



ORDINANCE NUMBER 2020-09

AN ORDINANCE OF THE CITY OF MOLALLA, OREGON. REPEALING AND REPLACING SECTION 17-2.3.220 MOBILE FOOD UNITS TEMPORARY STANDARDS IN THE MOLALLA MUNICIPAL CODE AND DECLARING AN EMERGENCY.

WHEREAS, the Molalla City Council recently established Ordinance 2020-08; and

WHEREAS, the Molalla City Council has recommended amendments to the code language of Section 17-2.3.220 during the July 8, 2020 City Council meeting; and

WHEREAS, recognizing that the community strongly supports mobile food units, the Molalla City Council has decided that adoption of this Ordinance warrants use of the emergency declaration clause.

Now, Therefore, the City of Molalla Resolves as follows:

Section 1. Section 17-2.3.220 Mobile Food Units Temporary Standards in the Molalla Municipal Code are repealed and replaced with this Ordinance.

Section 2: Mobile Food Units Temporary Standards are established in attached Exhibit "A."

Section 3. Effective Date. The effective date of this Ordinance will take place immediately after adoption.

Signed this 22nd day of July 2020.

Mayor Keith Swigart

ATTEST:

Christie DeSantis, City Recorder

Mobile Food Units

A. Applicability.

The following provisions apply to mobile food units not located within a building. The provisions do not apply to indoor mobile food units or mobile food units allowed pursuant to a special event permit issued by the city.

B. General Requirements.

1. Mobile food units shall primarily sell food items.
2. Mobile food units shall operate in the commercial and industrial zones only.
3. Mobile food units shall have a valid Mobile Food Unit Operating Permit available for purchase at City Hall at a cost of \$50.00. This permit will be valid until such time permanent code language is approved and adopted.
4. Mobile food units shall not sell cannabis, in any form.
5. Mobile food units shall not be located within the public right-of-way.
6. Mobile food units shall maintain continuous compliance with applicable federal, state, county, and city standards.
7. Discharge or leakage draining into the stormwater system is prohibited. Wastewater shall not be dumped onto the ground, onto the streets, or into a storm drain. All liquid waste from the waste tank or from cleaning activities such as cleaning the mobile food cart shall be captured and properly disposed of by septic service.
8. Temporary utilities, lines and tanks shall be placed underground or otherwise screened, covered, or hidden from view from the right-of-way as to minimize visual impacts and prevent tripping hazards or other unsafe conditions.
9. Power connections may not be connected by overhead wires to the individual mobile food units.
10. Comply with the stormwater and grading design standards for additional impervious surfaces.
11. Mobile food units, equipment, customer service areas, or any associated item may not be located within the public right-of-way.
12. Parking lots, refuse and recycling areas, outdoor lighting, fencing, and structures (other than the mobile food units) are subject to compliance with site plan and design review standards MMC 17-4.3. Mobile food units are exempt from MMC 17-3.5 unless otherwise identified below.
13. Mobile food unit owners are responsible for maintaining the mobile unit and the adjacent site area in a neat and clean condition. This includes, but is not limited to, regular maintenance and cleaning of the exterior of the mobile food unit to avoid rust and peeling paint, repair of broken or sagging awnings, canopies, platforms, counters, benches, tables, umbrellas, and other structures used by customers adjacent to the mobile food unit.

C. Design Standards.

1. Mobile food units can remain on a property for fourteen (14) hours or less in a twenty-four-hour period and shall comply with the following:
 - a. **Standards related to the site.**
 - i. Be limited to three food units on a property at any one time;
 - ii. Maintain the minimum number of parking stalls and minimum drive aisle widths and parking lot requirements; and
 - iii. Not result in the reduction of landscaping less than the minimum for the site zoning.
 - b. **Standards related to the mobile food unit.**
 - i. Comply with nuisance regulations in MMC 8.05.030;
 - ii. Comply with MMC 17-2.3.150(C) for all temporary structures associated with the mobile food cart units (except for the unit itself);
 - iii. Connect to individual wastewater holding tanks at all times; and
 - iv. Connect to a potable water tank at all times.

D. Process.

1. A Type I site plan and design review shall be submitted for each property in compliance with the standards in MMC 17-2.3.220 with a wastewater/water operations and maintenance plan.
2. Mobile food units shall have a valid Mobile Food Unit Operating Permit available for purchase at City Hall at a cost of \$50.00. This permit will be valid until such time permanent code language is approved and adopted.