

**ORDINANCE NO. 640
CITY OF DAYTON**

An Ordinance Adding Section 3.11 Food Trucks and Push Carts to the Dayton Municipal Code.

WHEREAS, the City Council desires to add Section 3.11 Food Trucks and Push Carts to the Dayton Municipal Code as attached is Exhibit A; and

WHEREAS, the City Council considered said additions in public meetings on June 19, 2017 July 17, 2017, and August 7, 2017; and

WHEREAS, on July 17, 2017, August 7, 2017, and September 5, 2017, the City Council considered the information provided by staff and deliberated on the proposed action.

The City of Dayton ordains as follows:

Section 1. The City of Dayton hereby adopts Ordinance 640; and

Section 2. The City Council adopts the additions of section 3.11 to the Dayton Municipal Code attached as Exhibit A and incorporated by reference herein.

PASSED AND ADOPTED by the City Council of the City of Dayton on this 2nd day of October, 2017.

Mode of Enactment:

Date of first reading: September 5, 2017

Date of second reading: October 2, 2017

 X No Council member present at the meeting requested that the ordinance be read in full.

 A copy of the ordinance was provided to each Council member; three copies were provided for public inspection in the office of the City Recorder no later one week before the first reading of the Ordinance.

Final Vote:

In Favor: Bixler, Collins, Mackin, Marquez, McGraw, Price and Wytoski

Opposed: None

Absent: None

Abstained: None



Mayor

10/3/17

Date of Signing

ATTESTED BY:



Rochelle Roaden
City Recorder

10/2/17

Date of Enactment

3.11 FOOD TRUCKS AND PUSH CARTS

3.11.1 Definitions. When not clearly otherwise indicated by the context, the following words and phrases used in this section have the following meanings:

(1) "Food Truck" means the sale of food and/or non-alcoholic beverages from a mobile unit, which is used for the purpose of preparing, processing or converting food for immediate consumption as a drive-in or walk-up service. Examples include trailers designed to prepare and serve food, or trucks or vans of sufficient size to properly prepare food with a service window from which to serve food. This definition does not include outdoor barbecue grills, street vendors, or push carts. Exceptions include:

(a) Residential lemonade stands and similar short-term sales.

(b) Food or beverage services associated with private parties on private property where the general public is not invited.

(2) "Push Cart" means the sale of food and/or non-alcoholic beverages from a cart pushed or moved by hand, dolly or other manual method, which is used for the purpose of transporting, preparing, processing or converting food for immediate consumption as a walk-up service.

3.11.2 General Provisions.

- (a) Prior to any use or operation of a food truck or push cart in the City of Dayton whether on private property or within the public right-of-way, the operator is required to obtain the appropriate Mobile Food Unit License through the Yamhill County Health and Human Services Department and hold a current and valid Food Handlers Permit. All regulations per ORS Chapter 624 and OAR Chapter 333 shall apply. All regulations in the Mobile Food Unit Operation Guide developed by the Oregon Department of Human Services, which is available through the Yamhill County Health and Human Services Department shall apply. The Mobile Food Unit License must be displayed at all times, and written permission from the property owner must be available on site.
- (b) Prior to any use or operation of a food truck or push cart in the City of Dayton, the owner or operator of the food truck or push cart must register their business with the City of Dayton per Section 3.3 of the Dayton Municipal Code and provide all required documentation per paragraph (a) above.
- (c) The use or operation of a push cart, in a manner other than defined and allowed in section 3.10 of the Dayton Municipal Code regarding mobile devices, is restricted to the Public (P) zone and only in conjunction with special events where the operator of the push cart has received permission from the person or entity in charge of the special event.
- (d) The temporary use or operation of a food truck on private property for fourteen (14) days or fewer in a calendar year that is directed toward a specific event(s) shall only be subject to the General Provisions in this section 3.11.2 of the Dayton Municipal Code as long as the food truck operator has permission from the property owner, and the food truck is fully contained (i.e.: trucks that provide their own water, power, and waste disposal). This temporary use of food trucks shall only be allowed in the Commercial (C), Commercial Residential (CR), Industrial (I), and Public (P) zones.
- (e) Trash and recycle receptacles shall be provided on site, and must be emptied and maintained. Trash and recycle receptacles shall be provided at a rate of at least one receptacle for every food truck. Where the food truck operator proposes to provide an outdoor seating area a minimum of at least one twenty-gallon trash receptacle and one twenty-gallon recycle receptacle shall be provided in the common seating area.

3.11.3 Food Trucks in the Public Right-of-Way. The provisions of this section apply to food trucks used in the preparation and/or sales of food and beverage items to the general public in the public right-of-way during a special or public event.

- (a) Food trucks are allowed under the provisions in this section in the public right-of-way in or contiguous to the Commercial (C), Commercial Residential (CR), Industrial (I), and Public (P) zoning districts. The City Manager will establish an application and review process for this purpose. The person in charge of the event must complete the application and receive permission prior to the event for any food trucks to be placed in the public right-of-way during the event. No seating may be provided by food trucks operating in the public right-of-way.
- (b) An application for approval for the placement and operation of food truck(s) in the City of Dayton public right-of-way must include the following:
 - (1) A completed application form and application fee.
 - (2) The application requires the signature of the person in charge of the event. If any food truck is planned to be in the adjacent public right-of-way directly in front of a business, the application also requires the signature of the business owner confirming they've been notified and concur with the food truck placement.
 - (3) Site plan drawn to scale.
 - (4) Proximity to bathroom and plan for hand-washing facilities.
 - (5) Disposal plan for wastewater and gray water.
 - (6) Written verification that the food truck has been permitted, inspected and meets applicable County health regulations.
 - (7) Any additional information that may be required by the city manager to properly evaluate the proposed site plan. The city manager may waive any of the requirements above where determined that the information is unnecessary to properly evaluate the proposal.

3.11.3.1 Permit Terms and Conditions. Permits for food trucks for special events shall terminate at the end of the event or event series.

- (a) The permit issued shall be specific to an event or event series, and the permit is not transferable to other events. The permittee will be responsible for compliance with all conditions of approval.
- (b) The permit is specifically limited to the area approved, and will include a site plan indicating the area approved for the operation of the food truck.
- (c) A Class I-IV mobile food unit license issued by the Yamhill County Department of Health must be displayed on the unit at all times so it can be read from the outside. The registration must be current and valid.
- (d) All food trucks are subject to all applicable city, county, and state codes and regulations.

3.11.4 Food Trucks not in the Public Right-of-Way. The provisions of this section apply to food trucks used in the preparation and/or sales of food and beverage items to the general public on property not in the public right-of-way. A food truck that is situated on one lot for more than

fourteen (14) days in any calendar year must be approved following the procedures identified in this section 3.11.4 of the Dayton Municipal Code.

(a) The following limitations and standards shall apply:

1. Food trucks shall not provide drive-through facilities and are not allowed to provide internal floor space to customers.
2. Food Trucks shall not exceed twenty-six (26) feet in length, not including the trailer hitch, or be greater than two hundred sixty (260) square feet.
3. All food trucks shall be placed on a paved surface such as but not limited to concrete, asphalt pavers, or gravel. If new paved surface is added to a site to accommodate a cart, the parking area shall comply with applicable parking design standards contained in Chapter 7 of the Dayton Municipal Code.
4. All seating areas shall be located on the subject property at least ten (10) feet from a food truck.
5. Ingress and egress shall be safe and adequate when combined with the other uses of the property and will comply with the provisions of Section 7.2.303.
6. Food trucks shall provide adequate vision clearance as required by Section 7.2.308.08.
7. Trucks shall not occupy parking needed to meet minimum vehicle and bicycle parking requirements, and shall not occupy pedestrian walkways or required landscape areas. Blocking automobile access to parking spaces shall be considered occupying the spaces.
8. Trucks shall be located at least three feet from the public right-of-way or back of sidewalk, whichever provides the greater distance from the public right-of-way.
9. Trucks shall remain at least ten (10) feet away from other food trucks, buildings and parking stalls.
10. Trucks shall not be located within twenty-five (25) feet of an active driveway entrance as measured in all directions from where the driveway enters the site at the edge of the street right-of-way. Trucks shall not occupy fire lanes or drive aisles necessary for vehicular circulation or fire/emergency vehicle access. Customer service windows shall be located at least five feet from an active drive aisle used by cars. Each truck shall provide an awning for shelter to customers with a minimum clearance of seven feet between the ground and the awning.

(b) Operation and Maintenance.

1. Trucks shall limit the visual effect of accessory items not used by customers, including but not limited to tanks, barrels, etc. by screening with a site-obscured fence or landscaping, or containing them within a storage shed not to exceed one hundred (100) square feet.
2. The exterior surfaces of all trucks shall be clean and free from dents, rust, peeling paint, and deterioration, and windows shall not be cracked or broken.

3. The exterior surface of all food trucks proposed to be located in the Central Business Overlay (CBO) zone shall be a color that is consistent with historic buildings in downtown Dayton.
 4. Trucks shall not have missing siding, skirting or roofing.
 5. Structures used to provide shelter to customers shall only be tents, canopies and similar membrane structures. Other structures for customer shelter are not allowed. This does not preclude the use of awnings attached to and supported by a mobile unit or umbrellas designed for café or picnic tables. All canopies, tents and other membrane structures erected on food truck sites shall comply with building code anchoring and engineering standards and fire code standards. Tents and canopies shall not have tears, mold, or broken or non-functioning supports and shall be securely anchored.
 6. Unenclosed areas intended to be occupied by customers, such as areas near food truck service windows and customer seating, shall be illuminated when trucks are in operation during hours of darkness.
 7. No source of outdoor lighting shall be visible at the property line adjacent to residential uses at three feet above ground level.
 8. Outdoor lighting fixtures shall be oriented and/or shielded so as not to create glare on abutting properties.
 9. Food trucks are exempt from land use district density, floor area ratio and Central Business Overlay design guidelines and standards. Accessory items to the food truck that are not for customer use, such as barrels, tanks or containers shall be screened to substantially limit the views of such items from the street.
 10. Signage shall comply with sign code regulations per the Dayton Municipal Code. Each truck is permitted one A-Frame sign.
- (c) Fire and Safety.
1. Trucks shall not have components or attachments in disrepair in a manner that causes an unsafe condition.
 2. Uses shall not create tripping hazards in pedestrian or vehicular areas with items such as cords, cables and pipes.
 3. If external electric service is necessary, an underground electric service outlet providing electricity to the unit may be used. The outlet must have a ground fault interrupter and meet all applicable city, state and federal codes. The extension cord from the outlet to the mobile food unit must not be longer than ten (10) feet and must meet all city, state and federal codes.
 4. Trucks shall meet fire code requirements regarding distances from other structures or combustible materials.
 5. Any cooking device within a food truck that creates grease-laden vapors shall provide an approved hood and extinguishing system, or be the type with a self-closing lid as approved by the fire marshal. Appropriate fire extinguishers are required.

6. Propane tanks shall be stored and handled properly and be located at least ten (10) feet from combustible vegetation and trash receptacles and twenty (20) feet from a potential ignition source. Propane tanks shall remain outdoors and be secured from falling.

(d) Health and Sanitation.

1. Trash and recycle receptacles shall be provided on site, and must be emptied and maintained. Trash and recycle receptacles shall be provided at a rate of one receptacle for every food truck. Where the food truck operator proposes to provide an outdoor seating area a minimum of one twenty-gallon trash receptacle and one twenty-gallon recycle receptacle shall be provided in the common seating area.
2. Restrooms with hand washing facilities shall be provided for employees and customers. The restroom can be on-site or within one-quarter mile or a five-minute walk (such as at a neighboring business) and must be available during the truck's hours of operation. If the restroom is not on-site, the food truck operator shall submit written permission from an adjacent business or property owner where the facility is located.
3. Wastewater and gray water shall be disposed of properly without harm to the environment or city infrastructure. An approved disposal plan shall detail storage and removal methods.
4. Food trucks that are fully contained; i.e., trucks that provide their own water, power, and waste disposal, are permitted with no additional utility considerations beyond the permitting process and site plan approval described herein. Food trucks that require a water source, power source, or waste disposal location are permitted only where the city manager has approved site plans that show safe access and location of the aforementioned provisions. Such provisions shall be subject to all applicable building permits and system development charge requirements.

3.11.4.1 Revocation or Suspension of Permit.

- (a) A food truck permit shall be subject to revocation by the city if the application is found to include false information.
- (b) A food truck permit shall be suspended if the food truck is closed for more than ninety (90) days without providing advance written notice to the city manager.