

**CITY OF SNOHOMISH
Snohomish, Washington**

ORDINANCE 2310

**AN ORDINANCE OF THE CITY OF SNOHOMISH, WASHINGTON
AMENDING THE CITY'S BUSINESS AND LICENSING REGULATIONS,
ADDING A NEW CHAPTER 5.30 SMC "MOBILE FOOD VENDORS"
AND AMENDING SMC CHAPTER 11.08.130 ENTITLED "PARKING
FOR CERTAIN PURPOSES PROHIBITED"; AND PROVIDING FOR
SEVERABILITY AND EFFECTIVE DATE**

WHEREAS, business regulations and licensing are regulated under Chapter 5 of the Snohomish Municipal Code (SMC); and

WHEREAS, the City has received interest from Mobile Food Vendors about operating on a regular basis within the City of Snohomish; and

WHEREAS, current provisions of Chapter 5 SMC only allow Mobile Food Vendors to operate within the City as part of a special event permit regulated by 5.10 SMC; and

WHEREAS, the City Council deems it appropriate to allow City licensed Mobile Food Vendors to operate on a regular basis within certain areas of the city; and

WHEREAS, the requirements contained in Chapter 5.30 SMC will ensure Mobile Food Vendors are properly licensed and inspected by required state and local agencies prior to being licensed by the City; and

WHEREAS, the City Council finds that limiting Mobile Food Vendor licenses to the First Street travel lanes west of Avenue D, the Pilchuck District's Neighborhood Civic zone, the Pilchuck District's Neighborhood Center zone, and Business Park land use designation is appropriate and will ensure the licensing requirements work in harmony with existing brick and mortar restaurants, provided, this reference to zoning districts is solely for the purpose of regulation of the location of operations of mobile food vendors licensed under this chapter; and

WHEREAS, the City Council finds that limiting time a Mobile Food Vendor can be located on one site and providing a 2000 foot distance requirement between mobile food vendors and brick and mortar restaurants without permission from that restaurant to site closer will ensure compatibility with existing businesses; and

WHEREAS, the City Council finds it appropriate to amend Chapter 11.08.130 SMC, which will allow Mobile Food Vendors to sell merchandise from their vehicle adjacent to the First Street travel lanes west of Avenue D; and

WHEREAS, the City Council finds that these regulations will provide an economic benefit to the City; and

WHEREAS, the Economic Development Committee met on May 26, 2015 regarding Mobile Food Vendor regulations and were supportive of adding new Mobile Food Vendor regulations; and

WHEREAS, the Economic Development Committee made recommendations about the licensing requirements for Mobile Food Vendors which have been incorporated into this Ordinance; and

WHEREAS, the City Planner, acting as the SEPA Responsible Official, determined this proposed legislation is a licensing regulation and not a development regulation as defined by the Growth Management Act, and also determined that it is procedural in nature and therefore exempt from threshold determination and EIS requirements under Chapter 43.21C RCW;

WHEREAS, on June 7, 2016, following notice as required by law, a public hearing was held before the City Council and all who wished to be heard were heard; and

WHEREAS, the City Council has determined and hereby finds that the amendments to the Snohomish Municipal Code adopted in this ordinance will preserve the public health, safety, and welfare of Snohomish residents;

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF SNOHOMISH, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Chapter 5.30 SMC, entitled “MOBILE FOOD VENDORS” is hereby adopted as provided and attached to this Ordinance as **Exhibit A**.

Section 2. Chapter 11.08.130 SMC, entitled “PARKING FOR CERTAIN USES PROHIBITED” is hereby adopted as provided and attached to this Ordinance as **Exhibit B**.

Section 3. Severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase, or word of this ordinance.

Section 6. Effective Date. This ordinance shall be effective five days after adoption and publication by summary.

ADOPTED by the City Council and **APPROVED** by the Mayor this 7th day of June, 2016.

CITY OF SNOHOMISH

By _____
KAREN GUZAK, MAYOR

ATTEST:

APPROVED AS TO FORM:

By _____
PAT ADAMS, CITY CLERK

By _____
GRANT K. WEED, CITY ATTORNEY

Date of Publication: _____

Effective Date (5 days after publication): _____

EXHIBIT A

Chapter 5.30

MOBILE FOOD VENDORS

Sections:

- 5.30.010 Purpose
- 5.30.020 Mobile food vendor defined
- 5.30.030 Restrictions
- 5.30.040 License renewal
- 5.30.050 License permit required – application contents
- 5.30.060 Conflicting provisions
- 5.30.070 Severability

5.30.010 Purpose. This Chapter sets forth the licensing, location, and operating requirements for mobile food vendors.

5.30.020 Mobile food vendor defined. For the purposes of this chapter, a “mobile food vendor” means a business that, as its principal function, sells or otherwise dispenses prepared food and non-alcoholic beverages to the general public from a licensed motor vehicle that is not permanently affixed to real property. The term excludes food delivery vehicles and vehicles that dispense food and move from place to place and are stationary for no more than 15 minutes at a time, such as ice cream trucks. The term also excludes food trucks and similar concession vehicles that are licensed by the City under a special event permit.

5.30.030 Restrictions. A mobile food vendor shall:

- A. Not be located on any given parcel or premises for more than six hours in any 24-hour period.
- B. Mobile food vendors shall not operate at more than one site within any 24 hour period unless such sites are separated by at least 2,000 feet. Mobile food vendors that only serve employees of businesses on the property of such businesses are exempt from this provision.
- C. Maintain a minimum setback of 20 feet between the mobile food preparation van or other vending unit and all interior property lines and other buildings and a minimum of 50 feet from flammable, combustible liquid or gas storage and dispensing structures.
- D. No mobile food vendor shall sell or deliver any food or goods if the vending unit is within 200 feet of the entrance of any non-mobile business which serves food and is open for business, without the written consent of the business.
- E. No mobile food vendor shall obstruct or cause to obstruct the passage of any pedestrian or vehicle on any public sidewalk, street, or any other public right-of-way, including customer queues or customers consuming any food sold by the mobile food vendor at or near the place

where any items are sold or offered for sale. No items may be offered or sold and no customers served in any traveled portion of a public roadway.

- F. No mobile food vendor shall operate except on private property in the Pilchuck District's Neighborhood Center zone, Neighborhood Civic zone, Business Park land use designation or on public right-of-way or public property adjacent to the First Street travel lanes west of Avenue D. The reference to zoning districts in this section is solely for the purpose of regulation of the location of operations of mobile food vendor licensees under this chapter.
- G. If operating on private property, the property owner shall designate at least two customer parking spaces for the use of the mobile food vendor's customers while the mobile food vendor is operating on such private property.
- H. Maintain all attachments to the vending unit, including but not limited to signs, lights, overhangs, and awnings, in such a manner as to not create a hazard to pedestrians, customers or vehicles.
- I. No use of freestanding awnings, tents, canopies, umbrellas, or other structures or weather protection devices. All such devices shall remain attached to the vending unit. All merchandise, wares, and food shall only be displayed or offered for sale from the vendor's vehicle.
- J. Provide at least one trash receptacle for customer use. All such receptacles shall be screened from the right of way and securely covered, and the contents disposed with in compliance with City regulations.
- K. Comply with all applicable requirements of the Snohomish County Health District and maintain current Snohomish Health District certifications.
- L. Comply with the standards of the State of Washington Department of Labor and Industries for electrical service to the mobile food preparation vehicle and have a valid and current license issued by the Washington State Department of Licensing.

5.30.040 License renewal.

Mobile food vendor licenses shall be valid for one year from the date of issuance. Amendments to the original license application shall require a review fee but shall not change the renewal date.

5.30.050 License permit required – application contents.

- A. No person, firm, or corporation shall operate within the city as a mobile food vendor without a valid business license according to the requirements of Chapter 5.02 SMC and a mobile food vendor license per this chapter. Application for a mobile food vendor license shall be made to the City Clerk, upon forms to be provided by the City Clerk. A mobile food vendor license shall not be issued prior to submittal and approval of all items required in this section and a determination of compliance with all conditions of license approval.

- B. A mobile vendor license may be suspended or revoked in writing by the City Manager for any of the following reasons:
1. Any fraud, misrepresentation or false statement contained in the application for a license.
 2. Any fraud, misrepresentation or false statement made in connection with the selling of products.
 3. Any violation of this chapter.
 4. Conviction of the licensee or operator of a felony or of a misdemeanor involving moral turpitude.
 5. Conducting a business licensed under this chapter in an unlawful manor or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.
- C. The application for a mobile food vendor license shall state the name and address of the applicant and the vehicle license number from which the applicant proposes to conduct business.
- D. Such application shall be accompanied with the license fee as provided for in the current fee resolution, together with a photocopy of a valid motor vehicle operator's license for all operators, proof of automobile liability insurance coverage in an amount acceptable to the risk manager for the city, and evidence of a Washington State Department of Revenue business registration number.
- E. In addition to the foregoing requirements, mobile food vendors shall:
1. Provide documentation that the vending unit has been approved by the State of Washington Department of Labor and Industries.
 2. Provide evidence of current State of Washington vehicle registration.
 3. Provide documentation of approval by the Snohomish County Health District of the vending unit.
 4. Provide a written plan documenting appropriate disposal of wastewater generated by the vending unit.
 5. Identify available toilet and hand washing facilities.
 6. Provide written permission from the property owner(s) consenting to operation of the business on the owner's property, if operated on private property.
 7. Provide a site plan depicting existing site improvements, ingress and egress location(s), the location of the vending unit, and, if on private property, the location of at least two spaces for customer parking.

5.30.060 Conflicting provisions. In the event any of the provisions of this ordinance conflict with any provision of any other ordinance, the provisions set forth in this ordinance shall supersede.

5.30.070 Severability. Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any other person or situation. The City Council of the City of Snohomish hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

EXHIBIT B

11.08.130 Parking for Certain Purposes Prohibited.

- A. No person shall park any vehicle upon any street or alley for the principal purpose of:
1. Displaying of commercial or noncommercial signs;
 2. Displaying such vehicle for sale;
 3. Selling merchandise from such vehicle, except for licensed mobile food vendors meeting the requirements of SMC 5.30.
- B. No person shall park any vehicle upon any roadway for the principal purpose of washing, greasing or repairing such vehicle except repairs necessitated by an emergency. (Ord. 1546, 1985; Ord. 1865, 1998)