

**CITY OF SWEET HOME
ORDINANCE BILL NO. 7 FOR 2023
ORDINANCE NO. _____**

AN ORDINANCE ADDING TO THE SWEET HOME DEVELOPMENT CODE SWEET HOME MUNICIPAL CODE CHAPTER SECTION 17.75 MOBILE FOOD UNITS AND AMENDING THE SWEET HOME MUNICIPAL CODE §17.16.020, §17.18.020, 17.20.020, 17.25.020, AND §17.26.020: MOBILE FOOD UNIT OR MOBILE FOOD UNIT POD, SUBJECT TO CHAPTER 17.75.

WHEREAS, the City of Sweet Home seeks to ensure the safety of Mobile Food Units placed within the City; and

WHEREAS, the Planning Commission held a public hearing on February 2, 2023 for the proposed amendments to Sweet Home Municipal Code §17.75, §17.16.020, §17.18.020, §17.20.020, §17.25.020, §17.26.020; and

WHEREAS, the Planning Commission followed the text amendment procedures under Sweet Home Municipal Code Chapters 17.116.020 Application and 2.20.90 Powers and Duties, and has provided a report to the City Council along with its recommendation to consider the proposed text changes; and

WHEREAS, the City Council held a public hearing on these proposed text changes on February 14, 2023; and

NOW THEREFORE,

The City of Sweet Home does ordain as follows:

Section 1. Sweet Home Municipal Code (SHMC) Chapter 17.75 titled Mobile Food Units is created to read as follows;

17.75 MOBILE FOOD UNITS

17.75.010 DEFINITIONS.

For the purposes of the mobile food unit (MFU) code, the following definitions apply. Terms, phrases, words, abbreviations, and derivatives used, but not specifically defined in this section, shall have the meanings commonly accepted in the community.

Mobile food unit - any vehicle that is self-propelled or that can be pulled or pushed down a sidewalk, street, highway, or waterway on which food is prepared, processed, or converted or which is used in selling and dispensing food to the ultimate consumer.

Mobile food unit pod - a group of two or more mobile food units on the same legal parcel of land as shown through the county records.

Property - legal parcel of land on which the MFU is located.

Tent - a structure, enclosure, umbrella structure, or shelter, with or without sidewalls or drops, constructed of fabric or pliable material supported in any manner except by air or the contents it protects.

Umbrella structure - a structure, enclosure, or shelter with or without sidewalls or drops, constructed of fabric or pliable material supported by a central pole or poles

Waste - any byproduct of the activities associated with the MFU including, but not limited, to blackwater, greywater, fats, oils, and grease.

17.75.020 GENERAL PROVISIONS

- A. Purpose. The purpose of the mobile food units (MFU) code is to develop guidelines under which an MFU can establish business within the City of Sweet Home.
- B. Conformity to State and County Laws. The MFU code shall be construed in conformity with the laws, licenses, and regulations set forth by the State of Oregon and Linn County regarding MFUs.

17.75.030 MFU OR MFU POD PERMIT REQUIRED.

- A. Unless exempt or part of a permitted MFU pod, use of an MFU within the city limits of Sweet Home requires an MFU permit obtained from the City Manager or designee. An MFU permit shall not be required if exempt through SHMC 17.75.060.
- B. Operation of an MFU pod within the city limits of Sweet Home requires an MFU pod permit obtained from the City Manager or designee.

17.75.040 PROPERTY AUTHORIZATION REQUIRED.

A property shall not be used by an MFU without an approved MFU property authorization application or site plan approval for a mobile food unit pod.

17.75.050 MOBILE FOOD UNIT PODS.

- A. MFU pods are considered permanent installations and require site plan approval as identified in the Sweet Home Municipal Code prior to MFUs locating on the subject property.
- B. Depending on the amenities and structures involved in the MFU Pod, additional authorizations or approvals may be required. MFU pods shall only operate when the entire site is in compliance with all local, state, and federal regulations.
- C. Lighting. MFU Pods shall have lighting to ensure safe environment for customers and employees that complies with the following:
 - 1. At minimum, areas to be occupied by customers shall be illuminated when Units operate during hours of darkness.
 - 2. No direct light source shall be visible from the property line.
 - 3. Lighting fixtures shall be oriented and/or shielded to prevent glare on abutting properties.
- D. All MFU and customer amenities within a Pod shall be served by a minimum five (5) foot wide hard surfaced, ADA compliant, walkway.
- E. Waste and recycling receptacles shall be provided for customer and business waste. Receptacles shall be screened from view of the right-of-way and abutting residentially zoned properties and serviceable by the applicable waste hauler.
- F. Accessory storage structures shall be less than 120 square feet in size and no greater than 15 feet in height. Storage structures shall be set back a minimum of 20 feet from public right-of-way. Setbacks for the accessory

structures in the side and rear yards shall meet the minimum standards for accessory structures within the zone which the Pod is operating.

- G. All MFU Pods shall have restrooms available. Required restroom shall be available during Pod operating hours. Restrooms must have handwashing facilities with hot and cold running water, soap, and hand drying materials or devices. Restrooms must either be on-site or on an adjacent parcel with a signed agreement to allow Pod clientele to utilize the restroom facilities. On-site restroom shall be screened from view of the public right-of-way and abutting residentially zoned properties.
- H. Parking shall comply with the standards listed in SHMC Chapter 17.44 Off-Street Parking and Loading.

17.75.060 EXEMPTIONS.

No part of this section is meant to be understood as removing the requirement of any state or county license. Nor is this section meant to be understood as removing the requirements of any other state, county, or city codes. MFUs shall maintain all valid state and county license(s) while in operation. Property owners and MFUs that do not require a permit shall still comply with all requirements of this chapter.

- A. An MFU may operate within the Sweet Home city limits for no more than 3 days within any 30-day period without first obtaining an MFU permit.
- B. MFUs which are closed to the public shall not be required to obtain an MFU permit.
- C. An MFU may operate within any special event (such as a farmer's market or public festival) that holds a valid special event permit through the City of Sweet Home without an MFU permit.
- D. Any event hosted by the City of Sweet Home is exempt from an MFU permit. The MFU shall complete any required application and obtain the proper approval directly from the specific City of Sweet Home department hosting the event.
- E. An MFU in the public right-of-way is exempt so long as the MFU follows City of Sweet Home parking regulations and does not block pedestrian or vehicle traffic.

17.75.070 PERMIT AND APPLICATION FEES.

Permit and application fees for activities governed by this chapter shall be set by council resolution.

17.75.080 MFU POD PERMIT APPLICATION.

- A. Application for MFU Pod permit will minimally contain:
 - 1. A scaled site plan of the property and proposed area the MFU will be located, to include at a minimum:
 - a. A completed MFU Pod permit application form;
 - b. A site plan including, but not limited to the following:
 - 1. Total square footage of area proposed for MFU use;
 - 2. Circulation plan of vehicle and pedestrian traffic onto, out of, and within the property;
 - 3. Location of MFU Pod amenities;
 - 4. Parking plan demonstrating compliance with all Sweet Home Municipal Code parking requirements once MFU is in place;

5. Site layout demonstrating compliance with all setbacks, buffering, and separation requirements as specified in the Sweet Home Municipal Code (SHMC), Building Codes, and the Sweet Home Fire District (SHFD);
6. Utility connections for each unit (water, sewer, electrical, storm water, degreaser unit, etc.)
- c. Details demonstrating compliance with the standards set forth in this chapter.
- B. Additional information shall be provided by the applicant as required by the city manager or their designee.
- C. Fees set through SHMC 17.75.070 shall be due when application is submitted and are nonrefundable.
- D. An MFU Pod permit shall not expire, so long as the applicant and site are in compliance with the approved application.
- E. If the applicant makes any changes to the requirements listed in SHMC 17.75.080(B) after an MFU Pod permit is approved, the permit shall be revoked and the applicant must apply for a new MFU Pod permit.

17.75.090 MFU PERMIT APPLICATION.

- A. Application for a permit will minimally contain:
 1. A completed MFU application form;
 2. Site Plan.
 3. Linn County Health Department License.
 4. A copy of MFU's restroom agreement as required by Linn County (if no restroom is provided on site);
 5. A copy of current proof of liability insurance;
 6. Signed Proof of Placement Permission.
 7. Method of waste disposal (liquid and solid). Disposal shall comply with SHMC Chapter 17.48 of the Sweet Home Municipal Code.
- B. Copies of all necessary permits and agreements held for the county in which the permittee plans to operate. Additional information shall be provided as required by the city manager or their designee.
- C. Fees set through SHMC 17.75.070 shall be due when application is submitted and are nonrefundable.
- D. The MFU is limited to 1 year at a given site and/or address with an unlimited number of 1-year extensions. Each extension shall require a new permit.

17.75.100 MFU STANDARDS – ZONING.

Unless the property is approved as an MFU pod through the Sweet Home Municipal Code, MFUs shall only locate on properties within Commercial and Mixed-Use zones that are not used primarily for residential purposes.

17.75.110 MFU STANDARDS – GENERAL.

- A. An MFU must not be a permanent structure and:
 1. Shall remain operable and able to move;
 2. Shall be properly licensed through the Oregon Department of Motor Vehicles;
 3. Wheels can be removed but must remain on site.
 4. Shall keep the tongue or other towing connection on site;

5. Shall not have permanent skirting or a base constructed around it;
 6. Shall enclose or screen from view of the right-of-way and abutting residentially zoned property all accessory items not used by customers, including but not limited to, tanks, barrels, or other accessory items;
 7. Shall not be missing siding or roofing;
 8. Shall be kept in good repair and maintained in a safe and clean condition; and
 9. Shall not exceed 15 feet in height.
- B. An MFU shall only operate on an approved property under SHMC 17.75.040 or 17.75.050.
- C. All MFUs, even those within MFU Pods, must maintain a 6-foot minimum clearance from any other MFU, structure or combustible item not integral to the MFU.
- D. MFU operators shall pick up any paper, cardboard, wood, or plastic containers, wrappers, or any litter that is deposited by any person and which was generated from the MFU business from the ground of the property on which they conduct business and from all adjacent public rights-of-way.
- E. An MFU may provide tent(s)/umbrella structure(s) for shelter to customers. The tent(s)/umbrella structure(s) shall have a minimum of seven feet of vertical clearance and be able to be closed or removed. All awnings must be flame resistant per Oregon Fire Code.
1. An MFU may provide 1 additional tent no larger than 12 feet by 12 feet, and 1 outdoor portable heating unit; provided, that both items are removed and stored within the MFU or other structure outside of operating hours.
 - a. Shelter and heating unit must be maintained in working order with no defects that would hinder its intended use.
 - b. Tents may have a maximum of 50 percent of the structure enclosed with walls or sides. Membrane structures may be fully enclosed.
 2. Structures shall comply with all local and state agency regulations, including but not limited to Sweet Home Fire District, and Building regulations, and obtain all necessary permits and inspections prior to use of structure.
- F. Any additional lighting shall be integral to the MFU.
- G. Fences shall be constructed in compliance with SHMC Chapter 17.52.
- H. Each MFU shall comply with the Oregon Fire Code, as interpreted by the Sweet Home Fire District.
- I. An ADA accessible route shall interconnect the MFU, the restrooms, and any provided site elements such as seating, parking, or facilities.
- J. An MFU shall remain in compliance with all applicable city, county, and state regulations.

17.75.120 MFU STANDARDS – UTILITIES.

- A. A single MFU shall be fully contained or comply with the MFU Pod utility standards in Section B below. Electrical generators, if used, must comply with the following:

1. Generators shall be placed at least 10 feet from other buildings, structures, and combustibles.
 2. Generator exhaust shall be directed away from the MFU, buildings, structures, and combustibles.
 3. Generators shall be protected from contact by the public.
 4. Generators shall not be operated within 300 feet of residential zoning, however inverter generators may be placed at 100 feet or greater from residential zoning, provided they are rated by the manufacturer to operate at 70 decibels or less.
 5. Generators that are nonintegral to the MFU shall not be stored outside during nonoperating hours.
- B. MFU Pod Utility standards:
1. Shall connect to the sanitary sewer consistent with applicable state plumbing codes and will include and approved grease interceptor for the disposal of fats, oils, and grease. Indirect discharge or leakage draining into the storm water system is prohibited.
 2. Shall connect to a permanent water source in conformance with the applicable state plumbing codes.
 3. Electrical connection may be made via a permitted connection approved by the local electrical utility and the Linn County Building Department.
 - a. Connection shall be made within 50 feet of an MFU.
 - b. Connection shall be accessible for operation, maintenance, and inspection.
 - c. Connection cables/cording shall be maintained in good condition.
 - d. Electrical connections shall be covered by a cable protection ramp which has been rated for light vehicle traffic or greater and which has an anti-slip surface.
 4. Electrical connection may be made via a power generator provided the following standards are met:
 - a. Connection shall be made at a distance no more than 15 feet from the MFU while continuing to comply with all manufacturer guidelines.
 - b. Connection cables/cording shall be maintained in good condition that allows for safe operation of the power generator.
 - c. Electrical connections shall be covered by a cable protection ramp which has been rated for light vehicle traffic or greater and which has a non-slip surface.
- C. All utilities shall be placed or otherwise screened, covered, or hidden from view of the right-of-way as to minimize visual impacts and prevent tripping hazards or other unsafe conditions.

17.75.130 MFU STANDARDS – SIGNAGE.

MFUs shall comply with SHMC Chapter 17.50.

17.75.140 FORMS AND CONDITIONS FOR MFU PERMIT AND MFU PROPERTY AUTHORIZATION

The permit and/or approval issued shall be in a form deemed suitable by the city manager or their designee.

- A. MFU Permit. In addition to naming the MFU owner as permittee and other information deemed appropriate, the permit shall contain the following minimum conditions:
1. Each permit shall terminate 1 year after its issuance and may be renewed by submitting a new application and paying the required fee(s).
 2. The issued MFU permit shall be personal to the permittee only and is not transferable in any manner. The permittee is responsible for compliance with all conditions of approval.
 3. The permittee shall notify the city manager or their designee if they wish to modify an existing permit by submitting a new application under SHMC 17.75.030 along with the required fee(s).
 4. The MFU permit shall be displayed in plain view of the public during operating hours.

17.75.150 MFU PERMIT RENEWAL.

MFU permits may be renewed an unlimited number of times.

17.75.160 PROHIBITIONS.

- A. No temporary structures or storage containers shall be placed or erected on the property without prior approval from the City of Sweet Home. Any allowed temporary structure shall be maintained in good working condition free of holes, cracks, and/or defects.
- B. Restrooms shall not be provided via chemical/portable toilet or privy.
- C. MFUs shall not be parked in required landscape areas.
- D. MFUs and amenities shall not be located in designated Clear Vision Areas.
- E. No drive-through or drive-up service shall be permitted.
- F. Direct or indirect operation of the MFU (i.e., customer line, table placement, sign placement, etc.) shall not be within, or block, the public right-of-way or access to the public right-of-way.
- G. MFUs, including all items associated with their operation (items including but not limited to, cords, hoses, pipes, cables, or similar materials), shall not obstruct any required pedestrian pathways, bike paths, driveways, or drive aisles and shall be located so as not to create a traffic or safety hazard.
- H. MFUs and/or objects associated with the Units shall not occupy fire lanes or other emergency vehicles access areas.
- I. No dumping of waste is permitted into the city's storm drain system, public streets, or directly/indirectly onto the ground or pavement as outlined in SHMC Chapter 13.08.060.

17.75.170 RIGHT OF ENTRY – COMPLIANCE INSPECTIONS.

The city manager or their designee may enter upon a property which has an MFU that has established business, for the purpose of inspection of both the private property and MFU for continued compliance with this chapter.

17.75.180 DENIAL, REVOCATION, OR SUSPENSION OF PERMIT.

- A. The city manager or their designee may deny, revoke, or suspend an MFU permit upon finding that any provision herein or condition of approval will be or has been violated.
- B. Upon denial, revocation, or suspension, the city manager or their designee shall give notice of such action to the applicant or permittee in writing stating the action that has been taken and the reason. The action shall be effective immediately.
- C. Upon denial, revocation, or suspension of permit, the MFU shall either comply or depart within 2 days.

17.75.190 VIOLATIONS PENALTIES

A person who is in violation of the provisions of this chapter is subject to the provisions of SHMC 17.02.050. Any violation of this chapter by any MFU owner or property owner shall be prosecuted under SHMC Chapters 9.36.

Section 2. Sweet Home Municipal Code §17.16.020 subsection M shall be created and read as follows: "Mobile Food Unit or Mobile Food Unit Pod, Subject to SHMC Chapter 17.75".

Section 3. Sweet Home Municipal Code §17.18.020 subsection K shall be created and read as follows: "Mobile Food Unit or Mobile Food Unit Pod, Subject to SHMC Chapter 17.75".

Section 4. Sweet Home Municipal Code §17.20.020 subsection X shall be created and read as follows: "Mobile Food Unit or Mobile Food Unit Pod, Subject to SHMC Chapter 17.75".

Section 5. Sweet Home Municipal Code §17.25.020 subsection M shall be created and read as follows: "Mobile Food Unit or Mobile Food Unit Pod, Subject to SHMC Chapter 17.75".

Section 6. Sweet Home Municipal Code §17.26.020 subsection B.11 shall be created and read as follows: "Mobile Food Unit or Mobile Food Unit Pod, Subject to SHMC Chapter 17.75".

Section 7. SHMC Chapter 17.75 is hereby added to and made a part of the Sweet Home Development Code.

Passed by the Council and approved by the Mayor this ____ day of _____, 2023.

Mayor

ATTEST:

City Manager – Ex Officio City Recorder