



City Council

Agenda Item

Subject: First Reading of Ordinance No. 25-11, a Revised Ordinance of the City of Watertown to Amend Ordinance Title 12

Meeting: City Council - Aug 18 2025

From: Alan Stager, City Manager

BACKGROUND INFORMATION:

The addition of Chapter 12.30 - Mobile Vendors, stems from many requests from the public regarding City required permits and licenses to sell food and/or goods in a public space. The current process is to issue a Materials on Street permit, which is intended for construction activities that affect the the City right-of-way. Staff believe the proposed changes will assist in providing guidance to vendors for what is required, allowed, and prohibited.

FINANCIAL CONSIDERATIONS:

N/A

OVERSIGHT / PROJECT RESPONSIBILITY:

Justin Petersen, City Engineer

Caitlyn German, Project Manager

STAFF RECOMMENDATION / SUGGESTED MOTION:

This is the first reading of Ordinance 25-11; no action required.

ATTACHMENT(S):

[Ord 25-11](#)

ORDINANCE NO. 25-11

AN ORDINANCE ADDING CHAPTER 12.30 MOBILE VENDORS OF THE REVISED ORDINANCES OF THE CITY OF WATERTOWN

BE IT ORDAINED by the City of Watertown, South Dakota, that Chapter 12.30 Mobile Vendors of the revised ordinances of the City of Watertown be amended as follows

Chapter 12.30 MOBILE VENDORS

Section		(back to Title contents)
<u>12.3001</u>	<u>Required</u>	
<u>12.3002</u>	<u>Mobile Vending Permit Issuance and Fees</u>	
<u>12.3003</u>	<u>Mobile Vendor Application</u>	
<u>12.3004</u>	<u>Revocation</u>	
<u>12.3005</u>	<u>Allowable Mobile Vending Locations</u>	
<u>12.3006</u>	<u>Hours of Operation</u>	
<u>12.3007</u>	<u>Health and Sanitation Requirements</u>	
<u>12.3008</u>	<u>Performance Standards</u>	
<u>12.3009</u>	<u>Parking</u>	
<u>12.3010</u>	<u>ADA Access</u>	
<u>12.3011</u>	<u>Litter Control</u>	
<u>12.3012</u>	<u>Prohibited Conduct</u>	
<u>12.3013</u>	<u>Liability and Insurance</u>	
<u>12.3014</u>	<u>Penalty</u>	
<u>12.3015</u>	<u>Definitions</u>	

12.3001: REQUIRED

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It shall be unlawful for any person to engage in mobile vending as a mobile vendor on public property within this City without first obtaining all applicable state and city permits and licenses.

12.3002: MOBILE VENDING PERMIT ISSUANCE AND FEE

[\(back to Chapter contents\)](#)

- (a) Prior to any mobile vending permit being issued under the provisions of this subchapter, the applicant shall have all applicable state and city permits and licenses.
- (b) The primary person or operator is required to obtain a mobile vending permit for each event in which public property is utilized for doing business.
- (c) Permit will be in effect for the duration of the current year, expiring December, 31st.
- (d) Permit fees shall be established by resolution by the City council.

12.3003: MOBILE VENDOR APPLICATION

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The application for a mobile vending permit required by the provisions of this ordinance shall contain:

1. The local and permanent address of the applicant;
2. The local and permanent address and the name of the entity, if any, that the applicant represents;
3. The event name(s), location, and date that the vendor wishes to operate;
4. Verification of Liability and Insurance;
5. Documentation of signage other than signage on the side of a vehicle or incidental menus that are not placed outside of the vending location.

12.3004: REVOCATION/RENEWAL[\(back to Chapter contents\)](#)

Any permit issued under the provisions of this subchapter may be revoked for violation of any provision of this Code, state law, or city ordinance by the City of Watertown. Upon the revocation, the permit shall immediately be suspended. Upon proof of resolving the violation, the permit may be reinstated.

In order to renew the permit each year, proof of paid sales tax to the City of Watertown from the previous year will be required.

12.3005: ALLOWABLE MOBILE VENDING LOCATIONS[\(back to Chapter contents\)](#)

locations listed below are the vending locations allowed. If a vendor plans to be set up in any of the following locations for longer than one (1) hour, approval is needed by the appropriate City Entity.

- Any downtown public parking lot;
- Public Property or Right-of-Way (outside of downtown district);
- Any Public Park or Facility;
- Other locations may be approved by the City Engineer.

12.3006: HOURS OF OPERATION[\(back to Chapter contents\)](#)

- (a) Mobile vendors are not allowed to operate in the public right-of-way between the hours of 12 a.m. and 7 a.m. from Monday through Thursday and between the hours of 2 a.m. and 7 a.m. from Friday through Sunday;
- (b) Hours of operation are not limited on private property.

12.3007: HEALTH AND SANITATION REQUIREMENTS[\(back to Chapter contents\)](#)

Mobile vendors shall comply with the minimum public health and safety requirements as made and enforced by the South Dakota Department of Health, pursuant to SDCL 34-18.

12.3008: PERFORMANCE STANDARDS[\(back to Chapter contents\)](#)

- (a) Any Mobile Vending Permit issued shall be conspicuously posted.
- (b) Mobile vendors must be in conformance with § 21.64 Performance Standards within Title 21 Zoning.

12.3009: PARKING

The following requirements shall apply if the public right-of-way has not been closed through an applicable city permit:

- (a) If operating from the public right-of-way, mobile vendors shall only vend from legal parking spaces in the public right-of-way;
- (b) Under no circumstances shall parking in a handicap space be allowed;
- (c) Mobile Trucks must adhere to all parking requirements per § 19.04;
- (d) Parking of mobile trucks will be limited to 2 parallel parking spaces or 3 angled parking spaces;
- (e) Overnight parking of mobile vending trucks is prohibited Monday through Thursday unless approved by the City Engineer;
- (f) No parking in truck and trailer or boat parking spaces in any city park without proper approval;
- (g) No mobile vendor shall operate with the serving window facing street traffic;
- (h) Parking by any Public Park must be parked on the park adjacent side of the street.

12.3010: ADA ACCESS[\(back to Chapter contents\)](#)

- (a) All vendors must ensure that individuals with disabilities have comparable access to services offered.
- (b) All vendors must always maintain a clear pedestrian path of at least five (5) feet which must remain free of any obstructions that might hinder pedestrian passage and may not interfere with utilities or other facilities including telephone poles, fire hydrants, fire protection appurtenances, or signs located in the public right-of-way.

12.3011: LITTER CONTROL

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Mobile vendors shall be responsible for providing one trash bin for public use with capacity of no less than 30 gallons each and shall remove all litter within 25' of the mobile food truck. Litter shall be removed at the mobile vendor's expense.

12.3012: PROHIBITED CONDUCT

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No mobile vendor shall:

- (a) Vend in the public right-of-way directly in front of any main entrance to an adjacent business unless the business is owned by the applicant or has business owner approval.
- (b) Operate within a public park and/or private event without first obtaining permission from the City of Watertown Parks, Recreation, and Forestry Department or event coordinator.
- (c) Place any object that blocks the pedestrian pathway.
- (d) Offer tobacco or alcoholic beverages for sale without obtaining the proper license.
- (e) Erect tables and/or chairs to be used in conjunction with the operation of a mobile truck in the public right-of-way.
- (f) Operate in areas that the City Engineer has deemed off limits.
- (g) Remain parked in the same location for more than 3 consecutive days.

12.3013: LIABILITY AND INSURANCE

[\(back to Chapter contents\)](#)

- (a) Before any mobile food vendor permit is granted, the applicant shall sign a statement holding harmless the City and shall indemnify the City, its officers, and employees, for any claims for damages to property or injury to persons, which may occur in connection with any activity carried on pursuant to any activities associated with mobile vending.
- (b) All applicants shall furnish and maintain a policy of insurance protecting the applicant and the City from all claims for damage to property or bodily injury, including death, which may arise from activities associated with mobile vending. The insurance policy shall list or endorse the City as additional insured and carry minimum liability limits of at least \$1,000,000 per occurrence. The endorsement shall provide that the policy shall not be terminated or canceled prior to the termination of the mobile vending permit without 30 days' written notice to the City.
- (c) Any permit for mobile vending shall be deemed void in the absence of a current insurance policy meeting the above criteria.

12.3014: PENALTY

[\(back to Chapter contents\)](#)

- (a) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of § 12.9901.

12.3015: DEFINITIONS

[\(back to Chapter contents\)](#)

For the purposes of this subchapter, the following definitions shall apply.

Applicant: The primary person conducting sale or service of food, goods, wares or merchandise or the primary operator of a mobile vending truck.

Mobile Vending Truck: A licensed and operable vehicle or concession trailer, which is enclosed and self-contained, independent with respect to water, sewer, and power utilities, that contains equipment for the preparation and sale or service of food, goods, wares or merchandise with or without charge which are designed for immediate consumption.

Mobile Vending: The act of preparation and sale or service of food, goods, wares or merchandise with or without charge that are designed for immediate consumption.

Mobile Vendor: Any person or entity conducting in the sale or service of food, goods, wares or merchandise with or without charge that are designed for immediate consumption in the public right-of-way or on private property.

Operate: All activities associated with the conduct of mobile vending, including setup and takedown and/or actual hours where the mobile vending unit is open.

Primary Operator: The registered owner of a mobile vending truck or the owner's designated agent.

The above and foregoing Ordinance was moved for adoption by Alderperson _____, seconded by Alderperson _____, and upon voice vote motion carried, whereupon the Mayor declared the Ordinance duly passed and adopted.

I certify that Ordinance No. 25-11 was published in the Watertown Public Opinion, the official newspaper of said City, on the ____ day of ____, 2025.

Kristen Bobzien, Chief Financial Officer

First Reading: August 18, 2025

Second Reading: September 2, 2025

Published: September 6, 2025

Effective: September 26, 2025

City of Watertown

Attest:

Kristen Bobzien
Chief Financial Officer

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Mayor