual permit and shall be effective for 12 months following the date of issuance
- Each mobile food unit shall be permitted separately and permits are non-transferable
- A separate permit is required for each location where the mobile food unit is operated
- Complete applications must be submitted to the City Clerk's Office not less than 10 business days prior to the proposed start date of the mobile food unit activities



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- The City reserves the right to reject any applications that have not been timely submitted to the City Clerk's Office
- Receiving approval of a mobile food unit permit from the City Clerk's Office shall not preclude, supersede, circumvent, or waive the responsibility to obtain additional permits, licenses, and approvals for other local, state, and federal regulatory agencies.
- Permits issued under this article are not transferable between individuals and businesses
- No mobile food unit may be operated on public property except as follows:
 - Part of an approved special event permit issued by the City Clerk's Office pursuant to Chapter 125 of the Norwalk Code
 - Parked in a legal parking space in the public right of way within a Commercial Zoning District
- No mobile food unit may operate within three hundred feet (300') of a permanent restaurant or business offering food or beverage services unless they receive expressed written consent of the business owner
- Any person or responsible party who violates Chapter 126 of the Norwalk Code of Ordinances will be guilty of a municipal infraction and subject to a civil penalty of \$250 for the first offense and \$500 for each additional offense.

Applicants Signature

Date



STATE OF IOWA

Criminal History Record Check Request Form



DCI Account Number: _____
(if applicable)

Mail or Fax completed forms to:

Iowa Division of Criminal Investigation
Support Operations Bureau, 1st Floor
 215 E. 7th Street
 Des Moines, Iowa 50319
 (515) 725-6066
 (515) 725-6080 Fax

Send results to:

Name _____
 Address _____

 Phone _____
 Fax _____

I am requesting an Iowa Criminal History Record Check on:

Last Name (mandatory)	First Name (mandatory)	Middle Name (recommended)
Date of Birth (mandatory)	Gender (mandatory)	Social Security Number (recommended)
	<input type="checkbox"/> Male <input type="checkbox"/> Female	

Release Authorization: Without a signed release from the subject of the request, a complete criminal history record may not be releasable, per Code of Iowa, Chapter 692.2. For complete criminal history record information, as allowed by law, always obtain a signed release from the subject of the request.

*****This form (DCI-77) is the only approved release authorization form for this purpose.*****

Release Authorization: I hereby give permission for the above requesting official to conduct an Iowa criminal history record check with the Division of Criminal Investigation (DCI). Any criminal history data concerning me that is maintained by the DCI may be released as allowed by law. I understand this can include information concerning completed deferred judgments and arrests without dispositions.

Release Authorization Signature: _____

Iowa Criminal History Record Check Results

(DCI use only)

As of _____, a search of the provided name and date of birth revealed:

- No Iowa Criminal History Record found with DCI
- Iowa Criminal History Record attached, DCI # _____

DCI initials _____

Release Authorization Information:

Iowa law does ***not*** require a release authorization. However, without a signed release authorization from the subject of the request any arrest over 18 months old, ***without*** a final disposition, cannot be released to a non-law enforcement agency.

Deferred judgments where DCI has received notice of successful completion of probation also cannot be released to non-law enforcement agencies without a signed release authorization from the subject of the request.

If the “No Iowa Criminal History Record found with DCI” box is checked, it could mean that the information on file is not releasable per Iowa law without a signed release authorization.

General Information:

The information requested is based on ***name*** and ***exact date of birth only***. Without fingerprints, a ***positive*** identification cannot be assured. If a person disputes the accuracy of information maintained by the Department, they may challenge the information by writing to the address on the front of this form or personally appearing at DCI headquarters during normal business hours.

The records maintained by the Iowa Department of Public Safety are based upon reports from other criminal justice agencies and therefore, the Department cannot guarantee the completeness of the information provided.

The criminal history record check is of the Iowa Central Repository (DCI) ***only***. The DCI files do not include other states’ records, FBI records, or subjects convicted in federal court within Iowa.

In Iowa, a ***deferred judgment is not*** generally considered a conviction once the defendant has been discharged after successfully completing probation. However, it should be noted that a deferred judgment may still be considered as an offense when considering charges for certain specified multiple offense crimes, i.e. second offense OWI. If a disposition reflects that a deferred judgment was given, you may want to inquire of the individual his or her current status.

A ***deferred sentence is*** a conviction. The judge simply withholds implementing a sentence for a certain probationary period. If probation is successful, the sentence is not carried out.

Any questions in reference to Iowa criminal history records can be answered by writing to the address on the front of this form or calling (515) 725-6066 between 8:00 a.m. and 4:00 p.m., Monday - Friday.

REMINDER - (1) Send in a separate Request Form for each last name, (2) a fee is required for each last name submitted, (3) a completed Billing Form must be submitted with all request(s).

Iowa law requires employers to pay the fee for potential employees’ record checks.



Mobile Food Unit Consent Form

I am the owner of the below property listed and hereby give consent for the Mobile Food Vendor listed on this form to operate on my property. I acknowledge that I am jointly and severally, with the vendor, responsible for compliance with Chapter 126 of the Norwalk Municipal Code and to ensure the safety of pedestrians and access of emergency vehicles to and around the site.

Name of Property Owner

Phone Number

Email Address

Mobile Food Vendor

Address where Mobile Food Unit will operate

Signature

Date

ORDINANCE NO. 21-12

ORDINANCE AMENDING CHAPTER 126 MOBILE FOOD VENDORS AND CHAPTER 177 RATES & FEES

Sections:

- Section 1. Purpose
- Section 2. Definition of Terms
- Section 3. Mobile Food Unit Permitting
- Section 4. Mobile Food Unit Operations
- Section 5. Unlawful Acts
- Section 6. Suspension or Revocation of Permit
- Section 7. Penalty
- Section 8. Chapter 177 Amended
- Section 9. Repealer
- Section 10. Severability Clause
- Section 11. When Effective

Section 1. Purpose. The purpose of this ordinance is to amend Chapter 126 Mobile Food Vendors and to amend Chapter 177 Rates & Fees to set permit fees for Mobile Food Vendor permits.

Section 2. Definition of Terms. All of the definitions contained in Section 481, Chapter 30.2 of the Iowa Administrative Code are incorporated herein.

1. Mobile Food Unit: A food or beverage establishment that is self-contained, with the exception of a grill or smoker (located outside the unit and used for cooking), and readily movable, which either operates up to three consecutive days at one location or returns to a home base of operation at the end of each day. A mobile food unit facilitates the preparation, marketing, and sale of food to the public. Mobile food units may park and operate up to three consecutive days at one location or return to a home base of operation at the end of each day. This also includes other similar types of food or beverage establishments as determined by the Community Development Director or their designee.
2. Food or Beverage Establishment: An operation that stores, prepares, packages, serves, vends or otherwise provides food or beverages for human consumption.

3. City-Endorsed: A single event approved by the City Council.
4. Mobile Food Vendor: The person, corporation, entity or group obtaining the permit to prepare, market or sell food from a mobile food unit.
5. Catering: For the purpose of this Chapter, catering shall mean the activity of providing food and drink directly from a mobile food unit for an event where no direct sales are being made to individual patrons.

Section 3. Mobile Food Unit Permitting.

1. Mobile Food Unit Permitting. It shall be unlawful for any person to engage in the sale of food or beverages to the public from a Mobile Food Unit within the corporate limits of the City without first obtaining a mobile food unit permit from the City, in addition to any other state, federal, or county permits, certifications, and licenses.
 - a. A mobile food unit permit is an annual permit and shall be effective for twelve (12) months following the date of issuance.
 - b. Each mobile food unit shall be permitted separately. Permits are non-transferable.
 - c. Although certain activities may be exempt from the permitting requirements of this Chapter, any food service to the public in the City shall comply with all local, county and state requirements for health inspections, licensing, safety, and fire code requirements.
 - d. The following shall not require a Mobile Food Unit Permit:
 - i. Mobile Food Units providing Catering.
 - ii. Grilling and food preparation activities of brick and mortar establishments on the establishment's premises for immediate consumption by patrons or employees.
 - iii. Concession stands associated with sports or recreational venues that have been approved as part of a site plan or permitted conditional use permit for the venue.
 - iv. A special event pursuant to Chapter 125 "Special Events" of the Norwalk Code and issued by the City Clerk's Office.
 - v. Participants in a Norwalk Area Chamber endorsed farmer's market.
 - vi. A food or beverage establishment that is not stationary and is otherwise licensed under Chapter 122 "Peddler Licenses".
2. Permit/Inspection Fee(s). At the time of submittal of a permit application, the applicant shall pay to the City Clerk's Office the applicable permit fee in addition to any applicable inspection fee(s).

- a. The amount of the permit and applicable inspection fee(s) shall be determined in accordance with an established fee schedule in Chapter 177 Rates & Fees, which fee schedule may be modified from time to time with approval of the Council.
 - b. Any permittee who surrenders their permit prior to the date of expiration shall not be entitled to a refund of any portion of the fee.
3. Mobile Food Units Permitting Application.
- a. A separate Permit is required for each location where a mobile food unit is operated. Conducting repeat service at one location on different days is allowable under a single permit.
 - b. Filing. Application requests shall be filed with the City Clerk's Office. No application request shall be accepted for filing and processing until it is complete with all required attachments and information and payment of the appropriate fees.
 - c. Timely Submittal. Unless otherwise provided herein, complete applications must be submitted to the City Clerk's Office not less than ten (10) business days prior to the proposed start date of the mobile food unit activities. The City reserves the right to reject any applications that have not been timely submitted to the City Clerk's Office.
 - i. An expedited application may be submitted in situations where the 10-day deadline cannot be met. An expedited application fee shall be paid with the accompanying application materials.
 - d. Applicant's Responsibility. Receiving approval of a mobile food unit permit from the City Clerk's Office shall not preclude, supersede, circumvent, or waive the applicant's responsibility to obtain any additional permits, licenses, and approvals for other applicable local, state, and federal regulations.
 - e. Application Fee. The application fee shall be paid by the applicant for the permit upon submission of the application. The application fee shall be nonrefundable. Fees can be found in Chapter 177 of the Norwalk City Code.
 - f. Application Contents. Application shall be made on a form provided by the City Clerk's Office and shall include:
 - i. Full name of the applicant.
 - ii. Name of the Mobile Food Vendor
 - iii. Applicant's contact information including mailing address, phone number(s), and e-mail address.
 - iv. Location map indicating where sales are proposed to take place.
 - v. Regulatory authorities, such as State or County, inspection certificates.

- vi. Description of the kitchen facilities, cooking facilities, preparation area, and safety features (such as, but not limited to, fire suppression system) of the mobile food unit.
 - vii. Current Vehicle registration, if applicable.
 - viii. Photographs of the mobile food unit from the front, side, and back.
 - ix. Description of any audio or visual devices to be used to advertise or promote sales and service.
 - x. Overall size of the vehicle (length and width).
 - xi. Completed consent form from the property owner(s) and lessee(s) of the property to use the property on which they propose to operate and acknowledging property owner and lessee is jointly and severally, with the vendor, responsible for compliance with this chapter and to ensure the safety of pedestrians and access of emergency vehicles to and around the site.
 - xii. Proof of general liability insurance in the amount of at least \$500,000 per occurrence/\$1M aggregate and \$500,000 for property damage. A certificate of insurance is required naming the City of Norwalk as a "Certificate Holder."
 - xiii. Permit application fee(s).
 - xiv. Fire inspection certificate issued by the Norwalk Fire Department or proof of inspection by another agency and accepted by the Norwalk Fire Chief.
 - xv. Criminal History Report. Upon receipt of the complete application as required by this chapter, the applicant shall obtain and provide to the City a criminal history report, which can be obtained from the Iowa Department of Public Safety. This report will be used to review the applicant and may be justification for the denial of a permit.
- g. Denial of Permit Application. If the applicant is found to be unsatisfactory, the City Clerk shall provide notification in writing to the applicant denying the application and providing reasons for the denial. Application fees will not be refunded in the event of a denial for any reason.
 - h. Issuance of Permit. Upon completion of the review process and a determination of compliance with the applicable regulations, the City Clerk's Office will issue a mobile food unit permit.
 - i. Modification of Permit after Issuance. Should the mobile food vendor change the food or beverage being offered during the term of an issued permit that would change the designation of the mobile food unit to a higher state licensing level classification, a

new application and review process shall be required. If a mobile food vendor changes locations within the permitted time, it is the vendor's responsibility to submit a new written consent of the property owner or lessee to use the property on which they propose to operate.

- j. Transferability of Permit. Permits Issued under this article are not transferable between individuals and businesses.
4. Right to Appeal. Any applicant whose application for permit was denied may appeal to the City Manager within fourteen (14) days of the denial. A subsequent appeal can be filed with the City Council within fourteen (14) days of the final decision by the City Manager. The City shall then schedule a hearing within thirty (30) days of receipt of the written appeal. As a result of this appeal, the City Council may affirm, modify or reverse the decision of the Clerk not to issue the permit. If the application for 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. Waiver of Requirements. The City Council reserves the right to waive or modify to a lesser requirement any provision or requirement of this chapter provided said waiver or modification does not adversely affect the intent of these regulations to adequately safeguard the general public and surrounding property. Exceptions will only be considered for those uses where special circumstances warrant a change and whereby the modification or waiver is determined to be in the best interest of the general public. The City Council may institute a reasonable time frame for any approved waiver.

Section 4. Mobile Food Unit Operations.

1. Mobile Food Units on Public Property. No mobile food unit may be operated on public property except as follows:
 - a. The mobile food unit is part of an approved special event permit issued by the City Clerk's Office pursuant to Chapter 125 "Special Events" of the Norwalk Code.
 - b. The mobile food unit is parked in a legal parking space in the public right of way within a Commercial Zoning District.
2. Unattended Mobile Food Unit. No mobile food unit shall be left unattended or stored at a permitted location.
3. Music and Sound-Making Devices. The use of music or sound-making devices used to attract patrons or to advertise a mobile food unit shall be prohibited, unless expressly allowed as part of an approved event.

4. Mobile Food Unit Performance Standards. The operation of a mobile food unit must be in compliance with the following standards:
 - a. Expressed written consent must be obtained from the property owner or lessee to use the property on which a mobile food unit is operated. The written consent must be kept in the unit at all times that the unit is on the property. Written consent does not excuse or permit the violation of any other regulations.
 - b. The City permit to operate the mobile food unit shall be in full view of the public at all times of operation.
 - c. Mobile food units shall only be allowed on nonresidential properties, except in the case of an approved residential block party or a private catering arrangement in compliance with all other City Code requirements related to residential property.
 - d. Mobile food units shall be limited to hours of operation between seven o'clock (7:00) A.M. and nine o'clock (9:00) P.M. unless other hours are approved as part of a City sponsored event, special event, or residential block party.
 - e. Mobile food units must maintain a minimum separation between other mobile food units of fifteen feet (15') and a minimum separation between mobile food units and buildings on the property of fifteen feet (15').
 - f. It is the joint responsibility of the property owner or lessee and mobile food unit owner to ensure that proper parking is maintained for the primary user of the property. The City may order a mobile food unit to relocate or revoke a Mobile Food Unit Permit if it is determined adequate parking has not been preserved for both the property owner and the vendor or if traffic congestion causes a back up onto public streets.
 - g. The mobile food unit must be located on a paved surface, unless approved as part of a special event permit.
 - h. No mobile food unit may operate within three hundred feet (300') of a permanent restaurant or business offering food or beverage services unless they receive expressed written consent of the restaurant or business owner.
 - i. No mobile food unit shall be placed on a public or private sidewalk unless approved as part of a City-sponsored special event.
 - j. No mobile food unit shall be located in a manner that impedes pedestrian movement, access, or impact access to ADA parking stalls or ramps/entrances.
 - k. 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 six inches (6") from the exterior of the unit. Signs may be backlit, but electronic message boards and flashing or motive electronic signage shall be prohibited.

- l. During hours of operation, the mobile food unit shall provide a trash receptacle for use by customers.
 - m. The area around the mobile food unit shall be kept clear of litter and debris at all times.
 - n. 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.
- 5. Property Owner/Lessee Responsibility. It shall be unlawful for a property owner and/or lessee to allow a mobile food unit to operate upon the property owner and/or lessee's property when said mobile food unit is not permitted or otherwise in compliance with the rules and regulations herein.

Section 5. Unlawful Acts.

- 1. Fraudulent Representation/Harassment. The operator of a mobile food unit shall not falsely or fraudulently misrepresent the quality, character, or quantity of any article, item, or commodity offered for sale, or sell any unwholesome or tainted food or foodstuffs. No operator shall harass, intimidate, coerce, or threaten any individual to induce a sale.
- 2. Failure to Maintain Licenses and Permits. Failure of any operator of a mobile food unit to maintain the appropriate County, State and Federal licenses and permits during the term of the local permit or permits shall be considered an unlawful act.

Section 6. Suspension or Revocation of Permit.

- 1. Any permit issued under the provisions of this chapter may be suspended or revoked by the City as follows:
 - a. Grounds. The City Clerk's Office may suspend or revoke any permit issued under this chapter for the following reasons:
 - i. The operator of a mobile food unit has made fraudulent statements in his/her application for the permit or in the conduct of his/her business.
 - ii. The operator of a mobile food unit has violated this chapter or any other chapter of this code or has otherwise conducted his/her business in an unlawful manner.

- iii. The operator of a mobile food unit has conducted his/her business in such a manner as to endanger the public health, welfare, safety, order, or morals.
 - iv. The City has received and investigated three (3) or more found complaints during a 12 month period related to the manner in which the operator of a mobile food unit is conducting business.
- b. Notice of Suspension or Revocation. The City Clerk or Clerk's designee shall cause notice of the permit revocation to be served in person by a City official or by mail to the permittee's local address, which notice shall specify the reason(s) for such action, at which time operations of the permittee must cease within the corporate limits of the City.
 - c. Right to Appeal. The permittee may appeal pursuant to Section 4 (3) herein.
 - d. Revocation. If a permit is revoked, no refund of any permit fee paid shall be made. Upon the revocation of a permit, the permittee 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.

Section 7. Penalty. Any person or responsible party who violates this chapter will be guilty of a municipal infraction and subject to a civil penalty of \$250 for the first offense and \$500 for each additional offense. This penalty does not include the permit cost.

Section 8. Chapter 177 Amended. Chapter 177 Rates and Fees is hereby amended to add the following:

Chapter 126 - Mobile Food Vendors

1 Year Permit- \$250.00
 Expedited process fee - \$75.00

Section 9. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 10. Severability Clause. 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 11. Effective Date. This ordinance shall be in full force and effect upon final passage, approval and publication as required by law.

Passed and approved by the City Council of the City of Norwalk, Iowa on the 4th day of November, 2021.

Tom Phillips, Mayor

Attest:

Lindsey Offenburger, City Clerk

First Reading: October 7, 2021

Second Reading: October 21, 2021

Third Reading: November 4, 2021

Clerk's Certificate

I certify that the foregoing was published as Ordinance No. 21-12 on the 11th day of November, 2021.

City Clerk