

## CPMC 5.44

### Mobile Food Businesses

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#### 5.44.010 Purpose.

Expand opportunities for mobile food businesses and establish clear standards and application process for authorizing mobile food businesses on a temporary and semi-permanent basis.

#### 5.44.020 Definitions.

A. "Mobile Food Business" means mobile food services provided in a motorized vehicle, trailer or push cart located on private property with permission of the property owner(s). There are four (4) types of mobile food businesses for purposes of this code:

1. "Mobile Food Vendor" means a single mobile food retailer that is located on single parcel of land.
2. "Mobile Food Pod" means two (2) to three (3) Mobile Food Vendors that are located on a single parcel of land.
3. "Mobile Food Court" means a group of four (4) to twelve (12) Mobile Food Vendors located on a single parcel of land.
4. "Specialty Food Vendor" means a mobile retailer of pre-packaged or whole food products that do not involve onsite preparation. Specialty food vendors operate for durations that do not exceed fifteen (15) minute time periods **in public and private parking lots with owner consent, and the public-right-of-way**. An example of a specialty food vendor is an ice cream truck.

**B. "Mobile Food Vendor Permit" means a permit that applies to Mobile Food Vendors and Specialty Food Vendors in accordance with the standards set forth in CPMC 5.44 as provided below.**

#### 5.44.030 Mobile Food Vendors.

A. Applicability.

1. Permitted Use. Mobile Food Vendors shall be a permitted use on privately owned property in the C-N, C-4, C-5, GC, M-1, M-2 and Civic zoning districts subject to the application procedures and standards in items B-D of this section below.

2. Special Events. Mobile Food Vendors associated with Special Events as defined in CPMC 5.42 shall obtain a Special Event Permit from the Parks Department and are exempt from the requirements of this Chapter.
  3. **Parks.** Mobile Food Vendors are only permitted in **Don Jones Park, Pfaff Park, and Twin Creeks Park** subject to a Special Event Permit obtained by the Parks Department. Mobile Food Vendors are not permitted in any other parks or the public right-of-way.
- B. Application Requirements. Mobile Food Vendors shall obtain the required application approvals, as applicable, prior to locating and operating the Mobile Food Vendor business as follows:
1. Minor Site Plan & Architectural Review Approval (Type I). **Except as provided in subsection 5.44.030(A)(2-3), a Minor Site Plan and Architectural Review (Type I) is required to verify that the proposed location for a Mobile Food Vendor business is consistent with Site Plan and Architectural Review standards for development in the city in accordance with CPMC 17.72 and the Mobile Food Vendor site standards identified in Section 5.44.030(C). Type I procedures are set forth in CPMC 17.05.200.**
  2. Business License. Mobile Food Vendors shall obtain a business license prior to conducting business per CPMC 5.04.030.
  3. **Mobile Food Vendor Permit** is required for individual Mobile Food Vendors subject to demonstrated conformance with the site standards in accordance with Sections 5.44.030(B)(1) or 5.44.040(B)(1); and, the operational standards in 5.44.030(C), respectively.
  4. Jackson County Environmental Health Permit.
  5. Oregon Liquor and Cannabis Commission (OLCC) Liquor License and Alcohol Service Permits if alcohol sales are part of the mobile food business.
- C. Mobile Food Vendor Standards. The following site and operational standards shall apply to Mobile Food Vendors:
1. **Operational Requirements.**
    - a. Business activity shall be limited to the hours of 7:00 a.m. to 11:00 p.m.
    - b. Mobile Food Vendor vehicle (i.e. truck, trailer or pushcart) shall be removed from the site each day when the business activities have ceased.
  2. **Location Requirements.**

- a. Mobile Food Vendor vehicle (i.e. pushcart, truck, trailer ,etc.) shall comply the base zone setbacks set forth in Title 17, the clear vision areas in the Public Works Standard Specifications and the following location requirements:
  - b. The Mobile Food Vendor vehicle shall be placed on a paved surface.
  - c. **The Mobile Food Vendor shall be located:**
    - 1. **Except as provided in 5.44.040.C.3 at least 50-ft from other permitted Mobile Food Vendor location(s);**
    - 2. **A minimum of 15-feet from a fire hydrant; and**
    - 3. **At least 300-feet from residential zoning districts if the Mobile Food Vendor utilizes a generator for power.**
  - d. Mobile Food Vendors, including all items associated with their operation, shall be located to avoid obstructing any existing or required pedestrian pathway, driveway, and drive aisles; and,
  - e. Mobile Food Vendors shall not create a traffic or safety hazard.
3. Parking.
- a. The Mobile Food Vendor vehicle shall not occupy required off-street parking spaces for the primary use on the site.
  - b. Two (2) off-street parking spaces shall be provided in accordance with the off-street parking standards in CPMC 17.75.039.
  - c. Shared parking between the Mobile Food Vendor and the primary use is subject to the requirements in CPMC 17.64.040(D).
4. Utilities. The Mobile Food Vendor vehicle shall be self-contained unless the site has permanent utility connections permitted by the Central Point Building Official.
- a. Temporary connection to power is permitted provided that extension cords are covered or screened to prevent a tripping hazard.
  - b. Generators used for mobile food businesses **shall be consistent with applicable Fire Code.**
5. Support Equipment and Accessories.
- a. Awning(s) may be provided to shelter customers provided the awning(s) are integral to the Mobile Food Vendor vehicle, have a minimum vertical

- clearance of seven (7) feet eight (8) inches, and be able to be closed or removed.
- b. No support equipment or accessories, including but not limited to counters, awnings, etc. shall extend more than four (4) feet from the edge of the cart, trailer or vehicle in any direction.
  - c. The cooking mechanism, including BBQ grills must be enclosed and permanently built into the structure of the vehicle.
6. Signage shall be limited to what can be physically attached to the vehicle, except for temporary signs authorized by Chapter 15.24. Unsecured menu boards and sidewalk signs are prohibited.
7. Trash and Recycling.
- a. Mobile Food Vendors shall provide trash and recycling receptacles for use by business patrons.
  - b. Mobile Food Vendor operators are responsible for keeping the site and adjacent right-of-way areas clean and attractive. Operators shall collect and appropriately dispose of any litter on the same throughout operating hours.
8. No waste shall be discharged into the city's storm drain system, directly or indirectly, as provided in CPMC 8.05, Storm Drain Protection.

#### **5.44.040 Mobile Food Pods.**

- A. Applicability. Mobile Food Pods shall be a permitted use on privately owned property in the C-N, C-4, C-5, GC, M-1, M-2, and Civic zoning districts subject to the application requirements and standards in Sections 5.44.040(B-C).**
- B. Application Requirements. Mobile Food Pod locations and Mobile Food Vendors operating within approved Mobile Food Pod are subject to the following application requirements:**
  - 1. Major Site Plan & Architectural Review Approval (Type II) is required to verify that the proposed location and configuration of a Mobile Food Pod meets the Site Plan and Architectural Review requirements for development in the city in accordance with CPMC 17.72 and the Mobile Food Pod site standards in CPMC 5.44.040(C). This application applies to the property owner or authorized agent to establish an approved Mobile Food Pod that can accommodate individual Mobile Food Vendors. Type II procedures are set forth in CPMC 17.05.300.**
  - 2. Each Mobile Food Vendor within an approved Mobile Food Pod shall satisfy the application requirements for Mobile Food Vendors per CPMC 5.44.030(B)(2-5).**

**C. Mobile Food Pod Standards.** The following site and operation standards shall apply to Mobile Food Pods:

1. The site plan and architectural development standards are consistent with the base zoning district;
2. Design and development standards in CPMC 17.75, as applicable; and
3. Mobile Food Vendor standards in CPMC 5.44.030(C), except that the minimum distance between Mobile Food Vendors within a mobile food pod shall be 10-feet.

#### **5.44.050 Mobile Food Courts.**

A. **Applicability.** Mobile Food Courts shall be a conditional use on privately owned property in the CN, C-4, C-5, and GC zoning districts subject to the application requirements and standards in Sections 5.44.050(B-C).

**B. Application Requirements.** Mobile Food Courts shall obtain the following application approvals in accordance with CPMC 17.05.100, Table 17.05.1:

- a. **Conditional Use Permit approval is required in accordance with the application requirements and criteria in CPMC 17.76. As provided in Table 17.05.01, Conditional Use Permits are subject to Type III procedures set forth in CPMC 17.05.400.**
- b. **Major Site Plan & Architectural Review is required to verify that the proposed location and configuration of a Mobile Food Court meets the development standards for the base zoning district in accordance with CPMC 17.72 or CPMC 17.66, as applicable, and the Mobile Food Court site standards in CPMC 5.44.050(C).As provided in Table 17.05.01, the Major Site Plan Review for Mobile Food Courts shall be subject to Type III procedures set forth in CPMC 17.05.400.**

2. **Each Mobile Food Vendor within an approved Mobile Food Court shall satisfy the application requirements for Mobile Food Vendors per CPMC 5.44.030(B)(2-5).**

**C. Mobile Food Court Standards.** The site and operation standards for Mobile Food Vendors and Mobile Food Pods in CPMC 5.44.030(C) and 5.44.040(C), respectively, shall apply to Mobile Food Courts except as modified below:

1. Overnight parking is allowed provided that each mobile food business vehicle remains operable and road-ready.

2. Designated, paved parking pads shall be provided for each mobile food vehicle to be located within the Mobile Food Court.
3. Outdoor equipment and accessories are permitted and include items such as tables and seating, canopies, grills, and other amenities for guests.
4. Restroom facilities shall be plumbed in accordance with the Oregon Specialty Building Codes. No portable/chemical toilets are permitted.
5. Full utility connections shall be provided for mobile food businesses operating in the Mobile Food Court, including:
  - a. Water.
    - i. A site dedicated master water meter is required. The size, installation and applicable fees shall be coordinated with the Public Works Department.
    - ii. Private water line extensions from the master water meter to each vendor shall be required per the Uniform Plumbing Code.
  - b. Sanitary sewer. The Mobile Food Court shall be connected to sanitary sewer lines consistent with Rogue Valley Sewer Services requirements.
  - c. Underground power shall be stubbed to each mobile food business parking pad.

#### 5.44.060 Specialty Mobile Food Vendor.

Specialty Mobile Food Vendors shall obtain a Central Point Business License **and Mobile Food Vendor Permit**. Specialty Mobile Food Vendors are subject to the following requirements:

- A. Specialty Mobile Food Vendors may be authorized to conduct business **within the public right-of-way, and public and private parking lots with written property owner consent**.
- B. Specialty food vendors shall limit the length of sales activity to no more than fifteen (15) minutes in a single **location in the public right-of-way and no more than fifteen (15) minutes in a parking lot on public or private property. Moving the Specialty Food Vendor vehicle to a new space on the same property to conduct sales activity in excess of fifteen (15) minutes is prohibited and shall be grounds for suspending, revoking or denying future Specialty Food Vendor permit as provided in Section 5.44.070 and/or 5.44.080.**
- C. Specialty Food Vendors shall not impede traffic on any road right-of-way.
- D. Trash receptacles shall be provided by the Specialty Food Vendor for customers.

E. Specialty Food Vendors shall be limited to operating between 10:00 a.m. and 7:00 p.m.

#### 5.44.070 Denial, Revocation or Suspension of Permit.

- A. The **Planning Director or designee** may deny, revoke or suspend a **Mobile Food Vendor Permit** upon finding that any provision herein or condition of approval will be or has been violated.
- B. Upon denial, revocation or suspension of a permit as described in subsection (A) above, **the Planning Director or designee** shall give written notice of such action to the applicant or permittee stating the action taken and the reason. The decision shall be effective immediately. **The Planning Director's decision is final and may not be appealed.**

#### 5.44.080 Penalties.

Any violation of this chapter shall be an infraction as defined in Section 1.16.010 and is punishable by a fine as set forth in that section. **The Planning Director** or designee is authorized to issue a citation to any person or business violating the provisions of this chapter. After two (2) infractions, **the Mobile Food Vendor Permit** authorization shall be revoked for a period of at least one (1) year.