



**CITY OF NAPAVINE PLANNING COMMISSION MEETING
Monday – May 20, 2024 – 6:00 PM**

Deborah Graham,
Position 1

Amy Hollinger
Position 2

Arnold Haberstroh,
Position 3

Amy Morris
Position 4

Scott Collins
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 Meeting– May 6, 2024**
- VII. OLD BUSINESS**
 - 1) NMC 13.08.010 – 13.08.140 Sewer System**
- VIII. NEW BUSINESS**
 - 1) Mobile Food Vendors**
- IX. CONSIDERATION**
- X. CITIZEN COMMENT**
- XI. GOOD OF THE ORDER**
- XII. ADJOURNMENT**

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

Teleconference Information

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

Access code: 8460198

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

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Napavine, WA 98565
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City Website
www.cityofnapavine.com



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

PLEDGE OF ALLEGIANCE:

INVOCATION: Invocation was led by Commissioner Morris.

CALL TO ORDER:

Commissioner Haberstroh opened the regular Planning Commission meeting to order at 6:00 PM

ROLL CALL:

Planning Commission present: **Commissioner Hollinger, Commissioner Haberstroh, and Commissioner Morris.** **Commissioner Morris** motioned to excuse Commissioner Collins and Commissioner Graham, seconded by Commissioner Hollinger. **Vote on Motion 2 aye, 0 nay.**

APPROVAL OF AGENDA – As presented:

Commissioner Hollinger motioned to approve the agenda as presented, seconded by Commissioner Morris. **Vote on motion 2 aye, 0 nay.**

APPROVAL OF MINUTES:

Commissioner Morris motioned to approve minutes from the **Planning Commission Regular & Workshop Meetings on April 15, 2024**, seconded by Commissioner Hollinger. **Vote on motion 2 aye and 0 nay.**

NEW BUSINESS:

1. COMPREHENSIVE PLAN – STAKEHOLDERS COMMITTEE (NO ACTION)

Paul Dennis and Devin Jackson with Jackson Civil Engineering presented a power point presentation to the Planning Commission regarding the 2025 Comp Plan Update. The presentation provided the Planning Commission with an overview of what the comp plan is, and a sense of what work will need to be completed in the next year and a half. Received questions during the presentation from Ron Johnson, Jeremy Johnson, and Jerry Nixon.

These minutes are simplified, if you wish to have more details, please listen to the recording link below.

2. NMC 13.08.040 WHEN PUBLIC SEWER NOT AVAILABLE

Executive Assistant Katie Williams stated that it was recommended by the city attorney to change the language requiring a developer's agreement to a covenant. A developer's agreement is only good for 10 years, a covenant never expires and runs with the land. Planning Commission discussed in great length over if a single-family home should be required to extend the main sewer line to the furthest extent of their property if they fall within the 200 ft., or should it just be a requirement for multi-family and above?

Commissioner Morris motioned to table **NMC 13.08.040 When public sewer not available** until the next meeting, requested that Katie provide the entire code section to review, seconded by Commissioner Hollinger. **Vote on motion 2 aye, 0 nay.**

ADJOURNMENT 7:07 pm

Commissioner Morris motioned to adjourn, seconded by **Commissioner Hollinger**. **Vote 2 aye, 0 nay.**

These minutes are not verbatim. If so desired, a recording of this meeting is available online at <https://fccdl.in/ye4aWRoycB>.

Respectfully submitted,

Bryan Morris, Community Development/Public Works Director

Planning Commission Chairperson

As used in this article the following definitions shall apply:

"Agreement" means all written agreements for service, installations, meters, and special service made with any person, firm, or corporation, or the authorized agents thereof.

"Apartment" means any multiple family dwelling having units with separate kitchen plumbing facilities.

"Applicant" means any person, firm, or corporation applying for water service or any other connection to the city water system.

"Biochemical oxygen demand (B.O.D.)" means the quantity of oxygen utilized in the biochemical oxygen of organic matter under standard laboratory procedure in five days at twenty degrees Celsius, expressed in parts per million by weight.

"Building drain" means that part of the lowest horizontal piping of drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning three feet outside the inner face of the building wall.

"Building sewer" means the extension from the building drain to the public sewer or other place of disposal.

"Centum cubic feet (CCF)" means one hundred cubic feet (approximately seven hundred forty-eight gallons).

"Connection" means any physical or paid connection to the city sewer system.

"Cost" means the cost of labor, material, transportation, supervision, engineering, and all other necessary expenses as determined by the city.

"Customer" means any person, firm, or corporation obtaining or using water service from the water system of the city.

"Director" means the city director of the city or his authorized deputy, agent or representative.

"Disabled rate" means the basic rate payable by citizens who are eighteen years or older, are the primary rate payer for the household, and retired from gainful employment by reason of disability with total annual household income of forty thousand dollars or less for two or more. Or single with a total annual household income of thirty thousand dollars or less. Those applying for the disabled rate must complete a reduced utility rate application each January.

"Duplex" means one detached residential building, vertically or horizontally attached, containing two dwelling units totally separated from each other and designed for occupancy by not more than two families.

"Dwelling" a building or portion thereof designed exclusively for human habitation, but not including hotels or motel units.

"Dwelling unit" means one room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or boarding house, or rental or lease on a weekly, monthly or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure or on the same

property, and containing independent cooking, sleeping and sanitary facilities. All rooms comprising a dwelling unit shall have access through an interior or exterior door to other parts of the dwelling unit. An efficiency apartment, also known as a studio apartment, constitutes a dwelling unit within the meaning of this title.

"Equivalent residential unit (ERU) charges" shall be imposed based on usage.

"Garbage" means solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage, and sale of produce.

"Industrial wastes" means the liquid wastes from industrial processes as distinct from sanitary sewage.

"Natural outlet" means any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

"Out of district" means all property located outside the city limit boundaries.

"Person" means any individual, firm, company, association, society, corporation, or group.

"pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

"Properly shredded garbage" means the wastes from the preparation, cooking and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than one-half inch in any dimension.

"Public sewer" means a sewer in which all owners of abutting properties have equal right and is controlled by public authority.

"Premises" means a private home, building, apartment house, condominium, trailer court, mobile home park, a group of adjacent buildings, or property utilized under one ownership and under a single control with respect to the use of water and responsibility for payment thereof.

"Rate payer" means a person who pays a regular charge for the use of public utility.

"Sanitary sewer" means a sewer which carries sewage and to which storm, surface and groundwaters are not intentionally admitted.

"Senior rate" means the basic rate payable by citizens who are sixty-two years or older, are the rate payer for the household, with total annual household income of forty thousand dollars or less for two or more. Or single with a total annual household income of thirty thousand dollars or less. Those applying for the senior rate must complete a reduced utility rate application each January.

"Service, commercial" means wastewater services to businesses engaged in the manufacture and/or sale of a commodity or commodities or the rendering of a service, hotels, motels, schools, hospitals, multiple-dwelling units and public office buildings.

"Service, industrial" means a wastewater service to a business enterprise engaged in the manufacture of products, materials, equipment, machinery, and supplies or commodities on a substantial or major scale.

"Service, residential" means a water service to a single-family dwelling unit or a water service for residential lawn sprinkling.

"Service, temporary" means a water service and facilities rendered for construction work and other uses of limited duration and the water available therefor.

"Sewage" means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments.

"Sewage treatment plant" means the regional sewage treatment plant of the city.

"Sewage works" means all facilities for collecting, pumping, treating, and disposing of sewage.

"Sewer" means a pipe or conduit for carrying sewage.

"Shall" is mandatory, "may" is permissive.

"Storm sewer" or "storm drain" means a sewer which carries storm and surface waters and drainage but excludes sewage and polluted industrial wastes.

"Suspended solids" means solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids, and which are removable by laboratory filtering.

"Triplex" means one detached residential building, vertically or horizontally attached, containing three dwelling units totally separated from each other and designed for occupancy by not more than three families referred to as a multi-family dwelling unit.

"Unmetered service" shall refer to any sewer serve which is unmetered by the city of Napavine. Any unmetered service shall be billed on the basis of two thousand four hundred cubic feet for every two-month billing cycle.

"Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.

(Ord. No. 611, §§ 1, 2, 8-25-20)

13.08.020 - Facilities installation.

The owner of any house, building or property used for human occupancy, 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)

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 and the owner will 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.

(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)

13.08.070 - Unpolluted discharges prohibited.

- A. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, cooling water or unpolluted industrial process water to any sanitary sewer.
- B. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the city director. Industrial cooling water or unpolluted process water may be discharged upon approval of the city director to a storm sewer or natural outlet.

(Ord. No. 611, §§ 1, 2, 8-25-20)

13.08.080 - Prohibited discharge.

Except as provided in this article, no person shall discharge or cause to be discharged any of the following described water or wastes into any public sewer:

- A. Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit;
- B. Any water or waste which may contain more than one hundred parts per million by weight of fat, grease or oil;
- C. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;
- D. Any garbage that has not been properly shredded;
- E. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works;
- F. Any waters or wastes having a pH lower than 6.0 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works;
- G. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with sewage treatment processes, constituting a hazard to humans or animals, or creating any hazard in receiving waters of the sewage treatment plant;
- H. Any waters or wastes having a B.O.D. or containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant;
- I. Any noxious or malodorous gas or substance capable of creating a public nuisance.

(Ord. No. 611, §§ 1, 2, 8-25-20)

13.08.090 - Restricted discharge.

The admission into the public sewers of any waters or wastes having: (1) a five-day biochemical oxygen demand greater than three hundred parts per million by weight, or (2) containing more than three hundred fifty parts per million by weight of suspended solids, or, (3) containing any quantity of substances having the characteristics described in subsection (c) of this section, or (4) having an average daily flow greater than two percent of the normal daily dry weather sewage flow as determined by the city, shall be subject to a review and approval of the city director. The owner shall provide, at its expense, such preliminary treatment as may be necessary to: (a) reduce the biochemical oxygen demand to less than three hundred parts per million and the suspended solids to less than three hundred fifty parts per million by weight, or (b) reduce objectionable characteristics or constituents to within the maximum limits provided in this article, or (c) control the quantities and rates of discharge of such waters or wastes to comply with the limits established by the city. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the city and of any applicable state departments and no construction of such facilities shall be commenced until the approvals are obtained in writing.

(Ord. No. 611, §§ 1, 2, 8-25-20)

13.08.100 - Pretreatment facilities.

Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at its expense.

(Ord. No. 611, §§ 1, 2, 8-25-20)

13.08.110 - Control manholes.

Where required by the city director, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in each building sewer to facilitate observation, sampling and measurement of wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the city director. The manhole shall be installed by the owner at its expense, and shall be maintained by it so as to be safe and accessible at all times.

(Ord. No. 611, §§ 1, 2, 8-25-20)

13.08.120 - Testing.

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in Sections 13.08.070 through 13.08.130 shall be determined in accordance with "Standard Methods for the Examination of Water and Sewage," and shall be determined at the control manhole provided for in Section 13.08.110, or upon suitable samples taken at the control manhole. All B.O.D. and suspended solids tests shall be made on composite samples collected proportionate to the rate of flow and over a complete operating period.

(Ord. No. 611, §§ 1, 2, 8-25-20)

13.08.130 - Special agreements.

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor by the industrial concern.

(Ord. No. 611, §§ 1, 2, 8-25-20)

13.08.140 - Inspections.

The city director and any other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this article.

(Ord. No. 611, §§ 1, 2, 8-25-20)

Food Trucks Have Arrived: What Are the Regulatory and Policy Options?

May 1, 2023 by [Oskar Rey](#)

Category: [Licensing and Regulation](#)



When I first [wrote about food trucks in 2017](#), they were still a bit of a novelty for many Washington communities. However, in the intervening six years, food trucks have become commonplace throughout the state. Food trucks are now a popular option for diners and clearly not just a passing fad. Many jurisdictions have adopted regulations addressing food trucks in recent years, and this blog will explore some of the policy options available, with a special focus on cities.

Food Trucks are Regulated at Multiple Levels of Government

First, let's look at the regulatory landscape for food truck operators — it can be complicated!

Department of Labor and Industries

According to the [Washington State Department of Labor and Industries](#) (L&I), a food truck is a licensed vehicle from which food is sold at temporary sites. Workers work inside the food truck but the public

stays outside. Also, a food truck is no more than 8.5-feet-wide and has at least one of the following: an electrical system, a water or drain system, or a propane gas system.

From L&I's perspective, if customers can come inside, then the establishment may be a commercial coach (if it is a vehicle) or a modular building (if it is not a vehicle). If workers serve or deliver food outside, then it may be a pushcart or food delivery truck. Local jurisdictions may choose to include food trucks with other types of [temporary merchants and mobile vendors](#) for regulatory purposes.

Local Health Department

To serve food, operators are required to obtain a permit from the local health department. Health departments require detailed plans to minimize the risk of foodborne illness. Since health departments generally have countywide jurisdiction, food truck owners must obtain approval when they wish to operate in a new county. Under [RCW 43.20.149](#), health departments are required to provide for reciprocity if an operator has obtained a permit from another health department within the state.

State and Local Licenses and Regulations

Like other businesses, a food truck is required to have a state business license. Cities typically require food trucks to obtain local business licenses as well. Some cities dispense with requiring a business license if the operator is operating within the city as part of an approved special event.

Many cities have specific code provisions that regulate food truck operations. Common areas of regulation include:

- Obtaining fire department or fire district approval;
- Compliance with applicable electrical codes;
- Requiring liability insurance with the city as a named insured;
- An emphasis on the temporary nature of food trucks and a limit on operation from the same property (such as no more than three days of any calendar week);
- Restrictions on the hours during which food trucks can operate (such as 7:00 a.m. to 11:00 p.m.);
- Limits on signs, lights, awnings, and overhangs, and prohibition of sidewalk and right-of-way obstructions;
- Evaluation of impacts of any off-site parking displacement when food trucks are proposed on private property; and
- Management and disposal of trash, recyclables, and wastewater.

Cities also commonly regulate the locations of where food trucks may operate. Some cities prohibit food trucks in certain areas (such as residential zones) while others specify that food trucks may only operate in specified areas (such as specified business and commercial zones). Some cities prohibit operation of a food truck within a specified distance from restaurants and similar establishments.

For examples of food truck regulations, see:

- [Marysville Municipal Code Chapter 22C.260](#) — Limits hours of operation and states that food trucks are generally prohibited in residential zones and within 100 feet of an eating or drinking establishment.
- [Newcastle Municipal Code Chapter 18.23](#) — Limits food truck operation to sponsored events within certain zones or street right-of-way.
- [Ocean Shores Municipal Code Chapter 17.56](#) — Charges an annual \$250 license fee for food trucks and specifies zones where food trucks are authorized (with city or private property owner approval).
- [Richland Vehicle Based Food Service \(Mobile Food Vendor\) Licenses](#) — Applies different rules depending on whether the operator plans to move from location to location or be stationary and operate in one place for an extended period of time.

Cities Have Additional Authority Over Food Trucks on Agency Property or Right-of-Way

Cities (and counties) have additional review obligations when asked to authorize the use of their property or right-of-way for food truck operations. In these situations, a city or county is wearing a property owner's hat in addition to a regulatory hat.

Cities take a variety of approaches when deciding whether to allow food trucks to use city property or right-of-way:

- Kirkland uses an [RFP process for food service concessions in city parks](#).
- The [Langley Municipal Code](#) provides that food trucks on city property or right-of-way may only operate in designated food truck zones and in spaces assigned by the city to the operator.
- Vancouver has a [pilot program](#) in which 10 mobile vending approvals are available to mobile vending units (including food trucks). The approvals can be used on a limited basis in certain parking zones. Operators are allowed to exceed posted time limits and are not required to pay parking meter fees while the approval is properly displayed.

If it seems hard to decide what a city's long-term policies should be with respect to food trucks, consider using a pilot project to see how things go. Burien is using a [pilot project](#) to explore increased food truck operations in its communities. Since food trucks are mobile by definition, this is an area where experimentation can occur without the long-term ramifications that would result from approval of brick-and-mortar establishments.

Conclusion

Cities have considerable flexibility and discretion in deciding what type of role food trucks will play in their communities. Although the regulatory requirements can seem daunting, food trucks are a relatively low-cost way for an entrepreneur to start a business and a quick way to expand the culinary options in a community.

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About Oskar Rey

Oskar Rey is a municipal attorney at Ogden Murphy Wallace where he represents local governments on a wide range of issues. He also teaches municipal law at Seattle University School of Law as adjunct faculty. Oskar was a legal consultant at MRSC from 2016 to 2024 and prior to that served as Assistant City Attorney at the City of Kirkland.

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**Chapter 22C.260
MOBILE FOOD VENDORS**

Sections:

[22C.260.010 Purpose.](#)

[22C.260.020 Application.](#)

[22C.260.030 General regulations.](#)

[22C.260.040 Permitted locations.](#)

[22C.260.050 Special event permit.](#)

[22C.260.060 Revocation of permit.](#)

22C.260.010 Purpose.

The purpose of this section is to support local business owners, stimulate economic vitality, and protect public health and safety associated with the operation of mobile food vending units. (Ord. 3206 § 2, 2022).

22C.260.020 Application.

Mobile food vendors operating on private property shall provide the city with the following information:

- (1) All mobile food vendors shall require a business license per Chapter 5.02 MMC.
- (2) 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.
- (3) Photograph of the mobile food vending unit, proposed signs, and any accessory equipment.
- (4) Copy of Snohomish health district permit.
- (5) Evidence of current Washington State vehicle registration.
- (6) 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.

(7) 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.

(8) Property damage insurance of not less than \$25,000 for damages on account of any one accident or occurrence. (Ord. 3206 § 2, 2022).

22C.260.030 General regulations.

The following general regulations apply to mobile food vendors:

(1) 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.

(2) The hours of operation for mobile vending are limited to 7:00 a.m. to 11:00 p.m.

(3) No portion of the mobile food vending unit may be used as sleeping quarters.

(4) All attachments to the mobile food vending unit including, but not limited to, signs, lights, overhangs and awnings, shall be maintained in a manner that does not create a hazard to pedestrians, customers or vehicles.

(5) 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.

(6) 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.

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

(8) 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. (Ord. 3206 § 2, 2022).

22C.260.040 Permitted locations.

(1) Mobile food vending units shall be prohibited in the following areas:

(a) Any residential zones and abutting rights-of-way.

(b) City rights-of-way.

(c) Private streets.

(d) Parking areas unless it can be demonstrated that the minimum parking requirements are met on each site.

(e) Mobile food vending units may be allowed within the prohibited areas in subsections (1)(a) through (c) of this section if approved as part of a special event permit, or when approved to be located on a city-owned property.

(2) 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](#).

(3) 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.

(4) 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) One portable pop-up tent that does not exceed 120 square feet or up to three tables with beach type umbrellas may be permitted accessory to the mobile food vending unit. No cooking shall take place under the tent. Umbrellas and canopies must be removed at the end of the day.

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

(c) The mobile food vending unit shall conform to the standard front setback for the zoning district.

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

(Ord. 3206 § 2, 2022).

22C.260.050 Special event permit.

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) The event sponsor shall be responsible for ensuring that the vendors who prepare food or beverages on or off site, and who intend to sell or serve food or beverage items to the public, have the required insurance policy as required by the city's current insurance provider. Said insurance shall list the city of Marysville as additional insured and will include the endorsement of said policy.
- (3) The event sponsor shall be responsible for ensuring that all food vendors have the necessary permits from the Snohomish health district or other applicable state or county regulatory agency. (Ord. 3206 § 2, 2022).

22C.260.060 Revocation of permit.

A mobile food vendor, permitted pursuant to this chapter, may have its license revoked, suspended, or denied subject to MMC 5.02.130 if the city finds:

- (1) The vendor has violated or failed to meet the terms of this chapter or other applicable sections of the municipal code or conditions of approval; or
- (2) The mobile food vending unit operation is detrimental to the surrounding businesses or to the public due to either appearance or conditions of the unit. (Ord. 3206 § 2, 2022).

Chapter 18.23 MOBILE FOOD VENDING

Sections:

[18.23.010 Purpose.](#)

[18.23.020 Permit required.](#)

[18.23.030 General requirements.](#)

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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).

18.23.020 Permit required.

An approved permit for use of mobile food facilities must be obtained from the community development department prior to any mobile food facility operating within the city limits, except that permits are not required for mobile food facilities on private property in residential zoning districts, notwithstanding such facilities shall comply with all provisions of this chapter. (Ord. 2022-644 § 3).

18.23.030 General requirements.

A. Operators of mobile food facilities must:

1. Have a valid business license with the city.
2. Have a valid operating permit with the King County health department.
3. Have proof of permission from property owner to operate on premises.

- B. Food trucks must be stored, stocked and maintained at a commissary approved by the King County health department and/or as approved by the King County health department.
- C. Food carts must be stored and secured indoors when no operator is present and during all nonbusiness hours.
- D. Mobile food vendors may only sell food for immediate human consumption.
- E. Liability insurance is required with the city named as insured.
- F. Vending for nonsponsored events is not permitted.
- G. Permits are only valid for mobile food vendors. Other mobile retail businesses are not permitted. (Ord. 2022-644 § 3).

18.23.040 Allowed locations and events.

Mobile food facilities are allowed in the following locations:

- A. Residential Zones.
 - 1. Sponsored event per subdivision plat or binding site plan. If no subdivision/development information is available, the community development department may create policy for how to define these areas.
 - 2. Private events where the mobile food facility is located off-street on private property.
- B. Specified City-Owned Properties and Rights-of-Way. A sponsored event may be held with a permit approved by the city.
- C. Sponsored events within the NB, Mixed Use (MU, MU-C, and MU-R), DT and DC zones per parcel or collective parcels of an approved site plan or binding site plan. (Ord. 2023-656 § 8; Ord. 2022-644 § 3).

18.23.050 Siting requirements.

- A. Mobile vendors must follow state code for restroom and food handling requirements.
- B. No mobile vendor shall block or impede passage of any portion of pedestrian, bike, or street right-of-way.
- C. No customer shall be served within any pedestrian, bike, or street right-of-way, unless an approved permit has been obtained from the city. (Ord. 2022-644 § 3).

18.23.060 Required provisions and limitations.

- A. The operator shall provide, at minimum, a five-gallon trash container for customer use, located within five feet of the mobile food vendor.

B. 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.

C. Food trucks shall have holding tanks for wastewater. No dumping of greywater or wastewater onto the ground or pavement is allowed.

D. Events are limited to no more than one mobile food vendor at any one time, except events held by institutional uses in residential zones or sponsored by the city may have multiple mobile food vendors.

E. Events may not occupy designated parking spots for longer than three hours, and shall adhere to all other parking restrictions, such as emergency and loading zones.

F. No event shall last longer than 12 hours. (Ord. 2022-644 § 3).

18.23.070 Frequency.

A. Events not sponsored by the city, utilizing mobile food trucks, trailers and/or stands, can occur up to three days per calendar year per allowed location outlined in NMC [18.23.040](#).

B. Private events occurring off street on privately owned property, as outlined in NMC [18.23.040](#), can occur three times per year.

C. Events sponsored by the city can occur at a frequency of the city's discretion. (Ord. 2022-644 § 3).

18.23.080 Exemption.

Mobile food vendors who fall under the mobile food Standard Industry Classification identified in NMC 18.08.070 yet only remain in any one location for a maximum of 10 minutes are exempt from the provisions of this chapter. Those include vendors such as dairy/food delivery and roving ice cream trucks. (Ord. 2022-644 § 3).

18.23.090 Applications.

A. A complete application for a mobile food vendor permit is required for events on public property (e.g., within public right-of-way or at a public park), and on properties within the "downtown boundary" as identified on the city's zoning map. Applications shall consist of the following:

1. A completed application form as provided by the department of community development.
2. A completed right-of-way use permit application if the proposal is within a city right-of-way.
3. A completed special events permit application if the proposal is on city property (e.g., a city park).
4. Any applicable fees.

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

C. Applications for sponsored events are to be held on file with the community development department. (Ord. 2022-644 § 3).

18.23.100 Decision criteria.

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;

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. 2022-644 § 3).

**Chapter 17.56
MOBILE FOOD VENDORS**

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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)

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;
- 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;
- 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. Name, signature, phone number, email contact and current business address of the applicant.
- B. Information on the food vehicle to include year, make, and model of the vehicle and the vehicle or trailer's license plate number.
- C. The intended location of the mobile food unit, subject to locational limitations set forth by the city of Ocean Shores.
- D. A photo or drawing of the proposed mobile food unit, showing the business name.
- E. An indication of whether awnings are proposed, with the height of such awning not less than eight feet

above ground level.

F. The proposed hours of operation six a.m. to ten p.m.

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

H. Copies of all additional licenses or permits that are required by the Grays Harbor County Health Department, the Washington State Department of Labor and Industries, and a valid city of 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 Ocean Shores as a named insured when mobile food units are conducting business on city property.

J. In addition to the submittal materials above, food vendors operating on privately owned land must submit a written consent of the property owner.

(Ord. 1090 § 1, 2022)

17.56.060 License fee.

An annual licensing fee in the amount of 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 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.

(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 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, so as 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 regulating commercial signage.

(Ord. 1090 § 1, 2022)

17.56.130 Design and operation.

- A. Licensee shall park mobile food unit in an assigned designated area only, unless on private property.
- B. Licensee shall not park in such a manner as to create a traffic hazard.
- C. Sales by licensees in curbside food zones shall be made on the curbside only, and the vehicle shall be parked within one foot of the curb.

- D. No waste liquids, garbage, litter, or refuse shall be dumped on city sidewalks, streets, or lawn areas, or in city gutters or drains. When leaving a sales area, licensee or employees shall pick up all litter resulting from the business sales. Licensee shall be responsible for all litter and garbage left by customers.
- E. Licensee shall be in conformance with applicable city ordinances regarding noise control and vehicle identification.
- F. Licensee shall comply with all Grays Harbor County public health requirements, and fire department requirements if propane or a combustible fuel is used.
- G. 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.
- H. The mobile food unit shall be kept in good working condition.

(Ord. 1090 § 1, 2022)

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)