

ORDINANCE NO. 1403-17

AN ORDINANCE RELATING TO MOBILE FOOD UNITS AND CREATING TUALATIN MUNICIPAL CODE CHAPTER 9-09.

WHEREAS, Mobile Food Units allow individual entrepreneurship at a small scale and provide unique eating establishments within the City;

WHEREAS, Council duly considered the impacts of Mobile Food Units on City businesses; and

WHEREAS, the City finds it is in the public interest to enact changes to the Tualatin Municipal Code to allow Mobile Food Units to operate in the City, consistent with this Ordinance.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. Tualatin Municipal Code Chapter 9-09 is created as follows:

9-9-010 Purpose and Applicability.

(1) The purpose of this Chapter is to permit mobile food units to operate on private property within the City and establish regulations to protect the health, safety, and welfare of the public.

(2) The requirements of this Chapter do not apply to a mobile food unit that operates:

- (a) as a vendor under an approved City event permit;
- (b) under a street closure permit granted by the City;
- (c) on private property authorized by a Special Event Permit issued under TMC 5-5;
- (d) on private property authorized by a Special Assembly permit issued under TMC 6-2;
- (e) under the authority of any other permit issued by the City where the City indicates approval of a mobile food unit; or
- (f) at private catering events where the sale or distribution of food is not open to the public.

9-9-020 Definitions.

(1) "Mobile Food Unit" means a vehicle that is self-propelled or that can be pulled or pushed down a sidewalk, street, highway, or water on which food is prepared, processed, or

converted, or which is used in selling and dispensing food to the public. Mobile Food Units include, but are not limited to, food trucks, food carts, and pushcarts.

(2) "Person" means individuals, corporations, associations, firms, partnerships, limited liability companies, and joint stock companies.

(3) "Pushcart" means a non-motorized cart designed to be pushed or pulled by a person.

(4) "Site" means a lot or parcel of property on which a mobile food unit is permitted to operate.

9-9-030 Mobile Food Unit Permit Required.

(1) Any person wanting to operate a mobile food unit must obtain a City of Tualatin Mobile Food Unit Permit prior to operating a mobile food unit within the City.

(2) An applicant for a Mobile Food Unit Permit must provide the following information to the City:

(a) the name and contact information of the mobile food unit owner;

(b) the name and contact information of the mobile food unit operator;

(c) the specific location of where the mobile food unit intends to operate and the intended duration of operation;

(d) the name, contact information, and proof of consent from the owner of the property where the mobile food unit intends to operate;

(e) proof of a City of Tualatin business license; and

(f) proof that establishes the person has obtained all required health and sanitary licenses from the State of Oregon and Washington or Clackamas Counties, as applicable.

(3) If the applicant shows proof satisfactory to the City that the application criteria have been met, the City will grant the Mobile Food Unit Permit.

(4) If the City denies the Mobile Food Unit Permit, the City will notify the applicant in writing of the reasons for the denial. An applicant may correct the deficiency or appeal the denial.

(5) An applicant may appeal a denial of a Mobile Food Unit Permit to the City Manager by filing a request for review. The request for review must contain a copy of the denial notice, a request for a hearing or request for written review without a hearing, and a statement setting forth the reason(s) that the denial of the Mobile Food Permit was in error. The City Manager, or designee, will set the matter for a hearing and allow the applicant to present evidence and argument to support the applicant's position. The City Manager must make a written decision

within 30 days of the conclusion of the hearing. The City Manager's decision is final on the matter.

(6) A person granted a Mobile Food Unit Permit must notify the City of any changes in the information provided in the Mobile Food Unit application within 30 days of the change, and update such information annually.

9-9-040 Operating Requirements.

(1) A person operating a mobile food unit must comply with all applicable policies and regulations set forth by the Tualatin Municipal Code and the Tualatin Development Code, including but not limited to all traffic laws and parking regulations.

(2) A person operating a mobile food unit must comply with all health, safety, and environmental laws, including but not limited to proper disposal of cooking waste and wastewater.

(3) A mobile food unit must have wheels and the wheels must not be removed.

9-9-050 Location Standards.

(1) Mobile food units are allowed to operate in the following planning districts:

(a) CO – Commercial Office – except a mobile food unit cannot operate in the CO planning district if the location of the mobile food unit is within 200 feet of the Central Commercial (CC) planning district;

(b) CR - Recreational Commercial;

(c) MC - Medical Center;

(d) ML - Light Manufacturing;

(e) MG - General Manufacturing;

(f) MP - Manufacturing Park;

(g) MBP - Manufacturing Business Park; and

(h) IN – Institutional.

(2) Mobile food units are prohibited to operate within 100 feet of a gas station.

9-9-060 Site Standards.

(1) Mobile food units, including all items associated with the operation, must not obstruct

pedestrian pathways, driveways, drive aisles, sidewalks, streets, or public rights of way, or otherwise create a traffic or safety hazard.

(2) Mobile food unit operators must provide garbage and recycling for patrons.

(3) Mobile food units must have self-contained water, sewer, and electrical systems, as applicable.

(4) Mobile food units are prohibited from connecting to public or private water, sewer, and electrical utilities.

(5) Mobile food units must operate and park only within an existing paved parking lot or other hard-surfaced area.

(6) Only one mobile food unit is allowed to be present at a site at any one time.

9-9-070 Pushcarts.

(1) Pushcarts are allowed to operate in the following planning districts:

- (a) CC- Central Commercial;
- (b) CG - General Commercial;
- (c) ML - Light Manufacturing;
- (d) MG - General Manufacturing; and
- (e) MP - Manufacturing Park.

(2) Pushcarts must comply with the following standards:

- (a) be no larger than six feet in length;
- (b) not locate within 200 feet of a restaurant or fruit and vegetable market without written consent from the proprietor of the restaurant or market;
- (c) not conduct business on public sidewalks without obtaining a permit from the City;
- (d) not operate on a private sidewalk, except by permission of the property owner; and
- (f) comply with the Site Standards in TMC 9-9-060.

9-9-080 Joint and Several Liability.

Any person who owns a mobile food unit will be held jointly and severally liable with any person that operates the mobile food unit for any violation of this Chapter.

9-9-090 Violations.

(1) Any person who violates any provision of this Chapter commits a civil infraction and is subject to a fine of up to \$1,000. Each violation, and each day that a violation continues, is a separate civil infraction.

(2) The civil infraction procedures in TMC Chapter 7-01 apply to the prosecution of any violation of this Chapter.

(3) In addition to prosecution for a civil infraction, a person found in violation of any provision of this Chapter may have a Mobile Food Unit Permit revoked.

(a) Prior to revocation, the City Manager, or designee, must provide the person with written notice of the alleged violation and an opportunity to rebut the allegations.

(b) The City Manager, or designee, will set the matter for a hearing and allow the applicant to present evidence and argument.

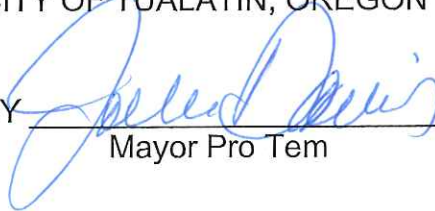
(c) Upon conclusion of the hearing, the City Manager, or designee, must make a written decision within 30 days of the conclusion of the hearing. The City Manager's, or designee's, decision is final on the matter.

Section 2. Severability. Each section of this ordinance, and any part thereof, is severable. If any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance remains in full force and effect.

Section 3. Effective Date. This ordinance is effective January 1, 2019.

Adopted by the City Council this 9th day of October, 2017.

CITY OF TUALATIN, OREGON

BY 
Mayor Pro Tem

APPROVED AS TO FORM

BY 
City Attorney

ATTEST

BY 
City Recorder