

ORDINANCE NO. 1018

**AN ORDINANCE AMENDING STAYTON MUNICIPAL CODE TITLE 5,
ESTABLISHING LICENSING REQUIREMENTS FOR MOBILE FOOD UNITS**

WHEREAS, the City of Stayton has adopted Title 5 of the Stayton Municipal Code (SMC) Regarding Business Licenses, Permits and Regulations;

WHEREAS, mobile food units, also known as food trucks are recent and welcome addition to the mix of businesses in the City of Stayton;

WHEREAS, the location of mobile food units has the potential to create pedestrian and vehicular traffic safety concerns;

WHEREAS, the City is interested in promoting the location of mobile food units but to assure that they are in compliance with all provisions of the City's Code and do not present a safety hazard; and

WHEREAS, the Stayton City Council, does find that the amendments in this Ordinance are reasonable regulations to promote the public health, safety and welfare.

NOW, THEREFORE, the City of Stayton ordains:

Section 1. Mobile Food Unit Defined. Stayton Municipal Code Title 5, Chapter 5.04, Section 5.04.020 is hereby amended by adding the following definition:

18. **MOBILE FOOD UNIT:** Any motor vehicle, trailer, or wagon that is used for the purpose preparing, processing, or converting food for immediate consumption as a drive-in, drive-through, curb or walk-up service. A mobile food unit does not include a street vendor's cart or a motor vehicle, trailer or wagon used exclusively for selling prepackaged food items that are not altered by the vendor (e.g. an ice cream truck) or the delivery of preordered food such as pizza or carryout.

Section 2. License Required. Stayton Municipal Code Title 5, Chapter 5.08, Section 5.08.010.1 is hereby amended by adding the following Mobile Food Unit as a category of business that requires a license or permit:

1. No person shall engage in any of the following businesses or activities within the City limits without first obtaining a license or permit as provided in this Title, except as otherwise exempted herein:
 - a. Carnival, amusement park, amusement concessionaire;
 - b. Junk dealer;
 - c. Secondhand Dealer;
 - d. Pawn Broker;
 - e. Promotional event;
 - f. Solicitor; ~~or~~
 - g. Marijuana Dispensary; or
 - h. Mobile Food Unit.

Section 3. Mobile Food Unit Regulations. Stayton Municipal Code Title 5, Chapter 5.48 is hereby enacted, establishing regulations for the operation of Mobile Food Units:

CHAPTER 5.48
MOBILE FOOD UNITS

5.48.010 REGULATIONS

1. In addition to the information required by Section 5.08.020, an application for a mobile food unit license shall contain documentation that the applicant has obtained all required health and sanitary licenses from the State of Oregon and Marion County.
2. Unless part of an event or festival that has received a permit from the City, any mobile food unit that is in place for more than 72 hours without being moved shall be considered a land use and require approval under the appropriate provisions of Chapter 17.12.
3. Location.
 - (a) Mobile food units may only operate in zones where eating and drinking establishments are allowed as a permitted use or use permitted after site plan review in Section 17.16.070 or in the parking area of a manufacturing business for the purpose of primarily serving the employees of that manufacturing business.
 - (b) Mobile food units shall not operate or be located in a public right-of-way. Mobile food units may operate on city-owned property provided the licensee is granted a site specific permit which shall be displayed conspicuously on-site.
 - (c) A mobile food unit may only operate in an approved parking lot, or other hard surface area, where the off-street parking requirements for all uses or activities served by the off-street parking area are met. The unit shall be located such that the queue of customers at an ordering or serving window do not block a public sidewalk. The customer queue shall allow a continuous through pedestrian zone of at least five feet in width along the sidewalk.
 - (d) The location standards of this section do not apply to mobile food units which operate as a vendor within an approved community event or where a street closure permit is granted under Chapter 10.36.
4. Standards.
 - (a) A mobile food unit, including all items associated with the operation, shall not obstruct pedestrian pathways, driveways or drive aisles of any off-street parking area and shall not be located in the sight distance triangle as defined in Section 17.04.100 or so as to create a traffic or safety hazard.
 - (b) All mobile food units which are parked in a stationary location for a period of 24 hours or longer shall provide screening for all conduit, tanks, and storage areas from all public areas and streets by sight-obscuring fencing and/or temporary landscaping and skirting shall be provided along the perimeter of the mobile food unit.
 - (c) Mobile food units may not be permanent structures and must remain capable of being moved, with wheels attached.

Section 4. Effective Date. This Ordinance shall become effective on the 30th day after adoption by the Stayton City Council and execution by the Mayor, or a representative of the Mayor.

ADOPTED BY THE STAYTON CITY COUNCIL THIS 21ST DAY OF MAY, 2018.

CITY OF STAYTON

Signed: 5/21, 2018

BY:

Henry A. Porter
Henry A. Porter, Mayor

Signed: 5/21, 2018

ATTEST:

Keith D. Campbell
Keith D. Campbell, City Manager