



ORDINANCE NUMBER 2020-10

**AMENDING MOLALLA MUNICIPAL CODE SECTIONS
17-2.3.220 MOBILE FOOD UNITS, 17-5.1.020 DEFINITIONS,
AND 17-2.2.030 TABLE OF ALLOWED USES BY ZONING DISTRICT**

WHEREAS, Mobile food units provide opportunities to enliven under-utilized spaces, increased draw for consumers, entrepreneurship, increased job opportunities in the community, and a unique dining experience; and

WHEREAS, The City of Molalla adopted temporary mobile food unit legislation in ordinance 2020-08; and

WHEREAS, The need for a comprehensive set of laws regarding mobile food unit operations and licensing remained; and

WHEREAS, City staff has determined that the community supports mobile food units.

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

Section 1. Molalla Municipal Code (MMC) Section 17-2.3.220 *Mobile Food Units Temporary Standards* is replaced in its entirety by Section 17.2.3.220 *Mobile Food Units* in Exhibit "A."

Section 2: MMC Section 17-5.1.020 *Definitions* is amended to include the definitions in Exhibit "A."

Section 3. MMC Table 17-2.2.030 *Uses Allowed by Zoning District* is amended to include the uses outlined in Exhibit "A."

Section 4. Effective Date. The effective date of this amendment will take place thirty (30) calendar days after adoption of the Ordinance.

Signed this 9th day of December, 2020.

Mayor Keith Swigart

ATTEST:

Christie DeSantis, City Recorder

Exhibit A

Ordinance 2020-10

MMC 17-5.1.020 Definitions

Mobile Food Unit. Any vehicle that is self-propelled or that can be pulled or pushed down a sidewalk, street, highway or waterway, on which food is prepared, processed or converted or which is used in selling and dispensing food to the ultimate consumer.

Mobile Food Unit, Temporary. Any mobile food unit that operates, in any part, on a site that has not been approved as a permanent mobile food unit site.

Mobile Food Unit, Permanent. Any mobile food unit that operates, in any part, on a site that has been approved as a permanent mobile food unit site.

MMC Table 17-2.2.030 Uses Allowed by Zoning District

Uses	Residential Zones				Commercial Zones and Industrial Zones				Public Use	Special Use Standards
	R1	R2	R3	R5	C1	C2	M1	M2		
C. Commercial Uses					C1	C2	M1	M2	PSP	
Temporary Mobile Food Units	N	N	N	N	N	S	S	S	N	Ch. 17-2.3
Permanent Mobile Food Units	N	N	N	N	S	S	S	N	N	Ch. 17-2.3

MMC 17-2.3.220 Mobile Food Units

A. Applicability.

No Mobile Food Unit may operate within the city limits of Molalla except as permitted in this chapter, or as authorized by an event permit issued by the City of Molalla.

Mobile Food Unit owners, mobile food unit licensees, and the owner(s) of property upon which mobile food units operate are jointly and severally liable for non-compliance with this ordinance.

B. Mobile Food Units Generally.

The following standards apply to all mobile food units operating within the City of Molalla whether Temporary or Permanent.

1. Accessory Use. Mobile Food Units shall be permitted as an accessory use in all zones in which they are "Permitted Subject to Special Use Standards (S)," provided they conform to all provisions of this ordinance and all relevant provisions of the Molalla Development Code (MMC Title 17).

2. Public Facilities, Self-Containment, Waste, and Utilities.
 - a. Waste in General. Except as permitted by the City of Molalla, a mobile food unit owner and the property owner of the site where the mobile food unit is operating are expressly prohibited from allowing any type of discharge, drainage, leakage, solid waste, or liquid waste associated with a mobile food unit to:
 - i. enter the stormwater or wastewater systems; or
 - ii. be dumped or otherwise spilled on the ground, streets, or sidewalks.
 - b. Self-Containment. Notwithstanding MMC 17-3.6.040, all temporary mobile food units, and all mobile food units operating on a site approved for three (3) or less permanent mobile food units shall be totally self-contained and connect to individual wastewater and potable water tanks at all times.
 - i. Mobile food units operating on a site approved for four (4) or more permanent mobile food units may choose between self-containment, connecting to city water, connecting to city sewer, or a combination of self-containment and city water and/or sewer. All city water and sewer connections are subject to MMC 17-3.6.040 and MMC 13.14.
 - ii. All mobile food units on a given site shall be uniform in regard to self-containment or connection to one or more city services (e.g. all connected to water, all connected to sewer).
 - c. Solid Waste. All solid wastes associated with the mobile food unit, or its patronage, must be kept at all times fully enclosed in a trash bin or recycling receptacle, as applicable.
 - i. Solid wastes must be disposed of on a schedule at least as often as that offered by the City's solid waste franchise. Disposal must be by lawful means.
 - d. Utility Lines and Tanks. All utility 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 unsafe conditions.
 - i. Power may not be connected by overhead wires to the individual mobile food units.
 - e. Public Right of Way. No portion of the mobile food unit, equipment, customer service areas, or any other associated object may be located within the public right of way.
3. Condition of Unit and Site.
 - a. Mobile food units must be equipped with wheels and the wheels may not be removed.
 - b. Mobile food units must be kept in a state of good repair, including but not limited to:
 - i. an exterior that is clean and free from rust, peeling paint, and visibly worn or broken exterior equipment; and
 - ii. any other defect that reasonably detracts from the public's aesthetic appreciation of the unit or the site.
 - c. The site area adjacent to the unit must be kept in a state of good repair, including but not limited to:
 - i. free from trash, waste, broken or visibly worn equipment and furnishings;
 - ii. and any other defect that reasonably detracts from the public's aesthetic appreciation of the site.
 - d. Site Surfacing.

- i. Temporary mobile food units may only operate on a paved parking area.
 - ii. Permanent mobile food units may only operate on a site with a hard surface sufficient in size to minimize dust and facilitate all mobile food unit operations, and related customer activities such as eating, ingress, and egress.
 - 1. Gravel and soil surfaces are prohibited.
 - iii. The surfacing requirement does not apply to permanent mobile food units that pre-exist the date this ordinance was adopted unless and until the mobile food unit moves from the site for a period of 30 or more days.
 - e. Separation and Setbacks. All mobile food units on a site shall be located a minimum of:
 - i. Five (5) feet from any structure or mobile food unit;
 - ii. Ten (10) feet from any front or street-side lot line;
 - iii. Five (5) feet from any side or rear lot line;
 - iv. Twenty (20) feet from any lot line abutting a residential zone.
4. Nature of Operations and Right to Inspect.
- a. Mobile food units shall primarily sell food items.
 - b. Mobile food units may not sell, offer, provide or in any way transfer cannabis in any form.
 - c. At all times mobile food units are subject to inspection by City of Molalla Code Enforcement, City of Molalla Police Department, and Molalla Fire District personnel on official business.
5. Legal Requirements.
- a. Licensing.
 - i. All mobile food units must possess and display a valid Clackamas County Mobile Food Unit License.
 - ii. Temporary mobile food units must possess and display a valid City of Molalla temporary mobile food unit license.
 - iii. Permanent mobile food units must possess and display a valid City of Molalla business license.
 - b. Compliance with Laws. Mobile food units and the property upon which they operate must maintain continuous compliance with all applicable laws and rules of the federal, state, county, and city, governments.

C. Temporary Mobile Food Units.

The provisions of this section apply to all mobile food units operating in the City of Molalla in any part on a site or sites that have not been approved for placement of a permanent mobile food unit or units, and to the sites upon which temporary mobile food units are allowed to operate.

- 1. Zoning. Temporary mobile food units may only operate in the following zones:
 - a. General Commercial (C-2), Light Industrial (M-1), and Heavy Industrial (M-2) zones.
- 2. Placement.

- a. No more than three (3) temporary mobile food units may be present on one property at any time unless it is for the sole purpose of storing the unit(s). Temporary mobile food units may not be stored upon any property upon which they operate.
 - b. Temporary mobile food units may not be placed in any location that hinders access for emergency vehicles or impacts the traffic pattern on any public roadway.
 - c. Temporary mobile food units must not be placed in a way that results in a violation of federal, state, county, or city laws, or any condition of a land use or permitting action.
3. Accessory Items and Structures.
- a. Development and improvements related to temporary mobile food unit operations are strictly prohibited except that a paved parking lot may be expanded, subject to the provisions of the Molalla City Code, to facilitate such operations.
 - b. Temporary tables, chairs, lighting, and shelter may be provided during temporary mobile food unit operations but must be removed upon cessation of operations at the site each day.
 - c. Trash receptacles for customer use must be provided and maintained within ten (10) feet of the temporary mobile food unit and must be removed upon cessation of operations each day.
4. Operating Hours.
- a. Temporary mobile food units may only operate for 14 or less hours per calendar day, and only between the hours of 6:00am and 10:00pm.
 - b. Temporary mobile food units must vacate all properties upon which they operate immediately upon cessation of operations.

D. Permanent Mobile Food Units.

The provisions of this section apply to all permanent mobile food unit sites and mobile food units that operate thereon in any part.

1. Zoning. Permanent mobile food unit sites may only be approved in the following zones:
 - a. Central Commercial (C-1), General Commercial (C-2), and Light Industrial (M-1).
 - b. Licensed permanent mobile food units may operate as a temporary mobile food unit but must first submit and gain approval of a list of addresses upon which they intend to operate as a temporary mobile food unit.
 - i. Licensed permanent mobile food units operating outside the permanent mobile food unit site for which they are licensed must comply with all of the provisions of sections B and C of this ordinance, except that they need not obtain a temporary mobile food unit license.
2. Development Code.
 - a. Except as specifically delineated in this ordinance, all permanent mobile food unit sites must comply with the applicable provisions of MMC Title 17 in general and specifically for commercial activities classified as Retail Sales and Commercial Service.

3. Fencing.

- a. Permanent mobile food unit sites with approval for four (4) or more permanent mobile food units shall be fully enclosed by a fence, wall, exterior building wall, or combination thereof.
- b. Notwithstanding MMC section 17-3.4.040, the design and dimensions of fences or walls used to satisfy the requirement of this section are subject to approval by the Planning Official.
 - i. The planning official shall base their approval of a proposed wall or fence on a balance of the Community Design Standards in MMC 17-3.4.040, the location of the parcel and surrounding uses, and the aesthetics of the proposal.
 - ii. Clear vision standards may only be waived by variance.

4. Sanitation Facilities.

- a. A permanent mobile food unit site authorized for three (3) or less mobile food units:
 - i. Shall have at least one (1) toilet and one (1) hand washing facility available to employees and the public at all times of operation.
 1. The toilet and hand washing facilities may be portable, part of an existing building on-site, or constructed in accordance with the Molalla City Code and Oregon Specialty Building Code.
 2. No more than one (1) portable toilet per permanent mobile food unit is allowed.
- b. A permanent mobile food unit site authorized four (4) or more mobile food units:
 - i. Shall have at least two (2) toilets and two (2) hand washing facilities available to employees and the public at all times of operation.
 1. The toilet and hand washing facilities may be portable, part of an existing building on-site, or constructed in accordance with the Molalla City Code and Oregon Specialty Building Code.
 2. No more than one (1) portable toilet per permanent mobile food unit is allowed.

5. Liquid Waste Collection

- a. All permanent mobile food units must provide a liquid waste collection plan outlining:
 - i. How liquid waste will be collected and disposed of;
 - ii. How often liquid waste will be removed from the site and disposed of;
 - iii. What company will collect and dispose of the liquid waste.

E. Process.

1. Temporary Mobile Food Units. Prior to operation, a Temporary Mobile Food Unit owner must submit to city hall a temporary mobile food unit license application including a list of addresses upon which they intend to operate, and the appropriate fee. These licenses expire on December 31st of each year and must be renewed.

- a. Temporary mobile food units may only operate on premises approved on their application, and only with property owner consent.
 - b. Additional addresses may be added by filing an addendum at City Hall, subject to approval by city staff. Approved additional address addendums become part of the approved license and must be kept with the original license approval.
 - c. The temporary mobile food unit license fee will be set from time to time by resolution of the City Council.
 - d. Temporary mobile food unit licenses run with the owner and must be reapplied for upon a change of ownership.
2. Permanent Mobile Food Unit Site. Prior to beginning mobile food unit operations, a property owner must submit a Zoning Checklist in accordance with MMC 17-4.1.020, and comport with all required land use & permitting requirements in MMC Title 17.
 3. Permanent Mobile Food Units. Prior to operation, a Permanent Mobile Food Unit owner must submit to city hall, and receive approval of, a City of Molalla business license application and the associated fee in accordance with the provisions of MMC Title 5.

F. Enforcement and Penalties.

1. Violations of development related provisions of this ordinance shall be subject to the enforcement and penalty provisions of MMC Title 17.
2. All other violations shall be subject to the general penalty in MMC 1.04.010.

G. Severability.

In the event any provisions of this chapter shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision.