

CITY OF LAKE STEVENS
LAKE STEVENS, WASHINGTON

ORDINANCE NO. 1096

AN ORDINANCE OF THE CITY OF LAKE STEVENS, WASHINGTON, CONCERNING MOBILE FOOD VENDING UNITS (ALSO KNOWN AS FOOD TRUCKS OR FOOD CARTS); ADOPTING FINDINGS OF FACT, DEFINITIONS, AND REGULATIONS REPLACING INTERIM REGULATIONS FOR MOBILE VENDING UNITS ADOPTED IN ORDINANCE 1090; PROVIDING FOR SEVERABILITY, EXPIRATION AND AN EFFECTIVE DATE; AND REPEAL OF ORDINANCE NO. 1090.

WHEREAS, City Council directed staff to create a code amendment to allow mobile food vendors within the City of Lake Stevens.

WHEREAS, the City wishes to promote economic vitality, support local entrepreneurs, and increase food options while protecting the public health and welfare

WHEREAS, an interim mobile food vending ordinance pursuant to RCW 36.70A.390 was passed by City Council on May 26, 2020.

WHEREAS, this ordinance provides for public safety by complying with the current International Fire Code.

WHEREAS, on July 28, 2020, the City's SEPA Responsible Official complied with the State Environmental Policy Act (SEPA) by issuing a SEPA Determination of Non-Significance, complying with SEPA's procedural requirements; and

WHEREAS, on August 4, 2020 the proposed amendments contained herein were transmitted to the State Department of Commerce as required by law and the Department of Commerce granted expedited review of the proposed code amendments; and

WHEREAS, this ordinance satisfies the procedural and substantive requirements of and is consistent with the GMA; and

WHEREAS, this permanent ordinance shall supersede Interim Ordinance 1090.

THE CITY COUNCIL OF THE CITY OF LAKE STEVENS, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. Findings. The City Council hereby adopts the recitals expressed above as findings in support of this ordinance.

Section 3. Definitions Added. Lake Stevens Municipal Code 14.08.010 is hereby amended for the term of this ordinance. Underlines represent insertions.

Mobile Food Preparation Vehicle. Vehicles that contain cooking equipment that produce smoke or grease-laden vapors or utilize LP-gas systems or CNG systems for the purpose of preparing and serving food to the public. Vehicles intended for private recreation shall not be considered mobile food preparation vehicles.

Mobile Food Vendor. A seller of prepackaged or prepared food from a food preparation van, truck, cart or other vehicle of conveyance, whether upon private property, the public right-of-way, or other public property.

Mobile Sales and Delivery. A business where employees or contractors provide mobile sales of goods and services of that includes ice cream trucks, mobile delivery, peddlers, and similar uses. Mobile sales and delivery do not include mobile food vendors or mobile food vendors, or mobile food vending units as defined separately.

Mobile Vending Unit. A mobile food preparation van, truck, trailer, cart, or other vehicle of conveyance used for the sale of food prepackaged or prepared food.

Section 4. Section Repealed. Lake Stevens Municipal Code 14.44.400 Sales of Food from Stationary Motor Vehicles on City-Owned Property is hereby repealed from the municipal code.

Section 5. Section Repealed. Lake Stevens Municipal Code 14.44.410 Sales of Food from Stationary Vehicles on Property Not Owned by the City is hereby repealed from the municipal code.

Section 6. Section Amended. Lake Stevens Municipal Code 14.44.080 Mobile Sales and Delivery is hereby amended for the term of this ordinance, to read:

Mobile sales (excluding mobile food vendors) and delivery (Class 2.300 uses) is permitted in all zones. Review will occur annually in conjunction with a business license renewal.

Section 7. Section Amended. Table 14.40-I Table of permissible uses is hereby amended to include modified and new uses, for the term of this ordinance, as follows. Underlines represent insertions and strikethroughs represent deletions. All other sections of Table 14.40-I remain in effect.

	USE DESCRIPTIONS	R4	WR	R6	R8-12	MFR	LB	MU	PBD	LI	GI	P/SP
2.300	Mobile Sales and Delivery (Vending Carts, (Ice Cream Trucks, Mobile Delivery, Peddlers, and Similar Uses) (See Section <u>14.44.080</u>) ²	P	P	P	P	P	P	P	P	P	P	P
2.310	Mobile Food Vending Units (Food trucks or similar vehicles, Vending Carts)						P	P	P	P	P	P

Section 8. Zoning Regulations. Lake Stevens Municipal Code section 14.44.085 Mobile Food Vendors is hereby adopted for the term of this ordinance, to read as follows:

- (a) Purpose. The purpose of this section is to support local entrepreneurs, stimulate economic vitality, and provide regulations that protect public health and safety associated with the operation of mobile food vendors.
- (b) License Required. To operate a mobile food vendor unit a city business license and mobile food vending license are required. All licenses for mobile food vendors shall be valid for one calendar year.
 - (1) No licenses shall be required for mobile food vendors exempt from a business license under LSMC 4.04.040 or associated with a city authorized event, except that 14.44.085(d)(5) still applies.
 - (2) All mobile food vendor licenses shall be prominently displayed upon all carts, vehicles or locations from which a mobile food vendor sells products.

(c) Application. The submittal requirements for mobile food vending license review shall include the following:

- (1) Mobile Food Vendor Addendum Application
- (2) A site plan depicting the following:
 - (i) Vehicle ingress and egress;
 - (ii) Location of the mobile vending unit, signs, and accessory equipment such as tables and canopies, if any; and
 - (iii) Site conditions including property parcel lines, parking, and buildings.
- (3) Photograph of the vending unit, proposed signs, and any accessory equipment.
- (4) Copy of Snohomish Health District Permit.
- (5) Evidence of current Washington vehicle registration.
- (6) Written permission from the property owner for each proposed location the mobile food vendor proposes to conduct sales of food. This includes written permission from the property owner for employees of the vending unit to use the property owner's restroom.
- (7) Certificate of public liability insurance in an amount not less than \$500,000 for injuries, including those resulting in death, resulting from any one occurrence, and on account of any one accident; property damage insurance of not less than \$25,000 for damages on account of any one accident or occurrence.

(d) General Regulations.

- (1) No portion of the vending unit may be used as sleeping quarters.
- (2) All attachments to the vending unit, including but not limited to signs, lights, overhangs, and awnings shall be maintained in such a manner as to not create a hazard to pedestrians, customers or vehicles.
- (3) Mobile Food Vendors shall not obstruct sidewalks, streets, access points, fire lanes, or parking lot circulation by either the location of the vending unit, its accessories, or by causing customers to congregate.
- (4) The mobile vendor shall comply with the standards set forth by the Washington State Department of Labor & Industries for electrical service to the mobile unit. Electrical lines shall not be located overhead or on the ground service in any location in which the public has access.
- (5) All mobile food preparation vehicles shall possess an operational fire approval prior to operating in the City and shall comply with all Fire District Standards.
- (6) Trash and other waste.
 - (i) The mobile food vendor shall leave the site clean and vacant each day, including picking up all trash and litter generated by the mobile food vendor's customers within 100-feet of the vending unit.
 - (ii) Trash receptacles not intended for customer use shall be screened from public view and securely covered.
 - (iii) The mobile food vendor shall install and maintain an adequate grease trap in the vending unit.
 - (iv) Grease shall be properly disposed of per adopted Washington State health regulations.

- (v) Wastewater generated by the vending unit shall be disposed of in a proper manner and documented.
- (7) The hours of operation for mobile vending are limited to 7:00 a.m. to 11:00 p.m.
- (e) Permitted Locations.
 - (1) Mobile food vending units shall be prohibited in any residential zones and abutting rights-of-way.
 - (2) Mobile food vending units shall not be located within 150 feet of any restaurant without written permission from the restaurant owner. Distance shall be measured using the shortest possible straight line from the closest edge of the mobile vending unit to the closest edge of the restaurant building on the same side of the street.
 - (3) Mobile food vending units are allowed on private properties, in commercial and industrial areas pursuant to Table 14.40-I, and subject to written approval from the owner and the following requirements and restrictions:
 - (i) One portable pop-up tent that does not exceed 120 square feet or up to three tables with beach type umbrellas may be permitted as an accessory to the mobile vending unit. No cooking shall take place under the tent. Umbrellas and canopies must be removed at the end of the day.
 - (ii) Mobile food vendor must obtain restroom use permission for employees from the property owner. Portable restrooms are not permitted on site.
 - (iii) Mobile food vending unit may not diminish required off-street parking for another use.
 - (iv) Vending unit shall conform to the standard front setback for the zoning district.
 - (v) All temporary signage associated with the mobile vending unit shall be limited to 10 square feet.
 - (4) Mobile food vending units are allowed on public properties, including parks and street rights-of-way subject to a Public Property Use Agreement, in addition to the license requirements in this section, subject to the following requirements:
 - (i) Customers shall not be served on the street side of the vending unit if parked in the public right of way;
 - (ii) No vending unit, sign, canopy or accessory may be in the sight distance triangle or project into the roadway as to cause a safety hazard; and
 - (iii) No vending unit may vend on any state or federal highway.
- (f) Special Events.
 - (1) Mobile food vendors may operate part on private and public properties as part of an approved event permit, subject to the following:
 - (i) Management of vendors, such as vendor selection, booth location and products offered shall be the responsibility of the event sponsor. Through the event permit process, the City may regulate the location of vendors to protect the health, safety and general welfare of the public and ensure that the event does not adversely affect the ability of the City to perform its duties and functions.
 - (ii) The event sponsor shall be responsible to ensure that the vendors who prepare food or beverages on or off site, and who intend to sell or serve food or beverage items to the public, have the required insurance policy as required by the City's current insurance provider. Said insurance shall list the City of Lake Stevens as additional insured and will include the endorsement of said policy.

- (iii) The event sponsor shall be responsible to ensure that all food vendors have the necessary permits per the current Snohomish County Health District requirements or other applicable State or County regulatory agency.
- (g) Revocation of permit. A mobile food vendor, permitted pursuant to this section, may have its license revoked, suspended, or denied subject to LSMC 4.04.15 if the City finds:
- (1) The vendor has violated or failed to meet the terms of this section and all other applicable sections of the municipal code or conditions of approval; or
 - (2) The mobile food unit operation is detrimental to the surrounding businesses or to the public due to either appearance or conditions of the stand.

Section 8. Copy to Commerce Department. Pursuant to RCW 36.70A.106(3), the City Clerk will send a copy of the permanent ordinance to the State Department of Commerce for its files within ten (10) days after adoption.

Section 9. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 10. Effective Date. This Ordinance shall take effect and be in full force five days after passage and publication of an approved summary consisting of the title. On the effective date of this ordinance, Ordinance No. 1090 shall be repealed in its entirety.

PASSED by the City Council of the City of Lake Stevens this 22nd day of September, 2020.


Brett Gailey, Mayor

ATTEST:


Kelly M. Chelin, City Clerk

APPROVED AS TO FORM:

Greg Rubstello, City Attorney

First and Final Reading: September 22, 2020

Date of Publication: 9/25/20

Effective Date: 10/1/20

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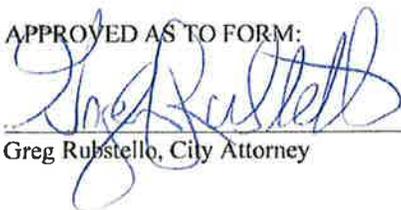
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