

CITY OF LANGLEY
Ordinance No. _____

AN ORDINANCE OF THE CITY OF LANGLEY, WA ESTABLISHING LICENSING REQUIREMENTS AND FEES FOR MOBILE FOOD VENDORS IN TITLE 12 OF THE LANGLEY MUNICIPAL CODE

WHEREAS, mobile food trucks contribute to a diversity of food options, lively streets, and a vibrant downtown; and

WHEREAS, this ordinance will enable licensing of mobile food trucks in the City of Langley that conform to regulations protecting public health and safety; and

WHEREAS, mobile food trucks provide low-cost business opportunities to local entrepreneurs and encourage economic activity; and

WHEREAS, mobile food trucks may seek opportunities to locate operations in the City of Langley and to contribute to the community's character and quality of life.

NOW THEREFORE, the City Council of the City of Langley, Washington do ordain as follows:

Section 1. A new Section 12.22 of the Langley Municipal Code is hereby adopted establishing licensing requirements for mobile food vendors as follows:

Chapter 12.22
Mobile Food Vendor Licensing Regulations

- 12.22.010 Definitions.**
- 12.22.020 Scope.**
- 12.22.030 Activities requiring a license.**
- 12.22.040 Exemptions.**
- 12.22.050 Application for license.**
- 12.22.060 License fee.**
- 12.22.070 Term of license.**
- 12.22.080 Exhibition of license.**
- 12.22.090 Locations**
- 12.22.100 Health Regulation**
- 12.22.110 Business activity to be temporary.**
- 12.22.120 Food Vendor Standards.**
- 12.22.130 Design and Operation**
- 12.22.140 Administration.**
- 12.22.150 Violation of the provisions of the chapter – Civil infraction.**

12.22.010 Definitions.

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

“Mobile Food Vendor” means any business operator or vendor who conducts business from a motor vehicles upon public streets or private property, referred to in this ordinance as “vendor”.

“Mobile Food Zone” means a designated portion of public space that is reserved for the exclusive use of licensed food trucks.

12.22.020 Scope.

The provisions of this ordinance apply to mobile food trucks engaged in the business of cooking, preparing, and distributing food or beverage with or without charge upon or in public and private restricted spaces. This ordinance 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 15 minutes at a time, such as ice cream trucks, or food vending pushcarts, or stands located on sidewalks.

12.22.030 Activities requiring a license.

It is unlawful for any person to operate within the City a food truck, as defined in this chapter, without having obtained a license for that purpose. A separate license shall be required for each food truck. 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 5.04 LMC) shall apply to this special license, in addition to the provisions set forth in this chapter.

12.22.040 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 property;
- C. Temporary Business Activities in accordance with LMC Chapter 5.10.

12.22.050 Application for license.

- A) A person desiring to operate a food truck shall make written application for such license to the City

Clerk-Treasurer. The application for a license shall include the following:

- 1) Name, signature, phone number, email contact and current business address of the applicant.
 - 2) A description of the preparation methods and food product to be offered for sale, including the intended menu, display, and distribution containers.
 - 3) Information on the food vehicle to include year, make, and model of the vehicle and dimensions, which shall not exceed twenty (20) feet in length or nine (9) feet in width.
 - 4) The preferred location of the food truck, subject to locational limitations set forth by the City of Langley.
 - 5) A photo or drawing of the proposed food truck, showing the business name;
 - 6) An indication of whether awnings are proposed, with the height of such awning not less than eight (8) feet above the sidewalk
 - 7) The proposed hours of operation.
 - 8) Copies of all necessary license or permits issued by Island County Health Department.
 - 9) Copies of all necessary licenses or permits that may be required by the Island County Health Department and the Washington State Department of Labor and Industries. (This requirement shall be met within thirty (30) days of approval of a Mobile Food Truck license by the City of Langley. However, no mobile food truck shall locate or operate with the City until such County and State licenses have been issued.)
 - 10) Proof of insurance in an amount not less than \$300,000, and designating the City of Langley as a named insured.
- B) In addition to the submittal materials above, food vendors operating on privately owned land must submit a written consent of the property owner.

12.22.060 License fee.

The license fee for a food truck shall be established annually by the City Council. The fee for the fiscal year beginning January 1, 2015 shall be \$100.00. The fee represents the cost of a food truck license for one year. No application shall be deemed complete until all fees have been paid. License fees are non-refundable.

12.22.070 Term of license.

Licenses shall expire on December 31 of the year of issuance unless an earlier date is specified in the

license. Licenses issued pursuant to this Chapter are not transferrable.

12.22.080 Exhibition of license.

A license issued under this chapter shall be posted conspicuously on the mobile food truck.

12.22.090 Locations

- A. Food trucks may operate on private property in the Central Business District, including parking lots, with the written consent from the property owner. Evidence of such written consent shall be provided to the City prior to the on-site location of the food truck.
- B. Food vehicles may operate within designated food truck zones as designated by the City. Spaces for food truck operations shall be assigned to the vendor by the City. Location of a food truck within any public right-of-way or on any public property, other than a site assigned by the City, is prohibited.

12.22.100 Health Regulation

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 Island County Health Department.

12.22.110 Business activity to be temporary

- A. All business activity related to mobile food trucks shall be of a temporary nature, the duration of which shall not exceed (12) hours within a (24) hour period at any location, public or private.
- B. Hours of operation shall be limited to the hours between 9:00 a.m. and 10:00 p.m. No approved food truck shall be left unattended on a public way, nor remain on a public way outside of these allowed hours of operation.

12.22.120 Food Truck Standards.

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

- A. Food trucks stationed on public right of ways 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. Any auxiliary power required for the food vehicle shall be self-contained. No use of public or private power sources are allowed without providing written consent from the owner. No power cable or

equipment shall be extended at grade across any City street, alley, or sidewalk. The use of compressors or loudspeakers is prohibited.

- D. Any exterior lighting used by the food truck 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 food vehicle shall conform to the purposes set forth in LMC 18.35 regulating commercial signage. No exterior, freestanding signage shall be permitted.

12.22.130 Design and Operation

- A. Licensee shall park food truck in an assigned designated area only.
- 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 (1) 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 Island County of Public Health requirements, and fire department requirements if propane or a combustible fuel is used
- G. The licensee shall only sell food and beverages that are capable of immediate consumption
- H. Garbage, recycling, and composting 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 food truck shall be kept in good repair, and free of graffiti.
- J. The food truck shall not be allowed to pull any type of trailer.

12.22.140 Administration.

- A. The license for a food vehicle may be revoked at the discretion of the mayor or his or her designee at any time for failure to comply with the provisions of this chapter, or for violation of any other provision of the Langley Municipal Code. Notice of revocation shall be served personally twenty-four (24) hours prior to the date such revocation shall be effective. The licensee may appeal the revocation within ten (10) days of service of the notice, by requesting a hearing before the Langley City Council; provided, however, that in the interim no activity shall be conducted until such time as the Langley City Council has heard the appeal of the licensee from the original determination of the mayor or his/her designee.
- B. This Ordinance shall expire on December 31, 2015, unless renewed by the Langley City Council.

12.22.150 Violation of the provisions of the chapter – Civil infraction.

Any person violating any of the requirements of this chapter shall have committed a civil infraction and

shall be punishable by a fine of up to \$1,000.

Section 2. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 3. Effective Date. This Ordinance shall take effect five (5) days after the date of its publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LANGLEY, WASHINGTON, and approved by the Mayor at a regular meeting held the ___ day of _____, 2015.

Fred McCarthy, Ed.D., Mayor

ATTEST:

Debbie L. Mahler
Director of Finance/City Clerk

APPROVED AS TO FORM:

Jeff Taraday
City Attorney

PUBLISHED: South Whidbey Record - _____