

Ordinance No. 6250

**AN ORDINANCE TO ADOPT REGULATIONS CONCERNING  
MOBILE FOOD VENDORS BY ADOPTING PROVISIONS  
IN TITLE 17 OF THE RAPID CITY MUNICIPAL CODE**

WHEREAS, the City of Rapid City has adopted zoning ordinances in Title 17 of the Rapid City Municipal Code; and

WHEREAS, mobile food vendors such as food trucks are becoming more popular throughout the country and in Rapid City; and

WHEREAS, currently the State of South Dakota licenses mobile food vendors through the Department of Health but does not regulate where these vendors may operate; and

WHEREAS, in 2017 the City Council adopted R.C.M.C. 12.24.080 requiring a vendor permit for mobile food vendors who wish to operate in City parks; and

WHEREAS, currently the Rapid City Municipal Code does not include any general provisions governing mobile food vendors such as food trucks on private or public property within Rapid City; and

WHEREAS, the absence of City regulation for mobile food vendors creates uncertainty as to the circumstances under which food trucks and other mobile food vendors are allowed in the City of Rapid City; and

WHEREAS, the City wishes to adopt ordinances to clarify the zoning provisions that concern and address mobile food vendors and to allow for mobile food vendors as temporary uses on private property and on public property with the consent of the property owner; and

WHEREAS, the City wishes to adopt regulations clarifying that mobile food vendors may not vend within the right of way except in very limited circumstances; and

WHEREAS, the City wishes to adopt additional regulations governing the activity of mobile food vending on both private and public property to ensure vehicle and pedestrian safety, to require adequate sanitation and trash collection, and to govern signage and noise from the vending establishments, among other regulations; and

WHEREAS, the Common Council believes it to be in the best interests of the health, safety, and general welfare of its citizens to amend Title 17 to adopt regulations governing mobile food vending.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that Section 17.04.493 of the Rapid City Municipal Code is hereby adopted to read in its entirety as follows:

**17.04.493 Mobile food vendor establishment.**

**MOBILE FOOD VENDOR.** Any person who uses a mobile food service establishment as defined in SDCL Chapter 34-18. A mobile food vendor does not include the following: (1) sidewalk vendors as provided in Chapter 5.56 or Chapter 12.12; (2) sidewalk cafés as provided in Chapter 12.12; or (3) farmer’s markets as provided in Section 17.04.263.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that Section 17.50.212 is hereby adopted to read in its entirety as follows:

**17.50.212 Mobile food vendors.**

A. *Mobile food vendor operational requirements.* Mobile food vendors conducting business within the City must comply with the following requirements:

1. All mobile food vendors must abide by all federal, state, and local laws, rules, and regulations. Mobile food vendors must operate in compliance with all state laws and regulations and must maintain continuous licensure with the South Dakota Department of Health.

2. Mobile food vendors may vend only on private or public property with the consent of the property owner and may not encroach into any right-of-way adjoining the property with the mobile food vending establishment or any accessory items such as trash cans, tables, chairs, etc. If requested by the City, a mobile food vendor shall promptly provide proof of a property owner’s consent to operate on the property.

3. Mobile food vending is allowed as an accessory use in the following situations:

- a. On a parcel with a commercial or industrial use;
- b. On City property, including parks;
- c. On a construction site to fulfill on-site needs;
- d. In a residential zoning district if in conjunction with a special event held at a non-residential structure; or
- e. As otherwise authorized by the Common Council.

4. The vendor shall not conduct any vending in a way that causes congestion or blocking of vehicle or pedestrian traffic or fire lanes. Each vendor has an affirmative and independent duty to determine the safety and suitability of any particular location of operation and to operate in a manner reasonably calculated to avoid and prevent harm to people and to other vehicles.

5. All areas within and surrounding a mobile food service establishment must be maintained in a clean, neat, and sanitary condition. A mobile food vendor shall provide one private trash bin and one private recycling bin for public use with capacity of no less than 13 gallons each. Trash bins shall be anchored or otherwise secured upright. A mobile food vendor shall remove all litter generated by its operation at the vendor's expense. The mobile food vendor shall not place trash or litter from the mobile food vending establishment in any unauthorized private or City receptacle.

6. Umbrellas and canopies must be designed to be secure during windy conditions. Umbrellas and canopies must be at least seven feet above the ground when open and may not protrude into the right of way.

7. All mobile food vendors must ensure that individuals with disabilities have comparable access to mobile food vending establishment. If existing designs cannot be modified to be accessible to people with disabilities, the method of providing service must be modified to become accessible.

8. A mobile food vending establishment cannot be permanently located on any property and cannot function as a permanent structure.

9. Mobile food vendors may not vend alcohol unless they comply with all applicable City and state regulations, including compliance with Chapter 5.12 and with this Title.

B. *Prohibited conduct.* No mobile food vendor shall:

1. Vend in the public right-of-way, including on any public street, alley, sidewalk, or in any on-street parking space, except in the following situations:

- a. In conjunction with a special event that is approved by the City, if applicable, so long as the special event includes the closure of the public right-of-way and consents to the presence of the mobile food vendor; or
- b. In limited situations with the approval of the Common Council;

2. Operate a mobile food establishment within 300 feet of any event held in the Central Business District without obtaining written permission from the event sponsor;

3. Operate within a City park without receiving permission or obtaining a vendor permit, as applicable, from the Parks and Recreation Department;

4. Place any object that blocks any pedestrian pathway or ADA access;

5. Utilize any signage other than signage that is affixed to the exterior of the mobile food vending establishment or other than two additional banners or signs located within 100 feet of the establishment; or

6. Project audible amplified music or sound or make any unreasonably loud noise for the purpose of advertising or attracting attention to the mobile food vending establishment.

C. *Certificate of insurance.* Every mobile food vendor who operates on City property or within the right of way shall furnish to the City proof of adequate insurance coverage with designated limits as required by the City. The insurance policy shall name the City and its representatives as an additional insured for any liability arising directly or indirectly from the operation of a mobile food vendor. The City may waive some or all of this requirement if it determines that the mobile food vendor is operating as part of a special event permit which has provided adequate insurance to cover the vending operation. If insurance coverage is not waived by City under this Section, any permission given to vend on public property shall be deemed void in the absence of a current insurance policy meeting the terms of this Section.

D. *Criminal penalty.* Any person violating this Section shall be subject to the City's general penalty provision in Section 1.12.010.

CITY OF RAPID CITY

\_\_\_\_\_  
Mayor

ATTEST

\_\_\_\_\_  
Finance Officer

(seal)

First Reading:  
Second Reading:  
Published:  
Effective: