



# CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-2724

## OFFICE OF THE CITY ATTORNEY

300 Sixth Street

Carla R. Cushman, Assistant City Attorney  
City web: [www.rcgov.org](http://www.rcgov.org)

Phone: 605-394-4140  
Fax: 605-394-6633  
e-mail: [carla.cushman@rcgov.org](mailto:carla.cushman@rcgov.org)

### MEMORANDUM

TO: Planning Commission

FROM: Carla Cushman, Assistant City Attorney *W. Cushman*

DATE: April 23, 2018

RE: Ordinance No. 6250 *An Ordinance to Adopt Regulations Concerning Mobile Food Vendors by Adopting Provisions in Title 17 of the Rapid City Municipal Code*

This ordinance before you today would impose regulations on mobile food vendors (i.e., food trucks) that operate within the City. This regulation would concern any person who uses a mobile unit in which food or drink is prepared for sale or service to the public with or without charge. Mobile food vendors do not include sidewalk vendors, sidewalk cafes, and farmers markets, which are separately regulated in City code.

A summary of the ordinance:

- The ordinance does not impose a City license or permit requirement upon mobile food vendors. These operations are already licensed and inspected by the SD Department of Health, and food trucks who wish to operate in the City's parks must obtain a vendor permit from the Parks and Recreation Department. *See RCMC 12.24.080.* Staff concluded that an additional City license/permit was duplicative of the state regulations and the parks ordinance, and that concerns could be addressed through general regulations governing how these vendors operate within the City.
- Mobile food vendors are allowed as an accessory use on commercial or industrial parcels, on City property such as parks, on a construction site to fulfill on-site needs, or in residential districts only in conjunction with a special event at a non-residential structure. Mobile food vendors cannot function as a permanent structure, and they must be able to show the property owner's permission for their operation on public or private property.

- Mobile food vendors may not operate on City streets or sidewalks except in very limited circumstances, such as in conjunction with a special event permitted by the City or with special approval by the City Council.
- To protect the integrity of special events that are held downtown, vendors may not operate within 300 feet of any event held in the Central Business District without obtaining permission from the event sponsor.
- Vendors are prohibited from causing congestion or obstructing or blocking vehicle or pedestrian traffic.
- Vendors must ensure access to people with disabilities, provide trash and recycling bins, and maintain the area free from litter.
- Vendors may not use signage other than that affixed to the vending unit. Vendors may not use music or sound to advertise or attract attention to the establishment.
- Vendors who operate on City property must furnish proof of insurance to the City, similar to the insurance requirements for operating within City parks.

If you have any questions, please call me at 394-4140 or email [carla.cushman@rcgov.org](mailto:carla.cushman@rcgov.org).