

APPENDIX

**Mobile Grocery Store Research
Copies of City Ordinances & Regulations**

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Atlanta, Georgia Mobile Food Units

Mobile food unit means any motor vehicle or non-motorized cart approved by the department of police used for the vending of food items to the public.

Permissible food item means any food product or substance, including beverages, that legally may be dispensed for the public's consumption pursuant to the rules and regulations of the Fulton, DeKalb, or Clayton County health department.

Private property vending means vending activity conducted out-of-doors or in a flea market on private property not owned by the city or by any other governmental agency. Produce means any agricultural product raised on a farm or orchard.

Zoning Requirements

Sec. 16-28.008. Required yards and open space, detailed limitations on occupancy.

(10) Peddlers and itinerant vendors: Peddlers and itinerant vendors conducting business out-of-doors on private property may conduct such business only in compliance with the following:

- (a) They must have the written expressed consent of the owner to use the business property on which they propose to operate.
- (b) They must have a valid city business license unless otherwise exempted by city ordinance.
- (c) The business use must be a use that is otherwise allowed within the zoning district in which the peddlers or itinerant vendors operate the business.
- (d) The business may not be conducted within the required front and side yard setbacks required by the zoning district in which the business is operated.

(e) Such business shall not be conducted on or from vacant lots.

(f) Vending on private property shall also comply with the requirements of Chapter 30, Article XXIV, Vending on Private Property.

Sec. 30-1471. Vending from mobile food units.

(a) Regulations, restrictions and prohibitions. Persons conducting business from a mobile food unit on private property may conduct such business only in compliance with the following:

(1) They must have the written expressed consent of the owner to use the business property on which they propose to operate.

(2) They must have a valid city business license unless otherwise exempted by city ordinance.

(3) The business use must be a use that is otherwise allowed within the zoning district in which the vendor proposes to operate.

(4) Vending on private property shall also comply with the requirements of Chapter 30, Article XXIV, Vending on Private Property.

Persons conducting business from a mobile food unit on private property shall not be permitted to operate in the following areas:

(5) Within 15 feet of any street intersection or pedestrian crosswalk.

(6) Within ten feet of any driveway.

(7) Within 15 feet of another vending location assigned pursuant to article XXIII of this chapter to another vendor on a public sidewalk.

(8) Within a minimum of nine feet of unobstructed pedestrian

space.

(9) Any area within 15 feet of a building exit, or in the case of a hotel or motel, within 50 feet of building entrances or exits.

(10) Within 200 feet of a stationary business selling the same or similar products. This provision shall apply to vendor sites located near athletic and entertainment venues which have a seating capacity in excess of 3,500 persons, nor shall it apply to vendor sites where the stationary business and the mobile food unit(s) share a common ownership interest.

(b) Any power sources must be depicted on the site plan and must meet all applicable electrical code standards.

(c) Vending structures shall not be left unattended or stored at any time on the open vending site when vending is not taking place or during restricted hours of operation.

(d) Hours of operation shall be 5:00 a.m. to 2:00 a.m.

(e) Amplified sound or sound equipment must comply with the City of Atlanta Noise Ordinance.

(f) Any and all signage must comply with the City of Atlanta Sign Ordinance.

(g) Mobile food unit vendors shall be allowed to vend from the multiple locations as indicated on the vending permit.

City of Austin Texas, Mobile Food Vendors

Zoning Ordinance

§ 25-2-812 MOBILE FOOD ESTABLISHMENTS.

(A) In this section:

(1) PERMIT HOLDER means the person to whom the health authority issues a permit for a mobile food establishment permit required by [Chapter 10-3](#) (*Food and Food Handlers*) of the City Code.

(2) MOBILE FOOD ESTABLISHMENT has the meaning established in Title 25, Part 1, Section 229.162 (*Definitions*) of the Texas Administrative Code and Section [10-3-1](#) (*Definitions*) of the City Code.

(3) SOUND EQUIPMENT has the meaning established in Section [9-2-1](#) (*Definitions*) of the City Code.

(B) A mobile food establishment is not permitted on private property except as provided in this section.

(C) A mobile food establishment:

(1) must be licensed by the health authority;

(2) is permitted in all commercial and industrial zoning districts, except in a neighborhood office (NO), limited office (LO), or general office (GO) zoning district;

(3) may not be located within 50 feet of a lot with a building that contains both a residential and commercial use;

(4) may not operate between the hours of 3:00 a.m. and 6:00 a.m.; and

(5) may not be located within 20 feet of a restaurant (general) or restaurant (limited) use.

(D) The noise level of mechanical equipment or outside sound equipment used in association with a mobile food establishment may not exceed 70 decibels when measured at the property line that is across the street from or abutting a residential use.

(E) A drive-in service is not permitted.

(F) Exterior lighting must be hooded or shielded so that the light source is not directly visible to a residential use.

(G) A mobile food establishment is limited to signs attached to the exterior of the mobile food establishment. The signs:

(1) must be secured and mounted flat against the mobile food establishment; and

(2) may not project more than six inches from the exterior of the mobile food

establishment.

(H) During business hours, the permit holder shall provide a trash receptacle for use by customers.

(I) The permit holder shall keep the area around the mobile food establishment clear of litter and debris at all times.

(J) A permanent water or wastewater connection is prohibited.

(K) Electrical service may be provided only by:

- (1) temporary service or other connection provided by an electric utility; or
- (2) an onboard generator.

(L) A request that the city council require amobile food establishment in a neighborhood association area to comply with the additional distance requirements setforth in Subsection (N) may be made in accordance with this subsection.

(1) The following persons may submit an application to the director requesting that the city council require mobile food establishments in a neighborhood association area to comply with Subsection (N):

- (a) for an area with an adopted neighborhood plan:
 - (i) the chair of the official planning area contact team; or
 - (ii) an officer of a neighborhood association if there is no official planning area contact team; or
- (b) for an area without an adopted neighborhood plan, an officer of a neighborhood association.

(2) The director shall accept an application made under this subsection during February of each year. The council shall consider the applications annually.

(3) Notice in English and Spanish of a public hearing on the application by the council is required. The City is responsible for the cost of the notice. The director shall give notice not later than the 16th day before the date of the public hearing by:

- (a) publishing notice in a newspaper of general circulation; and
- (b) mailing notice to:
 - (i) each mobile food establishment licensed by the health authority; and
 - (ii) each registered neighborhood association.
- (4) The director shall maintain a map that depicts the areas to which Subsection (O) applies.

(5) A neighborhood association must be registered with the Public Information Office of the City.

(M) The requirements of Subsection (N) may be added to an ordinance zoning or rezoning property as a neighborhood plan combining district in accordance with Section [25-2-1406](#) (*Ordinance Requirements*).

(N) The subsection establishes additional distance requirements that may be applied under Subsections (L) or (M).

(1) A mobile food establishment may not be less than 50 feet from property:

(a) in a SF-5 or more restrictive district; or

(b) on which a residential use permitted in a SF-5 or more restrictive district is located.

(2) A mobile food establishment may operate between 6:00 a.m. and 10:00 p.m. if the mobile food establishment is more than 50 feet and not more than 300 feet from a property:

(a) in a SF-5 or more restrictive district; or

(b) on which a residential use permitted in a SF-5 or more restrictive district is located.

(3) A mobile food establishment may operate between 6:00 a.m. and 3:00 a.m. if the mobile food establishment is more than 300 feet from a property:

(a) in a SF-5 or more restrictive district; or

(b) on which a residential use permitted in a SF-5 or more restrictive district is located.

(O) A mobile food establishment must comply with Subsection (N) not later than the 60th day after the effective date of an ordinance adopted under Subsection (L) or (M).

(P) This subsection applies to a mobile food establishment that is located on the same site as a restaurant (limited) or restaurant (general) use and serves food provided by the restaurant (limited) or restaurant (general) use. The mobile food establishment:

(1) may only operate between the hours of 6:00 a.m. and 10:00 p.m. if the mobile food establishment is located 300 feet or less from property in a SF-5 or more restrictive district or on which a residential use permitted in a SF-5 or more restrictive district is located; and

(2) must comply only with Subsections (D), (F), (G), (H), and (I).

(Q) This ordinance does not apply to a mobile food establishment that is located on private property for three hours or less between the hours of 6:00 a.m. and 10:00 p.m.

(R) A site plan, site plan exemption, or temporary use permit is not required for the operation of a mobile food establishment.

(S) The permit holder shall comply with the section. A violation of this section is a Class C misdemeanor.

Source: Ord. 20060928-020; Ord. 20080131-134; Ord. 20110623-135; Ord. 20110804-008.

Health Authority

ARTICLE 1. GENERAL PROVISIONS.

§ 10-3-1 DEFINITIONS.

(A) Except as provided in Subsection (B), a term defined by Texas Administrative Code Title 25, Part 1, Chapter 229, Subchapter K (*Texas Food Establishments*) has the same meaning in this chapter.

(B) In this chapter:

(1) **BAKED GOODS** means cookies, cakes, breads, Danishes, donuts, pastries, pies, and other items that are prepared by baking in an oven. A baked good does not include a potentially hazardous food item.

(2) **CERTIFIED FARMERS MARKET** means a farmers market that has been certified by the Texas Department of Agriculture pursuant to Subchapter D of Title 4 of the Texas Administrative Code.

(3) **FARM PRODUCE** means herbs and spices in their natural or dried state, vegetables, fruits, nuts, berries, grains, honey, watermelons and other melons, and cantaloupes in their natural state.

(4) **FOOD ENTERPRISE** includes:

(a) a food establishment; and

(b) a food processing plant.

(5) **FOOD HANDLER** means a food enterprise employee who works at any time with unpackaged food, food equipment or utensils, or food contact surfaces.

(6) **MARKET MANAGER** means a person who is designated as the person-in-charge of a certified farmers market.

(7) **MOBILE FOOD ESTABLISHMENT** means one of two types of mobile food units:

(a) A restricted unit that offers only prepackaged food in individual servings; beverages that are not potentially hazardous and are dispensed from covered urns or other protected vessels; and packaged frozen foods. Preparation, assembly or cooking of foods is not allowed;

(i) A foot peddler permit is a restricted unit, and except as set forth in subsection (ii), is limited to one portable ice chest, cooler, case or unit per permit, capable of being carried by one person;

(ii) A foot peddler at a Certified Farmers Market may use multiple portable ice chests, coolers, cases or units; or

(b) An unrestricted unit that may serve food as allowed in (a), and may cook, prepare and assemble a full menu of food items;

(i) Except as provided in subsection (ii) below, an unrestricted unit must be secured and completely enclosed; and

(ii) Foods such as hot dogs, coffee, or shaved ice, or food with prior approval from the health authority, may be served from vehicles with three sides and a cover.

(8) **PERSON IN CHARGE** means an employee who possesses a food manager certificate at a food enterprise, bed and breakfast limited or unrestricted mobile food establishment. If the person possessing a food manager certificate is not present, then if an employee appears to be a supervisor, that employee is the person in charge.

(9) **SAMPLING** means the demonstration or promotion of a food via offering a small serving of the food which cannot be sold and which may not consist of a whole meal, an individual portion or a whole sandwich.

(10) **TEMPORARY FOOD ESTABLISHMENT** shall mean a food establishment that operates for a period of no more than 14 consecutive days in conjunction with a single special event or celebration, and shall also include an establishment that is granted an exemption by the health authority.

(a) A person or organization is allowed four temporary events in a calendar year unless granted an exemption by the health director.

(b) Properties overseen by the City and multi-use facilities that are used for trade shows and conventions are exempt from this restriction.

(c) A temporary food establishment at a certified farmer's market may operate one day a week for 14 consecutive weeks as a single special event if the temporary food establishment is permitted as a food establishment, or is preparing its food at a permitted food establishment, and is in compliance with its permit issued by the health authority. The permit shall be issued to the vendor. The vendor shall meet requirements of the Texas Food Establishment Rules (TFER) and all other applicable laws. A temporary food establishment at a certified farmer's market is not exempt from the food handler requirements of this chapter.

(11) **UNSAFE FOOD** means:

(a) food that contains any chemical, poisonous or injurious substance which may be harmful to the health of a consumer;

(b) food that is not packaged in conformity with this chapter;

- (c) food that contains a contaminated or putrid substance; or
- (d) food that has been prepared, packed or held under unsanitary conditions whereby it may have become contaminated, or may have been rendered diseased, unwholesome, or harmful to health.

(12) VIOLATION means the failure to follow this [Chapter 10-3](#) or an act prohibited by this Chapter. A violation may result in charges being filed in municipal court for:

- (a) scoring below a 70 on a food enterprise inspection;
- (b) using an unapproved source;
- (c) home prepared foods; or
- (d) food out of temperature compliance.

Source: Ord. 20051201-013; Ord. 20080925-028; Ord. 20100429-028; Ord. 20101028-046; Ord. 20120301-010.



§ 10-3-2 COMPLIANCE REQUIRED.

(A) A person may not manufacture for supply, possess with intent to supply, display, sell, or supply, with or without charge, any food that is unsafe or misbranded.

(B) All food shall be prepared, packaged, transported and supplied in compliance with this Chapter.

(C) A person operating a food establishment, vending machine, bed and breakfast limited, mobile food establishment, temporary event or sampling at a farmers market shall comply with this chapter and, except as provided in Section [10-3-124](#) (*Dogs Permitted in Outdoor Dining Areas*), the City adopts the Texas Administrative Code Title 25, Part 1, Chapter 229, Subchapters K (*Texas Food Establishment Rules*) and N (*Current Good Manufacturing Practice And Good Warehousing Practice In Manufacturing, Packing And Holding Human Food*).

(D) A person operating a food processing plant or central preparation facility shall comply with this chapter and the requirements of Code of Federal Regulations Title 21, Part 110 (*Current Good Manufacturing Practice In Manufacturing, Packing, Or Holding Human Food*).

Source: Ord. 20051201-013; Ord. 20060302-059; Ord. 20100429-028.



§ 10-3-3 VARIANCES.

(A) The health authority may grant a variance by modifying or waiving a local requirement of this chapter if the health authority determines that a health hazard will not result from the variance.

(B) A person requesting a variance must provide the following information to the health authority:

- (1) a description of the requested variance from the local requirement;

- (2) a citation to the relevant section of this chapter; and
- (3) a description of how potential health hazards will be prevented if the variance is granted.

(C) If the health authority grants a variance, the health authority shall retain in its records the information required by Subsection (B).

Source: Ord. 20051201-013.

§ 10-3-4 SERVICE OF NOTICE.

- (A) The health authority may serve a notice required by this chapter by:
 - (1) personal delivery to the permit holder or person in charge; or
 - (2) registered or certified mail, return receipt requested, to the last known address of the permit holder.
- (B) The health authority shall retain in its records a copy of the notice.

Source: Ord. 20051201-013.

§ 10-3-5 HEARINGS.

- (A) The health authority shall conduct a hearing under this chapter at a time and place determined by the health authority.
- (B) The health authority shall:
 - (1) make and record findings based on the evidence presented at the hearing;
 - (2) affirm, modify, or rescind the order considered at the hearing; and
 - (3) provide a written decision to the permit holder.

Source: Ord. 20051201-013.

ARTICLE 2. FOOD MANAGER CERTIFICATE AND FOOD HANDLER REGISTRATION.

§ 10-3-31 FOOD MANAGER CERTIFICATE REQUIRED.

- (A) Except as provided in Subsections (B) and (C), a person may not operate a food enterprise or bed and breakfast limited unless at least one employee has a food manager certificate issued by the health authority.
- (B) A food manager certificate is not required for a person who operates:
 - (1) a food enterprise that provides only beverages or prepackaged food that is not a

potentially hazardous food;

(2) a nonprofit organization that serves food only to members of the organization;

(3) a food processing plant that is inspected at least once each week by a state or federal food sanitation inspector or that only stores prepackaged food that is not potentially hazardous;

(4) a mobile food establishment that offers only prepackaged food, if a certified food manager is in charge at the central preparation facility that supplies the products for the mobile food establishment; or

(5) a temporary event.

(C) If a food manager certificate expires or the certificate holder is no longer employed by the food enterprise or bed and breakfast limited, the person in charge shall comply with Subsection (A).

(D) The person in charge shall post the food manager certificate in a prominent location in the food enterprise or bed and breakfast limited.

Source: Ord. 20051201-013; Ord. 20080925-028; Ord. 20120301-010.



§ 10-3-32 APPLICATION FOR FOOD MANAGER CERTIFICATE.

(A) A person who seeks a food manager certificate must submit an application to the health authority. The application must include:

(1) the applicant's full name;

(2) the applicant's mailing address;

(3) applicant's date of birth;

(4) a copy of a government-issued identification document that includes a photograph of the applicant; and

(5) the applicant's signature.

(B) An applicant shall pay the certificate issuance fee established by separate ordinance, except that an employee of a public school located in the City is not required to pay the fee.

(C) A food manager certificate is void if the applicant obtains the certificate by knowingly providing false information on the application.

Source: Ord. 20051201-013; Ord. 20080925-028.



§ 10-3-33 ISSUANCE OF FOOD MANAGER CERTIFICATE.

(A) The health authority shall issue a food manager certificate to an applicant who pays the required fee and who:

(1) provides evidence of current certification from a food management program accredited by the Department of State Health Services in accordance with Texas Administrative Code Title 25, Section 229.172 (*Accreditation of Certified Food Management Programs*); or

(2) passes an examination and obtains certification as provided in Texas Administrative Code Title 25, Section 229.176 (*Certification of Food Managers*).

(B) A food manager certificate expires on the date indicated on the food manager certificate.

(C) A food manager certificate is not transferable.

Source: Ord. 20051201-013.



§ 10-3-34 FOOD HANDLER REGISTRATION REQUIRED.

(A) Except as provided in Subsections (B) and (I), a person employed or volunteering at a food enterprise shall register as a food handler. It is unlawful for the person to be employed or volunteer at the food enterprise without a valid food handler registration.

(B) The requirements of this section do not apply to:

(1) a nonprofit organization that serves food only to members of the organization;

(2) a food processing plant that is inspected at least once each week by a state or federal food sanitation inspector or that only stores prepackaged food that is not potentially hazardous;

(3) a mobile food establishment that offers only prepackaged food, if a certified food manager is in charge at a central preparation facility that supplies the products for the mobile food establishment; or

(4) a temporary event; or

(5) a person who verifies by affidavit that he or she does not ever work with unpackaged food, food equipment or utensils, or food contact surfaces.

(C) A person required by this section to have a food handler registration shall first successfully complete a food handler training class approved by the State of Texas. The person shall pay the food handler training course fee as required by the training course provider.

(D) A person may submit an application to the health authority for a food handler registration after the person successfully completes a food handler training course. The application must include:

(1) the applicant's full name;

(2) the applicant's mailing address;

(3) the applicant's date of birth;

(4) a copy of a government-issued identification document that includes a photograph of the applicant; and

(5) the applicant's signature.

(E) An applicant shall pay a nonrefundable registration fee established by separate ordinance except that an employee of a public school located in the City is not required to pay the registration fee.

(F) The health authority may issue a food handler registration on receipt of a proper application and the required registration fee.

(G) A person must successfully complete a food handler training course every two years and maintain a current food handler registration with the City.

(H) A food handler registration is not transferable from one person to another. The food handler registration remains in effect if a person changes employment during the food handler registration's effective period.

(I) A person operating a food enterprise shall ensure every employee or volunteer who is not exempt pursuant to Subsection (B) above has a current food handler registration. Upon request by the health authority, a person operating a food enterprise shall provide a list of all food handlers at the enterprise along with a signed statement verifying the listed persons possess current food handler registrations.

(J) The health authority may suspend or revoke a food handler registration if the health authority determines that:

- (1) an applicant obtained the food handler registration by knowingly providing false information on the application;
- (2) a person is infected with or is a carrier of any foodborne communicable disease; or
- (3) the continuation of the person's food handler registration presents a significant public health threat.

(K) A person whose food handler registration has been suspended or revoked may re-apply for a new food handler registration after successfully completing a food handling training course, paying both the food handler training course fee and registration fee established by separate ordinance or by approval of the health authority.

Source: Ord. 20080925; Ord. 20100429-028; Ord. 20120301-010.

ARTICLE 3. PERMITS.

§ 10-3-61 PERMIT REQUIRED.

(A) Except as provided in Subsection (C), a person must hold a permit issued by the health authority to operate a food enterprise.

(B) A person must hold a permit issued by the health authority to operate a group residence:

- (1) with six or more residents when food is provided to the residents; or

- (2) with 25 or more residents, when all food is not bought and prepared by the residents.
- (C) A vending machine that only dispenses non- potentially hazardous food does not require a permit.
- (D) A person must comply with the requirements of this chapter to receive or retain a permit.
- (E) A permit issued under this chapter is not transferable.

Source: Ord. 20051201-013; Ord. 20080925-028.

§ 10-3-62 PERMIT TO BE POSTED.

A City Code Section [10-3-62](#) permit holder or person in charge of a food enterprise shall post a permit required by this chapter in a prominent public location clearly visible to the general public and to patrons. A permit is clearly visible to the general public and to patrons if it is:

- (A) posted in the front window of the enterprise within 5 feet of the front door; or
- (B) posted in a display case mounted on the outside front wall of the enterprise within 5 feet of the front door; or
- (C) posted on the drive-through menu board of a drive-through enterprise, in addition to posting in locations (A) and (B) of this section; or
- (D) if the food enterprise is operated in a space that prevents posting the permit as required in Subsections (A) through (C), the permit shall be posted in the initial patron contact area, on the menu board or counter of the enterprise, or in a location determined by the health authority to ensure proper notice to the general public and patrons.

Source: Ord. 20051201-013; Ord. 20120301-010.

§ 10-3-63 PERMIT APPLICATION.

- (A) A person who seeks to operate a food enterprise must submit to the health authority a written application for a permit on a form provided by the health authority. The application must include:
 - (1) the name and address of each applicant;
 - (2) the location and type of the proposed food enterprise;
 - (3) the name of the person responsible for the proposed food enterprise and the person's identification number as shown on a government-issued identification document;
 - (4) other information reasonably required by the health authority; and
 - (5) the signature of each applicant.
- (B) An applicant for a temporary food service establishment permit must submit the

application to the health authority not later than the 10th day before the date for which the permit is sought.

(C) Before approving or disapproving an application for a permit, the health authority shall inspect the proposed food enterprise to determine whether it complies with this chapter.

(D) If the health authority determines that the proposed food enterprise complies with this chapter, the health authority shall issue a permit to the applicant.

(E) If the health authority determines that the proposed food enterprise does not comply with this chapter, the health authority shall:

- (1) deny a permit to the applicant; or
- (2) issue a permit to the applicant that is subject to appropriate conditions.

(F) The health authority may modify or remove a condition to a permit issued under Subsection (E)(2) after a reinspection.

(G) A permit is void if the applicant obtains the permit by knowingly providing false information on the application.

Source: Ord. 20051201-013.



§ 10-3-64 PERMIT FEES.

(A) An applicant shall pay the permit fee established by separate ordinance, except that a permit fee is not required for a food enterprise that is:

- (1) necessary to provide services under a contract for social services with the City; or
- (2) operated by a public school system.

(B) If a permit application is not approved, the health authority may refund the permit fee to the applicant.

Source: Ord. 20051201-013.



§ 10-3-65 PERMIT EXPIRATION.

A permit issued under this chapter expires one year after the date it is issued, except that a permit for a temporary food establishment or a permit subject to conditions expires on the date indicated on the permit.

Source: Ord. 20051201-013.



§ 10-3-66 PERMIT SUSPENSION.

(A) The health authority may suspend a permit issued under this chapter without prior notice or hearing if:

- (1) the permit holder does not comply with this chapter;
 - (2) the food enterprise does not comply with this chapter; or
 - (3) the food enterprise constitutes a public health hazard.
- (B) If the health authority suspends a permit:
- (1) the health authority shall give written notice to the permit holder or person in charge that:
 - (a) the permit is immediately suspended on service of the notice; and
 - (b) the permit holder may file a written request for a hearing not later than the 10th day after the date of service of notice of suspension; and
 - (2) the permit holder or person in charge shall immediately stop food operations.
- (C) Suspension of a permit is effective on service of notice.
- (D) A permit holder may file with the health authority a written request for a hearing on a permit suspension. The request must be filed not later than the 10th day after the date of service of notice of suspension.
- (E) If a timely hearing request is filed, the health authority shall hold a hearing on the permit suspension not later than the 10th business day after the date the hearing request is filed.
- (F) If a timely hearing request is not filed, the suspension continues in effect.
- (G) The health authority may reinstate a permit if the reason for suspension no longer exists.

Source: Ord. 20051201-013.



§ 10-3-67 PERMIT DENIAL OR REVOCATION.

- (A) The health authority may deny or revoke a permit issued under this chapter or issue a conditional permit when a renewal is applied for by a food enterprise if the permit holder or the permit holder's employee:
- (1) commits critical or repeated violations of applicable law;
 - (2) knowingly provides false information on an application; or
 - (3) interferes with the health authority in the performance of the health authority's duties; or
 - (4) if an operating food enterprise changes ownership and there are violations that must be corrected to meet applicable health and safety standards.
- (B) Before denying or revoking a permit, the health authority shall provide the permit holder or person in charge with written notice of the pending permit revocation or denial. The

written notice shall include:

- (1) the reason the permit is subject to denial or revocation; and
- (2) if applicable:
 - (a) the date on which the permit is scheduled to be revoked; and
 - (b) a statement that the permit will be revoked on the scheduled date unless the permit holder files a written request for a hearing with the health authority not later than the 10th day after the date the notice is served.

(C) A conditional permit issued under Subsection (A) above for a food enterprise shall be effective for up to 60 days, and shall be revoked if the permit holder or person in charge of the enterprise does not comply with the terms of its issuance.

(1) This subsection (C) does not apply to mobile food establishments or temporary events.

(2) Revocation for noncompliance shall be the equivalent of a permit denial.

(D) A permit denial or revocation becomes final on expiration of the time period prescribed by the notice if the permit holder does not file within that time period a request for hearing with the health authority.

Source: Ord. 20051201-013; Ord. 20100429-028; Ord. 20120301-010.

ARTICLE 4. MOBILE FOOD ESTABLISHMENTS.

§ 10-3-91 PERMIT APPLICATION.

(A) A person who seeks to operate a mobile food establishment must submit to the health authority a written application for a permit on a form provided by the health authority. The application must include:

- (1) name and address of the applicant and the applicant's identification number as shown on a current and valid government-issued identification document that includes a photograph of the applicant;
- (2) type of vehicle to be used for the proposed mobile food establishment;
- (3) proof of sales tax and use permit;
- (4) an itinerary of locations where sales occur;
- (5) other information reasonably required by the health authority;
- (6) the signature of each applicant;
- (7) a notarized statement from the owner of a central preparation facility stating the

mobile food establishment uses the facility as its base of operation; and

(8) if at one location for more than two hours, a written agreement from a business within 150 feet for employees of the mobile food establishment to have use of flushable restrooms (or other facilities as approved by the health authority) during hours of operation.

(B) For a mobile food establishment permit, the health authority shall:

- (1) describe on the permit whether the unit is restricted or unrestricted; and,
- (2) provide the permit holder a sticker that indicates the permit expiration date.

(C) Except as set forth in subsection (D), a person operating a mobile food establishment shall promptly display the sticker on the unit where it is readily visible (as designated by the health authority).

(D) A foot peddler permit may be carried on the peddler's person.

(E) The health authority may suspend or revoke a mobile food establishment permit if the health authority determines that:

(1) an applicant obtained the mobile food establishment by knowingly providing false information on the application;

(2) a person is infected with or is a carrier of any foodborne communicable disease;

(3) the continuation of the person's mobile food establishment permit presents a significant public health threat; or,

(4) the mobile food establishment violates the terms and conditions of any written agreement submitted to the health authority under § [10-3-91](#).

(5) If a written agreement submitted to the health authority terminates without fault by the mobile food establishment, the operator has ten days to replace the required written agreement without constituting an violation under this § [10-3-91](#).

Source: Ord. 20100923-028.



§ 10-3-92 ITEMS TO BE SOLD.

(A) A person operating a mobile food establishment may only sell a food item described in the permit.

(B) A person operating a mobile food establishment may not sell a non-food item.

Source: Ord. 20051201-013.



§ 10-3-93 SANITARY REQUIREMENTS.

(A) If a person who operates a mobile food establishment maintains food at a hot holding temperature by mechanical means, that person shall comply with fire and explosion safety

standards established by the fire marshal.

(B) If a person uses a pressurized fuel system or container in conjunction with the mobile food establishment, that person shall comply with fire and explosion safety standards established by the fire marshal.

(C) A mobile food establishment shall be equipped with an attached trash receptacle approved by the health authority. The operator must hold, store, and dispose of solid and liquid waste in a receptacle approved by the health authority and comply with any other applicable City Code requirements.

(D) A person who operates a mobile food establishment must meet all of the following requirements:

(1) A mobile food establishment shall provide only single service articles for use by the consumer;

(2) A mobile food establishment shall comply with the regulations the health authority adopts regarding time, temperature, plumbing, operation and maintenance requirements for mobile food establishments;

(3) A mobile food establishment shall comply with the regulations the health authority adopts regarding a mobile food establishment's provisions, mandatory central preparation facility, serving area and operations;

(4) A mobile food establishment shall demonstrate that the vehicle is readily moveable if requested by the health authority;

(5) A mobile food establishment shall comply with all requirements of the health authority prohibiting alteration, removal, attachments, placement or change in, under, or upon the mobile food establishment that would prevent or otherwise reduce ready mobility of the mobile food establishment unit;

(6) If at one location for more than two hours, a written agreement from a business within 150 feet of the mobile food establishment, allowing employees of the mobile food establishment to have use of flushable restrooms (or other facilities as approved by the health authority) during hours of operation;

(7) The health authority shall require a mobile food establishment to come, on an annual basis, to a location designated by the health authority for an inspection;

(8) All food and supplies must be stored within the mobile unit; and,

(9) The health authority may require that mobile food establishments found to violate this section to come for a re-inspection at a location designated by the health authority.

Source: Ord. 20100923-028.



§ 10-3-94 RESERVED.



§ 10-3-95 USE OF PUBLIC PROPERTY.

(A) If a person operates a mobile food establishment on public property, the person may not place food or supplies on the ground or on tables, chairs, or shelves that are not part of the mobile vending establishment.

(B) A person who operates a mobile food establishment may not go into a City park to sell, offer for sale, or display a food item, unless the person's activity is authorized by:

- (1) a park property rental agreement; or
- (2) written permission of the director of the Parks and Recreation Department.

Source: Ord. 20051201-013.



§ 10-3-96 TEMPORARY FOOD ESTABLISHMENT.

(A) A food establishment set up for a temporary event shall comply with the requirements of this section. The health authority may impose additional requirements to protect against health hazards related to the conduct of a temporary food establishment, may prohibit the sale of some or all potentially hazardous foods, and when no health hazard will result, may waive or modify requirements of these rules.

(B) The health authority may impose requirements on cooking, freezing, reheating, treating juice, cooked-food storage temperatures and time control.

(C) *Equipment.*

(1) Equipment shall be located and installed and cleaned in a way that prevents food contamination and that also facilitates cleaning of the establishment.

(2) Equipment for cooling or heating food, and holding cold or hot food shall be adequate in number and capacity to provide food temperatures as specified under requirements the health authority imposes under Paragraph (B).

(3) Food-contact surfaces of equipment shall be protected from contamination by consumers and other contaminant sources. Where necessary to prevent contamination, effective shields for such equipment shall be provided.

(4) Alternative manual warewashing equipment, such as receptacles that substitute for the compartments of a multi-compartment sink, may be used when there are special cleaning needs or constraints and the health authority has approved the use of alternative equipment.

(D) A temporary food establishment shall provide only single-service articles for use by consumers.

(E) Water from an approved source shall be made available in a temporary food establishment for food preparation, handwashing, and for cleaning and sanitizing utensils and equipment. Water need not be under pressure, but shall come from an approved source approved by the health authority.

(F) Packaged food may not be stored in direct contact with ice or water if the food is subject to the entry of water because of the nature of its packaging, wrapping, or container or its

positioning in the ice or water.

(G) All waste water and sewage generated from the establishment shall be disposed of through an approved sanitary sewer system that is constructed, maintained, and operated according to rules promulgated by the health authority and applicable law.

(H) Handwashing facilities shall include an insulated container with a spigot that can be turned on to allow potable, clean, free flowing warm water; a wastewater container; soap; disposable towels; and a waste receptacle. Handwashing facilities are not required if the only food items offered are commercially pre-packaged foods that are dispensed in their original containers.

(I) A temporary food establishment shall comply with regulations the health authority adopts regarding floors, ceilings and outer openings of food preparation areas.

(J) The health authority shall apply this section to promote safeguarding public health and ensuring that food is safe, unadulterated, and honestly presented when offered to the consumer.

(K) If necessary to protect against public health hazards or nuisances, the health authority may impose specific requirements in addition to those requirements contained in this section.

Source: Ord. 20100429-028.

§ 10-3-97 SAMPLING OF FOOD PRODUCTS AT CERTIFIED FARMERS MARKETS.

(A) It shall be unlawful for any person to operate a booth and offer the sampling of food products within the city limits at a certified farmers market without first having obtained an annual sampling permit as required by this section.

(B) Every person, before opening, maintaining, or operating a booth for the sampling of food products within the city limits, shall make an application for a sampling permit for an establishment to be maintained or operated by the person, on a form prescribed by the health authority, which shall include, among other things, the name, address, and telephone number of the applicant's residence and of the establishment;

(C) Upon receiving the application for a sampling permit under this section, the health authority may approve the application upon payment of the sampling permit fee set out in separate ordinance. After approval of the application, a sampling permit may be issued to the applicant which shall be effective for one year from the date of issuance.

(D) A booth that offers sampling of food products shall have its original annual sampling permit posted in view of the public during operating hours.

(E) An application for renewal of a sampling permit must be received by the department, accompanied by the applicable fee, before the expiration date of the previous sampling permit. All information provided in a renewal application must be current and valid.

(F) A person operating a booth for the sampling of food products at a farmers market shall comply with the Texas Administrative Code, Title 25, Part 1, Chapter 229, Subchapter K (*Texas Food Establishment Rules*) regarding equipment, floors, dust control, ceilings and outer openings

of food preparation areas at a temporary event.

(G) In the event the health authority determines that the booth of the applicant does not comply with the provisions of this section or other City ordinances, the health authority shall disapprove such application for issuance or renewal of a sampling permit.

(H) An applicant who has been refused a sampling permit or renewal of a sampling permit at a farmers market may, within ten days, appeal to the health authority by filing a copy of such application, the application's denial and requesting the health authority grant a hearing to overrule the action.

(I) A person conducting sampling at a farmers market shall comply with the following requirements:

(1) Only those potentially hazardous foods approved by the health authority shall be displayed, served or sampled at a farmers market.

(2) All potentially hazardous food samples shall be disposed within four hours after being removed from active temperature control, if not served or consumed.

(3) An employee or volunteer of a sampling operation at a farmers market shall be a registered food handler.

(4) A booth shall have sufficient hot and cold potable water for cleaning foods and for cleaning and sanitizing equipment and utensils.

(5) An approved facility for employee hand-washing, consisting, at a minimum, of warm, free flowing clean running water, soap, and individual paper towels or other approved hand drying device shall be provided near a booth offering sampling.

(6) An approved facility shall be provided for washing, rinsing, and sanitizing of equipment and utensils used in the preparation and serving of samples. The facility shall consist of at least three containers or compartments, each of adequate size so as to permit the total immersion of all utensils used in a booth offering sampling at a farmers market.

(J) The health authority may inspect each booth offering sampling of food products as is necessary for the enforcement of this section.

(K) The market manager of a certified farmers market shall be responsible for ensuring daily compliance with the provisions of this section and Section [10-3-34](#). In the case of repeated violations of this section, the health authority may impose restrictions on the sampling of food products at a farmers market.

(L) All violations shall be corrected at the time of inspection unless an extension is allowed by the health authority. No extension may be granted where the violation poses a significant risk of food-borne illness to the public.

(M) If violations of sampling of food products at a farmers market are not corrected at the time of inspection, or within the specified extension time limits, the health authority shall immediately order the booth to suspend the sampling operations.

(N) Repeated violations at a booth operating the sampling of food products at a farmers market without a valid permit or with a suspended permit constitutes an offense under this chapter.

Source: Ord. 20100429-028; Ord. 20120301-010; Ord. 20121018-024.

Offered by Councilor Michael P. Ross and Salvatore LaMattina

CITY OF BOSTON

IN THE YEAR TWO THOUSAND ELEVEN

An Ordinance Promoting Economic Development and the Food Truck Industry in the City of Boston

- WHEREAS*, The food service industry may be the world's most widespread industry, including restaurants establishments such as fast-food eateries, formal dining and mobile trucks; and,
- WHEREAS*, According to the U.S. Bureau of Labor Statistics, the food services and drinking places industry ranks among the Nation's leading employers with nearly 10 million wage and salary jobs; and,
- WHEREAS*, Recently, mobile food units have become extremely popular and profitable in urban settings such as Los Angeles, New York, Houston, Philadelphia, San Francisco, Atlanta, Seattle, Miami, Austin, Portland and Washington D.C. to name a few; and,
- WHEREAS*, The mobile food industry has the unique potential to create new employment opportunities, small business growth and favorable conditions for culinary entrepreneurs in Boston and its neighborhoods; and,
- WHEREAS*, According to the National Restaurant Association, there is an increasing demand, particularly among people 18 to 44, for freshly prepared, restaurant-quality food that can be had quick and cheap; and,
- WHEREAS*, Research has revealed that cities around the country have, at best, made incremental strides in regulating the complexities of the mobile food vendor industry, including efforts to find solutions to problems created by the industry, such as issues around parking, traffic and waste disposal; and,
- WHEREAS*, Vendors in the mobile industry have faced complex rules and regulations in other communities, the following language is being set forth to streamline administrative processes, effectively work with the industry and secure the highest quality of life for all Bostonians; NOW,

Be it ordained by the City Council of Boston, as follows that the City of Boston Code be amended by adding the following ordinance:

SECTION 1. CBC Chapter XVII is hereby amended by striking out Section 17-10 RESERVED in its entirety and inserting in place thereof the following:--

17-10 Permitting and Regulation of Mobile Food Trucks

17-10.1 Definitions

When used in this section, unless the context otherwise requires, the following terms shall have the following meanings:

- a. *The Committee* shall mean the Commissioner, the Director of Food Initiatives, and the Departments, as defined.
- b. *Commissioner* shall mean the Commissioner of Public Works of the City of Boston or his or her designee.
- c. *Departments* shall mean the Transportation Department, the Inspectional Services Department, the Police Department, the Fire Department, and the Assessing Department, all of the City of Boston.
- d. *Food Establishment* shall mean a business operation that stores, prepares, packages, serves, vends or otherwise provides food for human consumption as set forth in the State Sanitary Code 105 CMR 590.002.
- e. *Mobile Food Vehicle* shall mean a food establishment that is located upon a vehicle, or which is pulled by a vehicle, where food or beverage is cooked, prepared and served for individual portion service, such as a mobile food kitchen; provided however that a mobile food vehicle shall not be considered a food service establishment for the purposes of CBC 18-1.6(39).
- f. *Mobile Food Truck* shall mean a mobile food vehicle.
- g. *Mobile Food Commissary* shall mean a licensed food establishment that a mobile food truck reports to twice daily for all food and supplies and for all cleaning and sanitizing of units and equipment.

17-10.2 Scope

- a. The provisions of this section shall apply to mobile food operations engaged in the business of cooking, preparing, and distributing food or beverage with or without charge from mobile food trucks on or in public, private or restricted spaces. This section shall not apply to canteen, coffee, or ice cream trucks that move from place to place and are stationary in the same location for no more than thirty (30) minutes at a time or food vending push carts and stands.
- b. The provisions of this section shall not apply to mobile food operations that receives a temporary event permit issued by the Public Works Department.

17-10.3 Mobile Food Trucks Committee

- a. There shall be within the City of Boston a Mobile Food Trucks Committee consisting of the Public Works Department, the Transportation Department, the Inspectional Services Department, the Police Department, the Fire Department, the Director of Food Initiatives and the Assessing Department for the purpose of reviewing applications for mobile food truck permits and establishing rules and regulations as appropriate.
- b. The Committee may work with an industry-led taskforce in developing acceptable routes of operation throughout the city and establishing industry standards, such as the use of global positioning system (GPS) devices and other matters.
- c. The Committee may work with applicants for Mobile Food Truck permits and renewals to encourage the following:
 - i. Sustainable and environmentally friendly practices, including the use of energy-efficient vehicles,
 - ii. Charitable components to the business of operation,
 - iii. School nutrition programs or healthy food choices,
 - iv. Programs for children or the homeless,
 - v. Other socially responsible practices and programs,
 - vi. Routes that provide access to underserved neighborhoods of the city, and
 - vii. The use of food commissaries within the city.

17-10.4 Mobile Food Truck Permit Required

- a. No person or business entity, including a religious or charitable organization, shall operate a mobile food truck in any public, private or restricted space without a permit issued by the Committee.
- b. A mobile food truck permit is required for each and every mobile food truck.

17-10.5 Application for a Mobile Food Truck permit

- a. *Single Application.* There shall be made available by the Commissioner a single application form to apply for each mobile food truck permit. The application shall provide the following:
 - 1. A description of necessary inspections and fees;
 - 2. A description of areas of the City where the operation of mobile food trucks are limited or prohibited;
- b. *Submission of Materials.* Each application shall indicate on its face, in addition to other requirements as may be determined by the Committee, that the following materials must be submitted by the applicant:
 - 1. The name of the business and its owner or owners and the mailing address of the business,

2. A description of the proposed business plan for the mobile food truck operation,
 3. A proposed service route and hours of operation with a detailed schedule of times and locations where the mobile food truck will be stationary and serving food,
 4. Certification that the vehicle has passed all necessary inspections required by the Boston Fire Department and Department of Inspectional Services,
 5. Proof that the Mobile Food Truck will be serviced by a mobile food commissary,
 6. Proof of access to restroom facilities with flushable toilets and access to hand washing facilities for the use of the mobile food truck employees within five hundred (500) feet of each location where the mobile food truck will be in operation for more than one (1) hour in any single day, and
 7. A certificate of insurance providing general liability insurance listing the City as additionally insured. A food truck permit shall be issued only for the explicit time period covered by the effective dates of the general liability insurance policy.
- c. *Approval Process.* An application must be submitted to the Commissioner of Public Works, who shall then forward the application to the Departments for review. The application must receive the approval of each of the Departments, based on duly published criteria established by the Committee, prior to its final approval and the issuance of a permit by the Commissioner.
1. The Committee may work with the applicant or permit holder to modify a service route at any time (i) before the issue of a permit or (ii) after the issue of a permit, if the grant of a permit or approval of a service route has led to the creation of a nuisance or otherwise endanger the public health, safety, or order or by request of the permit holder.
 2. Within sixty (60) days of the submission of a completed application, the Commissioner shall either issue or deny the application for a permit.
 3. If the application is denied in whole or in part, the Commissioner shall state the specific reasons for the denial. Any applicant who has been denied a permit may appeal such denial by submitting a written request for a hearing to the Commissioner within ten (10) days of denial. Such hearing shall be conducted by the Commissioner or his or her designee within thirty (30) days of receipt of said appeal. The decision resulting therefrom shall be final and subject only to judicial review under M.G.L. c. 30A, § 14.

17-10.6 Limitation on the Number of Permits

The Committee may from time to time set a limit on the number of total permits that may be issued or renewed per year; provided, however, that no more than ten percent (10%) of total permits or five (5) permits, whichever is greater, may be issued to a single person or

business entity or both. Upon receipt of application, the Commissioner or his or her designee shall advise the applicant whether or not the limitation has been met.

17-10.7 Permit Renewal

- a.* Every mobile food truck permit, unless suspended or revoked by the Committee for a violation of any provision of this section or other rule or regulation promulgated for the implementation of this section, shall be renewed annually given that a renewal fee is paid within thirty (30) days after its one year expiration, at which time the permit holder shall forfeit the right to renew and the permit may be made available to another applicant for new permit if the limitation on the number of permits has not been reached.
- b.* The renewal of a permit does not also guarantee renewal of the previously approved route. The Committee reserves the right to add, remove, and reapportion available locations among mobile food truck operations at renewal.

17-10.8 Rules and Regulations

- a. General.* The Committee members are hereby authorized to promulgate, both jointly and within their respective departments, additional rules and regulations appropriate for the implementation of this section, and, if necessary, work with other agencies and departments of the city and state to establish a streamlined process for the permitting of mobile food trucks; provided, however, that such rules and regulations are not inconsistent with the following limitations and restrictions:
 1. No operator of a mobile food truck shall park, stand, or move a vehicle and conduct business within areas of the city where the permit holder has not been authorized to operate;
 2. No permit holder shall possess a permit for a mobile food truck that is not in operation for a period of more than fourteen (14) days without duly notifying and obtaining approval from the Commissioner.
 3. The issuance of a permit does not grant or entitle the exclusive use of the service route, in whole or in part, to the mobile food truck permit holder, other than the time and place as approved for the term of the permit;
 4. No mobile food truck shall provide or allow any dining area, including but not limited to tables, chairs, booths, bar stools, benches, and standup counters, unless a proposal for such seating arrangements is submitted with the permit application and approved by Committee.
 5. Consumers shall be provided with single service articles, such as plastic forks and paper plates, and a waste container for their disposal. All mobile food trucks shall offer a waste container for public use that the operator shall empty at his own expense.
 6. The permit holder must keep an accurate log indicating that the mobile food truck is serviced at least twice daily by a mobile food commissary for all food,

water and supplies and for all cleaning and servicing operations, including the emptying and cleaning of waste containers.

7. No mobile food truck shall make or cause to be made any unreasonable or excessive noise in violation of CBC 16-26.1.
 8. A mobile food truck may not operate on public property unless the Commissioner and the Departments have otherwise granted approval on the permit application for its operation at the particular location during specific times.
 9. All mobile food trucks must be equipped with a permanently mounted global positioning system (GPS) device that meets rules and regulations established by the Committee or its members.
 10. For mobile food trucks on public property, the City reserves the right to temporarily move a mobile food truck to a nearby location if the approved location needs to be used for emergency purposes, snow removal, construction, or other public benefit.
- b. Inspectional Services.* The Inspectional Services Department shall ensure compliance with the State Sanitary Code 105 CMR 590.
- c. Fire Department.* The Boston Fire Department shall promulgate rules and regulations for the inspection of mobile food trucks and to ensure compliance with all applicable federal, state, and local fire safety statutes, regulations, ordinances, and codes.

17-10.9 Permit Fees

- a. *Application Fee.* The application fee for a permit or a renewal of a permit granted by the Committee for the operation of a mobile food truck shall be five hundred dollars (\$500).
- b. *Annual Fee.* An annual fee shall be required for the issuance or renewal of a mobile food truck permit based on a taxable market valuation of city property by the Assessing Department, including sidewalks, from which mobile food trucks will stand according to a route of operation submitted with an application for a mobile food truck permit. Nothing in this section shall prohibit the Committee from designating zones throughout the city for the purposes of establishing fees and rates.

17-10.10 Prohibition Against the Transfer of a Permit.

- a. *Transfers for value prohibited.* No person holding a permit for a mobile food truck shall sell, lend, lease or in any manner transfer a mobile food truck permit for value.
- b. *Nonvalue transfers as part of the sale of a business.* Notwithstanding subsection 17-10.10(a), a permit holder may transfer a permit as part of the sale of a majority of the stock in a corporation holding such permit, as part of the sale of a majority of the membership interests of a limited liability company holding such permit, or as part of

the sale of a business or substantially all of its assets; provided that there shall be no allocated or actual value for the transfer of the permit.

1. Prior to any such transfer, the transferor shall notify the Committee in writing and the transferee shall submit a food truck permit application for approval to the Committee pursuant to the process set forth in subsection 17-10.5 and any additional rules and regulations promulgated by the Committee.
 2. Any such transfer shall be subject to the terms and conditions of the original permit.
- c. *Unauthorized transfer voids permit.* Any unauthorized transfer or attempt to transfer a permit shall automatically void such permit. Whoever violates this provision, including both the transferor and transferee, shall be subject to a fine of three hundred (\$300) dollars, pursuant to section 17-10.12(a). The unauthorized transfer or attempt to transfer of each permit shall constitute a separate violation.

17-10.11 Operation of Mobile Food Trucks

- a. *Operation without permit.* Any mobile food truck being operated without a valid mobile food truck permit issued by the Commissioner shall be deemed a public safety hazard and may be ticketed and impounded.
- b. *Unattended Vehicles prohibited.* No mobile food truck shall be parked on the street overnight, or left unattended and unsecured at any time food is kept in the mobile food truck. Any mobile food truck which is found to be unattended shall be considered a public safety hazard and may be ticketed and impounded.
- c. A mobile food truck operating outside of an approved route, at an unauthorized location, or beyond the hours for which the operation has been permitted shall be deemed operating without a permit in violation of this section and may be subject to enforcement under subsection 17-10.12.

17-10.12 Enforcement

- a. *Fine for Violation.* Any permit holder operating a mobile food truck or service in violation of any provision of this section or any rules and regulations promulgated by the Committee may be subject to a fine of three hundred (\$300.00) dollars per day. Each day of violation shall constitute a separate and distinct offense. The provisions of G.L. c. 40, s. 21D may be used to enforce this section.
- b. *Revocation, Suspension, Modification.* Once a permit has been issued it may be revoked, suspended, modified, or not renewed by the Commissioner for failure to comply with the provisions of this section or any rules and regulations promulgated by the Committee.
 1. No permit shall be revoked, suspended, modified, or not renewed without a hearing before the Commissioner or his or her designee, prior to which hearing the Commissioner or his or her designee shall give reasonable notice of the time and place of the hearing and the specific grounds of the proposed action. The

decision resulting therefrom shall be final and subject only to judicial review under M.G.L. c. 30A, § 14.

2. The Commissioner or his or her designee may suspend a permit for no more than three (3) days without a notice or hearing, pursuant to subsection 17-10.12(b)(1), if the Commissioner or his or her designee specifically notifies the permit holder in writing that there is a probability of violation of public safety, health or order. In such a case, a hearing shall be held before the Commissioner or his or her designee within forty-eight (48) hours of the suspension in order to determine whether the public safety, health or order concern justified the suspension.
 - c. *Removal.* Any permit holder found in violation of this section or any rules and regulations promulgated by the Committee may be issued a ticket for violation and the mobile food vehicle may be impounded.
 - d. *Enforcement.* The provisions of this section or any rules and regulations promulgated by the Committee may be enforced jointly by the Boston Police Department and the Boston Transportation Department.

17-10.13 Severability

If any provision of this section is held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

SECTION 2. Notwithstanding any provision of this Ordinance to the contrary, existing mobile food permits lawfully issued to mobile food trucks, as defined in CBC chapter XVII, subsection 17-10.1, by the City of Boston Division of the Health Inspections prior to the passage of this section shall remain effective until December 31, 2011 and any such mobile food truck operation shall be exempt from the provisions of CBC chapter XVII, section 17-10 until January 1, 2012.

SECTION 3. The provisions of this section shall take effect immediately upon thirty (30) days of passage.

SUBSTITUTE
ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION I. Chapter 4-8 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

4-8-010 Definitions.

The following definitions shall apply in the interpretation and the enforcement of this chapter and chapters 7-38, 7-40 and 7-42 unless the context clearly indicates that another meaning is intended. The listing of items as examples in any definition is intended to be illustrative and not exhaustive.

(Omitted text is not affected by this ordinance)

“Cold storage establishment” means a house or room used for the storage or preservation of food for a period of 30 days or more in which ice, refrigerating machinery or other artificial means of cooling are used.

“Commissary” means any duly licensed food establishment in which food, containers or supplies are stored, kept, handled, prepared, packaged and directly from which vending machines, or other mobile food dispensing or vehicles or other food dispensing operations are serviced, and where mobile food vehicles are cleaned.

“Commissioner” means the commissioner of the department of health.

(Omitted text is not affected by this ordinance)

“Mobile food dispenser” means any person who, by traveling from place to place upon the public ways, serves previously prepared food or drink that is enclosed or wrapped for sale in individual portions, coffee, other beverages or whole and uncooked fruits or vegetables from a wheeled vehicle.

“Mobile desserts vendor” means any person who, by traveling from place to place upon the public ways, serves from a two-wheeled or three- wheeled motorized or non-motorized vehicle, pushcart, or handcart individual portions of ice cream, ice milk, frozen dessert mix, sundaes or other frozen desserts that are totally enclosed in a wrapper or container and which have been manufactured, prepared or wrapped in a licensed food establishment.

“Mobile food vendor” means a mobile food dispenser, mobile food preparer, produce merchant or mobile desserts vendor.

"Mobile food preparer" means any person who, by traveling from place to place upon the public ways, prepares and serves food from a mobile food truck.

"Mobile food truck" means a motorized vehicle used to conduct a mobile food preparer business.

"Mobile food vehicle" means a motorized vehicle used to conduct a mobile food dispenser, mobile food preparer or mobile desserts vendor business.

(Omitted text is not affected by this ordinance)

"Produce merchant" means any person who sells produce outdoors from a produce stand, and who conducts at least 50 percent of his operations in areas underserved by grocery stores, as defined herein, and whose stand is (1) located on a private or public property with the written permission of the property owner, or located on the public way in connection with a valid public way use permit issued pursuant to chapter section 10-28-060 of this Code; (2) removed in its entirety from such private property or public way at the end of each business day, and (3) in compliance with all applicable requirements of the Chicago Zoning Ordinance, including, but not limited to, any requirement prohibiting commercial sales within residential districts.

(Omitted text is not affected by this ordinance)

4-8-020 Licensing requirements– Exceptions.

(Omitted text is not affected by this ordinance)

(c) (1) No person shall engage in the business of a mobile food dispenser without first having obtained a mobile food dispenser vendor license to engage in a mobile food dispenser business.

(2) No person shall engage in the business of a produce merchant without first having obtained a mobile food dispenser vendor license to engage in a produce merchant business.

(3) No person shall engage in the business of a mobile food preparer without first having obtained a mobile food vendor license to engage in a mobile food preparer business.

(4) No person shall engage in the business of a mobile desserts vendor without first having obtained a mobile food vendor license to engage in a mobile desserts vendor business.

(Omitted text is not affected by this ordinance)

(i) Nothing in this chapter shall be construed to prohibit the sale of whole and uncooked fruits and vegetables from a mobile food vehicle used to conduct a mobile food dispenser or mobile food preparer business, or otherwise as permitted in accordance with Sections 4-244-010 and 4-244-020 of the Municipal Code pertaining to peddlers.

(j) All charitable food dispensing establishments shall be exempt from the retail food establishment license.

4-8-036 License – Application and category – Mobile food dispensers vendors.

- (a) In addition to the general application requirements,
- (1) an applicant for a mobile food dispenser vendor license to engage in a mobile food dispenser, mobile food preparer or mobile desserts vendor business shall supply the name and address of the owner of the mobile food-dispensing vehicle, and if the operator of the vehicle is other than the owner, the name of the operator shall also appear on the application. The applicant shall also state the commissary where the vehicle is or cart will be cleaned and stored serviced, and if the vehicle or cart is not stored at the commissary, the name and address of the place where such vehicle or cart will be stored when not in use, and the The department of health shall verify the information provided approve such locations;
 - (2) an applicant for a mobile food vendor license to engage in a mobile food dispenser or mobile food preparer business shall complete a consultation with the department of health to review the proposed business practices, the vehicle and equipment to be used, and food safety operations prior to obtaining a mobile food vendor license. As part of this consultation, the applicant shall provide a proposed menu including a list of all food items the applicant intends to serve. At the time of consultation, an applicant for a mobile food vendor license to engage in a mobile food preparer business shall provide a City of Chicago Food Sanitation Manager Certificate issued to the applicant or the applicant's employee who will operate the mobile food truck;
 - (3) an applicant for a mobile food vendor license to engage in a mobile food dispenser or mobile food preparer business shall make the applicant's mobile food vehicle available for inspection by the department of health at a location determined by the department of health;
 - (4) an applicant for a mobile food vendor license who will use a propane tank or natural gas in the mobile food vehicle shall produce proof to the commissioner of business affairs and consumer protection that he has obtained general commercial liability insurance with limits of not less than \$350,000.00 per occurrence, combined single limit, for bodily injury and property damage arising in any way from the issuance of the license or activities conducted pursuant to the license. The insurance policy required under this subsection shall: (1) be issued by an insurer authorized to insure in Illinois; (2) name the City of Chicago as additional insured; and (3) include a provision requiring 30 days' advance notice to the commissioner of business affairs and consumer protection prior to cancellation or lapse of the policy. If a mobile food vendor license is issued to such applicant, such licensee shall maintain the insurance required under this subsection in full force and effect for the duration of the license period. The licensee shall also keep proof of the required insurance in the mobile food vehicle at all times when the vehicle is in use and, upon demand, shall produce such proof for inspection by an authorized city official. Failure to comply with the requirements of this section shall be grounds for the suspension or revocation of the license.

(b) ~~Except as otherwise provided in Section 7-38-140 of this Code, a mobile desserts vendor shall comply with all the licensing requirements applicable to the mobile food dispenser license provided in this chapter.~~

(c) Except as otherwise provided in this subsection, in addition to the general application requirements, an applicant for a mobile food dispenser vendor license to engage in a produce merchant business shall provide the commissioner of business affairs and consumer protection with the following information: (1) the applicant's Illinois Retailers' Occupation Tax number; (2) the type(s) of produce that the applicant proposes to sell; and (3) any other information that the commissioner may reasonably require. The inspection and approval requirements provided in section 4-8-030(b) shall not apply to an applicant for a mobile food dispenser vendor license to engage in a produce merchant business.

(c) The commissioner of business affairs and consumer protection is authorized to issue color-coded emblems for the following mobile food vendor business categories:

1. A mobile food vendor license to engage in a mobile food preparer business.
2. A mobile food vendor license to engage in a mobile food dispenser business.
3. A mobile food vendor license to engage in a mobile desserts vendor business.
4. A mobile food vendor license to engage in a produce merchant business.

(d) The commissioner of business affairs and consumer protection, in consultation with the department of transportation, department of police and the office of emergency management and communications, in the interest of preserving public safety or avoiding traffic congestion, may from time to time, by rule, set a limit on the number of total mobile food vendor licenses, in one or more categories, that may be issued at any given time; provided, however, no more than 10 percent of the total licenses in any mobile food vendor business category shall be issued to any one person. If the commissioner of business affairs and consumer protection determines that there are more qualified applicants for mobile food vendor licenses than the maximum number of licenses that the commissioner has set to issue at any given time, the commissioner shall conduct a lottery or other neutral process for allocating licenses among qualified applicants as set forth by rules promulgated by the commissioner.

4-8-037 Restrictions on mobile food dispensers vendors.

The city council may from time to time define areas, in the interest of preserving public health and safety or avoiding traffic congestion, in which no mobile food dispenser vendor may prepare or dispense food from a wheeled vehicle. The city clerk shall maintain for public inspection and copying a file of all ordinances defining such areas.

Dispensing or preparing food from a wheeled vehicle within the following designated areas is hereby prohibited:

- (1) Beginning at the intersection of Laflin Street and Monroe Street; thence south on Laflin Street to Jackson Boulevard, thence west on Jackson Boulevard to Paulina Street; thence north on Paulina Street to Monroe Street; thence east on Monroe Street to Laflin Street.

4-8-040 License fees.

(Omitted text is unaffected by this ordinance)

(c) Mobile food ~~dispenser~~ vendor license. A separate mobile food vendor license is required for each mobile food vehicle, cart or produce stand used by the mobile food dispenser vendor or a produce merchant in the conduct of his business. The fee for such license shall be as set forth in Section 4-5-010.

(d) Shared kitchen and shared kitchen user licenses. The fees shall be as set forth in Section 4-5-010.

4-8-045 License – Posting.

Every license shall be posted in a conspicuous place in that part of a licensed establishment to which the public has access, but every mobile food ~~dispenser and coffee cart~~ vendor shall post each license or emblem in a conspicuous place in that part of the vehicle, cart or produce stand to which the public has access by sight, and every automatic food-vending machine operator shall post evidence of its license on the exterior surface of all automatic food- vending machines in a conspicuous location to which the public has access.

4-8-048 Applicants – Operating under supervision of outside health department.

(a) A license applicant who is located outside the jurisdiction of the department of health may obtain a retail food establishment license from the City of Chicago which authorizes the applicant to engage in the business of an automatic food-vending machine operator provided that the applicant is conducting his business under supervision of a state or local health authority and provided the ordinance regulating same is substantially equivalent to this chapter. The applicant shall, in addition to the application, if requested, provide reports including inspection reports and laboratory results from the aforementioned health authority in the jurisdiction where the commissary or commissaries are located, indicating satisfactory compliance with such provision. If such documentation is not available, approval shall be granted by the department of health, if the department determines that applicable health standards are satisfied.

(b) Applicants for a mobile food ~~dispenser~~ vendor license to engage in a mobile food dispenser or mobile food preparer business who are located outside of the jurisdiction of the department of health may obtain a license from the City of Chicago; provided, that the vehicle does comply with the applicable requirements of ~~Section 7-38-040~~ of this Code and (i) the mobile food dispenser applicant does dispense foods which are prepared and wrapped in a commissary which conducts its operations under the supervision of a state or local health authority; or (ii) the mobile food preparer applicant prepares food in compliance with rules and regulations adopted by the board of health and the applicant conducts its operations under the supervision of a state or local health authority; providing provided that the ordinances regulating same is mobile food dispensers and mobile food preparers are substantially equivalent to this chapter. The applicant shall, in addition to the application, if requested, provide reports including inspection reports and laboratory results from the state or local health authority in the jurisdiction where the food source or commissary is located, indicating compliance with such provisions. If such documentation is not available, approval shall be granted by the department of health, if the department determines that applicable health standards are satisfied.

SECTION II. Chapter 7-38 of the Municipal Code of Chicago is hereby amended by adding new sections 7-38-075, 7-38-117, 7-38-120, 7-38-126 to 7-38-138, inclusive, by deleting the language struck through, and by inserting the language underscored, as follows:

7-38-020 Control of vermin and insects.

In accordance with this section and the rules and regulations of the board of health, all necessary control measures shall be used to effectively minimize, or eliminate when possible, the presence of rodents, roaches and other vermin and insects on the ~~premises~~ premises of all food establishments, in food-transporting or mobile food vehicles and vending machines. All garbage and rubbish shall be stored, removed and disposed of as prescribed in this section and the rules and regulations.

Every food establishment shall maintain a log containing a written record of the control measures performed by exterminators or other pest control businesses on the premises or mobile food vehicle of the food establishment and receipts and reports prepared by the exterminators or other pest control businesses for the control services. The log shall be open to inspection by city health and sanitation inspectors.

(Omitted text is not affected by this ordinance)

7-38-040 Vehicle sanitation requirements.

(Omitted text is unaffected by this ordinance)

~~(c) — In addition to the requirements contained in paragraph (a) of this section, every vehicle used by a mobile food dispenser in the conduct of said business shall comply with the following requirements:~~

- ~~(1) — the vehicle shall be enclosed with top and sides;~~
- ~~(2) — the interior floor, walls and ceiling of each vehicle shall be of smooth, not readily corrodible, impervious material capable of withstanding repeated washing and scrubbing and shall be finished in a light color;~~
- ~~(3) — the vehicle shall not be used for any purpose other than a mobile food dispenser; and~~
- ~~(4) — all food service equipment utilized in the mobile food dispenser shall be of easily cleanable construction and shall be maintained in good repair and shall be clean;~~

ARTICLE II. MOBILE FOOD DISPENSERS VENDORS

Part A. General provisions.

7-38-075 Mobile food vehicles.

(a) In addition to the requirements contained in subsection (a) of section 7-38-040, every vehicle used by a mobile food dispenser or mobile food preparer in the conduct of such business shall comply with the following requirements:

- (1) the vehicle shall be enclosed with top and sides;
- (2) the interior floor, walls and ceiling of each vehicle shall be of smooth, not readily corrodible, impervious material capable of withstanding repeated washing and scrubbing and shall be finished in a light color;
- (3) the vehicle shall not be used for any purpose other than a mobile food dispenser or as a mobile food preparer business;
- (4) all food service equipment utilized by the mobile food dispenser or mobile food preparer shall be of easily cleanable construction and shall be maintained in good repair and a clean condition;
- (5) the vehicle shall be registered as a commercial vehicle and any person who operates such vehicle must have a valid driver's license issued by the state of Illinois or another state, district or territory of the United States;
- (6) the vehicle shall be inspected and maintained by a licensed professional, including mechanics and, if applicable, by professionals who install and maintain fire prevention equipment, and propane tanks on mobile food vehicles, as often as necessary but not less than every 90 days, and copies of the last four maintenance reports must be kept in the vehicle at all times while the vehicle is in use; and
- (7) there shall be no more than 40 pounds of propane in the vehicle.

(b) Prior to the construction, remodeling, purchase or use of any mobile food truck or the addition of any new equipment for the storage or preparation of food, plans for such vehicle must be submitted to the department of health, and, if the mobile food vehicle uses propane, natural gas, or has a fire suppression hood, the fire department for approval.

7-38-090 Refrigeration and heating equipment.

~~Adequate mechanical refrigeration equipment or its equivalent as approved by the department of health shall be provided and all meat, milk, dairy products, fish, poultry and other perishable products, including meat sandwiches and cream-filled pies, shall be stored in the vehicle at a temperature not in excess of 40 degrees Fahrenheit, except that perishable food products commonly served as a hot food shall be stored in a heating appliance or oven that shall be equipped with a thermometer showing the internal temperature of such heating appliance, oven or device.~~

~~Heating appliance or oven temperatures shall be kept at a minimum temperature of 180 degrees Fahrenheit during the period that the foods are being heated. Heated foods shall have an interval temperature of at least 145 degrees Fahrenheit until served.~~

All mobile food vehicles shall have adequate mechanical refrigeration equipment as approved by the department of health, and such equipment shall be capable of maintaining food or drink at a temperature of 40 degrees Fahrenheit or less, if any food or drink is required to be kept cold.

All mobile food vehicles shall have adequate mechanical heating equipment as approved by the department of health, and such equipment shall be capable of maintaining food or drink at a temperature of 140 degrees Fahrenheit or more, if any food or drink is required to be kept hot, or capable of heating food or drink to a temperature of 165 degrees Fahrenheit or more, if any food or drink is required to be heated.

All mechanical refrigeration and heating equipment shall be equipped with a thermometer.

7-38-095 Milk and milk products.

A mobile food vendor shall serve all All milk and milk products shall be served only in the individual containers or approved dispensers in which the product was filled in a Grade A milk plant holding a Chicago board of health permit or authorized number.

7-38-100 Single-service food utensils.

A mobile food vendor shall use only Only single-service food utensils shall be used. All single-service food utensils such as cups, straws, knives, forks, spoons and stirrers shall be individually wrapped, kept in a clean place, properly handled and shall be used only once. All cups and containers for bulk drinks shall be stored in closed cartons and served from dispensers which protect their rims from contamination by customers, dust, dirt or flies.

7-38-105 Information required on wrapper.

~~All individually wrapped portions of perishable food products, including sandwiches, pies and other similar portions, shall be plainly marked by the manufacturer on the wrapper or container in such a manner as to plainly identify the day and the month of which such individual portion was prepared and wrapped in an establishment approved by the department of health as hereinbefore provided. The name and address of the establishment processing or manufacturing and wrapping portions of perishable food products shall appear on each individual portion.~~

All pre-packaged food must be individually wrapped and must comply with the labeling requirements provided in 21 CFR Part 101, as amended.

No person shall keep or offer for sale individual portions of perishable food products which have been rewrapped or repackaged or portions of which the identifying date on the wrapper has been altered, disfigured or changed in any manner.

7-38-110 Storage provisions.

A mobile food vendor shall store all All perishable food products shall be stored as provided in this chapter or as provided by the rules and regulations established by the board of health until served to the customer.

7-38-115 Operational requirements.

(a) Mobile food dispenser vehicles shall move from place to place upon the public ways and shall not be operated at a fixed location except as otherwise provided herein.

(b) Stops shall be made only to service customers and shall not exceed (i) a total of two hours or (ii) the maximum permitted period for parking, whichever is lesser, in any one block. ~~Mobile food vendors may stop to service customers for a period of up to two hours notwithstanding the provisions of the second paragraph of Section 9-64-190(a) of this Code.~~

(c) No mobile food dispenser vehicle shall be equipped with any electronic sound-amplifying device. Permitted advertising devices shall be limited to bells, whistles, horns or other musical or noise-making devices which do not employ any electronic sound-amplifying device. Mobile food dispenser vehicles employing musical or noise-making devices shall only sound said devices when traversing the public way and shall be prohibited from sounding said devices while standing or parked.

(c-5) No mobile food dispenser vehicle equipped with a musical or noise-making device shall sound any such device at any location between the hours of 7:00 p.m. and 9:00 a.m., or at

any time within 200 feet of a hospital, nursing home or while traversing any zone of quiet established under Chapter 10-8 of the Municipal Code.

(d) Unless specifically allowed in a mobile food vehicle stand, No no sales from such vehicle shall be made between the hours of ~~10:00 p.m.~~ 2:00 a.m. and ~~10:00~~ 5:00 a.m.

(e) No operator of such a mobile food vehicle shall park or stand such vehicle within 200 feet of a church, a school or school playground while school is in session.:

(i) within 20 feet of a crosswalk;

(ii) within 30 feet of a stop light or stop sign; or

(iii) adjacent to a protected bike lane.

(f) No operator of such a mobile food vehicle shall park or stand such vehicle within 200 feet of any principal customer entrance to a restaurant which is located on the street level; provided, however, the restriction in this subsection shall not apply between 12 a.m. and 2 a.m.

Restaurant, for purposes of this section, means any public place at a fixed location kept, used, maintained, advertised and held out to the public as a place where food and drink is prepared and served for the public for consumption on or off the premises pursuant to the required licenses. Such establishments include, but are not limited to, restaurants, coffee shops, cafeterias, dining rooms, eating houses, short order cafes, luncheonettes, grills, tearooms and sandwich shops.

(g) Except as otherwise provided herein, No no sale shall be made from such a mobile food vehicle except from the curb side thereof, and then only when such vehicle is legally standing or parked in a legal parking spot.

(h) Mobile food dispenser vehicles that are being used to provide food and drink to persons engaged in construction in the City of Chicago and which are not equipped with noise-making devices are exempt from the provisions of (b), (d) and (f) above, provided such vehicles are standing or parked in a legal parking spot.

(i) Any person who violates or resists the enforcement of subsection (c-5) of this section shall be fined \$500 as provided in section 7-38-128 of this Code for each violation. A separate and distinct offense shall be deemed to have been committed for each and every day on which any person shall be guilty of such violation; provided that, the intervening days between when a license holder whose license has been suspended applies for restoration of the license and a reinspection has been conducted by the department of health shall not constitute separate offenses if the violation was found to be corrected upon reinspection. A motor vehicle that is used in a second or subsequent violation of subsection (c-5) of this section shall be subject to seizure and impoundment under this subsection (i). The owner of record of such vehicle shall be liable to the city for an administrative penalty of \$750.00 in addition to fees for towing and storage of the vehicle. Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this subsection, the police officer shall provide for the towing of the vehicle to a facility controlled by the city or its agents. When the vehicle is towed, the police officer shall notify the person who is found to be in control of the vehicle at the time of the alleged violation if there is such a person, of the fact of the seizure and of the vehicle owner's right to request a preliminary hearing to be conducted under Section 2-14-132 of this Code. The provisions of Section 2-14-132 shall apply whenever a motor vehicle is seized and impounded pursuant to this section. A violation of any provision of this section other than subsection (c-5) shall be punishable under Section 7-38-575.

(j) Mobile food vehicles shall be operated only by the mobile food vehicle licensee or by an authorized employee of such licensee.

(k) (1) No operation of a mobile food vehicle is allowed on any private property unless all of the following requirements are met:

(i) The mobile food vendor has obtained the express written consent of the owner or lessee of such property and such written consent is kept in the mobile food vehicle at all times when the vehicle is on the property;

(ii) The mobile food vendor is in compliance with all applicable requirements of the Chicago Zoning Ordinance; and

(iii) The mobile food vendor is in compliance with subsection (b)(i) and, except for the private property that allows the operation of the mobile food vehicle, subsection (f) of this section.

(2) Notwithstanding any other provision in subsection (k)(1), no operation of a mobile food vehicle is allowed on a privately-owned (i) vacant lot, or (ii) lot in a vacant building. For purposes of this subsection, the term "vacant" has the meaning ascribed to the term in section 13-12-125(e) of this Code.

(l) Each mobile food vehicle shall be equipped with a permanently installed functioning Global-Positioning-System (GPS) device which sends real-time data to any service that has a publicly-accessible application programming interface (API). For purposes of enforcing this chapter, a rebuttable presumption shall be created that a mobile food vehicle is parked at places and times as shown in the data tracked from the vehicle's GPS device.

7-38-117 Mobile food vehicle stands program

(a) A mobile food vehicle stands program ("program") is hereby created as provided in this section.

(b) The following definitions shall apply for purposes of this section:

(1) "Commissioner" means the city's commissioner of transportation.

(2) "Block" means both sides of the part of a street that lies between two intersecting streets, as the term "street" is defined in section 9-4-010 of this Code.

(3) "Stand" means a mobile food vehicle stand established by the commissioner pursuant to this section.

(c) The commissioner is authorized, subject to the approval of the city council, to establish stands where mobile food vehicles may be operated at all times or during certain specified periods, if, after consulting with the alderman of the ward in which a proposed stand will be located and the department of police, the commissioner determines that establishing such a stand (1) will not create undue safety hazards in the use of the street by vehicular or pedestrian traffic, (2) will not impede the safe and efficient flow of traffic upon the street on which the mobile food vehicle stand is proposed; and (3) establishing such a stand provides benefit and convenience to the public. A minimum of 5 such stands shall be established in each community area, as such areas are designated in section 1-14-010 of this Code, that has 300 or more retail food establishments.

(d) The commissioner shall designate mobile food vehicle stands by appropriate signs or curb markings or both. It shall be unlawful to stand or park a vehicle, other than mobile food vehicles, in violation of signs posted, in any mobile food vehicle stands that the commissioner has designated by appropriate signs or markings; provided, however, that this provision shall not apply

to a vehicle engaged in the expeditious loading or unloading of passengers when such standing does not interfere with a mobile food vehicle waiting to enter or about to enter into such a stand.

(e) Notwithstanding any other provision of this Code, in a block where a mobile food stand is established pursuant to this section, no person shall operate a mobile food vehicle from any other place on the public way in such block face except from the designated mobile food stand.

(f) Operators of mobile food vehicles that operate from a mobile food stand shall be subject to the provisions of this section and all applicable requirements of this chapter, including section 7-38-115(b)(i) except for the requirement in section 7-38-115(f).

(g) The commissioner and the commissioner of business affairs and consumer protection shall have power to adopt rules as may be necessary or useful for the proper administration and enforcement of this program, including rules pertaining to the operation of mobile food vehicles from a designated mobile food stand.

(h) The commissioner and the commissioner of business affairs and consumer protection shall evaluate the effectiveness of the program and may recommend changes as may be adopted by ordinance.

7-38-120 Name and license number.

Every mobile food vehicle licensee shall have the business name and license number legibly painted in letters and figures at least two inches in height in a conspicuous place on each lateral side of the vehicle.

7-38-125 7-38-124 Refuse receptacles.

The operator of a mobile food vehicle shall maintain a suitable, tight, non- absorbent washable receptacle for refuse. He The operator shall be responsible for sanitation of the environs of the place of operation, including the mobile food vehicle stand area used by the operator. Said refuse receptacle shall be adjacent to, but not an integral part of, the mobile food dispenser unit vehicle. The operator of a mobile food vehicle shall dispose refuse collected from the mobile food vehicle and the environs of the place of operation at a commissary approved by the department of health.

7-38-126 Inspections.

Mobile food vehicle licensees shall make their vehicles available for inspection at the commissary approved or at a location determined by the department of health on a schedule determined pursuant to rules and regulations adopted by the board of health.

Nothing provided in this section shall be construed to prohibit the department of health from conducting periodic inspection of mobile food vehicles as provided in this Code.

7-38-128 Enforcement.

(a) Except as otherwise provided in this chapter, the board of health shall have authority to enact rules and regulations for the effective implementation of Article II of this Chapter, including regulations pertaining to construction and size requirements for mobile food vehicles, and, with

input from the fire department, regulations pertaining to the installation, use, safety, and maintenance of propane tanks and natural gas apparatus in a mobile food vehicle.

(b) Except as otherwise specified in this chapter, any person who violates Article II of this Chapter shall be fined as provided in Section 7-38-575 of this Code.

(c) In addition to any other city department that has enforcement authority, the department of business affairs and consumer protection and the department of transportation shall have authority to enforce sections 7-38-115 and 7-38-117 of this Chapter.

(d) Any person who violates sections 7-38-115 and 7-38-117 of this chapter shall be fined not less than \$1,000.00 and not more than \$2,000.00 for each offense. Each day that the violation occurs shall be considered a separate and distinct offense.

Part B. Mobile Food Dispensers

7-38-130 Preparation and service of food and drink.

(a) No food shall be sold or served by a mobile food dispenser, except the following:

(1) Individual portions of food that are totally enclosed in a wrapper or container and which have been manufactured, prepared or wrapped in a food establishment licensed by the city or a food establishment which is operating under the state or local health authority if the statute or ordinance regulating such food establishment is substantially equivalent to this chapter. Such food may undergo a final preparation step immediately prior to service to a consumer, provided such final preparation steps conform with the rules and regulations of the board of health.

(2) Coffee which is prepared in a duly licensed food establishment, refrigerated cream which is kept in a covered single-service container or an approved cream dispenser, and sugar which is served only in wrapped individual packages or in a covered closed pouring- spout type container, or in any other manner approved by the department of health, which is effective in preventing contamination;

(3) Other bulk soft drinks or beverages which are dispensed from an approved dispenser only. These approved bulk soft drink dispensers shall be serviced and filled only at a duly licensed food establishment which serves as a commissary for the mobile food dispenser. The drink outlet on all bulk liquid dispensers shall be protected from flies, dust and contamination;

(4) Individual portions of ice cream, ice milk, frozen dessert mix, sundaes or other frozen desserts that are totally enclosed in a wrapper or container and which have been manufactured, prepared or wrapped in a licensed food establishment; and

(5) Whole and uncooked fruits or vegetables.

(b) No mobile food dispenser licensee shall operate as a mobile food preparer without complying with all the requirements to operate as a mobile food preparer.

7-38-132 Sinks, water storage tanks and other plumbing requirements.

All mobile food dispenser vehicles shall be equipped with a handwashing sink and an adequate supply of running hot and cold water. The water storage tank shall be self-draining and

cleaned and flushed not less than twice in each six-month period. Liquid waste from the handwashing sink shall be piped in fixed piping to a liquid waste retention tank 50 percent larger than the water storage tank. The liquid waste retention tank shall be located in a separate area from food storage or food-contact surfaces. The connection between the piping from the sink and the liquid waste retention container shall be tight-fitting and comply with the plumbing sections of this Code. The liquid waste retention tank shall be emptied daily or more often if necessary, and only into a sanitary drainage facility in a manner and place approved by the department of health.

Liquid waste shall not be discharged from the retention tank when the mobile food vehicle is in motion.

PART C. Mobile Food Preparers.

7-38-134 Mobile food preparers – Operational requirements.

(a) Any food sold or served by a mobile food preparer shall be prepared or wrapped in the mobile food vehicle or a or in a duly licensed food establishment.

(b) All perishable food products shall be stored as provided in this chapter and rules and regulations adopted by the board of health until served to a customer. No food that is sold or served from a mobile food preparer's vehicle shall be stored or prepared in a residential home.

(c) During transportation and storage, food equipment, supplies and food contact surfaces shall be protected from contamination.

(d) Mobile food preparers shall list the food purveyor establishments from where they purchase articles of food on a daily basis. Mobile food preparers shall also keep in the vehicle copies of invoices from the foods' point of origin for 30 days for all food items except that invoices for shellfish must be kept for 90 days.

(e) Mobile food preparers shall also comply with the following food and equipment handling requirements:

- (1) no food shall be stored, displayed, or served from any place other than the mobile food vehicle. The use of tables, benches, and other such devices to display or serve food is prohibited;
- (2) food condiments shall be protected from contamination. Food condiments provided for customer self-service shall be prepackaged or contained in approved dispensing devices;
- (3) food products remaining after each day's operation shall be stored only in a licensed food establishment. Potentially hazardous foods held at or above 140 degrees Fahrenheit on a mobile food vehicle shall be discarded at the end of the day;
- (4) utensils and equipment shall be handled and stored so as to be protected from contamination. Single-service utensils shall be obtained from sanitary containers or approved sanitary dispensers, stored in a clean, dry place until used, handled in a sanitary manner, and used only once;
- (5) wiping cloths must be stored in a clean solution containing 100 parts per million of available chlorine as a hypochlorite. Other approved sanitizing

compounds at appropriate concentrations may be used. A testing strips kit shall be provided to check the concentration of the sanitizing solution;

- (6) customer self-service of unpackaged foods is prohibited;
- (7) thermometers shall be provided for all warming units and refrigeration units. A probe-type thermometer shall also be available for use on a mobile food vehicle that handles potentially hazardous foods;
- (8) all potentially hazardous foods shall be maintained at or below 40 degrees Fahrenheit or at or above 140 degrees Fahrenheit at all times; and
- (9) all mobile food trucks must have a certified food service manager present when food is being prepared or served.

(f) The board of health shall have authority to provide by rules and regulations additional sanitation requirements and procedures for the operation of mobile food trucks.

7-38-136 Mobile food trucks.

(a) All mobile food trucks shall be equipped with a handwashing sink and a three-compartment sink with a potable water system under pressure. The system shall be of sufficient capacity to furnish enough hot and cold water for food preparation, utensil cleaning and sanitizing, and handwashing in accordance with the requirements of the department of health. The water storage tank shall be self-draining and cleaned and flushed once every 24 hours. The water inlet shall be located so that it will not be contaminated by waste discharge, road dust, oil, or grease and it shall be kept capped unless being filled. The water inlet shall be provided with a transition connection of a size or type that will prevent its use for any other service. All water distribution pipes or tubing shall be constructed and installed in accordance with the requirements of the plumbing sections of this Code.

(b) A mobile food truck shall be equipped with a permanently installed liquid waste retention tank that is of at least 50 percent larger capacity than the water supply tank. Liquid waste shall be piped in a fixed piping to the liquid waste retention tank. Additionally, all connections on the vehicle for servicing shall be of different size or type than those used for supplying potable water. Liquid waste shall not be discharged from the retention tank when the mobile food vehicle is in motion. The connection between the piping from the sink and the liquid waste tank shall be tight-fitting and comply with the plumbing sections of this Code. The liquid waste tank shall be emptied daily or more often if necessary, and only into a sanitary drainage facility in a manner and place approved by the department of health. The liquid waste retention tank shall be located in a separate area from food storage or food-contact surfaces. The liquid waste retention tank connection shall be located lower than the water inlet connection to preclude contamination of the potable water system.

7-38-138 Servicing a mobile food truck.

(a) The commissary linked to a mobile food preparer must have a servicing area approved by the department of health. The servicing area shall comply with the following requirements:

- (1) the servicing area shall include at least an overhead protection for any supplying, cleaning, or servicing operation. The servicing area must have a location for the flushing and drainage of liquid waste which is separate from the location for water servicing and for the loading and unloading of food and related supplies;

(2) the surface of the servicing area shall be a smooth non-absorbent material, such as concrete or machine-laid asphalt and shall be maintained in good repair, kept clean, and graded to drain.

(b) The mobile food truck's liquid waste retention tank must be thoroughly flushed and drained during the servicing operation. All liquid waste shall be discharged to a sanitary sewage disposal.

(c) The mobile food truck's grease, where used, shall be drained into a storage bin approved by the department of health. No grease shall be discharged to the sanitary sewage disposal.

(d) Garbage disposals shall be installed in compliance with the plumbing sections of this Code.

(e) A commissary must keep a log of all mobile food trucks serviced by the commissary as well as the date and time the trucks were serviced.

(f) Mobile food trucks must report to a commissary at least once per day for servicing.

PART D. Mobile Desserts Vendors.

7-38-140 Mobile desserts vendor.

Except as otherwise provided in this section, a mobile desserts vendor shall comply with all applicable requirements of this Code, including the requirements set forth in Article II, Parts A and B of this Chapter, and the rules and regulations of the department of health pertaining to mobile units handling frozen desserts. A mobile desserts vendor is not required to comply with the following requirements:

(1) the hot food storage and heating appliance requirements set forth in Section 7-38-090;

(2) the sinks, water storage tanks and plumbing requirements set forth in Section ~~7-38-420~~ 7-38-132;

(3) the refuse receptacle requirements set forth in Section ~~7-38-425~~ 7-38-124;

(4) the mobile food vehicle requirement set forth in Section ~~7-38-040(e)(1)~~ 7-38-075(a)(1); and

(5) the additional vehicle requirements set forth in Section 4-8-293.

Part E. Produce Merchants.

7-38-142 Produce merchants - Operational requirements - Unlawful acts.

It shall be unlawful for any produce merchant to engage in any of the following activities at any produce stand operated by such produce merchant

(Omitted text is not affected by this ordinance)

(9) To combine any activity authorized under a mobile food ~~dispenser~~ vendor license to engage in a produce merchant business with any activity for which a different or separate license or permit is required under this Code, other than a public way use permit issued under chapter 10-28 of this code, including, but not limited to, any permit required in connection with participation

in any farmers' market, as defined in Section 4-12-010, or any outdoor special event, as defined in Section 10-8-335;

(10) To display produce items at such produce stand on the ground or in any area other than the designated produce stand;

(11) To fail to affix and display in a conspicuous location at such produce stand a copy of a valid mobile food ~~dispenser~~ vendor license to engage in a produce merchant business, and, if the produce stand is on the public way, a valid public way use permit issued by the department of business affairs and consumer protection;

(Omitted text is not affected by this ordinance)

SECTION III. Sections 2-100-110, 4-5-010, 9-64-180, 9-80-190, 10-28-060 and 17-3-0304 of the Municipal Code of Chicago are hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

2-100-110 Police powers for designated employees.

Each ward superintendent, and such other employees of the department of streets and sanitation as the commissioner of streets and sanitation shall designate, shall have the powers of members of the police force to serve process or notice within the city for the violation of Sections 4-4-310, 4-260-020, 4-260-040, 4-260-060, 4-260-080, 4-260-085, 4-260-090, 4-260-100, 7-12-387, 7-12-420, 7-28-060, 7-28-065 through 7-28-090, 7-28-120, 7-28-130, 7-28-150, 7-28-180 through 7-28-240, 7-28-260 through 7-28-310, 7-28-331, 7-28-360 through 7-28-410, 7-28-430 through 7-28-470, 7-28-490 through 7-28-510, 7-28-660 through 7-28-680, 7-28-710 through 7-28-720, 7-28-735 through 7-28-750, ~~7-28-780, 7-28-785, 7-38-080, 7-38-115, 7-38-117, 7-38-124,~~ 8-4-135, ~~8-4-160,~~ 9-64-100(c), 10-8-180, 10-8-220 through 10-8-230, 10-8-250 through 10-8-271, 10-8-310, 10-8-320, 10-8-380, 10-8-402 through 10-8-405, 10-8-470, 10-8-480, 10-28-030, 10-28-340, 10-28-792, 10-32-050, 10-32-060, 10-32-110 through 10-32-150, 10-32-170, 10-32-180, 10-32-200 and 13-32-235 of the Municipal Code of Chicago. A copy of such designation, and any amendments thereto, shall be kept by the deputy commissioner of streets and sanitation for the bureau of sanitation and shall be available to the public upon request. The powers granted hereunder are expressly limited to the service of such process or notice, and this section shall not be construed as granting additional law enforcement powers.

4-5-010 Establishment of license fees.

(Omitted text is not affected by this ordinance)

(15) Food – Retail Food Establishment (4-8)

(Omitted text is not affected by this ordinance)

<u>Food — Mobile Food Dispenser Vendor — Produce Merchant</u>	\$275.00
<u>Food – Mobile Food Vendor – Mobile Desserts Vendor</u>	<u>\$275.00</u>
<u>Food – Mobile Food Vendor – Mobile Food Dispenser</u>	<u>\$700.00</u>
<u>Food - Mobile Food Vendor - Mobile Food Preparer</u>	<u>\$1,000.00</u>

(Omitted text is not affected by this ordinance)

9-64-180 Restricted parking – Area bounded by Chicago River, Michigan Avenue and Harrison Street.

(a) Except as provided in subsection (b), it is unlawful to park any vehicle at any time on the following streets: Garvey Court, from Lake Street to Wacker Drive; State Street and Michigan Avenue, from Wacker Drive to Congress Parkway. Except as provided in subsection (b), it is unlawful to park any vehicle during the hours of 6:00 a.m. to 6:00 p.m., Monday through Friday, except for days established as holidays in Section 9-4-010 on any of the following streets: Washington Street, Madison Street and Monroe Street, between State Street and Michigan Avenue; Adams Street and Jackson Boulevard, between Canal Street and Michigan Avenue; Dearborn Street, Clark Street and LaSalle Street, between Washington Street and Jackson Boulevard; and Wacker Drive, from Franklin Street to Van Buren Street.

(b) The restrictions in this section shall not apply to any designated handicapped parking area or to any ambulance, any emergency vehicle owned by a governmental agency, any vehicle owned by a public utility while the operator of the vehicle is engaged in the performance of emergency duties, any mobile food vehicle legally operating at any officially designated mobile food vehicle stand, any taxicab at an officially designated taxicab stand and/or engaged in the expeditious loading or unloading of passengers with disabilities, any passenger vehicle engaged for not more than three minutes in the loading or unloading of passengers, or to the parking of any commercial vehicle engaged in the expeditious loading, unloading, pick-up or delivery of materials in a designated loading zone, or to any bus at a designated bus stop or bus stand. Nothing in this section prohibits or prevents more restrictive regulation of parking on any street designated in subsection (a). Where the provisions of subsection (a) conflict with more restrictive regulations contained in another ordinance and appropriate signs indicating those regulations have been erected, the more restrictive regulations shall apply.

(c) No parking meters shall be installed on those portions of streets listed in subsection (a) where parking is prohibited at all times.

9-80-190 Mobile food dispensers vendors and peddlers prohibited in medical center district.

No person shall conduct the business of a mobile food dispenser vendor or peddler as defined in this Code, on any portion of the public way within the boundaries of the medical center district and no person shall operate, stop or park any vehicle on any portion of the public way within the medical center district for the purposes of conducting any such businesses.

(Omitted text is not affected by this ordinance)

10-28-060 A produce stand on the public way pilot program.

(a) A produce stand on the public way pilot program (“pilot program”) is hereby created as provided in this section.

(b) The following definitions shall apply for purposes of this section:

(1) "Area underserved by grocery stores" has the meaning ascribed to that term in Section 4-8-010 of this Code.

(~~1~~2) "Commissioner" means the commissioner of business affairs and consumer protection.

(~~2~~3) "Department" means the department of business affairs and consumer protection.

(~~3~~4) "Produce" has the meaning ascribed to that term in Section 4-8-010 of this Code.

(~~4~~5) "Produce stand" has the meaning ascribed to that term in Section 4-8-010 of this Code.

(Omitted text is not affected by this ordinance)

(e) An application for a public way use permit for a produce stand shall be made to the department and shall include the following:

(i) the name and address of the applicant;

(ii) verification that the applicant is licensed as a mobile food ~~dispenser~~ vendor to engage in a produce merchant business or has applied for such license;

(Omitted text is not affected by this ordinance)

(f) The commissioner shall forward a copy of an application for a public way use permit for a produce stand to the commissioner of transportation and the commissioner of housing and economic development within three business days after receipt of the application. The commissioner shall not issue a public way use permit for a produce stand unless the commissioner of transportation and the commissioner of housing and economic development approve the application. In addition, the issuance of a public way use permit for the operation of a produce stand shall be dependent on the issuance of a valid mobile food ~~dispenser~~ vendor license to engage in a produce merchant business.

(Omitted text is not affected by this ordinance)

17-3-0304 Indoor/Outdoor Operations.

17-3-0304-A B1, B2, B3, and C1 Districts. All allowed business, service and commercial activities in the B1, B2, B3, and C1 districts must be conducted within *completely enclosed buildings* unless otherwise expressly stated. This requirement does not apply to off-street parking or loading areas, *automated teller machines*, outdoor seating areas or drive-through facilities that are allowed in such districts as a special use, and produce merchants as defined in section 4-8-010 of this Code, and mobile food vehicles operating on private property as provided in section 7-38-115(k).

SECTION IV . The Municipal Code of Chicago is hereby amended by repealing Sections 7-38-080, 7-38-085 and 7-38-120, in their entirety.

SECTION V. The commissioner of business affairs and consumer protection is authorized to implement this ordinance to existing mobile food dispenser licensees pursuant to a schedule that conforms to the operational and administrative needs of the department of business affairs and consumer protection. The commissioner (1) shall conclude any such implementation within 90 days from the effective date of this Section V of this ordinance, and (2) shall provide during any such period of implementation, in written or electronic form available to the general public and affected businesses, information regarding the requirements that are being implemented, and the timing of such implementation.

SECTION VI. Except for subsection (d) of section 7-38-128 created in Section II of this ordinance, this ordinance shall take effect upon passage and approval. Subsection (d) of section 7-38-128 shall take effect 10 days after passage and publication.

Dallas Texas Mobile Food Establishment Regulations:

ARTICLE VIII. MOBILE FOOD ESTABLISHMENTS.

SEC. 17-8.1. ADOPTION OF SECTION 229.169, TEXAS FOOD ESTABLISHMENT RULES.

Section 229.169 of the Texas Food Establishment Rules is hereby adopted and made a part of this chapter by reference, except that Subsections (a), (b), and (c)(2) of Section 229.169 are not adopted. (Ord. Nos. 26023; 28488)

SEC. 17-8.2. ADDITIONAL REQUIREMENTS.

(a) In addition to the requirements adopted in Section [17-8.1](#) of this chapter, the requirements contained in this section govern mobile food establishments.

(b) Categories of mobile food establishments. Mobile food establishments in the city are divided into the following categories:

(1) Limited service. A limited service mobile food establishment is a mobile food establishment from which only the following foods and beverages are served, sold, or distributed:

(A) Food that is prewrapped, bottled, or otherwise packaged in individual servings.

(B) Beverages that are not potentially hazardous and are dispensed from covered urns or other protected equipment.

(2) Vegetable and fruit vendor. A vegetable and fruit vendor is a mobile food establishment from which only raw vegetables and fruits are served, sold, or distributed.

(3) Mobile food preparation vehicle. A mobile food preparation vehicle is a commercially-manufactured, motorized mobile food establishment in which ready-to-eat food is cooked, wrapped, packaged, processed, or portioned for service, sale, or distribution. "Commercially-manufactured" means the vehicle was manufactured, converted, or retrofitted for use as a mobile food preparation vehicle by a person regularly in the business of manufacturing, converting, or retrofitting motorized vehicles as mobile food preparation vehicles for sale or compensation.

(4) General service. Any mobile food establishment that is not a limited service mobile food establishment, a vegetable and fruit vendor, or a mobile food preparation vehicle is a general service mobile food establishment.

(c) Vehicles.

(1) A food establishment that uses a vehicle in the operation of a mobile food establishment shall:

(A) identify the vehicle with characters three inches high on both exterior sides of the vehicle stating the following:

- (i) the name of the food establishment;
- (ii) a brief description of the nature of the business if not included in the name; and
- (iii) the permit number of the vehicle;

(B) secure an inspection of the vehicle by the director on the date designated by the director;

(C) maintain the vehicle in a clean, undamaged condition, both inside and outside, and in good working order;

(D) keep the permit or a copy of the permit on the vehicle at all times;

(E) display on the vehicle, in a manner and location approved by the director, a city telephone number provided by the director through which complaints about the mobile food establishment may be reported;

(F) display on the vehicle current license plates and a current vehicle safety inspection sticker issued by the State of Texas, when required by state law; and

(G) not equip the vehicle with any sound amplification device that, when operated, violates Section 30-2 of this code.

(2) In addition to other vehicle requirements of Section [17-8.2\(c\)](#), a mobile food preparation vehicle must:

(A) be equipped with four-way hazard lights; and

(B) in addition to the left and right outside rearview mirrors, be equipped with two outside wide-angle mirrors, one located on the front of the vehicle and one located on the rear of the vehicle.

(3) In addition to other vehicle requirements of Section [17-8.2\(c\)](#), a general service mobile food establishment must:

(A) be constructed of 18 gauge stainless steel (equivalent to .05 inches durable stainless steel);

(B) not exceed six feet in length (including any handles measuring six inches or more in length and any permanently attached trailer hitches), three feet in width (exclusive of wheels), or four feet in height (exclusive of wheels);

(C) have the bottom of the food service or storage unit at least six inches above the ground;

(D) be equipped with an electrical oven or refrigeration system to maintain proper food temperature; and

(E) not contain a grill.

(4) In addition to other vehicle requirements of Section [17-8.2\(c\)](#), a limited service mobile food establishment must not exceed three feet in length, two feet in width (exclusive of wheels), or two feet in height (exclusive of wheels), except for frozen dessert stationary pushcarts, which must not exceed six feet in length, three feet in width (exclusive of wheels), or four feet in height (exclusive of wheels).

(d) Site of operation of general service pushcarts.

(1) All food products, supplies, and equipment necessary for the operation of a pushcart must be contained on the vehicle or at a permitted facility.

(2) Slicing, dicing, and chopping of vegetables and other food items are prohibited.

(3) No cooking, including but not limited to grilling, baking, and frying, is allowed on a pushcart. Only the reheating of cooked food by boiling or steaming is allowed.

(4) An operator of a pushcart must have access to restroom facilities during the hours the pushcart is in operation.

(5) The fixed site from which a pushcart is operated must have a valid food establishment permit issued under Article X of this chapter, unless otherwise approved by the director.

(e) Food served or distributed from a mobile food establishment. A person may not serve or distribute from a mobile food establishment any food not specified in the food establishment permit issued under Article X of this chapter.

(f) Ice.

(1) Ice used in a beverage served by either a limited service mobile food establishment, a mobile food preparation vehicle, or a general service mobile food establishment must be:

(A) from an approved source;

(B) stored in a stainless steel container that:

(i) is covered;

- (ii) is not installed above food equipment or food contact surfaces; and
- (iii) drains into the mobile food establishment's liquid waste retention tank; and

(C) dispensed with an approved scoop by an employee of the mobile food establishment or from automatic self-service ice dispensing equipment.

(2) All ice used to keep food cold must be drained into the mobile food establishment's liquid waste retention tank and properly disposed of at the mobile food establishment's designated commissary or servicing area.

(g) Central preparation facility or commissary.

(1) Supplies, cleaning, and servicing operations. A mobile food establishment must operate from a central preparation area, commissary, or other fixed food establishment and must report to the location for supplies and for cleaning and servicing operations at the end of each day.

(2) Construction. The central preparation facility, commissary, or other fixed food service establishment, used as a base of operation for a mobile food establishment, must be constructed and operated in compliance with this chapter.

(h) Operating requirements for mobile food establishments.

(1) General operating requirements for mobile food establishments. A food establishment that serves, sells, or distributes any food or beverage from a mobile food establishment shall comply with the following operating requirements:

(A) Any person operating a motor vehicle as a mobile food establishment must have a current driver's license issued by the State of Texas.

(B) Garbage storage containers must be maintained on each mobile food establishment in a number sufficient to contain all trash and garbage generated by the establishment. Every garbage container must have a tight-fitting lid. Before a mobile food establishment leaves a vending site, all trash and garbage must be removed from the site. Excessive trash and garbage may not be allowed to accumulate inside or around the mobile food establishment. All trash and garbage must be disposed of in an approved garbage receptacle.

(2) Mobile food preparation vehicles. In addition to other operating requirements of Section [17-8.2\(h\)](#), a food establishment that serves, sells, or distributes any food or beverage from a mobile food preparation vehicle must comply with the following requirements.

(A) A mobile food preparation vehicle must have written authorization from the owner or person in control of each premises from which the mobile food preparation vehicle will sell or serve food. The authorization must include the specific dates and times during which the mobile food preparation vehicle is authorized to be present on the premises. A separate written agreement granting permission to use the toilet facilities and garbage receptacles must be obtained from the owner or person in control of the premises on which the mobile food

preparation vehicle will sell or serve food or from the owner or person in control of a nearby premises. Toilet facilities may not be located more than 600 feet from the mobile food preparation vehicle and must be accessible during all times that the mobile food preparation vehicle is present on the premises. A current copy of each authorization must be maintained on file with the director and also in the vehicle for inspection by the director or a peace officer upon request.

(B) Before a permit is issued or renewed to a mobile food preparation vehicle under this chapter, an itinerary for the mobile food preparation vehicle must be filed with the director. The director must be given written notice at least two business days before implementation of any changes to the filed itinerary. The itinerary must include:

(i) the address of each premises to be serviced and the name and telephone number of the owner or person in control of those premises;

(ii) the scheduled times of arrival at and departure from each premises to be serviced, which times must be accurate to within 30 minutes; and

(iii) a description of the food to be sold or served at each premises.

(C) Only fast-cooked food items may be prepared on a mobile food preparation

vehicle. No raw poultry or seafood may be prepared on the vehicle, except for frozen, breaded poultry or seafood products that are directly placed from the freezer into a fryer.

(D) No cooking may be conducted while the vehicle is in motion.

(E) All cooking equipment and hot holding units must be located at the rear of a mobile food preparation vehicle. All cooking equipment must be properly vented. An approved automatic fire extinguishing system must be provided over cooking surfaces that require exhaust ventilation. Covers with secure latches for deep fryers, steam tables, and similar equipment must be provided and installed while the vehicle is in motion.

(F) A mobile food preparation vehicle must:

(i) be operated only in a location where such operation is allowed by the Dallas Development Code;

(ii) not sell or serve food on any public street, sidewalk, or other public right-of-way;

(iii) park only on an improved surface to sell or serve food;

(iv) not stop or remain at any location to sell or serve food during any time other than the dates and times specified in:

(aa) the current itinerary on file with the director for the mobile food

preparation vehicle; and

(bb) the current authorization agreement on file with the director for the use of the premises to sell or serve food; or

(v) be parked overnight (for at least five consecutive hours) only at its commissary or at another location approved by the director that does not violate any applicable city ordinance or state or federal law.

(G) It is a defense to prosecution under Section [17-8.2\(h\)\(2\)\(F\)](#) that a mobile food preparation vehicle was being operated in compliance with all terms and conditions of a valid special event permit issued by the city.

(i) Structural requirements for mobile food preparation vehicles and general service mobile food establishments.

(1) A mobile food preparation vehicle and a general service mobile food establishment must have a potable water system under pressure that:

(A) is equipped with a permanently installed water supply tank of sufficient capacity to furnish enough hot and cold water for food preparation, utensil cleaning and sanitizing, and handwashing; the water supply tank must have a minimum capacity of:

(i) five gallons for a general service pushcart; and

(ii) 30 gallons for a mobile food preparation vehicle;

(B) is equipped with a water inlet that is:

(i) located where it will not be contaminated by waste discharge, road dust, oil, or grease; and

(ii) provided with a connection of a size or type that will prevent its use for any other service;

(C) is constructed and installed in accordance with the Rules on Food Service Sanitation, as adopted and amended by the Texas Department of State Health Services, which include National Sanitation Foundation standards, Underwriter Laboratory standards, and equivalent standards;

(D) is equipped with a propane tank installed in accordance with applicable fire department regulations pursuant to a valid liquid propane gas (LPG) permit issued by the fire department;

(E) is equipped with a water heater, if the vehicle is a mobile food preparation vehicle; the water heater must be capable of heating water to at least 110 degrees Fahrenheit, and any tank of the water heater must have a minimum capacity of three gallons; and

(F) provides a minimum water pressure of one gallon per minute.

(2) In lieu of the potable water system under pressure required in Section [17-8.2\(i\)\(1\)](#), a general service mobile food establishment may have a potable water system that is gravity fed with a mixing faucet if the water tanks:

(A) are vented for escape or intake of air of sufficient volume to allow for water flow, and the vent openings are protected;

(B) have a smooth interior with no recesses and crevices; and

(C) have a combined water capacity of not less than five gallons.

(3) If liquid waste results from the operation of a mobile food preparation vehicle or a general service mobile food establishment, the vehicle or establishment must have a liquid waste retention system that is:

(A) equipped with a permanently installed retention tank of at least 50 percent larger capacity than the potable water supply tank;

(B) equipped with servicing connections that are:

(i) located lower than the water inlet to prevent contamination of the potable water system; and

(ii) of a different size or type than the connection used for supplying potable water to the unit; and

(C) properly sloped to drain and collect all potential liquid waste.

(4) In addition to other structural requirements of Section [17-8.2\(i\)](#), a mobile food preparation vehicle must meet the following requirements:

(A) Floors must be constructed of durable, easily cleanable material, including, but not limited to, anodized aluminum, stainless steel, or tile. All junctures must be properly sealed. All service lines and pipes must be installed off the floor to allow for easy cleaning.

(B) Walls must be durable, easily cleanable, nonabsorbent, and light in color. Minimum wall covering materials include, but are not limited to, aluminum or fiberglass-reinforced paneling. Walls at vent hood and grill areas must be covered with stainless steel panels. Wall covering must be installed to cover the entire height of each wall. Studs and utility lines may not be unnecessarily exposed on the wall or prevent cleaning.

(C) Ceilings must be light in color, nonabsorbent, and easily cleanable. The height over the aisle-way portion of the vehicle must be at least 74 inches and unobstructed. Joists and rafters may not be exposed.

(D) The cab of the vehicle must be physically separated from the food preparation area, and the seats designated for the cook and any passengers must be located outside of the food preparation area. Aisle space must be unobstructed and at least 30 inches wide.

(E) Construction joints must be tightly fitted and sealed with no gaps or voids, and all sealant, solder, and weld joints located in the food contact areas must be smooth and approved for food contact surfaces.

(F) The vehicle must be equipped with a built-in hose that may be used to wash the interior of the vehicle.

(G) All equipment and utensils must meet or exceed the standards published by the National Sanitation Foundation (NSF).

(H) All equipment must be placed, installed, stored, and secured on the vehicle in a manner that allows for thorough cleaning and sanitizing around the equipment and prevents movement of the equipment when the vehicle is in motion. Counter-mounted equipment must be sealed directly to the countertop or securely installed to provide a four-inch clearance under the equipment. Floor-mounted equipment must be sealed directly to the floor or securely installed to provide a six-inch clearance under the equipment.

(I) The vehicle must be equipped with a stainless steel, three-compartment sink, with each compartment measuring at least 12 inches long, 12 inches wide, and 10 inches deep, to be used for warewashing. The sink must be equipped with:

(i) a mixing faucet with a swivel spigot capable of servicing all sink compartments; and

(ii) an integral stainless steel drainboard at least 12 inches long, which must be installed with a minimum one-half inch lip or rim to prevent the draining liquid from spilling onto the floor.

(J) The vehicle must be equipped with a stainless steel sink measuring at least nine inches long, nine inches wide, and four inches deep to be used for handwashing. The sink must be:

(i) located in an area that is fully accessible and at counter level;

(ii) separated from the warewashing sink by a metal splashguard at least six inches high; and

(iii) equipped with a soap dispenser and paper towel dispenser.

(K) The vehicle must contain at least 20 inches of linear counter space for each piece of food equipment. Additional counter space must be provided that is sufficient to allow for safe food preparation.

(L) The vehicle must contain at least 15 cubic feet of storage space for dry food and utensil storage. No food or utensil storage is allowed in any plumbing compartment.

(M) The vehicle must be equipped with mechanical refrigeration equipment if potentially hazardous food is stored, prepared, or served on the vehicle. The mechanical refrigeration equipment must have at least 15 cubic feet of usable storage space and be capable of ensuring proper food temperature control during transportation and operation.

(N) Outer openings of the vehicle, including but not limited to service windows, doors, pop-up vents, and sunroofs, must be insect and rodent proof and meet the following requirements:

(i) Screens must be tightly fitted and in good repair, with a maximum of 16 mesh per square inch.

(ii) Service windows must not be larger than 216 square inches. The distance between two service windows must not be less than 18 inches. Each service window must have an overhead protection cover extending at least 12 inches from the vehicle.

(iii) Entrance doors and service windows to the food preparation area must be self-closing and must be kept closed when not in use.

(O) The vehicle must be equipped with a power source, approved by the director, that is capable of handling the power demands of the vehicle and equipment while the vehicle is stopped or in motion. The power source must be permanently installed in an area that is completely separated from food preparation and food storage areas and must be accessible for proper cleaning and maintenance.

(P) Light bulbs and tubes must be covered and completely enclosed in plastic safety shields or the equivalent.

(5) A food establishment may not serve, sell, or distribute any food or beverage from a mobile food preparation vehicle or a general service mobile food establishment that does not comply with the requirements of Section [17-8.2\(i\)](#).

(j) Servicing requirements for mobile food preparation vehicles and general service mobile food establishments.

(1) A food establishment that serves, sells, or distributes any food or beverage from a mobile food preparation vehicle or a general service mobile food establishment shall comply with the following regulations:

(A) Servicing area. The food establishment shall provide a servicing area where every mobile food preparation vehicle and general service mobile food establishment must report at least once daily for servicing operations. The servicing area must include:

(i) overhead protection for any supplying, cleaning, or servicing operation;

(ii) a location for the flushing and draining of liquid waste separate from the location provided for water service and the loading and unloading of food and related supplies; and

(iii) a surface constructed of a smooth nonabsorbent material, including, but not limited to, concrete or machine-laid asphalt, that is maintained in good repair, kept clean, and graded to drain.

(B) Servicing methods and equipment.

(i) Potable water servicing equipment must be installed according to all applicable city ordinances and state and federal law and stored and handled in a way that protects the water and equipment from contamination.

(ii) The liquid waste retention tank for a mobile food preparation vehicle or a general service mobile food establishment must be thoroughly flushed and drained during the servicing operation.

(iii) All liquid waste must be discharged to a sanitary sewerage disposal system constructed and operated according to all applicable city ordinances and state and federal law.

(iv) Liquid waste may not be discharged from a mobile food preparation vehicle or a general service mobile food establishment while it is in motion.

(C) Site cleanup. A service site must be left in a clean, waste-free condition.

(D) Food preparation and service. Food may not be prepared or served while the vehicle is in motion or in an area that exposes any person present to a health or safety hazard.

(2) A food establishment may not serve, sell, or distribute any food or beverage from a mobile food preparation vehicle or a general service mobile food establishment if the food establishment does not supply, clean, or service the mobile food preparation vehicle or general service mobile food establishment in accordance with Section [17-8.2\(j\)](#). (Ord. Nos. 26023; 28220; 28488)

SEC. 50-156.1. RESTRICTIONS FOR MOBILE FOOD UNITS.

(a) A food products establishment shall not occupy public property in the central business district for the purpose of serving, selling, or distributing any food or beverage from a mobile food unit unless:

(1) the establishment possesses a valid CBD concession license issued by the director; and

(2) the establishment possesses a valid CBD location permit issued by the director and

the unit is being operated at the site described in the permit.

(b) A food products establishment shall not occupy public property located outside the central business district for the purpose of serving, selling, or distributing any food or beverage from a general service mobile food unit. (Ord. 17675)

Sec. 59-86. Uses allowed by temporary permit.

(c) Business zone districts

(6) Retail food establishment, mobile.

- a. *Application requirements.* Each application for retail food establishment, mobile shall include for each location:
 1. A site plan accurately indicating the location of any structures, location of the proposed use, trash storage areas, location of adjacent streets, avenues and alleys, and ingress and egress locations;
 2. Written consent from the property owner authorizing the property to be used for the proposed use and approving the accurate site plan;
 3. A reasonable application fee as determined by the zoning administrator.
- b. *Operational requirements.* Retail food establishment, mobile shall meet the following requirements for each location:
 1. Permits shall be valid for twelve (12) consecutive months and shall be renewed annually;
 2. Permits shall be valid for four (4) consecutive hours for each day at each zone lot;
 3. No more than one (1) retail food establishment, mobile shall be permitted to operate per day at each zone lot;
 4. Hours of operation shall be between 8:00 a.m. and 9:00 p.m.
 5. Operations shall only occur on zone lots and shall not reduce the area required for parking by article VI of this chapter for any other use on the zone lot;
 6. Operations shall be at least two hundred (200) feet from any eating place lawfully existing at the time the permit or renewal permit was issued and at least two hundred (200) feet from any other retail food establishment, mobile;
 7. Operations shall not obstruct the visibility of motorists, nor obstruct parking lot circulation or block access to a public street, alley or sidewalk;
 8. The permit authorized hereby shall be permanently displayed to the public in the food handling area of the retail food establishment, mobile during operation;
 9. Operations shall not occur outside of the retail food establishment, mobile;
 10. Structures, canopies and outdoor tables and chairs are prohibited;
 11. Signs must be permanently affixed to or painted on the retail food establishment, mobile;
 12. Signs shall not project from the retail food establishment, mobile and shall not illuminate;
 13. Operators shall be responsible for the storage and daily disposal of all trash, refuse, and litter;
 14. Operators shall not cause any liquid wastes used in the operation, with the exception of clean ice melt, to be discharged from the retail food establishment, mobile;
 15. Operations shall be located at least fifty (50) feet from any residential zone district;
 16. Operations are prohibited on undeveloped zone lots, zone lots with unoccupied structures and unpaved surfaces.

Chart of Temporary Permit Uses by Zone.

ALL "B" DISTRICTS, PLUS CCN

An "X" indicates which districts allow a specific use.

TABLE INSET:

Temporary permit uses	B-1 B-A-1	B-2 B-8-A B-8-G CCN	B-A-2	B-3	B-A-3	B-4	B-A-4	B-5	B-7	B-8
Bazaar, carnival or special event	X	X		X	X	X		X	X	X
Outdoor sales near a mall								X	X	
Sale of Christmas trees		X		X	X		X	X		X
Temporary outdoor sales				X						
Seasonal outdoor sales				X	X	X				
Retail food establishment, mobile				X		X		X	X	X

Sec. 59-86. Uses allowed by temporary permit.**(d) Industrial, O-1, and hospital zone districts****(8) Retail food establishment, mobile.**

- a. *Application requirements.* Each application for retail food establishment, mobile shall include for each location:
1. A site plan accurately indicating the location of the proposed use, trash storage areas, location of adjacent streets, avenues and alleys, and ingress and egress locations;
 2. Written consent from the property owner authorizing the property to be used for the proposed use and approving the accurate site plan;
 3. A reasonable application fee as determined by the zoning administrator.
- b. *Operational requirements.* Retail food establishment, mobile shall meet the following requirements for each location:
1. Permits shall be valid for twelve (12) consecutive months and shall be renewed annually;
 2. Permits shall be valid for four (4) consecutive hours for each day at each zone lot;
 3. No more than one (1) retail food establishment, mobile shall be permitted to operate per day at each zone lot;
 4. Hours of operation shall be between 8:00 a.m. and 9:00 p.m.
 5. Operations shall only occur on zone lots and shall not reduce the area required for parking by article VI of this chapter for any other use on the zone lot;
 6. Operations shall be at least two hundred (200) feet from any eating place lawfully existing at the time the permit or renewal permit was issued and at least two hundred (200) feet from any other retail food establishment, mobile;
 7. Operations shall not obstruct the visibility of motorists, nor obstruct parking lot circulation or block access to a public street, alley or sidewalk;
 8. The permit authorized hereby shall be permanently displayed to the public in the food handling area of the retail food establishment, mobile during operation;
 9. Operations shall not occur outside of the retail food establishment, mobile;
 10. Structures, canopies and outdoor tables and chairs are prohibited;
 11. Signs must be permanently affixed to or painted on the retail food establishment, mobile;
 12. Signs shall not project from the retail food establishment, mobile and shall not illuminate;
 13. Operators shall be responsible for the storage and daily disposal of all trash, refuse, and litter;
 14. Operators shall not cause any liquid wastes used in the operation, with the exception of clean ice melt, to be discharged from the retail food establishment, mobile;
 15. Operations shall be located at least fifty (50) feet from any residential zone district;
 16. Operations are prohibited on undeveloped zone lots, zone lots with unoccupied structures and unpaved surfaces.

*Chart of Temporary Permit Uses by Zone.***INDUSTRIAL AND HOSPITAL DISTRICTS**

An "X" indicates the zone district which allows a specific use.

TABLE INSET:

Temporary permit uses	I-0	I-1 & I-2	O-1	H-1-A H-1-B H-2
Ambulance Service				X
Amusement, entertainment and others	X	X		
Bazaar, carnival and/or circus			X	X
Sale of Christmas trees	X	X	X	
Temporary office			X	
Tent for religious service	X	X		
Seasonal outdoor sales	X			
Retail food establishment, mobile	X	X		

Sec. 59-86. Uses allowed by temporary permit.

(e) *OS-1, R-MU-20, R-MU-30, C-MU-10, C-MU-20, C-MU-30, T-MU-30, MS-1, MS-2, and MS-3.*

(6) **Retail food establishment, mobile.**

a. Application requirements. Each application for retail food establishment, mobile shall include for each location:

1. A site plan accurately indicating the location of the proposed use, trash storage areas, location of adjacent streets, avenues and alleys, and ingress and egress locations;
2. Written consent from the property owner authorizing the property to be used for the proposed use and approving the accurate site plan;
3. A reasonable application fee as determined by the zoning administrator.

b. *Operational requirements.* Retail food establishment, mobile shall meet the following requirements for each location:

1. Permits shall be valid for twelve (12) consecutive months and shall be renewed annually;
2. Permits shall be valid for four (4) consecutive hours for each day at each zone lot;
3. No more than one (1) retail food establishment, mobile shall be permitted to operate per day at each zone lot;
4. Hours of operation shall be between 8:00 a.m. and 9:00 p.m.
5. Operations shall only occur on zone lots and shall not reduce the area required for parking by article VI of this chapter for any other use on the zone lot;
6. Operations shall be at least two hundred (200) feet from any eating place lawfully existing at the time the permit or renewal permit was issued and at least two hundred (200) feet from any other retail food establishment, mobile;
7. Operations shall not obstruct the visibility of motorists, nor obstruct parking lot circulation or block access to a public street, alley or sidewalk;
8. The permit authorized hereby shall be permanently displayed to the public in the food handling area of the retail food establishment, mobile during operation;
9. Operations shall not occur outside of the retail food establishment, mobile;
10. Structures, canopies and outdoor tables and chairs are prohibited;
11. Signs must be permanently affixed to or painted on the retail food establishment, mobile;
12. Signs shall not project from the retail food establishment, mobile and shall not illuminate;
13. Operators shall be responsible for the storage and daily disposal of all trash, refuse, and litter;
14. Operators shall not cause any liquid wastes used in the operation, with the exception of clean ice melt, to be discharged from the retail food establishment, mobile;
15. Operations shall be located at least fifty (50) feet from any residential zone district;
16. Operations are prohibited on undeveloped zone lots, zone lots with unoccupied structures and unpaved surfaces.

Chart of Temporary Permit Uses by Zone.

OS-1, R-MU-20, R-MU-30, C-MU-10, C-MU-20, C-MU-30, T-MU-30, MS-1, MS-2 and MS-3 DISTRICTS

An "X" indicates the zone district which allows a specific use.

TABLE INSET:

Temporary permit uses	OS-1	R-MU-20 R-MU-30	C-MU-10	C-MU-20 C-MU-30	T-MU-30	MS-1 MS-2 MS-3
Bazaar, carnival or special event	X	X	X	X	X	X
Outdoor sales near a mall			X	X	X	
Sale of Christmas trees	X		X	X	X	
Temporary outdoor sales	X	X	X	X	X	
Seasonal outdoor sales			X	X	X	
Retail food establishment, mobile			X	X		

(Ord. No. 624-05, § 1, eff. 9-2-05; Ord. No. 660-05, § 3, eff. 9-16-05)

(Ord. No. 361-03, § 3, eff. 5-23-03)

SECOND AMENDMENT

BILL NO. 2012-37

ORDINANCE NO. 6220

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AN ORDINANCE RELATING TO MOBILE FOOD VENDORS, OPEN AIR VENDING, AND TRANSIENT SALES LOTS; UPDATING APPLICABLE LICENSING, ZONING AND OTHER REGULATIONS REGARDING SUCH OPERATIONS TO ADDRESS THEIR IMPACTS ON STREETS AND SURROUNDING ACTIVITIES AND PROPERTIES; AND PROVIDING FOR OTHER RELATED MATTERS.

Sponsored by: Mayor Carolyn G. Goodman

Summary: Updates various regulations regarding mobile food vendors, open air vending and transient sales lots to address their impacts on streets and surrounding activities and properties.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Title 6, Chapter 55, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.55.010: As used in this Chapter, unless the context otherwise requires, the following terms shall have the meanings which are ascribed to them, as follows:

“Employee” means a person who works for or under the direction of, on behalf of, or as an agent of a licensee.

“Health District” means the Southern Nevada Health District.

“Mobile food vendor” means a person who offers for sale or sells food items by means of a vehicle.

“Licensee” means the holder of an mobile food vendor business license issued by the Department.

“Metro” means the Las Vegas Metropolitan Police Department.

“Vehicle” means a motorized vehicle[.], as well as a trailer or other portable unit that is drawn by a motorized vehicle and is intended for use in vending.

“Vend” means to sell or offer to sell food products from a vehicle.

SECTION 2: Title 6, Chapter 55, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

1 **6.55.020:** Except as otherwise provided in this Chapter, it is unlawful for a person to:

2 (A) Operate as a mobile food vendor within the City without a license issued
3 pursuant to this Chapter; or

4 (B) Operate as a mobile food vendor within the City in violation of this Chapter.];
5 or

6 (C) Vend without a valid work card issued pursuant to LVMC Chapter 6.86.]

7 SECTION 3: Title 6, Chapter 55, Section 40, of the Municipal Code of the City of
8 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

9 **6.55.040:** [(A)] An application for a mobile food vendor license must be made upon forms
10 provided by the Department. In addition to the information required under LVMC Chapter 6.02, the
11 applicant shall provide the following:

12 [(1)] (A) A description of the selling methods to be used and the nature of the
13 products or services to be offered;

14 [(2)] (B) Proof of filing with the State of Nevada Department of Taxation;

15 [(3)] (C) A health permit for each vehicle, documentation that the vehicle is
16 eligible for such permit, and a health card for each operator (all issued by the Health District);

17 [(4)] (D) A copy of a valid, unexpired Nevada vehicle registration, if applicable,
18 for each vehicle; and

19 [(5)] (E) Such other information or documentation as the Department may require
20 in order to establish the applicant's suitability and fitness for approval.

21 [(B)] In order to obtain a mobile food vendor license, each principal of the business
22 must apply for and obtain approval for suitability in accordance with LVMC Chapter 6.06, subject to
23 the payment of the applicable fees.]

24 SECTION 4: Title 6, Chapter 55, Sections 50 and 60, of the Municipal Code of the
25 City of Las Vegas, Nevada, 1983 Edition, are hereby repealed in their entirety.

26 SECTION 5: Title 6, Chapter 55, of the Municipal Code of the City of Las Vegas,
27 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 50,
28 reading as follows:

1 **6.55.050:** Each mobile food vendor shall:

2 (A) Comply with all applicable Health District regulations.

3 (B) Prominently display all health permits issued to the vendor by the Health
4 District.

5 SECTION 6: Title 6, Chapter 55, Section 70, of the Municipal Code of the City of
6 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

7 **6.55.070:** (A) Except as otherwise provided in Subsection (B) of this Section, no mobile food
8 vendor shall:

9 (1) Have any exclusive right to any location upon the streets, sidewalks,
10 alleys, or public grounds of the City; or

11 (2) Vend in any congested area where the operation will impede pedestrian
12 or vehicle traffic.

13 (B) The provisions of Subsection (A) of this Section do not apply to the operation
14 of a mobile food vendor at a particular location if and to the extent the vendor is operating at that
15 location pursuant to a contractual arrangement with the City.

16 [(C) Mobile food vendors shall comply with all applicable Health District
17 regulations.]

18 SECTION 7: Title 6, Chapter 55, Section 90, of the Municipal Code of the City of
19 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

20 **6.55.090:** It is unlawful for any mobile food vendor to:

21 (A) Vend or park a vehicle to be used for vending within one thousand feet of the
22 outside perimeter of school property; [during the hours that a school is in session or within one hour
23 after the final session of the school has closed;]

24 (1) During the hours the school is in session;

25 (2) During the one-hour period preceding the start of the first session of the
26 day; or

27 (3) During the one-hour period after the final session has ended;

28 (B) [Vend earlier than ten a.m., nor later than seven p.m. or one-half hour after

1 sunset, whichever occurs first; provided, however, that the provisions of this Subsection do not apply
 2 to any mobile food vendor while it is vending at a bona fide construction job or a commercial place
 3 of business;

4 (C) Consume alcoholic beverages while vending; [or]

5 [(D)] (C) Vend within one thousand feet of a licensed concession stand located within
 6 a City park when the concession stand is open for business, unless otherwise permitted under a
 7 contractual arrangement with the City regarding a specific location[.];

8 (D) Vend in any residential neighborhood unless the vendor is operating:

9 (1) As a caterer for a specific event at a specific location; or

10 (2) At a location concerning which such vending has been specifically
 11 approved by means of a special event permit issued pursuant to LVMC Chapter 12.02;

12 (E) Vend within one hundred fifty feet of the primary public entrance of a licensed
 13 restaurant during the hours the restaurant is open for business, unless the vendor:

14 (1) Is located on the same premises as the licensed restaurant and is
 15 operating either on behalf of or with the consent of the restaurant licensee; or

16 (2) Is operating at a location concerning which such vending has been
 17 specifically approved by means of a special event permit issued pursuant to LVMC Chapter 12.02;

18 (F) Operate or park a vehicle to be used in vending in violation of applicable traffic
 19 and parking laws and ordinances;

20 (G) Vend within fire lanes or at other locations where to do so would be in violation
 21 of parking prohibitions or limitations;

22 (H) Vend at the same location within the public right-of-way for more than thirty
 23 consecutive minutes, except as otherwise permitted under Title 11 or pursuant to specific approval
 24 granted by means of a special event permit issued pursuant to LVMC Chapter 12.02. For purposes
 25 of this prohibition, the "same location" means a particular vending location and any location within
 26 a distance of one hundred fifty feet from that location;

27 (I) Vend within designated loading zones, except as permitted by means of a
 28 special event permit issued pursuant to LVMC Chapter 12.02;

1 (J) Place tables, chairs or similar items in the public right-of-way in connection
2 with a vending operation;

3 (K) Vend on any one parcel, lot or commercial subdivision for more than four hours
4 within any twenty-four hour period;

5 (L) Vend on undeveloped lots, or developed lots with unoccupied structures or
6 unpaved surfaces, unless such vending complies with all applicable air quality standards adopted by
7 the Clark County Department of Air Quality and Environmental Management;

8 (M) Vend on any unpaved lot where the disturbance area (including vehicles,
9 parking and customer areas) exceeds five thousand square feet, regardless of overall lot size, unless
10 a greater disturbance area is approved in connection with a dust mitigation permit from the Clark
11 County Department of Air Quality and Environmental Management; or

12 (N) In the case of a mobile food vendor who sells from a trailer or other portable
13 unit drawn by a motorized vehicle, disconnect the trailer or unit from the motorized vehicle (except
14 in the case of an emergency).

15 SECTION 8: Title 6, Chapter 55, Section 100, of the Municipal Code of the City of
16 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

17 **6.55.100:** Each mobile food vendor shall pay, in advance, [an annual fee of one hundred dollars
18 for each vehicle used for vending.] a semiannual fee based on gross sales as specified in LVMC
19 6.04.005.

20 SECTION 9: Title 6, Chapter 55, Section 100, of the Municipal Code of the City of
21 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

22 **6.55.110:** (A) Any person required to have a mobile food vendor license must display in a
23 conspicuous manner, on the rear, upper left corner area of each vehicle to be used for vending, the
24 number of the business license associated with that vehicle and an identification number particular to
25 that vehicle that has been provided by the Director. The display shall be of such color, size and
26 placement that the identification number can be easily read at a distance of ten feet.

27 (B) A mobile food vendor license is not transferable.

28 SECTION 10: Title 6, Chapter 6, Section 80, of the Municipal Code of the City of Las

1 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

2 **6.06.080:** (A) The application must be signed and verified by the applicant under oath.

3 (B) The applicant shall submit to fingerprinting and photographing, shall authorize
4 the City in writing to obtain information from the past and present employers, criminal justice
5 agencies, financial institutions, Federal, State and local governments and agencies, and other persons
6 and entities, and shall consent in writing to the release of such information to the City for use in
7 connection with the application for approval for suitability and other City business regulations. The
8 applicant shall also sign a release of claims and a hold harmless agreement to the City for its use of
9 the information provided by the applicant or discovered during any investigation thereof.

10 (C) Each applicant for a license within the following categories shall be subject to
11 the provisions of Subsection (D) of this Section:

- 12 (1) Adult nightclub establishment;
- 13 (2) Alcoholic beverage;
- 14 (3) Burglar alarm services;
- 15 (4) Erotic dance establishment;
- 16 (5) Gaming;
- 17 (6) Ice cream truck;
- 18 (7) Locksmith and safe mechanic;
- 19 (8) Martial arts instruction;
- 20 (9) Massage establishment;
- 21 (10) [Mobile food vendor;
- 22 (11)] Pawnbroker;
- 23 [(12)] (11) Psychic arts and science;
- 24 [(13)] (12) Reflexology;
- 25 [(14)] (13) Secondhand dealer;
- 26 [(15)] (14) Teenage dancehall or teenage nightclub; and
- 27 [(16)] (15) Wedding chapel.

28 (D) In the case of the license categories listed in Subsection (C) of this Section,

1 applicants are required to submit to fingerprinting for purposes of a fingerprint check through the
2 Federal Bureau of Investigation (FBI). In each such case:

3 (1) A complete set of fingerprints will be taken and will be forwarded to
4 the Central Repository for Nevada Records of Criminal History.

5 (2) The Central Repository for Nevada Records of Criminal History is
6 authorized to submit the fingerprints to the FBI for its report and to exchange fingerprint data with the
7 FBI.

8 (3) The purpose for the submission of fingerprints is to allow for a State and
9 Federal criminal records investigation regarding the applicant to determine suitability for licensing
10 relative to the specified type of business.

11 (E) The provisions of Subsections (C) and (D) of this Section are adopted under
12 the authority of, and consistent with, NRS 239B.010(1)(a) and Public Law 92-544, and should be read
13 and interpreted in connection therewith.

14 SECTION 11: Title 13, Chapter 32, Section 10, of the Municipal Code of the City of
15 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

16 **13.32.010:** (A) Except as otherwise provided in this Section, [It] it shall be unlawful for any
17 person to occupy any part or portion of any street, alley, sidewalk, sidewalk space, court, public park
18 or grounds within the City for the purpose of keeping or maintaining any newspaper stand, drinking
19 stand, popcorn stand, weighing machine, automatic vending machine, sandwich wagon or any stand
20 for the sale of notions or any other article of goods, wares, or merchandise, or any similar obstructions.
21 [except that newsracks may be permitted as provided in Chapter 13.24.]

22 (B) News racks may be permitted within sidewalk areas in accordance with LVMC
23 Chapter 13.24.

24 (C) Ice cream trucks and mobile food vendors may vend within public rights-of-way
25 in accordance with LVMC Chapters 6.47 and 6.55, respectively.

26 (D) Other vending activities may be approved within public rights-of-way and
27 sidewalk areas by means of an encroachment agreement or permit, or by means of a special event
28 permit issued pursuant to LVMC Chapter 12.02.

1 (E) Vending activities may be approved in public parks and on other public grounds
2 by means of permit, license, or contractual arrangement.

3 SECTION 12: Table 2 of the Land Use Tables adopted in Title 19, Chapter 12, Section
4 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to
5 provide that the use "Open Air Vending/Transient Sales Lot" is a conditional use in the O Zoning
6 District. In order to reflect the amendment, Table 2 is amended by inserting the letter "C" in the box
7 representing the intersection of the row for the use "Open Air Vending/Transient Sales Lot" and the
8 column for the O Zoning District.

9 SECTION 13: Title 19, Chapter 12, Section 70, of the Municipal Code of the City of
10 Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the entry for the use "Open Air
11 Vending/Transient Sales Lot" so that the Description, Conditional Use Regulations, and On-site
12 Parking Requirement for that use read respectively as follows:

13 **Description:** An outdoor area or lot that is used exclusively, or on a regular or periodic basis, for the
14 sale or taking of orders for any merchandise, including food items, where:

- 15 1. Such merchandise is displayed or sold [in the open area;] within or upon the area or lot; and
- 16 2. [The activity is not part of the operation of an established business; and
- 17 3.] No permanent physical structures or facilities are used as integral parts of the sales or order
- 18 taking operations.

19 This use includes the display or sale of merchandise [in or in connection with a truck, trailer or
20 movable building of any type.] by means of Open Air Vending and Mobile Food Vending.

21 **Conditional Use Regulations:**

22 1. No signage, including temporary signage, is allowed, except that, in the case of [sales activity from
23 a vehicle or cart,] Open Air Vending or Mobile Food Vending, the vehicle or [cart] portable unit may
24 include signage which is affixed thereto[.], but only to the extent such signage is not prohibited by
25 LVMC 19.08.120(E)(3).

- 26 2. The site must be kept free of any litter or debris at all times.
- 27 3. No structures shall be allowed within the public right-of-way.
- 28 4. The installation of permanent or temporary tables, chairs, tents, or coverings for dining areas

1 (including tarps and umbrellas) is prohibited, except when the use of such facilities has been approved
2 by means of a Site Development Plan Review or is within the plaza area of a commercial lot.

3 5. Vehicles or portable units used in the operation may not occupy:

4 a. Required parking spaces or required drive aisles; or

5 b. Required loading zones, unless otherwise permitted under Conditional Use Regulation 8.

6 6. The vending/sales activity must be located at least 150 feet from residential development, except
7 where the location is part of a mixed-use development.

8 7. For Open Air Vending, in addition to Conditional Use Regulations 1 through 6:

9 a. No such vending is permitted in the O (Office) Zoning District;

10 b. No such vending is permitted on undeveloped lots or developed lots with unoccupied
11 structures or unpaved surfaces;

12 c. No such vending is permitted within landscaped areas;

13 d. No more than one vendor is permitted on any one lot, and the vending area shall be limited
14 to a maximum of 500 square feet; provided, however, that those limitations do not apply:

15 i. In connection with a Special Event Permit that allows a greater level of vending
16 activity by means of Open Air Vending;

17 ii. On a parcel whose development approval or approvals contemplate a greater level
18 of vending activity by means of Open Air Vending; or

19 iii. Within the plaza area of a commercial lot;

20 e. At a location other than the plaza area of a commercial lot, vending operations shall comply
21 with required building setbacks for that location;

22 f. On any lot that is adjacent to a residentially zoned lot, the hours of operation shall be limited
23 to the period between 10 a.m. and 8 p.m.; and

24 g. No supply or drainage pipes or power supply cords that pertain to the vending operation
25 may be placed on or across surface parking or unimproved areas, or be attached to adjoining or nearby
26 buildings, unless the vending operation is located immediately adjacent to the building so that the
27 attached pipes or power cords have minimal exposure and do not present a potential hazard for
28 passersby.

1 8. For Mobile Food Vending, in addition to Conditional Use Regulations 1 through 6:

2 a. No vendor may operate on any one parcel, lot or commercial subdivision for more than 4
3 hours within any 24-hour period;

4 b. No more than two vendors are permitted on one parcel, lot or commercial subdivision
5 within any 24-hour period;

6 c. No vendor may operate within a required loading zone except as approved in conjunction
7 with a Special Event Permit;

8 d. Such vending is permissible on undeveloped lots, or developed lots with unoccupied
9 structures or unpaved surfaces, but only to the extent that such vending complies with all applicable
10 air quality standards adopted by the Clark County Department of Air Quality and Environmental
11 Management; and

12 e. On unpaved lots, such vending is limited to a maximum disturbance area (including
13 vehicles, parking and customer areas) of 5,000 square feet, regardless of overall lot size, unless a
14 greater disturbance area is approved in connection with a dust mitigation permit from the Clark
15 County Department of Air Quality and Environmental Management.

16 **On-site Parking Requirement:** No additional parking required beyond that which is required for the
17 principal use(s) on the site.

18 SECTION 14: Title 19, Chapter 18, Section 20, of the Municipal Code of the City of
19 Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto, at the appropriate locations,
20 the following terms, together with their corresponding definitions:

21 **Mobile Food Vending.** The sale of food items from a motorized vehicle or from a trailer or other
22 portable unit that is drawn by a motorized vehicle and is intended for use in vending.

23 **Open Air Vending.** The sale of merchandise, including food items, from a portable unit that is not
24 drawn by a motorized vehicle.

25 SECTION 15: Title 19, Chapter 18, Section 20, of the Municipal Code of the City of
26 Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the definition of the term "Open
27 Air Vending/Transient Sales Lot" to read as follows:

28 **Open Air Vending/Transient Sales Lot.** An outdoor area or lot that is used exclusively, or on a

1 regular or periodic basis, for the sale or taking of orders for any merchandise, including food items,
2 where:

- 3 1. Such merchandise is displayed or sold [in the open area;] within or upon the area or lot; and
- 4 2. [The activity is not part of the operation of an established business; and
- 5 3.] No permanent physical structures or facilities are used as integral parts of the sales or order
- 6 taking operations.

7 The term includes the display or sale of merchandise [in or in connection with a truck, trailer or
8 movable building of any type.] by means of Mobile Food Vending or Open Air Vending.

9 SECTION 16: For purpose of Section 2.100(3) of the City Charter, LVMC 19.12.010,
10 19.12.070, and 19.18.020 are deemed to be subchapters rather than sections.

11 SECTION 17: If any section, subsection, subdivision, paragraph, sentence, clause or
12 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
13 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
14 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
15 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
16 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
17 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
18 invalid or ineffective.

19 SECTION 18: Whenever in this ordinance any act is prohibited or is made or declared
20 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
21 required or the failure to do any act is made or declared to be unlawful or an offense or a
22 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
23 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
24 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
25 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

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SECTION 19: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this 17th day of OCTOBER, 2012.

APPROVED:

By 
CAROLYN G. GOODMAN, Mayor

ATTEST:


BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:

Val Heck 10-17-12
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council
 2 on the 18th day of July, 2012, and referred to a committee for recommendation; thereafter
 3 the said committee reported favorably on said ordinance on the 17th day of October, 2012,
 4 which was a regular meeting of said Council; that at said regular meeting, the proposed
 5 ordinance was read by title to the City Council as amended and adopted by the following
 6 vote:

- 7 VOTING "AYE": Mayor Goodman and Councilmembers Anthony, Tarkanian, Barlow
and Coffin
- 8 VOTING "NAY": Councilmember Ross
- 9 EXCUSED : None
- 10 ABSTAINED: Councilmember Beers
- 11 DID NOT VOTE: None

12 APPROVED:

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 14 CAROLYN G. GOODMAN, Mayor

15 ATTEST:

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 17 BEVERLY K. BRIDGES, MMC City Clerk

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Portland Oregon Mobile Food Units

STATE REGULATIONS

COMMISSARIES, MOBILE UNITS AND VENDING MACHINES

624.310 Definitions for ORS 624.310 to 624.430. As used in ORS 624.310 to 624.430 unless the context requires otherwise:

- (1) "Approved" means approved by the administrator.
- (2) "Authority" means the Oregon Health Authority.
- (3) "Commissary" means commissary catering establishment, restaurant or any other place in which food, beverage, ingredients, containers or supplies are kept, handled, prepared or stored, and from which vending machines or mobile units are serviced.
- (4) "Director" means the Director of the Oregon Health Authority.
- (5) "Employee" means any operator or any person employed by an operator who handles any food, beverage, or ingredient to be dispensed through vending machines or mobile units, or who comes into contact with product contact surfaces of the container, equipment, utensils or packaging materials, used in connection with vending machines or mobile unit operations, or who otherwise services or maintains one or more such machines or units.
- (6) "Food" means any raw, cooked or processed edible substance, beverage or ingredient used or intended for use in whole, or in part, for human consumption.
- (7) "Machine location" means the room, enclosure, space or area where one or more vending machines are installed and are in operation.
- (8) "Mobile unit" means any vehicle on which food is prepared, processed or converted or which is used in selling and dispensing food to the ultimate consumer.
- (9) "Operator" means any person, who by contract, agreement or ownership is responsible for operating a commissary or warehouse or furnishing, installing, servicing, operating or maintaining one or more vending machines or mobile units.
- (10) "Person" means any individual, partnership, corporation, company, firm, institution, association or any other public or private entity.
- (11) "Product contact surface" means any surface of the vending machine or mobile unit, appurtenance or container which comes into direct contact with any food, beverage or ingredient.
- (12) "Readily perishable food" means any food, beverage or ingredient consisting in whole or in part of milk, milk products, eggs, meat, fish, poultry, or any other food capable of supporting rapid and progressive growth of microorganisms which can cause food infections or food intoxications. However, "readily perishable food" does not include products in hermetically sealed containers processed by heat to prevent spoilage or dehydrated, dry or powdered products which are so low in moisture content as to preclude development of microorganisms.
- (13) "Single-service article" means any utensil, container, implement or wrapper intended for use only once in the preparation, storage, display, service or consumption of food or beverage.
- (14) "Utensil" means any kitchenware, tableware, glassware, cutlery, container, cleaning brush or other equipment that comes into contact with food or product contact surfaces during cleaning of vending machines, mobile units or commissary equipment, or during storage, preparation, serving, dispensing or consumption of food.
- (15) "Vending machine" means any self-service device offered for public use which, upon insertion of a coin, coins, currency or token, or by other means, dispenses unit servings of food or beverage, either in bulk or package, without the necessity of replenishing the device between each vending operation.
- (16) "Warehouse" means any place where food, utensils, single-service articles, cleaning or servicing supplies for vending machines, mobile units or commissaries are stored. [1963 c.575

§1; 1973 c.825 §13; 1975 c.792 §2; 2001 c.900 §212; 2001 c.975 §5; 2009 c.595 §1018]

624.320 License requirement for commissary, warehouse, mobile unit or vending machine; notice of mobile unit movement. (1) A person may not operate a vending machine, warehouse, commissary or mobile unit without first procuring a license to do so from the Oregon Health Authority. The operator shall post the license in a conspicuous place in the warehouse or commissary. The operator shall affix a card, emblem or other device clearly showing the name and address of the licensee and the serial number of the license to each vending machine or mobile unit as the case may be.

(2) Application for the license shall be in writing in the form prescribed by the authority and shall contain the following information:

- (a) Name and address of the applicant.
- (b) Location of all warehouses or commissaries.
- (c) Locations where supplies are kept.
- (d) Locations where vending machines or mobile units are stored, repaired or renovated.
- (e) Identity and form of food to be dispensed through vending machines.
- (f) Number of each type of vending machine on location.

(3) The operator must keep the specific locations of the vending machines and specific itineraries of the mobile units on file at the operator's business office and readily available to the authority. If the mobile unit is moved to a delegate county other than a delegate county that licensed the mobile unit, the operator shall notify the local health department for the county to which the mobile unit is moved prior to operating the mobile unit within that county. The operator shall furnish the authority with written details of the conversion of any vending machine to dispense products other than those for which the license was issued. [1963 c.575 §2; 1973 c.825 §14; 2001 c.104 §244; 2001 c.975 §6; 2003 c.672 §1; 2009 c.595 §1019]

624.330 Exemption of certain commissaries, mobile units and vending machines from licensing requirements; rules. (1) Vending machines dispensing only ball chewing gum, nutmeats and the following prepackaged foods: Candy, chewing gum, nutmeats, potato chips, pretzels, popcorn, cookies, crackers and bottled or canned soft drink beverages shall be exempt from the provisions of ORS 624.320 and 624.430.

(2) The Oregon Health Authority may, by rule, exempt certain other types of vending machines from the license requirements of ORS 624.310 to 624.430 when it appears that there is no danger to the life and health of the people of this state.

(3) The provisions of ORS 624.310 to 624.430 do not include commissaries, mobile units or vending machines which are presently licensed and inspected by the State Department of Agriculture or United States Public Health Service. [1963 c.575 §§7,15; 1973 c.825 §15; 2009 c.595 §1020]

624.340 [1963 c.575 §4; 1973 c.825 §16; 2009 c.595 §1021; renumbered 624.415 in 2009]

624.350 [1963 c.575 §5; repealed by 1973 c.825 §23]

624.355 Rules. The Oregon Health Authority shall make reasonable rules for carrying out the provisions of ORS 624.310 to 624.430, including but not limited to the following:

- (1) Construction and operation of commissaries, mobile units and vending machines.
- (2) Water supply adequate in quantity and safe for human consumption.
- (3) Disposal of sewage, refuse and other wastes in a manner that will not create a nuisance or health hazard.
- (4) Cleanliness of premises and facilities.
- (5) Refrigeration of perishable foods and the wholesomeness of all food and beverage

ingredients.

(6) Protection of food, utensils, wrapping and serving materials against dust, dirt and contamination.

(7) Equipment of proper construction and the maintenance of such equipment.

(8) Approved plumbing.

(9) Sanitary facilities for employees in commissaries.

(10) Control and exclusion of insects and rodents.

(11) Labeling of foods or beverages.

(12) Exclusion of vending machines dispensing chemicals, sanitizers, detergents, economic poisons and such other compounds of similar nature from immediate areas where food and beverage vending machines are located.

(13) Approval of plans for commissaries, mobile units and vending machines. [Formerly 624.390]

624.360 [1963 c.575 §6; repealed by 1973 c.825 §23]

624.370 Inspection of commissary, warehouse, mobile unit or vending machine; report of Director of Oregon Health Authority; hearing. (1) At least once every six months, the

Director of the Oregon Health Authority shall inspect every commissary and warehouse, and a representative number of each operator's mobile units and vending machines. The director shall be granted access at reasonable times to all parts of the commissary and shall have access, either in the company of an employee or otherwise, to the interior of all vending machines or mobile units of the operator at such times as the director considers necessary to ensure compliance with the provisions of ORS 624.310 to 624.430.

(2) Samples of food, drink and other substances may be taken and examined by the director as often as may be necessary for the detection of unwholesomeness or adulteration. The director may condemn and prohibit the sale of or cause to be removed or destroyed, any food or drink which contains any toxic, contaminated, filthy, putrid, decomposed or diseased substance or if it is otherwise unfit for human consumption.

(3) One copy of the inspection report shall be posted by the director upon an inside wall of the commissary or placed in the mobile unit. The inspection report shall not be defaced or removed by any person except the director. A copy of the inspection report on vending machines shall be sent to the operator. Another copy of each inspection report shall be filed with the records of the Oregon Health Authority.

(4) If the director discovers the violation of any provision of ORS 624.310 to 624.430 or any rule promulgated thereunder, the director shall make a second inspection after the lapse of such time as the director considers necessary for the defect to be remedied.

(5) If a violation is of a nature so as to constitute a danger to the health of the people of this state, the director may order immediate closure of the commissary, mobile unit, or vending machine and shall, within 24 hours of the time of inspection, mail to or serve personally on the licensee a copy of the inspection report signed by the director showing thereon the particular facility closed and the reason. The director shall, if requested, hold a hearing in accordance with ORS chapter 183. [1963 c.575 §8; 1973 c.825 §17; 1975 c.792 §2; 2009 c.595 §1022]

624.380 [1963 c.575 §9; 1973 c.825 §18; 2009 c.595 §1023; renumbered 624.425 in 2009]

624.390 [1963 c.575 §10; 1973 c.825 §19; 2009 c.595 §1024; renumbered 624.355 in 2009]

624.400 Rating surveys; preparing and disseminating information; cooperation with local health departments in educational programs. The Oregon Health Authority shall make such surveys as are necessary to obtain uniform enforcement of ORS 624.310 to 624.430

throughout the state and shall prepare and disseminate information and shall cooperate with and assist local health departments in educational programs for the purpose of encouraging compliance with ORS 624.310 to 624.430 on the part of operators and employees of vending machines and mobile units. [1963 c.575 §12; 1973 c.825 §20; 2009 c.595 §1025]

624.410 Commissaries and sources of supply outside jurisdiction. (1) Foods from commissaries or other sources outside the jurisdiction of the Oregon Health Authority may be sold in the local jurisdiction if such commissaries or other sources of supply conform to the provisions of ORS 624.310 to 624.430 and the rules promulgated under ORS 624.310 to 624.430 or to substantially equivalent provisions.

(2) The authority shall investigate and survey the system of regulations in effect for commissaries or sources of supply outside the state. Upon determination that the regulations in effect are of a quality substantially equal to the rules of ORS 624.310 to 624.430, the authority may permit such commissaries or sources of supply to be used in the state. [1963 c.575 §11; 1973 c.825 §21; 2009 c.595 §1026]

624.415 Denial, suspension or revocation of license. The Director of the Oregon Health Authority may deny, suspend or revoke a license in accordance with ORS chapter 183 in any case where the director finds that there has been a substantial failure to comply with the provisions of ORS 624.310 to 624.430 or the rules promulgated under ORS 624.310 to 624.430. [Formerly 624.340]

624.420 Abating or enjoining violations of ORS 624.310 to 624.430. Any commissary, mobile unit or vending machine operated contrary to the provisions of ORS 624.310 to 624.430 is a public nuisance and dangerous to health and may be abated or enjoined in the manner provided by law. [1963 c.575 §14]

624.425 Diseased persons working in commissary or mobile unit; suspicion of possible transmission of infection. (1) A person who is affected with a communicable disease described in ORS 624.080 (1) or is a carrier of such disease may not work in any commissary, mobile unit or in the servicing of vending machines, nor may any operator employ any such person or any person suspected of being affected with any communicable disease or of being a carrier of such disease. If the operator suspects that any employee has an infectious disease in a communicable form or may be a carrier of such a disease, the operator shall notify the Director of the Oregon Health Authority immediately. A placard containing this section shall be posted in all toilet rooms.

(2) When, in the opinion of the director, there is a possibility of transmission of infection from any person or employee, the director may require the immediate exclusion of such person or employee from all commissaries, mobile units and vending machines and may require a medical examination of the person or employee and associates of the person or employee, including such laboratory examinations as may be indicated. [Formerly 624.380; 2011 c.9 §81]

624.430 Fee payment; rules. (1) Except as provided in ORS 624.330, every applicant for a license to operate a commissary, vending machine, warehouse or mobile unit shall pay to the Oregon Health Authority the appropriate annual fee set forth in ORS 624.490.

(2) All licenses issued under ORS 624.320 expire annually on a date set by authority rule. A license is not transferable. The authority may not issue a refund representing any unused portion of a license. The authority may not refund fees submitted with applications that have been denied. [1963 c.575 §3; 1973 c.182 §3; 1975 c.526 §6; 1979 c.696 §13; 1983 c.352 §2; 1995 c.578 §6; 2001 c.975 §7; 2003 c.309 §13; 2009 c.595 §1027]

624.440 [1963 c.575 §13; 1973 c.427 §14; 1987 c.905 §35; repealed by 2001 c.975 §11]

ADMINISTRATION AND ENFORCEMENT OF FOOD SERVICE FACILITY LAWS

624.490 License fees; exemptions. (1) The Oregon Health Authority may charge the following fees for the issuance or renewal of licenses:

- (a) \$157.50 for a bed and breakfast facility.
- (b) \$210 for a limited service restaurant.
- (c) For a restaurant in accordance with seating capacity, as follows:
 - (A) \$367.50 for 0 to 15 seats;
 - (B) \$414.75 for 16 to 50 seats;
 - (C) \$472.50 for 51 to 150 seats; and
 - (D) \$525 for more than 150 seats.
- (d) For an intermittent temporary restaurant, \$52.50.
- (e) For a seasonal temporary restaurant, \$52.50.
- (f) For a single-event temporary restaurant, except as provided in ORS 624.106:
 - (A) \$36.75 for an event lasting one day; and
 - (B) \$52.50 for an event lasting two days or longer.
- (g) \$262.50 for a commissary.
- (h) \$105 for each warehouse.
- (i) \$131.50 for each mobile unit.
- (j) For vending machines in accordance with the number of machines covered by the license as follows:
 - (A) \$26.25 for 1 to 10 machines;
 - (B) \$52.50 for 11 to 20 machines;
 - (C) \$78.75 for 21 to 30 machines;
 - (D) \$105 for 31 to 40 machines;
 - (E) \$131.25 for 41 to 50 machines;
 - (F) \$157.50 for 51 to 75 machines;
 - (G) \$210 for 76 to 100 machines;
 - (H) \$367.50 for 101 to 250 machines;
 - (I) \$577.50 for 251 to 500 machines;
 - (J) \$787.50 for 501 to 750 machines;
 - (K) \$966 for 751 to 1,000 machines;
 - (L) \$1,260 for 1,001 to 1,500 machines; and
 - (M) \$1,575 for more than 1,500 machines.

(2) Except as provided in this subsection, to reinstate an expired license the operator must pay a reinstatement fee of \$100 in addition to the license fee required under subsection (1) of this section. The reinstatement fee does not apply to the reinstatement of an expired intermittent temporary restaurant, seasonal temporary restaurant or single-event temporary restaurant license. If the operator reinstates the license more than 30 days after the expiration date, the reinstatement fee shall increase by \$100 on the 31st day following the expiration date and on that day of the month in each succeeding month until the license is reinstated.

(3) Notwithstanding subsection (1) of this section, the Oregon Health Authority or a local public health authority as provided under ORS 624.510 may exempt or reduce the license fee for restaurants operated by benevolent organizations that provide food or beverages primarily to children, the elderly, the indigent or other needy populations if the persons receiving the food or beverages are not required to pay the full cost of the food or beverages. As used in this subsection, "benevolent organization" has the meaning given that term in ORS 624.101. [2003

c.309 §4; 2009 c.595 §1028; 2011 c.664 §13]

OREGON HEALTH AUTHORITY, PUBLIC HEALTH DIVISION

DIVISION 162

MOBILE FOOD UNITS, COMMISSARIES AND WAREHOUSES

333-162-0020

Mobile Food Units, General Requirements

(1) Mobile food units shall comply with the applicable requirements in OAR 333-150-0000 and these rules. The Authority may impose additional requirements to protect against health hazards related to the conduct of the mobile food unit operation and may prohibit the sale of potentially hazardous food.

(2) There are four types of mobile food units:

(a) Class I. These mobile food units can serve only intact, packaged foods and non-potentially hazardous drinks. No preparation or assembly of foods or beverages may take place on the unit. Non-potentially hazardous beverages must be provided from covered urns or dispenser heads only. No dispensed ice is allowed;

(b) Class II. These mobile food units may serve foods allowed under Class I and provide hot and cold holding display areas from which unpackaged foods are displayed. Self-service by customers of unpackaged foods is not allowed. Preparation, assembly or cooking of foods is not allowed on the unit;

(c) Class III. These mobile food units may serve any food item allowed under Class I and II mobile food units, and may cook, prepare and assemble food items on the unit. However, cooking of raw animal foods on the unit is not allowed;

(d) Class IV. These mobile food units may serve a full menu.

(3) All operations and equipment shall be an integral part of the mobile food unit. This does not preclude the use of a barbecue unit used in conjunction with a Class IV mobile food unit. The barbecue, however, may only be used under the following conditions:

(a) It must be used in close proximity to the mobile food unit;

(b) Food shall only be cooked on the barbecue. Processing, portioning, preparation, or assembly of food must be conducted from inside the mobile food unit; and

(c) A handwashing system shall be provided adjacent to the barbecue as specified in OAR 333-150-0000 section 5-203.11(C).

(4) Mobile food unit operators may provide seating for customers if a readily accessible restroom is provided. The restroom must have a handwashing facility that provides hot and cold running water and meets the requirements of OAR 333-150-0000 sections 6-301.11, 6-301.12, 6-301.20 and 6-302.11.

(5) Auxiliary storage may be provided if it is limited to impervious, nonabsorbent, covered containers stored in such a manner as to preclude contamination or infestation. Auxiliary storage shall be limited to items necessary for that day's operation. No self-service, assembly or preparation activities may occur from auxiliary storage containers.

Stat. Auth.: ORS 624.390 Stats. Implemented: ORS 624.390 Hist.: HD 7-1994, f. & cert. ef. 2-24-94; HD 10-1997, f. & cert. ef. 7-8-97; PH 14-2006, f. 6-27-06, cert. ef. 7-1-06; PH 12-2012, f. 8-30-12, cert. ef. 9-4-12

333-162-0030

Mobile Unit Operation, General

Mobile food units shall remain mobile at all times during operation. The wheels of the unit shall not be removed from the unit at the operating location. A removable tongue may be allowed if the tongue can be removed with the use of only simple tools and the tools are available on the unit at all times.

Stat. Auth.: ORS 624.390 Stats. Implemented: ORS 624.390 HD 7-1994, f. & cert. ef. 2-24-94; HD 10-1997, f. & cert. ef. 7-8-97; PH 14-2006, f. 6-27-06, cert. ef. 7-1-06

333-162-0040

Base of Operation

(1) Mobile food units shall operate from a licensed restaurant, commissary or warehouse.

(2) If only prepackaged goods are sold, a warehouse may be accepted in lieu of a commissary.

(3) Notwithstanding section (1) of this rule, self-contained mobile food units may not be required to have a base of operation if the unit contains all the equipment and utensils necessary to assure the following:

- (a) Maintaining proper hot and cold food temperatures during storage and transit;
 - (b) Providing adequate facilities for cooling and reheating of foods;
 - (c) Providing adequate handwashing facilities;
 - (d) Providing adequate warewashing facilities and assuring proper cleaning and sanitizing of the unit;
 - (e) Obtaining food and water from approved sources;
 - (f) Sanitary removal of waste water and garbage at approved locations.
- (4) The ability to operate without a base of operation shall be determined by the regulatory authority.
- (5) A mobile food unit may not serve as a commissary for another mobile food unit or as the base of operation for a caterer.

Stat. Auth.: ORS 624.390 Stats. Implemented: ORS 624.390 Hist.: HD 20-1986, f. 12-22-86, ef. 2-2-87; HD 17-1993, f. & cert. ef. 10-14-93; HD 10-1997, f. & cert. ef. 7-8-97; PH 14-2006, f. 6-27-06, cert. ef. 7-1-06

333-162-0280

Food Transportation, General

- (1) During transportation, food and food utensils shall be kept in covered containers or completely wrapped or packaged so as to be protected from contamination. Foods in original individual packages do not need to be overwrapped or covered if the original package is sealed.
- (2) Food shall be maintained at required temperatures at all times during transport. Mobile food units that do not maintain food at temperatures required in OAR 333-150-0000 section 3-501.16 may be required to provide an on board power source, such as a battery or generator, to assure maintenance of food at proper temperatures during transit.
- (3) Transport vehicles shall not be used in activities incompatible with safe and sanitary food service operations.

Stat. Auth.: ORS 624.390 Stats. Implemented: ORS 624.390 Hist.: HD 10-1997, f. & cert. ef. 7-8-97; PH 14-2006, f. 6-27-06, cert. ef. 7-1-06

333-162-0680

Overhead Protection

Overhead protection shall be provided for mobile food units that are operated

outdoors and where food is not covered at all times. The overhead protection shall consist of, but not be limited to, roofing, ceilings, awnings, or umbrellas. Overhead protection is not required for barbecue units that have a lid or covering that will protect foods from contamination. The overhead protection must be easily cleanable.

Stat. Auth.: ORS 624.390 Stats. Implemented: ORS 624.390 Hist.: HD 10-1997, f. & cert. ef. 7-8-97; PH 14-2006, f. 6-27-06, cert. ef. 7-1-06

Inspection and Licensing Procedures Mobile Food Units, Commissaries and Warehouses

333-162-0880

Licensing Procedure

(1) All procedures shall be in accordance with ORS chapter 624 in the licensure of mobile food units, commissaries and warehouses. Any license issued by the Authority pursuant to ORS 624.320 shall expire and may be reinstated on December 31 of each year.

(2) A permanent license number shall be assigned each operator of mobile food units by the regulatory authority.

(3) Each mobile food unit shall be clearly marked with the licensee's name or a distinctive identifying symbol. The lettering shall be at least two inches in height and of a color contrasting with the background color. If a symbol is used, it shall be at least 12 inches in diameter or of an equivalent size. An accurate scale drawing or photograph of the symbol shall be filed with the regulatory authority.

(4) Each mobile food unit shall be clearly marked with a number for purposes of identifying each unit on inspection reports and other communications.

(5) Stored units are not subject to licensure.

(6) All vehicles used as mobile food units shall be kept in good repair and in a sanitary condition while in use.

Stat. Auth.: ORS 624.390 Stats. Implemented: ORS 624.390 Hist.: HD 10-1997, f. & cert. ef. 7-8-97; PH 14-2006, f. 6-27-06, cert. ef. 7-1-06; PH 12-2012, f. 8-30-12, cert. ef. 9-4-12

333-162-0890

Inspection Form Procedures

(1) Violations that are observed during any sanitation inspection by the Local Public Health Authority shall be described in the space provided on a form approved by the Authority by citing the Oregon Revised Statute or Oregon

Administrative Rule number violated, and by giving a brief statement of the specific problem and required corrections.

(2) Priority item or priority foundation item violations shall result in closure of a mobile food unit, commissary or warehouse if the administrator determines that an imminent danger to public health exists, and that the violation cannot be corrected immediately or an approved alternative procedure has not been implemented. For priority item or priority foundation item violations not resulting in closure, the time limit by which the correction must be made shall be within but not to exceed 14 days.

(3) Violations other than those specified in section (2) of this rule shall be corrected by the next semi-annual inspection.

(4) If a mobile food unit, commissary or warehouse is ordered closed, the reason for closure shall be stated on the inspection form and signed by the administrator.

Stat. Auth.: ORS 624.390 Stats. Implemented: ORS 624.390 Hist.: HD 10-1997, f. & cert. ef. 7-8-97; PH 14-2006, f. 6-27-06, cert. ef. 7-1-06; PH 12-2012, f. 8-30-12, cert. ef. 9-4-12

333-162-0910

Closure of Mobile Food Units, Commissaries or Warehouses

(1) If the administrator closes a mobile food unit, commissary or warehouse, a statement by the Authority shall be made on the inspection form specifying the reasons for closure. The inspection form must be signed and delivered to the operator or person in charge within 24 hours.

(2) When a mobile food unit is closed, the administrator shall post the inspection report on the unit. When a commissary or warehouse is closed, the administrator shall post the inspection report inside the facility. No person except the administrator shall remove or alter this inspection report, or operate a mobile food unit that has been closed.

(3) If a priority item or priority foundation item violation presenting an imminent danger to public health is not corrected immediately or an approved alternative procedure has not been implemented, the mobile food unit, commissary or warehouse shall be closed.

(4) If a priority item or priority foundation item violation that does not result in immediate closure at the time of the semi-annual inspection has not been corrected within the designated time limit, the mobile food unit, commissary or warehouse shall be closed.

(5) When a mobile food unit, commissary or warehouse has been closed

because a priority item or priority foundation item violation has not been corrected, it may be reopened if a recheck inspection by the administrator confirms that all priority item or priority foundation item violations have been corrected.

(6) The administrator shall, if requested, hold a hearing in accordance with ORS chapter 183.

Stat. Auth.: ORS 624.390 Stats. Implemented: ORS 624.390 Hist.: HD 10-1997, f. & cert. ef. 7-8-97; PH 14-2006, f. 6-27-06, cert. ef. 7-1-06; PH 12-2012, f. 8-30-12, cert. ef. 9-4-12

333-162-0920

Plan Review

(1) Newly constructed or extensively remodeled mobile food units, commissaries and warehouses must undergo plan review and a pre-operational inspection. Mobile food units having the sanitary approval of a recognized qualified, independent testing laboratory, or approved by the Authority may be accepted without the submission of plans.

(2) Approval from the administrator to operate after the plan review process does not preclude obtaining required permits or approvals from other agencies or jurisdictions of concern.

(3) Mobile food unit operators must obtain approval from the administrator to add to or change menu items served from the mobile food unit;P

(4) Mobile food units that operate on a fixed route must provide an itinerary to the regulatory authority prior to licensure and at the beginning of each licensing period. Mobile food units operating at a specific or multiple locations shall provide a list of all locations to the regulatory authority.

Stat. Auth.: ORS 624.390 Stats. Implemented: ORS 624.390 Hist.: HD 10-1997, f. & cert. ef. 7-8-97; PH 14-2006, f. 6-27-06, cert. ef. 7-1-06; PH 12-2012, f. 8-30-12, cert. ef. 9-4-12

333-162-0940

Warehouses

(1) If only prepackaged goods are sold, a warehouse may be accepted in lieu of a commissary.

(2) Warehouses shall be required to meet only those rules necessary to prevent the contamination of stored foods, single-service articles, utensils and equipment. In general, warehouses shall be exempt from the rules relating to

finished walls, ceilings or storage bases, light colored surfaces, restrooms, lavatories and utility facilities, provided foods are protected from contamination from dust, insects, rodents, flooding, drainage, or other contaminants.

(3) Handling of unpackaged foods, dishwashing and ice making are prohibited in a warehouse.

(4) The Assistant Director may impose additional requirements as deemed necessary to prevent the contamination of stored foods, single-service articles, utensils, and equipment.

Stat. Auth.: ORS 624.390 Stats. Implemented: ORS 624.390 Hist.: HD 10-1997, f. & cert. ef. 7-8-97; PH 14-2006, f. 6-27-06, cert. ef. 7-1-06

333-162-0950

Memorandum of Commissary or Warehouse Usage/Verification

A Memorandum of Commissary or Warehouse Usage/Verification shall be on file with the administrator for mobile units using a licensed food service facility as a commissary or warehouse. This memorandum shall be on a form approved by the Authority, and be updated at least once per year.

Stat. Auth.: ORS 624.390 Stats. Implemented: ORS 624.390 Hist.: HD 10-1997, f. & cert. ef. 7-8-97; PH 14-2006, f. 6-27-06, cert. ef. 7-1-06; PH 12-2012, f. 8-30-12, cert. ef. 9-4-12

333-162-1005

Civil Penalties

(1) The Authority or a Local Public Health Authority may impose civil penalties on any person for the following willful violations:

(a) Operation of a mobile food unit, commissary, or warehouse without a current license to do so from the Authority or Local Public Health Authority;

(b) Failure to cease operation of a mobile food unit, commissary, or warehouse that has been closed due to uncorrected priority item violations. This authority shall be limited to those priority item violations identified as creating an imminent or present danger to public health and defined in OAR 333-150-0000 section 1-201.10(B).

(2) For the purposes of section (1) of this rule, the term 'willful' means intentional or deliberate.

(3) The maximum civil penalty for each of the violations listed in section (1) of this rule is \$500 per day of violation.

(4) Civil penalties shall be imposed in the manner provided by ORS chapter 183 or the equivalent.

Stat. Auth.: ORS 624.992 Stats. Implemented: ORS 624.992 Hist.: HD 10-1997, f. & cert. ef. 7-8-97; PH 14-2006, f. 6-27-06, cert. ef. 7-1-06; PH 12-2012, f. 8-30-12, cert. ef. 9-4-12

The official copy of an Oregon Administrative Rule is contained in the Administrative Order filed at the Archives Division, 800 Summer St. NE, Salem, Oregon 97310. Any discrepancies with the published version are satisfied in favor of the Administrative Order. The Oregon Administrative Rules and the Oregon Bulletin are copyrighted by the Oregon Secretary of State. [Terms and Conditions of Use](#)

I want to operate a vending cart on private property - Printable Version

The building and zoning codes regulate vending carts on private property like new buildings that must meet all building and zoning regulations. EXCEPT carts that meet certain criteria can be considered vehicles exempt from regulation as buildings.

Meeting building and zoning regulations for a building may be very expensive or impractical.

The criteria to be considered an exempt vehicle:

1. The cart will sit on an existing paved parking area that is zoned to allow retail uses
2. The cart will not be more than 16' in length
3. The cart has wheels, and the wheels will not be removed
4. Any canopies, awnings or any other attachments are supported entirely by the cart and do not touch the ground
5. The unit is self contained, with no plumbing connections

Vending carts that are exempt from building or zoning permit may still need an electrical permit, and any electrical work done on or to a cart must be done by a licensed electrical contractor. No electrical permit would be required if the unit is already completely wired and can simply be plugged in to the power source, similar to an appliance. An extension cord cannot be used to connect to a power source.

If your vending cart cannot be considered a vehicle because it would not meet one or more of the above conditions, please visit our Development Services Center (DSC) to talk to staff. Or, you can call (503) 823-7542 and talk to a small business liaison who, can put you in touch with the appropriate technical staff. It can be very difficult to get a development permits for a cart, on private property when the

cart can't qualify as an exempt vehicle.

The DSC is on the ground floor of the building at 1900 SW 4th (4th and Harrison). We encourage you to get in to the DSC earlier in the day rather than later. The wait times get longer as the day goes by.

(CORRECTED)

**ORDINANCE NO. (2011) 941 TC 341
TC-5-11**

AN ORDINANCE TO AMEND THE ZONING CODE TO PERMIT FOOD TRUCKS TO LOCATE ON DEVELOPED LOTS COMMERCIALY-ZONED SUBJECT TO CONDITIONS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA that:

Section 1. Amend Raleigh City Code Section 10-2002(b), **DEFINITIONS**, to include the following new definition in its proper alphabetical order:

“Retail sales – food truck. A licensed, motorized vehicle or mobile food unit which is temporarily stored on a *premise* where food items are sold to the general public all in accordance with the standards of §10-2072, *Retail sales – food trucks.*”.

Section 2. Amend Raleigh City Code Section 10-2071, **SCHEDULE OF PERMITTED LAND USES IN ZONING DISTRICTS**, within the **COMMERCIAL** category, under the *“Retail sales”* heading, by inserting a new sublisting immediately following the *“Convenience”* sublisting to read as follows:

“Food Truck”.

Furthermore, within this new land use listing, place a conditional use symbol (open circle) within the **SC, NB, Bus Zone, TD, I-1** and **I-2** columns.

Section 3. Amend Raleigh City Code Section 10-2072 by including the following new conditional use listing in alphabetical order:

“- Food truck (see Retail sales – food truck)”.

Section 4. Amend Raleigh City Code Section 10-2072(b), **Uses enumerated**, to include the following new conditional use listing in alphabetical order:

“Retail sales – food truck.

A *retail sales – food truck* in the Shopping Center, Neighborhood Business, Business, Thoroughfare, Industrial-1 or Industrial-2 zoning district *shall* meet all of the following:

- (1) *Retail sales - food trucks shall* only be located on a *lot* containing a *principal building(s) or use* and the maximum number of *retail sales - food trucks per lot shall* be limited as follows:

- a. maximum of one (1) *retail sales - food trucks* on lots of one-half (1/2) acre or less;
 - b. maximum of two (2) *retail sales - food trucks* on lots between one-half (1/2) acre and one (1) acre; and
 - c. maximum of three (3) *retail sales - food trucks* on lots greater than one acre
- (2) *Retail sales - food trucks* shall be located a minimum of one hundred (100) feet from the main entrance to any *eating establishment* or similar food service business, one hundred (100) feet from any outdoor dining area and fifty (50) feet from any permitted food vending cart location, as measured from the designated location on the *lot* accommodating the *retail sales - food truck*. In the event that one or more of the aforementioned uses locates within the minimum separation requirement subsequent to a *retail sales - food truck* location being approved, nothing herein shall prohibit the property owner from continuing to operate at the approved location until the food truck permit has expired.
 - (3) *Retail sales - food trucks* shall be located a minimum distance of five (5) feet from the edge of any driveway or public sidewalk, utility boxes and vaults, handicapped ramp, building entrances, exits or emergency access/ exit ways, or emergency call box and shall not locate within any area of the *lot* that impedes, endangers, or interferes with pedestrian or vehicular traffic. *Retail sales - food trucks* shall be located a minimum distance of fifteen (15) feet in all directions of a fire hydrant.
 - (4) *Retail sales - food trucks* and its associated seating, if any, shall not occupy parking spaces required to fulfill the minimum requirements of the principal use per §10-2081 of this Code, unless the principal use's hours of operation do not coincide with those of the food truck business. Nor shall any *retail sales - food truck* and its associated seating, if any, occupy parking spaces which may be leased to other businesses and uses to fulfill its minimum parking requirements. *Retail Sales - food trucks* shall not occupy any handicap accessible parking space as specified in G.S. § 20-37.6.
 - (5) No free-standing signage or audio amplification shall be permitted as part of the *retail sales - food trucks* vending operation. Outdoor seating areas associated with a *retail sales - food trucks* vending operation shall only be permitted on lots two (2) acres or greater in size.
 - (6) Hours of operation of *retail sales - food trucks* shall be limited to the hours between 6:00 a.m. and 3:00 a.m. unless the designated location on the *lot* accommodating the *retail sales - food truck* is located within one hundred fifty (150) feet of the property line of a *single family* or *duplex dwelling* in which case the hours of operation shall be limited to the hours between 7:00 a.m. and 10:00 p.m.
 - (7) The *retail sales - food trucks* operator or his/her designee must be present at all times except in cases of an emergency.

- (8) *Retail sales - food trucks* and associated outdoor seating *shall* be removed from all permitted locations during impermissible hours of operation and *shall* not be stored, parked, or left overnight on any public *street* or sidewalk.
- (9) The *retail sales - food trucks* vendor is responsible for the proper disposal of waste and trash associated with the operation. City trash receptacles are not to be used for this purpose. Vendors *shall* remove all waste and trash from their approved location at the end of each day or as needed to maintain the health and safety of the public. The vendor *shall* keep all areas within five (5) feet of the truck and any associated seating area clean of grease, trash, paper, cups or cans associated with the vending operation. No liquid waste or grease is to be disposed in tree pits, storm drains or onto the sidewalks, streets, or other public space. Under no circumstances *shall* grease be released or disposed of in the City's sanitary sewer system.
- (10) With the exception of allowable outdoor seating areas, all equipment required for the operation *shall* be contained within, attached to or within three (3) feet of the *retail sales - food trucks* and all food preparation, storage, and sales/distribution *shall* be in compliance with all applicable County, State and Federal Health Department sanitary regulations.
- (11) That a City of Raleigh zoning permit *shall* be obtained by the property *owner* (as listed in the Wake County tax records) for any *lot* proposed to accommodate one or more *retail sales - food truck* businesses. If at any time evidence is provided that the *lot* is being used other than in compliance with these regulations such as number of food trucks allowed on the lot, outdoor seating or hours of operation, the zoning permit *shall* be rendered null and void, and the *owner shall* be punished for the violation. This zoning permit *shall* be required to be renewed annually.
- (12) That a City of Raleigh food truck permit *shall* be obtained for the *retail sales - food truck* business and all required Wake County and City of Raleigh permits and licenses *shall* be clearly displayed on the food truck. A copy of the approved food truck permit and zoning permit shall be kept in the food truck. The approved *retail sales - food truck* as shown on the *food truck* permit shall be clearly delineated on the improved surface. Prior to the issuance of the food truck permit, the vendor *shall* provide evidence of having obtained a City of Raleigh Business License, NC Sales and Use Certificate for collecting and paying the proper sales taxes and prepared meals taxes, a Wake County Environmental Services – Vending Permit and a means for the disposal of grease within an approved grease disposal facility. This food truck permit *shall* be required to be renewed annually. If at any time evidence of the improper disposal of liquid waste or grease is discovered, the food truck permit for the *retail sales - food truck* business *shall* be rendered null and void and the *retail sales - food truck* business *shall* be required to cease operation immediately. The operator of the *retail sales - food truck* business *shall* be punished for the violation.
- (13) If at any time, the Wake County Environmental Services revokes or suspends the issued food vending permit, the City permit for the *retail sales - food truck* business is revoked or suspended simultaneously.

Section 5. Amend Raleigh City Code Section 10-2072(b), Uses enumerated, within the “Retail sales – outdoor mobile vending cart” listing, to add the following new sentence to the end of subsection (5):

“This zoning permit *shall* be required to be renewed annually.”.

Section 6. Amend Raleigh City Code Section 10-2088 relating to number of principal buildings or uses on a lot to include the following new listing in alphabetical order:

“- Retail sales – food truck approved in accordance with §10-2072(b)”.

Section 7. Amend Raleigh City Code Section 10-6039(e) relating to permit fees to include the language “*retail sales - food truck,*” between the words “retail sales – outdoor mobile vending cart, “ and “fence”.

Section 8. All laws and clauses of laws in conflict herewith are hereby repealed to the extent of said conflict.

Section 9. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to the end the provisions of this ordinance are declared to be severable.

Section 10. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 11. This ordinance has been provided to the North Carolina Capital Commission as required by law.

Section 12. This ordinance shall be enforced by law as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code. All criminal sanctions shall be up to the fifty dollar limit in G.S. 14-4(a) or similar limitations.

Section 13. The penalty for violating this ordinance shall be as follows: For the first offense, the fine shall be \$100.00. For the second offense, the fine shall be \$300.00. The permit shall be revoked after the third offense.

Section 14. This ordinance shall become effective on October 1, 2011.

Adopted: September 6, 2011

Effective: October 1, 2011

Distribution: DEPARTMENT HEADS