

**ORDINANCE NO. 2213**

**AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE,  
MISSOURI, ENACTING A NEW CHAPTER 632, AND  
REGULATING MOBILE FOOD VENDORS AND ICE  
CREAM TRUCKS**

**WHEREAS**, pursuant to § 94.270, RSMo., the Board of Aldermen of the City of Dardenne Prairie, Missouri, has the power and authority to regulate, license, levy, and collect a license tax on merchants of all kinds; and

**WHEREAS**, the Board of Aldermen finds and determines that regulating mobile vending businesses in the City will promote the health, safety, and general welfare of the residents of the City.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, AS FOLLOWS:**

**SECTION 1.** That the Municipal Code of the City of Dardenne Prairie be and is hereby amended by enacting a new Chapter 632, to read as follows:

**CHAPTER 632 MOBILE FOOD VENDORS**

**SECTION 632.010. DEFINITIONS.**

As used in this Chapter, the following words have the meanings indicated:

**APPLICANT**

Any person who applies for a mobile vendor permit, mobile vending business premises license, or mobile vending business eating and drinking garden license within the City as required by this Chapter.

**APPLICATION**

An application for either a mobile vendor permit, mobile vending business premises license, or mobile vending business eating and drinking garden license on a form provided by the City Clerk.

**CITY CLERK**

The City Clerk for the City of Dardenne Prairie, or such other person as may be designated by the City Administrator.

**CODE**

The Municipal Code of the City of Dardenne Prairie, Missouri, as amended from time to time.

**ICE CREAM TRUCK**

Any mobile vending vehicle from which ice cream, frozen milk, frozen dairy or ice confection products are sold or offered for sale in a ready-to-eat form and customarily consumed at the point of purchase that does not qualify as a mobile vending business.

**ICE CREAM TRUCK LICENSE**

An annual license issued by the City Clerk to operate an ice cream truck in the City.

**LICENSE YEAR**

January 1 through December 31 of a calendar year.

**LICENSED PREMISES**

Privately owned real estate for which a mobile vending business premises license or mobile vending business eating and drinking garden license has been issued.

**MERCHANDISE**

Any goods, wares, flowers, horticultural products, services or similar items sold by a mobile vending business.

**MOBILE VENDING BUSINESS**

A business engaged in the cooking, preparing, assembling, serving, selling, offering for sale, or distributing of food, beverages, or any other type of merchandise to the general public from a mobile vending vehicle or temporary display stand within the City while such mobile vending vehicles or temporary display stand remains parked or in an otherwise stationary position for thirty (30) minutes or more.

**MOBILE VENDING BUSINESS EATING AND DRINKING GARDEN**

A property on which multiple mobile vending businesses may operate at a single time, as permitted by Chapter 632 of the Code.

**MOBILE VENDING BUSINESS EATING AND DRINKING GARDEN LICENSE**

An annual license issued by the City Clerk to operate a mobile vending business eating and drinking garden in the City.

**MOBILE VENDING BUSINESS PREMISES LICENSE**

An annual license issued by the City Clerk to the owner or operator of a licensed premises, excluding mobile vending business eating and drinking gardens, which authorizes the operation of a mobile vending business on the licensed premises. The holder of a mobile vending business premises license may allow multiple mobile vending businesses to operate on the licensed premises.

**MOBILE VENDOR PERMIT**

A permit issued by the City Clerk to the owner or operator of a mobile vending business to operate in the City.

**MOBILE VENDING VEHICLE**

Any moveable vehicle, truck, trailer, pushcart, portable structure, or other similar vehicle used by a mobile vending business.

**OWNER**

When used in connection with motor vehicles, any person who holds legal title to a vehicle or has the legal right to possession thereof; when applied to a structure, building or land, includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety of the whole or part of such structure, building or land.

**PERSON**

Any individual, co-partnership, firm, association, company, or combination of individuals, of whatever form or character.

**TEMPORARY DISPLAY STAND:**

A stand, booth, stall, table, tent, wagon, handcart, pack, basket or other similar portable structure, container, display or devise, but not a mobile vending vehicle, used by a mobile vending business to serve, sell, distribute or offer for sale at retail of food, beverages or any other type of merchandise.

**SECTION 632.020. MOBILE VENDING PERMITS AND LICENSES.**

**A.** *Mobile Vendor Permit.* No person shall operate a mobile vending business within the City without having first obtained a mobile vendor permit from the City Clerk pursuant to the requirements of this Chapter.

**B.** *Mobile Vending Business Premises License.* No owner or operator of real estate within the City shall authorize or allow a mobile vending vehicle or temporary display stand to engage in a mobile vending business on such real estate without the owner or operator of such real estate obtaining a mobile vending business premises license from the City Clerk pursuant to the requirements of this Chapter. Notwithstanding the foregoing, this Subsection B shall not apply to mobile vending business eating and drinking gardens.

**C.** *Mobile Vending Business Eating and Drinking Garden License.* No person shall operate a mobile vending business eating and drinking garden within the City without having first obtained a mobile vending business eating and drinking garden license from the City Clerk pursuant to the requirements of this Chapter.

**D.** *Ice Cream Truck License.* No person shall operate an ice cream truck within the City without having first obtained an ice cream truck license from the City Clerk pursuant to the requirements of this Chapter.

**SECTION 632.030. APPLICATIONS.**

**A.** *Applications And Application Fees.*

1. Applications for a mobile vendor permit, mobile vending business premises license, mobile vending business eating and drinking garden license, or ice cream truck license shall be made in writing on forms prepared and provided by the City and submitted to the City Clerk. An applicant must submit a completed application, along with the application fee, to the City Clerk.
2. Each application shall be accompanied by a nonrefundable application fee in the following amounts:
  - a. Mobile vendor permit—twenty-five dollars (\$25.00);
  - b. Mobile vendor permit for mobile vendor business presenting a current and valid license issued by any other city within St. Charles County or St. Charles County – five dollars (\$5.00);
  - c. Mobile vending business premises license—fifty dollars (\$50.00);
  - d. Mobile vending business eating and drinking garden license—fifty dollars (\$50.00); and
  - e. Ice cream truck license – one hundred dollars (\$100.00).

No application fee shall be pro-rated if the license or permit is obtained during the middle of a license year.

3. Mobile Vendor Permit. A separate mobile vendor permit shall be obtained for each separate and distinct mobile vending vehicle or temporary display stand proposed to be used by an applicant. An application for a mobile vendor permit shall include the following information and shall be submitted no later than fourteen (14) days in advance of the first date in a license year on which the applicant proposes to operate its mobile vending business:
  - a. The full legal name, daytime telephone number, email address, home address, and business address of the person applying for the mobile vendor permit;
  - b. If the applicant is an entity, the application shall state the full name of the entity, the names and addresses of its officers, managers, members, partners or trustees, its principal address, daytime telephone number, and its registered agent and registered address;
  - c. The name(s), address(es), and daytime telephone number(s) of the legal owner(s) of the licensed premises on which the applicant will operate the mobile vending business, along with proof of written permission or consent from the owner(s) for applicant to operate its mobile vending business;
  - d. A description of the type of food, beverages or merchandise proposed to be sold, distributed, or offered for sale by the mobile vending business;
  - e. A description of the mobile vending vehicle or temporary display stand;

- f. If the mobile vending business will operate out of a mobile vending vehicle, then the application shall include:
    - i. The year, make, model, color, vehicle identification number (V.I.N. number), state license plate number and state of licensing, if applicable, and dimensions, which shall not exceed thirty-six (36) feet in length or nine (9) feet in width, of such mobile vending vehicle;
    - ii. Proof of current vehicle insurance for the mobile vending vehicle, if applicable, issued by an insurance company licensed to do business in the State of Missouri; and
    - iii. Proof of current vehicle registration for the mobile vending vehicle, if applicable.
  - g. Copies of all requisite liquor licenses issued to the applicant by the City, St. Charles County, or the State of Missouri;
  - h. A copy of Applicant's State of Missouri retail sales tax license authorizing the sale of goods within the State of Missouri, and a statement from the Missouri Department of Revenue that the applicant owes no tax due under Sections 144.010 to 144.510, RSMo., as amended, or Sections 143.191 to 143.261, RSMo., as amended, dated no more than ninety (90) days before the date of submission of the application;
  - i. If applicable, a copy of any permit or license required by the St. Charles County Department of Public Health; and
  - j. Such other information as the City Clerk may require to ensure compliance with the provisions of this Chapter.
4. Mobile vending business premises license. An application for a mobile vending business premises license shall include the following information and shall be submitted no later than fourteen (14) days in advance of the first date in a license year on which a mobile vending business will operate on the licensed premises:
- a. The full legal name, daytime telephone number, email address, home address, and business address of the person applying for the mobile vending business premises license;
  - b. If the applicant is an entity, the application shall state the full name of the entity, the names and addresses of its officers, managers, members, partners or trustees, its principal address, daytime telephone number, and its registered agent and registered address;

- c. The proposed day(s) of operation and hour(s) of operation. No mobile vending business may have any mobile vending vehicles or temporary display stands on the licensed premises for more than six (6) days in a calendar year;
  - d. A description of the licensed premises, which shall include, but shall not be limited to, the following:
    - i. The address of the property;
    - ii. A depiction of all buildings, structures, green space, parking spaces, ingresses and egresses onto and off of public roadways, and other natural or man-made features on the property; and
    - iii. The number, size(s), location(s), and a description of the garbage receptacles to be located and utilized by the mobile vending business;
  - e. Copies of all requisite liquor licenses issued to the applicant by the City, St. Charles County, or the State of Missouri;
  - f. If applicable, a copy of any permit or license required by the St. Charles County Department of Public Health; and
  - g. Such other information as the City Clerk may require.
5. Mobile Vending Business Eating and Drinking Garden License. An application for a mobile vending business eating and drinking garden license shall include the following information and shall be submitted no later than fourteen (14) days in advance of the first date in a license year on which a mobile vending business will operate on the licensed premises:
- a. The full legal name, daytime telephone number, email address, home address, and business address of the person applying for the mobile vending business eating and drinking garden license;
  - b. If the applicant is an entity, the application shall state the full name of the entity, the names and addresses of its officers, managers, members, partners or trustees, its principal address, daytime telephone number, and its registered agent and registered address;
  - c. The proposed hour(s) of operation. There is no limitation on the number of days per license year in which mobile vending businesses may operate on the licensed premises;

- d. A description of the licensed premises, which shall include, but shall not be limited to, the following:
    - i. The address of the property;
    - ii. A depiction of all buildings, structures, green space, parking spaces, ingresses and egresses onto and off of public roadways, and other natural or man-made features on the property; and
    - iii. The number, size(s), location(s), and a description of the garbage receptacles to be located and utilized by the mobile vending business;
  - e. Copies of all requisite liquor licenses issued to the applicant by the City, St. Charles County, or the State of Missouri;
  - f. If applicable, a copy of any permit or license required by the St. Charles County Department of Public Health; and
  - g. Such other information as the City Clerk may require.
6. Ice Cream Truck License. An application for an ice cream truck license shall include the same information as required for a mobile vendor permit as required in Section 632.030(A)(3) of this Code. An application for an ice cream truck license shall be submitted no later than fourteen (14) days in advance of the first date in a license year on which the applicant proposed to operate its ice cream truck. In addition, no person shall operate, working in or otherwise conduct sales within an ice cream truck without having first applied for and obtained an identification card for a peddler pursuant to Article III of Chapter 605 of this Code. Notwithstanding the provisions of Article III of Chapter 605 of this Code to the contrary, the fee for each identification card required herein shall be fifteen dollars (\$15.00) and, once issued, shall be valid during the license year for which it is issued, or part thereof.

**B.** *Application Review and Determination.* The City Clerk shall review each completed application in accordance with the following procedures:

- 1. The City Clerk shall review each completed application upon receipt of such application and its corresponding application fee and shall approve, approve with conditions, or deny such application within ten (10) days of receipt thereof.
- 2. An application is deemed to be complete upon the City Clerk determining that:
  - a. The application includes all necessary information required under Subsection (A);

- b. The applicant has submitted all other requisite permits and licenses from the City, County, or State; and
  - c. The applicant has paid the application fee.
- 3. In granting a mobile vendor permit, mobile vending business premises license, mobile vending business eating and drinking garden license, or ice cream truck license the City Clerk may add reasonable conditions beyond the specific restrictions and requirements of this Chapter which are deemed by the City Clerk to be necessary to protect the peace, health, safety, comfort, morals, and general welfare of the City and its inhabitants, including, but necessarily limited to, maintaining the adequate circulation of vehicular and pedestrian traffic, avoiding the accumulation of garbage and litter, providing sufficient parking, and maintaining compliance with other provisions of this Code.
- C. *Issuance.* All approved mobile vendor permits, mobile vending business premises licenses, or mobile vending business eating and drinking garden licenses shall be signed by the City Clerk.
- D. *Denial.* The City Clerk may refuse to grant a mobile vendor permit, mobile vending business premises license, or mobile vending business eating and drinking garden license for any of the following reasons:
  - 1. Applicant has failed to provide all the necessary information required by the application or this Chapter;
  - 2. Purported fraud or misrepresentation contained in the application or supporting information or documentation;
  - 3. Applicant's failure to comply with the provisions of this Chapter or any other applicable City ordinance or law of the United States, St. Charles County, or the State of Missouri; or
  - 4. For any of the reasons provided for in Section 605.040(C) of this Code.
- E. *Liability.* Nothing in this Chapter shall be construed to create or constitute a liability to or a cause of action against the City related to the issuance of any mobile vendor permit, mobile vending business premises license, or mobile vending business eating and drinking garden license.

**SECTION 632.040. RULES AND REGULATIONS ESTABLISHED.**

- A. It shall be the responsibility of the mobile vending business to ensure that:



1. All food, beverages and other merchandise cooked, prepared, assembled, served, distributed, offered for sale, or sold from its mobile vending vehicle or temporary display stand are in a fresh and sanitary condition;
  2. The sidewalks, streets and other spaces adjacent to its area of operation are clean and free of refuse of any kind;
  3. At the close of the business day, all refuse of any kind accumulating within fifteen (15) feet of the mobile vending business's area of operation is or has been removed or collected and is otherwise properly disposed of; and
  4. All sales taxes for the sales of food, beverages, or merchandise made by the mobile vending business within the City are promptly paid when due.
- B.** It shall be the responsibility of the person or entity holding the mobile vending business premises license or mobile vending business eating and drinking garden license to ensure that:
1. All mobile food vendors operating on the licensed premises have a validly issued mobile vending business permit and other licenses and permits required by the City, County, or State;
  2. All sales taxes for the sales of food, beverages, or merchandise made by any mobile vending business on the licensed premises are promptly paid when due.
- C.** The City or its agents shall be permitted to inspect the licensed premises, the mobile vending vehicle, temporary display stand, and all items for sale by the mobile vending business at any reasonable time to ensure compliance with this Chapter and other provisions of the ordinances of the City.
- D.** Except as set forth in subsection I of this Section, no mobile vending business shall be permitted to operate on property which is not a licensed premises under this Chapter.
- E.** No mobile vending business shall be operated between the hours of 11:00 p.m. and 6:00 a.m. in any commercial zoning district and 9:00 p.m. and 11:00 a.m. in any residential zoning district.
- F.** The conduct and behavior of all mobile vending businesses shall comply in all respects with all noise ordinances of the City.
- G.** A mobile vending business shall provide for a garbage receptacle for refuse of any kind that shall be maintained and emptied regularly and marked as being for refuse.
- H.** No mobile vending business shall:
1. Leave any mobile vending vehicle or temporary display stand unattended.

2. Conduct a mobile vending business in a manner that obstructs access to private property, except with the prior written consent of the property affected thereby.
  3. Put refuse from the operation of their mobile vending business in any drain or in the streets or sidewalks.
  4. Store, park, or leave any mobile vending vehicle or temporary display stand on any street or sidewalk between 11 p.m. and 6 a.m. of the following day.
  5. Leave any location without first picking up, removing, and properly disposing of all refuse remaining from sales made or otherwise resulting from the operation of the mobile vending business.
  6. Install, erect, or maintain any signage other than one A-frame sign not to exceed nine (9) square feet in size, which must be located within six (6) feet of the mobile vending vehicle or temporary display stand.
  7. Block any part of the right-of-way of a public or private street, sidewalk, ramp, curb cut, or trail in the City.
- I. Except for ice cream trucks, no mobile vending business shall operate on a residentially zoned property or on property that is primarily used for residential purposes, except that a mobile vending business may operate within a residentially zoned property or on property that is primarily used for residential purposes if the mobile vending business meets the following conditions:
1. The mobile vending business shall provide prior written notice to the City Clerk, on a form provided by the City Clerk, no later than two business days prior to operating on property within a residentially zoned district or on property that is primarily used for residential purposes indicating the date, hours of operation and location where the mobile vending business will be operating;
  2. The mobile vending business shall not store, park, or leave any mobile vending vehicle or temporary display stand on any street or sidewalk between 9:00 p.m. and 11:00 a.m. of the following day;
  3. The mobile vending business shall not store, park, or leave any mobile vending vehicle or temporary display stand on any street with a posted speed limit in excess of twenty-five (25) miles per hour or upon any street in violation of Chapter 350 of this Code; and
  4. Adequate circulation of vehicular and pedestrian traffic shall be maintained at all times. Should the stacking of vehicles on a street upon which a mobile vending vehicle is located be such that vehicles are blocking street intersection, obstructing access to private property, or result in inadequate circulation of vehicular traffic, the City Clerk or any law enforcement officer of the City is authorized to require a mobile vending business to relocate the mobile vending vehicle to an alternate location on the same street, or, if it is determined by the City Clerk or law

enforcement officer that no alternate location on the same street will adequately correct the traffic issues, to immediately cease operations and vacate the mobile vending vehicle from the street.

- J.** Every ice cream truck shall be equipped with:
1. Front passenger side-mounted wide-angle convex mirror;
  2. Signage visible from the rear of the vehicle, a minimum of one (1) square foot in size, stating either "Caution" or "Watch for Children" with the lettering at least three (3) inches tall;
  3. Reverse backup alarm capable of emitting a sound adequate in quantity and volume to give warning that the vehicle is about to back up;
  4. Rear visibility for the operator by means of a rear-mounted mirror, obstacle detection sensor, or camera; and
  5. Front-mounted obstacle detection system capable of detecting obstacles within three (3) feet of the vehicle's front bumper.

Every ice cream truck shall activate the equipment in Subsection (A)(3) — (A)(5) when engaged in operation as an ice cream truck.

- K.** The City Administrator shall formulate any additional rules and regulations necessary for the proper administration of this Chapter. Rules and regulations shall be maintained in the office of the City Clerk and shall be available for public inspection during ordinary business hours.

#### **SECTION 632.050. REVOCATION OR SUSPENSION OF A PERMIT OR LICENSE.**

- A.** The City Clerk may suspend for a period of up to ninety (90) days or revoke any mobile vendor permit, mobile vending business premises license, or mobile vending business eating and drinking garden license upon the finding of one (1) or more of the following:
1. Intentional misstatements or misleading statements of fact in the application which are not discovered until after the issuance of the mobile vendor permit, mobile vending business premises license, or mobile vending business eating and drinking garden license, as applicable;
  2. Permitting any conduct that would constitute a violation of the requirements of this Chapter 632; or
  3. Permitting any conduct that would constitute a violation of any laws of the United States, the State of Missouri, the ordinances of St. Charles County, or the ordinances of the City.

#### **SECTION 632.060. APPEAL OF A DENIED, SUSPENDED OR REVOKED PERMIT OR LICENSE.**

Any applicant or mobile vending business aggrieved by the decision of the City Clerk to deny, suspend or revoke any mobile vendor permit, mobile vending business premises license, mobile vending business eating and drinking garden license, or food truck license pursuant to the provisions of this Chapter shall have the right to appeal such action to the City Administrator pursuant to Section 605.080 of the Municipal Code.

**SECTION 2. Savings Clause:** Except as expressly set forth herein, nothing contained in this Ordinance shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof.

**SECTION 3. Severability Clause:** If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

**SECTION 4. Effective Date:** This Ordinance shall be in full force and take effect from and after its final passage and approval.

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Read two (2) times, passed, and approved this 19<sup>th</sup> day of October, 2022.

John W. Estuary  
As Presiding Officer and as Mayor

Attest:

Kim Clark  
City Clerk

Approved this 19<sup>th</sup> day of October, 2022.

John W. Estuary  
Mayor

Attest: Kim Clark  
City Clerk