



**CITY OF NAPAVINE PLANNING COMMISSION MEETING**  
**Monday – August 5, 2024 – 6:00 PM**

Deborah Graham,  
*Position 1*

Amy Hollinger  
*Position 2*

Arnold Haberstroh,  
*Position 3*

Amy Morris  
*Position 4*

Kacey Torgerson  
*Position 5*

Bryan Morris  
PW/CD Director

- I. PLEDGE OF ALLEGIANCE**
- II. INVOCATION**
- III. CALL TO ORDER**
- IV. ROLL CALL**
- V. APPROVAL OF AGENDA – As Presented**
- VI. APPROVAL OF MINUTES**
  - 1) Planning Commission Workshop Meeting- July 1, 2024**
  - 2) Planning Commission Regular Meeting – July 1, 2024**
- VII. OLD BUSINESS**
  - 1) Sewer/Utility Extension/ Latecomer Codes**
  - 2) Mobile Food Vendors**
- VIII. CONSIDERATION**
- IX. CITIZEN COMMENT**
- X. GOOD OF THE ORDER**
- XI. ADJOURNMENT**

**Planning Commission Meeting is held in person and via  
Teleconference.**

**Teleconference Information**

**Dial-in number (US): (720) 740-9753**

**Access code: 8460198**

**To join the online meeting:**

**<https://join.freeconferencecall.com/rdenham8>**

**City of Napavine**  
407 Birch Ave SW  
P O Box 810  
Napavine, WA 98565  
360-262-3547

**City Website**  
[www.cityofnapavine.com](http://www.cityofnapavine.com)



**NAPAVINE PLANNING COMMISSION WORKSHOP MINUTES**  
**July 1, 2024 5:30 P.M.**  
**Napavine City Hall, 407 Birch Ave SW, Napavine, WA**

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**CALL TO ORDER:**

**Workshop Meeting started at 5:30 pm.**

**ROLL CALL:**

Planning Commission present: Deborah Graham, Arnold Haberstroh, Amy Morris, and Amy Hollinger (virtual).

City Council Members present: Heather Stewart, Ivan Wiediger, and Duane Crouse

Staff Present: Director Bryan Morris and Executive Assistant Katie Williams

**Mobile Food Trucks**

**Director Morris** explained the temporary/ 3 day permitting through the county. Planning Commission and Council discussed the possibilities of food trucks.

**Executive Assistant Katie Williams** stated that she will be working with the Clerk and Treasurer to create a questionnaire for food vendors for when they apply for a business license since the state's business license system is very vague. That will help determine what they want to do in the city, whether it is permanent or 3 day/special events.

The items below are a summary of the discussion.

Temporary Food Vendor –

1. Business License
2. Signed Permission to Use Property Form with landowner phone number with site plan
3. Fee Schedule
4. Application should be filled out for fundraising/booster club/charity, but the fee will be waived.

Permanent Food Vendor –

1. Will need to be hooked up to city water and sewer.
2. 10 ft. separation between each food truck.
3. No more than 1 food truck per 1500 sq. ft – 3 max.
4. Only allowed in commercial zone with a commercial use
5. Require yearly fee (\$500) with an updated site plan

**ADJOURNMENT** 6:16 pm

*These minutes are not verbatim. If so desired, a recording of this meeting is available online at*

<https://fccdl.in/OUxi0XTshA>.

**Respectfully submitted,**

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Bryan Morris, Community Development/Public Works Director

Planning Commission Chairperson



**NAPAVINE PLANNING COMMISSION MINUTES**  
**July 1, 2024 6:00 P.M.**  
**Napavine City Hall, 407 Birch Ave SW, Napavine, WA**

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**PLEDGE OF ALLEGIANCE:**

**INVOCATION:** Invocation was led by **Commissioner Morris**.

**CALL TO ORDER:**

**Commissioner Graham** opened the regular Planning Commission meeting to order at 6:16 PM

**ROLL CALL:**

Planning Commission present: **Commissioner Hollinger (virtual), Commissioner Graham, Commissioner Haberstroh, and Commissioner Morris**. **Commissioner Morris** motioned to excuse **Commissioner Collins**, seconded by **Commissioner Haberstroh**. **Vote on Motion 3 aye, 0 nay.**

**APPROVAL OF AGENDA – As presented:**

**Commissioner Haberstroh** motioned to approve the agenda as presented, seconded by **Commissioner Morris**. **Vote on motion 3 aye, 0 nay.**

**APPROVAL OF MINUTES:**

**Commissioner Morris** motioned to approve minutes from the **Planning Commission Meeting on June 17, 2024**, seconded by **Commissioner Hollinger**. **Vote on motion 3 aye and 0 nay.**

**OLD BUSINESS:**

**1. Sewer/Utility Extension/Late Comer Codes**

**Executive Assistant Katie Williams** explained the work that was done on the existing codes and the new code. Planning Commission approved the changes of section 13.08.020 Facilities Installation.

Had a long discussion on NMC 13.08.030 Director to cause connections. **Commissioner Haberstroh** stated that some other cities have an infrastructure loan or something that helps the citizen pay for the construction to get the water or sewer hooked up. **Director Morris** stated that if we get them to pay hook up fees at escrow and pay a temp non-use why would the city care if you are to ever hook up? **Commissioner Haberstroh** agrees with **Director Morris**. **Director Morris** stated should only require them to hook up with a change of hands or failure.

**Executive Assistant Katie Williams** stated the issue she sees is the city will never be able to expand or run utilities down if everyone can stay on well and septic. If we have no water because we allowed everyone to keep the wells? We will never be able to pass a LID if we allow everyone to stay on wells and septic. **Commissioner Haberstroh** stated that it shouldn't apply to residential, only commercial. **Executive Assistant Katie Williams** stated how do you put that in the code that residential is exempt in the code?

**Commissioner Haberstroh** stated that when someone comes for a commercial building permit, they need to pay a water hook-up, but not physically extending or using water until they are ready for it. **Executive Assistant Katie Williams** stated that we can't charge a water hook-up when the water isn't available. They would need to extend and hook-up at the same time, because that would be pre-paying.

Discussion continued, will revisit at next Planning Commission meeting.

**Commissioner Morris** motioned to table **Sewer/Utility Extension/Late Comer's Codes until next meeting**, seconded by **Commissioner Haberstroh**. **Vote on motion 3 aye, 0 nay.**

**2. Mobile Food Vendors – Moratorium Ordinance**

Commission Hollinger requested a quick review of the Temporary Food Vendor discussion.

Bullet items from the workshop are below.

Temporary Food Vendor –

1. Business License
2. Signed Permission to Use Property Form with landowner phone number with site plan
3. Fee Schedule
4. Application should be filled out for fundraising/booster club/charity, but the fee will be waived.

Permanent Food Vendor –

1. Will need to be hooked up to city water and sewer.
2. 10 ft. separation between each food truck.
3. No more than 1 food truck per 1500 sq. ft – 3 max.
4. Only allowed in commercial zone with a commercial use
5. Require yearly fee (\$500) with an updated site plan

Executive Assistant Katie Williams asked Planning Commission to look over the Mobile Food Code that Commissioner Hollinger and Katie have been working on, just to get their feet wet. She will work on incorporating the changes above into the code.

**Commissioner Haberstroh motioned to table until next meeting so Katie can work on the code to reflect the discussion of the workshop meeting, seconded by Commissioner Morris. Vote on motion 3 aye, 0 nay.**

**GOOD OF THE ORDER:**

**Commissioner Graham** wanted to let everyone know she will not be at the July 15<sup>th</sup> Planning Commission Meeting.

**ADJOURNMENT** 7:22 pm

**Commissioner Haberstroh** motioned to adjourn, seconded by **Commissioner Morris**. Vote 3 aye, 0 nay.

*These minutes are not verbatim. If so desired, a recording of this meeting is available online at <https://fccdl.in/OUxiOXTshA>.*

**Respectfully submitted,**

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Bryan Morris, Community Development/Public Works Director

Planning Commission Chairperson

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### 13.08.020 Facilities installation.

The owner of any house, building or property used for **full time** human occupancy, **full time** employment, recreation or other purpose, situated inside the district and abutting any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city, is required, at the owner's expense, to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article, provided that such public sewer is within two hundred feet of the property line of the lot or parcel upon which such house, building or property is situated.

(Ord. No. 611, §§ 1, 2, 8-25-20)

### 13.08.030 Director to cause connections.

The director shall have the power in all cases, where there is a public sewer in any street or alley, to cause any owner of land upon or adjoining such street or alley, his agent or tenant, to make a sufficient drain and proper sewer connection from any house, building or property upon such land whenever in the opinion of the director the same is necessary, and the officer shall thereupon give each owner, agent or tenant, or person occupying such premises not less than five days' notice in writing specifying the time when such drain or sewer connection must be completed, and if the owner, agent or tenant neglects to complete the same within the time specified, and in addition to penalties imposed for the violation of any of the provisions of this article, the director of the city shall cause it to be done and shall recover the whole amount of the expense thereof, together with ten percent additional as a penalty by an action in the name of the city before any court having jurisdiction thereof, from the owner or person occupying such premises, who shall be severally and jointly liable therefor; and the same shall constitute a lien on the premises and may be foreclosed as provide by law.

(Ord. No. 611, §§ 1, 2, 8-25-20)

**Commented [KW1]:** Attorney to review what is legally enforceable and what is not.

### 13.08.040 When public sewer not available.

Where a public sanitary sewer is not available under the provisions of Section 13.08.030, the building sewer shall be connected to a private sewage disposal system complying with the ordinances of the county health district. **The landowner will grant a covenant to the city to be recorded against the property requiring sewer connection when it comes available.** *sign into a developer's agreement with the city.*

~~(Ord. No. 611, §§ 1, 2, 8-25-20)~~

### 13.08.050 When public sewer becomes available.

At such time as a public sewer becomes available to a property serviced by a private sewage disposal system, as provided in Section 13.08.040, a direct connection shall be made to the public sewer in compliance with this article, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material as to prevent the same from settling or collapsing **per NMC Water, Sanitary Sewer and Stormwater Extension code.**

(Ord. No. 611, §§ 1, 2, 8-25-20)

### 13.08.060 Private sewage system.

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city, and shall comply with the ordinances, rules and regulations of the county health district.

(Ord. No. 611, §§ 1, 2, 8-25-20)



## Chapter 14.12

### WATER, SANITARY SEWER AND STORMWATER EXTENSIONS

#### Sections:

- 14.12.010 Location of water, sewer and storm sewer main extensions.
- 14.12.020 Abandonment of wells and septic systems.
- 14.12.030 Oversizing and additional length reimbursement.
- 14.12.040 Expense reimbursement.

#### **14.12.010 Location of water, sewer and storm sewer main extensions.**

Whenever water, sewer and storm sewer mains are extended, main extensions shall also be extended along or through the property being served by the extension so that utility service can be provided to other properties beyond the property being served. The specific location of the extension through or along the property shall be determined by the city at the time of application and shall conform to the city's water, sewer and storm and surface water system plans for the area where the property is located. Generally, main extensions shall be required along the full frontage of rights-of-way adjacent to the property being developed and served by the main extension and may also be required through the property being developed so that utility service can be provided to other properties not fronting the right-of-way. ~~(Ord. 11-06 § 1, 2006).~~

#### **14.12.020 Abandonment of wells and septic systems.**

Existing wells and septic systems shall be abandoned in accordance with applicable state and local laws and regulations at the owner's expense no later than at the time the property being served by the well or septic system is connected to and receives services from the city's utility systems; provided, that existing wells may be retained for irrigation use only on the condition that the well is severed from the facility/building with prior approval from city council ~~domestic water connection to the properties to be irrigated by the well water incorporate a reduced-pressure backflow assembly in accordance with city standards. (Ord. 11-06 § 1, 2006).~~

#### **14.12.030 Oversizing and additional length reimbursement.**

Water, sewer and storm and surface water main extensions shall be sized and configured in accordance with this municipal code, resolutions and water, sewer and stormwater system plans. ~~However, eight inch water and sanitary sewer mains will be the smallest lines permitted on public streets.~~ If main extension sizing required by the city engineer exceeds the minimum allowable extension pipe sizing for the project, the city, acting by and through the city engineer, shall reimburse the developer installing the oversized main the differential cost in materials and installation for the greater pipe size. Prior to the installation of the main extension subject to oversizing reimbursement, the developer shall provide the city engineer with certified bids for the cost of minimum allowable extension pipe size as installed and the greater pipe size required by the city engineer as installed for review and approval by the city engineer to determine the differential cost. Additionally, the oversizing reimbursement section may be applied to those situations where the city engineer requests an additional length of pipe to be constructed beyond the minimum allowable pipe length required by the project. The city, acting by and through the city engineer, shall reimburse the developer for the differential cost of the pipe oversizing within 60 days of the final acceptance of the installed main extension. ~~(Ord. 11-06 § 1, 2006).~~

#### **14.12.040 Expense reimbursement through Latecomers.**

Where a water, sewer, or storm and surface water main is extended along a street at the expense of the property owner or owners on one portion of the street only, or where such a line is extended through property not currently served and not contributing to the cost of the line, or when the city extends a water or sanitary sewer main, the person or persons paying the costs of extension of the water, sewer, or storm and surface water main shall follow ~~be reimbursed by the noncontributing property owners at the time these owners connect to the water, sewer or storm and surface water main, subject to the reimbursement~~ provisions of NMC Chapter 13.20 Latecomer Agreements. Chapter 14.14 BMC. ~~(Ord. 11-06 § 1, 2006).~~

## Chapter 13.20 LATECOMER AGREEMENTS

### 13.20.010 Definitions.

The following definitions control purposes of this chapter:

- A. 1. "Street system improvements" includes the acquisition of right-of-way and/or easements, design, grading, paving, installation of curbs, gutters, storm drainage, sidewalks, street lighting, traffic controls and other similar improvements as required by the street standards of the city. A latecomer agreement shall not be approved for the improvement of a developer's abutting rights-of-way and transitions as required by city ordinance. An exception may apply where vertical grade and alignment changes are required by the city engineer to promote traffic safety and the city engineer recommends a latecomer agreement.
2. No latecomer agreement shall be approved for alley improvements.
- B. "Utility system improvements" includes the acquisition of right-of-way and/or easements, design and installation of the system to city design standards including:
  1. "Water" includes such things as mains and appurtenances, including service lines, valves, fire hydrants, pumping of pressure, reducing stations, testing, etc.
  2. "Sewer" includes such things as mains and related appurtenances including side sewers, lift stations, telemetering facilities, testing, etc.
  3. "Storm drainage" includes such things as mains and related appurtenances including public detention facilities.

(Ord. 219 (part), 1994)

### 13.20.020 Application authorized—Purpose—Term.

Any developer utilizing private funds to install street, water or sewer (sanitary and/or storm) improvements and appurtenances costing more than four thousand dollars, said limit to be adjusted annually in accordance with the ENR (Engineering News-Record) Index, on public right-of-way may apply to the city to establish a latecomer agreement for recovery of a pro rata share of the cost of constructing said public improvements from other practices that will later derive a benefit from said improvements. No latecomer agreement shall extend for a period longer than ten years from the date of the final acceptance by the city. The city council shall have the discretion to authorize or not to authorize latecomer agreements on a case-by-case basis.

(Ord. 219 (part), 1994)

### 13.20.030 Guidelines establishment authority.

The city engineer shall establish guidelines and rules, regulations, policies and procedures for all applications for latecomer agreements.

(Ord. 219 (part), 1994)



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### **13.20.040 Rights and nonliability of city.**

The city reserves the right to refuse to enter into any latecomer agreement or to reject any application therefor. All applications for latecomer agreements shall be made on the basis that the applicant releases and waives any claims for any liability of the city in establishment and enforcement of latecomer agreements. The city shall not be responsible for locating any beneficiary or survivor entitled to benefits by or through latecomer agreements. Any collected funds unclaimed by developers after three years from the expiration of the agreement shall be returned to parties making payment to the city. Any remaining undeliverable funds shall inure to the benefit of the appropriate utility and/or fund approved by city council.

(Ord. 219 (part), 1994)

### **13.20.050 Application requirements—Fee.**

All applications for latecomer agreements shall be on forms approved and established by the city engineer and shall be accompanied by a nonrefundable application fee of ~~fifteen hundred~~ ~~five hundred dollars~~ plus ~~one hundred~~ ~~fifty dollars~~ for every separate parcel to be encumbered by the agreement to cover the city's expenses in processing the application. The city engineer shall establish other requirements for the form of the application.

(Ord. 219 (part), 1994)

### **13.20.060 Eligibility of applicants.**

Applicants for latecomer agreements shall be in compliance with all city ordinances, rules and regulations to be eligible for processing for latecomer agreements.

(Ord. 219 (part), 1994)

### **13.20.070 Street system improvement—Procedure.**

The procedures to be followed for latecomer agreements for street system improvements shall be as follows:

- A. City will formulate an assessment reimbursement area (benefit area) based upon a determination of which parcels adjacent to the improvements would require similar street improvements upon development.
- B. The preliminary determination of area boundaries and assessments, along with a description of property owner's rights and options, shall be forwarded by registered mail to the property owners of record as shown on the records of Lewis County assessor within the proposed assessment area. If any property owner requests a hearing in writing within twenty days of the mailing of the preliminary determination, a hearing shall be held before the city council, notice of which shall be given to all affected property owners at least ten days in advance of the council meeting. The city council's ruling is determinative and final.
- C. The latecomer agreement must be recorded in the Lewis County auditor's office within thirty days of the final execution of the agreement. It shall be the sole responsibility of the latecomer applicant to record said agreement.
- D. Once recorded, the latecomer agreement shall be binding on owners of record within the assessment area who are not party to the agreement.

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- E. All notice requirements set forth herein shall be the sole responsibility of the applicant for latecomer's agreement and shall be satisfied by a notarized affidavit that the applicant has mailed the notices pursuant to the requirements set forth herein.

(Ord. 219 (part), 1994)

### **13.20.080 Utility system improvements—Procedure.**

The procedures to be followed for latecomer agreements for utility system improvements shall be as follows:

- A. City will formulate an assessment reimbursement area (benefit area) based upon a determination which parcels did not contribute to the original cost of such utility system improvement and who may subsequently tap onto, drain to, or use the same including users connected to laterals or branches connecting thereto.
- B. The preliminary determination of area boundaries and assessments, along with a description of the property owner's rights and options, shall be forwarded by registered mail to the property owners of record as shown on the record of the Lewis County assessor within the proposed assessments area. If any property owner requests a hearing in writing within twenty days of the mailing of the determination, a hearing shall be held before the city council, notice of which shall be given to all affected property owners at least ten days in advance of the council meeting. The city council's ruling is determinative and final.
- C. The latecomer agreements must be recorded in the Lewis County auditor's office within thirty days of the final execution of the agreement. It shall be the sole responsibility of the latecomer applicant to record said agreement.
- D. Once recorded, the latecomer agreement shall be binding on owners of record within the assessment area who are not party to the agreement.
- E. All notice requirements set forth herein shall be the sole responsibility of the applicant for latecomer's agreement and shall be satisfied by a notarized affidavit that the applicant has mailed the notices pursuant to the requirements set forth herein.

(Ord. 219 (part), 1994)

## Proposed Mobile Food Vendor Code from Workshop

### Chapter ~~17.56~~

#### MOBILE FOOD ~~VENDORS~~

Commented [KW1]:

Sections:

#### ~~17.56.010~~ Definitions.

"Mobile food unit" means a licensed and operable motor vehicle, or trailer used to serve, vend, or provide ready-to-eat food or nonalcoholic beverages for human consumption from an approved and fixed location.

"Mobile food vendor" means any business operator or vendor who conducts business from a motor vehicle or trailer upon public streets or private property, referred to in this chapter as "vendor." (~~Ord. 1090 § 1, 2022~~)

#### ~~18.23.010~~ Purpose.

The purpose of this chapter is to provide guidance on mobile food vending within the city limits, promote the city's vision for its downtown and its aesthetic values, allow mobile food vending as a special amenity, and to protect the health and welfare of residents and visitors. (Ord. 2022-644 § 3).

Commented [KW1]: Merged from NC

#### ~~17.56.030~~ Activities requiring a license.

It is unlawful for any person to operate within the city a mobile food unit, as defined in this chapter, without having obtained a business license for that purpose. A separate license shall be required for each mobile food unit. No person shall then sell or offer food products at any location until the food vendor has been duly licensed. General business license provisions (Chapter 5.02) shall apply to this special license. In addition to the provisions set forth in this chapter, a city-issued business license shall be required. (~~Ord. 1090 § 1, 2022~~)

#### ~~17.56.040~~ Exemptions.

The provisions of this chapter shall not be applied to:

- A. Lemonade stands; ~~garage sale or other youth fundraisers~~
- B. Delivery or distribution of food, goods or products ordered or purchased by customers from a source or point of sale other than a mobile vehicle operated for the purpose of soliciting customers while located on city streets or private property.

#### ~~17.56.050~~ Application for license.

A person desiring to operate a mobile food unit shall make a written application for such license to the city clerk. The application for a license shall include the following:

- A. Lewis County Public Health Food Establishment Application and Checklist.
- B. A site plan depicting the following:
  - (a) Vehicle ingress and egress;
  - (b) Location of the mobile food vending unit, signs, and accessory equipment such as tables and canopies, if any; and
  - (c) Site conditions including property lines, parking, and buildings
- C. Photograph of the mobile food vending unit, proposed signs, and any accessory equipment.
- D. Copy of Lewis County health district permit.
- E. Evidence of current Washington State vehicle registration.
- F. Permission to Use Property Form - The mobile food vendor must obtain a signed agreement between the property owner and the mobile food vendor allowing use of the property for the mobile food business including written permission from the property owner for employees of the mobile food vendor to use the property owner's restroom. Portable Restrooms are not permitted.
- G. Copies of all additional licenses or permits that are required by the Grays Harbor ~~Lewis~~ County Health Department, the Washington State Department of Labor and Industries, and a valid city of ~~Napavine~~ Ocean Shores business license. (This requirement shall be met within thirty days of approval of a mobile food unit license by the city of ~~Napavine~~ ~~Ocean Shores~~. However, no mobile food unit shall locate or operate within the city until such city, county and state licenses have been issued.)
- H. Proof of insurance in an amount not less than one million dollars liability and designating the city of ~~Napavine~~ as a named insured when mobile food units are conducting business on city property.

I. Certificate of public liability insurance in an amount not less than \$500,000 for injuries, including those resulting in death, resulting from any one occurrence, and on account of any one accident.

J. Property damage insurance of not less than \$25,000 for damages on account of any one accident or occurrence.

K. Any applicable fees.

L. Applications must be submitted at least 30 days prior to the desired approval date.

M. Applications for sponsored events are to be held on file with the City Clerk

#### 17.56.060 License fee.

An annual licensing fee in the amount of five hundred dollars is required with an updated site plan, in addition to fees as set forth in Section 17.56.050(H). (Ord. 1090 § 1, 2022)

#### 17.56.070 Term of license.

The licenses issued pursuant to this chapter are not transferrable. (Ord. 1090 § 1, 2022)

#### 17.56.080 Exhibition of license.

All licenses issued under this chapter shall be posted conspicuously on the mobile food unit. (Ord. 1090 § 1, 2022)

#### 17.56.090 Permitted Locations.

1. Mobile food vending may be allowed on city-owned properties and right-of-ways pursuant to either city contract, or a special event permit per Chapter 5.46 MMC and MMC 22C.260.050.

2. Permanent mobile food vending units are allowed on private properties in commercial zones, industrial, recreation and public institutional zones. Mobile food vendors are subject to the following requirements:

- (a) The mobile food vending unit may not diminish required off-street parking for another use.
- (b) All temporary signage associated with the mobile food vending unit shall be limited to 10 sq. ft.
- (c) Site conditions including property lines, parking, and buildings
- (d) City utilities (water and sewer hook-up) required. Verified by Public Works.
- (e) If more than one (1) food truck on commercial property – must have 10 ft. separation between each food truck.
- (f) No more than one (1) food truck per 1500 sq. ft. – three (3) food trucks max.

#### 17.56.100 Temporary Food Vendor/ Special Events

Mobile food vendors may operate on private and public properties as part of an approved special event permit, subject to the following:

- a) City Business License
- b) Special Event Application – Booster club/Charity/ Fundraising no fee, but application still required.
- c) Permission to Use Property Form – The mobile food vendor must obtain a signed agreement between the property owner and the mobile food vendor allowing use of the property for the mobile food business including written permission from the property owner for employees of the mobile food vendor to use the property owner's restroom. Portable Restrooms are not permitted.
- d) Site Plan
- e) Management of vendors, such as vendor selection, booth location and products offered, shall be the responsibility of the event sponsor. Through the special event permit process, the city may regulate the location of vendors to protect the health, safety and general welfare of the public and ensure that the event does not adversely affect the ability of the city to perform its duties and functions.
- f) Events sponsored by the city can occur at a frequency of the city's discretion.

**Commented [KW2]:** Need to verify what insurance is required with Attorney/City Clerk/ Treasurer

**Commented [KW3]:** Not sure we want to put a max of 3 if the sq. ft. of property allows more.



Chapter 17.56

MOBILE FOOD VENDORS

Sections:

- 17.56.010 Definitions.
- 17.56.020 **Purpose** ~~Scope~~.
- 17.56.030 Activities requiring a license.
- 17.56.040 Exemptions.
- 17.56.050 Application for license.
- 17.56.060 License fee.
- 17.56.070 Term of license.
- 17.56.080 Exhibition of license.
- 17.56.090 Locations.
- 17.56.100 Health regulations.
- 17.56.110 Business activity to be temporary.
- 17.56.120 Mobile food unit standards.
- 17.56.130 Design and operation.
- 17.56.140 Administration.
- 17.56.150 Violation of the provisions of the chapter.

**17.56.010 Definitions.**

“Mobile food unit” means a licensed and operable motor vehicle, or trailer used to serve, vend, or provide ready-to-eat food or nonalcoholic beverages for human consumption from an approved and fixed location.

“Mobile food vendor” means any business operator or vendor who conducts business from a motor vehicle or trailer upon public streets or private property, referred to in this chapter as “vendor.” (Ord. 1090 § 1, 2022)

**18.23.010 Purpose.**

The purpose of this chapter is to provide guidance on mobile food vending within the city limits, promote the city’s vision for its downtown and its aesthetic values, allow mobile food vending as a special amenity, and to protect the health and welfare of residents and visitors. (Ord. 2022-644 § 3).

Commented [KW1]: Merged from NC

~~**17.56.020 — Scope.**~~

~~The provisions of this chapter apply to mobile food units engaged in the business of cooking, preparing, and distributing food or beverage with or without charge upon or in public and private locations. This chapter does not apply to vehicles that dispense food and that move from place to place and are stationary in the same location for no more than fifteen minutes at a time, such as ice cream trucks. (Ord. 1090 § 1, 2022)~~

**17.56.030 Activities requiring a license.**

It is unlawful for any person to operate within the city a mobile food unit, as defined in this chapter, without having obtained a business license for that purpose. A separate license shall be required for each mobile food unit. No person shall then sell or offer food products at any location until the food vendor has been duly licensed. General business license provisions (Chapter 5.02) shall apply to this special license. In addition to the provisions set forth in this chapter, a city-issued business license shall be required. (Ord. 1090 § 1, 2022)

**17.56.040 Exemptions.**

The provisions of this chapter shall not be applied to:

- A. Lemonade stands; garage sale or other youth fundraisers
- B. Delivery or distribution of food, goods or products ordered or purchased by customers from a source or point of sale other than a mobile vehicle operated for the purpose of soliciting customers while located on city streets or private property;

# Amy and Katie Food Truck Code - Rough Draft

~~C. Events which are conducted exclusively at the Ocean Shores Convention Center and held entirely within the confines of the Ocean Shores Convention Center.~~

(Ord. 1090 § 1, 2022)

## 17.56.050 Application for license.

A person desiring to operate a mobile food unit shall make a written application for such license to the city clerk. The application for a license shall include the following:

### A. Lewis County Public Health Food Establishment Application and Checklist

#### B. A site plan depicting the following:

(a) Vehicle ingress and egress;

(b) Location of the mobile food vending unit, signs, and accessory equipment such as tables and canopies, if any; and

(c) Site conditions including property lines, parking, and buildings

#### C. Photograph of the mobile food vending unit, proposed signs, and any accessory equipment.

#### D. Copy of Lewis County health district permit.

#### E. Evidence of current Washington State vehicle registration.

F. The mobile food vendor must obtain a signed agreement between the property owner and the mobile food vendor allowing use of the property for the mobile food business including written permission from the property owner for employees of the mobile food vendor to use the property owner's restroom. Portable restrooms are not permitted on site.

G. Copies of all necessary licenses or permits issued by the ~~Grays Harbor~~ Lewis County Health Department.

H. Copies of all additional licenses or permits that are required by the ~~Grays Harbor~~ Lewis County Health Department, the Washington State Department of Labor and Industries, and a valid city of Napavine ~~Ocean Shores~~ business license. ~~(This requirement shall be met within thirty days of approval of a mobile food unit license by the city of Ocean Shores. However, no mobile food unit shall locate or operate within the city until such city, county, and state licenses have been issued.)~~

I. Proof of insurance in an amount not less than one million dollars liability and designating the city of Napavine ~~Ocean Shores~~ as a named insured when mobile food units are conducting business on city property.

J. Certificate of public liability insurance in an amount not less than \$500,000 for injuries, including those resulting in death, resulting from any one occurrence, and on account of any one accident.

K. Property damage insurance of not less than \$25,000 for damages on account of any one accident or occurrence.

L. Any applicable fees.

M. Applications must be submitted at least 30 days prior to the desired approval date.

N. Applications for sponsored events are to be held on file with the City Clerk.

(Ord. 1090 § 1, 2022)

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## 17.56.060 License fee.

An annual licensing fee in the amount of ~~five hundred dollars~~ two hundred fifty dollars is required, in addition to fees as set forth in Section 17.56.050(H). (Ord. 1090 § 1, 2022)

## 17.56.070 Term of license.

The licenses issued pursuant to this chapter are not transferrable. (Ord. 1090 § 1, 2022)

## 17.56.080 Exhibition of license.

All licenses issued under this chapter shall be posted conspicuously on the mobile food unit. (Ord. 1090 § 1, 2022)

## 17.56.090 Permitted Locations.

~~A. Mobile food units may operate on private property in the B-1 zone retail commercial, B-2 zone general commercial, and B-3 zone resort tourist commercial, including parking lots, with the written consent from the property owner. Evidence of such written consent and approval shall be provided to the city prior to the on-site location of the mobile food unit.~~

~~B. Mobile food units located on public property shall operate only B-1 zone retail commercial, B-2 general commercial zone, and B-3 resort tourist commercial zone. The city shall approve spaces assigned to mobile food units. Location of a mobile food unit within any public right-of-way or on any public property, other than a site approved by the city, is prohibited.~~

1. Mobile food vending may be allowed on city-owned properties approved pursuant to either city contract, or a special event permit per Chapter 5.46 MMC and MMC 22C.260.050.

2. Mobile food vending units shall be located at least 100 feet from an existing eating and drinking place except when the legal owner of the eating and drinking place provides written permission for the vending unit to be located closer. Distance shall be measured using the shortest possible straight line from the closest edge of the mobile food vending unit to the closest edge of the restaurant building.

3. Mobile food vending units are allowed on private properties in commercial, industrial, recreation and public institutional zones. Mobile food vendors are subject to the following requirements:

(a) The mobile food vending unit may not diminish required off-street parking for another use.

(b) All temporary signage associated with the mobile food vending unit shall be limited to 10 square feet.

(c) Site conditions including property lines, parking, and buildings

## 17.56.100 Special event permits

Mobile food vendors may operate on private and public properties as part of an approved special event permit, subject to the following:

1. Management of vendors, such as vendor selection, booth location and products offered, shall be the responsibility of the event sponsor. Through the special event permit process, the city may regulate the location of vendors to protect the health, safety and general welfare of the public and ensure that the event does not adversely affect the ability of the city to perform its duties and functions.

2. Events sponsored by the city can occur at a frequency of the city's discretion

3. An event permit with mobile food facilities shall be granted by the city only if the applicant demonstrates that:

(a) The proposed use will not be materially detrimental to the public welfare;



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**(b) The proposed use is compatible with existing land use in the immediate vicinity in terms of noise and hours of operation;**

**(c) The proposed use may not be located in any critical area;**

**(d) Adequate paved parking for customers can be provided; and**

**(e) Adequate traffic control for the exclusive use of the proposed event can be provided in a safe manner.**

~~(Ord. 1090 § 1, 2022)~~

## **17.56.100 Health regulations.**

All food vendors shall comply with all laws, rules and regulations regarding food handling, and all vehicles, equipment, and devices used for the handling, storage, transportation and/or sale of food shall comply with all laws, rules and regulations respecting such vehicles, equipment and devices as established by the ~~Grays Harbor~~ Lewis County Health Department. (Ord. 1090 § 1, 2022)

## **17.56.110 Business activity to be temporary.**

Hours of operation shall be limited to the hours between six a.m. and ten p.m. No approved mobile food units shall be left unattended on a public way, nor remain on a public way outside of these allowed hours of operation. (Ord. 1090 § 1, 2022)

## **17.56.120 Mobile food unit standards.**

All mobile vendors licensed under this chapter shall conform to the following standards:

- A. Mobile food units stationed on public rights-of-way using external signage, bollards, seating, or any other equipment not contained within the vehicle shall not reduce or obstruct the sidewalk to less than five feet.
- B. Vendor shall obey any lawful order of a police officer to move to a different permitted location to avoid congestion or obstruction of a public way or to remove the vehicle entirely from the public way if necessary to avoid such congestion or obstruction.
- C. No power cable or equipment shall be extended at grade across any city street, alley, or sidewalk.
- D. Any exterior lighting used by the mobile food unit shall be designed and placed in such a manner that it does not result in glare or light spillage onto other properties or interfere with vehicular traffic. Lighting shall be directed in a downward manner, to minimize light pollution.
- E. All identifying information, logos, advertising, or other displays on the exterior of a mobile food unit shall conform to the purposes set forth in ~~Chapter 15.34 NMC Chapter 17.62~~ regulating commercial signage.

**F. Mobile Food Vendors may only sell food for immediate human consumption.**

~~(Ord. 1090 § 1, 2022)~~

## **17.56.130 Design and operation.**

**A. Mobile food vending units shall be temporary in nature, and may not operate from the same property more than three days of any calendar week, or 12 days per month.**

**B. The hours of operation for mobile vending are limited to 7:00 a.m. to 11:00 p.m.**

**C. No portion of the mobile food vending unit may be used as sleeping quarters.**

**Commented [KW2]:** Make sure sign code aligns with food trucks

**Commented [KW3]:** From Newcastle 18.23.030 (d)

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**D. Mobile food vendors shall not obstruct sidewalks, streets, access points, fire lanes, or parking lot circulation by either the location of the mobile food vending unit or its accessories.**

**E. The mobile food vendor shall comply with Chapter 16.12 MMC, National Electrical Code and Washington Cities Electrical Code, for electrical service to the mobile food vending unit. Electrical lines shall not be located overhead or on the ground in any location to which the public has access.**

Commented [KW4]: Will need to update to NMC

**F. All mobile food vending units shall obtain fire district approval prior to operating in the city and shall comply with all fire district standards.**

G. Licensee shall comply with all **Grays Harbor Lewis** County public health requirements, and fire department requirements if propane or a combustible fuel is used.

H. **The operator shall provide, at minimum, a five-gallon trash container for customer use, located within five-feet of the mobile food vendor.** ~~Garbage and recycling receptacles must be supplied by the licensee for the public use. Such receptacles shall be capable of accommodating all refuse generated by the vending activity.~~ The containers must be maintained and emptied regularly.

I. The mobile food unit shall be kept in good working condition.

**J. Food trucks shall be fully self-contained and readily mobile. No coverings, canopies, signs, structures, or furnishings shall be placed, installed or constructed around the food truck.**

**K. Trash and Other Waste.**

**(a) The mobile food vendor shall leave the site clean and vacant each day, including picking up all trash and litter within 100 feet of the mobile food vending unit.**

**(b) Trash receptacles not intended for customer use shall be screened from public view and securely covered.**

**(c) The mobile food vendor shall install and maintain an adequate grease trap in the mobile food vending unit.**

**(d) Grease shall be properly disposed of per adopted Washington State health regulations.**

**(e) Wastewater generated by the mobile food vending unit shall be disposed of in a proper manner and documented. Adequate traffic control for the exclusive use of the proposed event can be provided in a safe manner.**

## **17.56.140 Administration.**

The license for a mobile food unit may be revoked for failure to comply with the provisions of this chapter, or for violation of any other provision of the Ocean Shores Municipal Code. The license can only be revoked after the appeal process unless it is deemed a life safety issue. Safety issue will be determined by fire or police. A notice of violation shall be served personally. The licensee may appeal the revocation within ten days of service of the notice, by requesting a hearing before the Ocean Shores city council. If no appeal is applied for, the revocation will take effect on the eleventh day after the date citation was written. (Ord. 1090 § 1, 2022)

## **17.56.150 Violation of the provisions of the chapter.**

Any person violating any of the requirements of this chapter shall be guilty of a Class C offense as defined in Section 7.01.040 for a first offense and shall be subject to a fine of two hundred fifty dollars. Each day the violation continues shall be a separate offense. Any and all subsequent violations of this chapter within a period of one year shall be a Class B offense as defined in Section 7.01.040 and subject to the penalty stated in Section 7.01.050. (Ord. 1090 § 1, 2022)