

Division 2. Permits, Prohibitions, and Exceptions

Sec. 30.05.009 Provisions

- (a) All mobile food vendors shall comply with all city adopted health regulations regarding:
 - (1) Time, temperature, plumbing, operation and maintenance requirements for mobile food establishments;
 - (2) If a mobile food vendor does not have a self-contained kitchen, as determined by the health authority, then the mobile food vendor must have a central preparation facility;
 - (3) All requirements prohibiting alteration, removal, attachments, placement or change in, under, or upon the mobile food establishment that would prevent or otherwise reduce ready mobility of the mobile food establishment unit.
- (b) All mobile food vendors shall acquire a food-handling permit from the city; but rules are more substantial, as deemed appropriate by the city, if vendor is at a same location for at least 10 days out of a month.
- (c) If any mobile food vendor remains at a same location for longer than 10 consecutive days, a conditional use permit is required. If after 10 days, a mobile food vendor wishes to relocate to a different location within the city, the vendor may do so for an additional 5 days. In any given month, a vendor may not locate within the city limits for more than 15 days without a CUP per the requirements in this section.
- (d) All mobile food vendor courts with multiple vendors set up shall provide city-approved portable restrooms for customers.
- (e) The city shall require a mobile food vendor to come, on an annual basis, to a location designated by the health authority for an inspection.
- (f) The city may require that mobile food vendors found to violate this section shall come for a reinspection at a location designated by the city.
- (g) All mobile food vendors are required to store all food and supplies within the mobile unit.
- (h) All mobile food vendors are required to have displayed on the mobile unit the proper city-issued permits and licenses in order to operate within the city.
- (i) All mobile food vendors are permitted to operate only in office, GUI, industrial, public recreation, public park and reserve, and commercial and retail zoning districts.
- (j) All mobile food vendors are prohibited from operating between the hours of 11:00 p.m. and 6:00 a.m.

Staff Report-(e) MFV Ordinance No COAs for Mercer Street Mobile Food Vendors

(k) All mobile food vendors are prohibited from being located within 150 feet of a restaurant as defined in [chapter 30, exhibit A, section 1.6](#) of the city's code, measured from property line of the mobile food vendor to the property line of the restaurant, unless granted permission from all said restaurants. The noise level of mechanical equipment or outside sound equipment used in association with any mobile food vendor may not exceed 70 decibels when measured at the property line.

(l) A drive-in service is not permitted for any mobile food vendor.

(m) All mobile food vendor lighting shall comply with the city's lighting ordinance. Any additional lighting for any of the mobile food vendor's signs shall comply with the city's lighting ordinance.

(n) All mobile food vendors are limited to signs attached to the exterior of the mobile vendor. The signs shall:

- (1) Be secured and mounted flat against the mobile unit;
- (2) Not project more than six inches from the exterior of the mobile unit; and
- (3) Not exceed 50% of the side of the surface area of the vehicle, trailer, etc., to which it is affixed.

(o) All mobile food vendors shall comply with the federal Americans with Disabilities Act.

(p) All mobile food vendors shall be located in areas where they shall have allowed access to three parking spaces, including off-street and on-street parking, or the reasonable equivalent, each. Parking spaces that are required for another business shall not be counted towards the required spaces for the mobile food vendor unless authorized by the business and approved by the city. Parking spaces shall comply with the city's parking standards found in the Code of Ordinances, chapter 30, exhibit A: zoning ordinance, section 5.3, including ADA standards. Mobile food vendors located in the Mercer Street historic district ~~under the requirements of [section 30.05.032\(d\)](#) of this article~~ are exempt from this provision.

(q) A mobile food vendor (longer than 10 days) or a mobile food court may request to have amplified sound/music as part of the CUP application. Staff will review the appropriateness of the request on a case-by-case basis and determine conditions in the CUP.

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Sec. 30.05.032 Permit required

(a) It is an offense for a person to operate a mobile food establishment in the city limits without a mobile food vendor permit.

(b) It is an offense for a person to conduct sales at a mobile food establishment in the city limits without a mobile food vendor permit.

Staff Report-(e) MFV Ordinance No COAs for Mercer Street Mobile Food Vendors

(c) It is an offense for a person to erect, install or park a mobile food establishment in the city limits without a mobile food vendor permit.

(d) It is an offense for a person to erect, install, or park a mobile food establishment within the boundaries of the ~~Mercer Street~~ or Hays Street historic district, as defined in section 24.07.032 [chapter 30, exhibit A, section 4.3.2] of the Code of Ordinances, unless:

(A) The location or operation of the mobile food establishment is for a special event or city-sponsored event, for which the mobile food vendor is included in the permit application for which the event organizer must obtain a permit (see Code of Ordinances section 6.02.071).; or

(B) The mobile food vendor is a complementary extension, or outlet, of a brick-and-mortar restaurant or business and the applicant of a mobile food vendor applies for and is granted a certificate of appropriateness under the requirements of chapter, 24, article 24.07 [chapter 30, exhibit A, section 4, division 2] of the city code and applies for and is granted a conditional use permit under the requirements of chapter 30, exhibit A: zoning, section 3.17 of the city code. A conditional use permit shall not be granted prior to a certificate of appropriateness being granted. The mobile food vendor shall only operate during the operating business hours of the brick-and-mortar business of which the mobile food vendor is an extension or outlet.

(e) Applicants of mobile food vendors (longer than 10 days) or mobile food courts wishing to locate in the Old Fitzhugh historic district as defined in section 24.07.032 [[chapter 30, exhibit A, section 4.3.2](#)] of the Code of Ordinances must apply for and be granted a certificate of appropriateness under the requirements of chapter 24, article 24.07 [[chapter 30, exhibit A, section 4, division 2](#)] of the city code and apply for and be granted a conditional use permit under the requirements of [chapter 30, exhibit A: zoning, section 3.17](#) of the city code. A conditional use permit shall not be granted prior to a certificate of appropriateness being granted.