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A BILL

ORDINANCE NO.
2019- 802

FOR

AN ORDINANCE

ADOPTING THE MOBILE FOOD VENDOR PREMISES PERMIT
PROCESS; **REPEAL OF ORDINANCE NO. 2017-773**

WHEREAS, the City Council of the City of Keizer desires to allow operation of
Mobile Food Vendors in the City in ways that protect and benefit the public health, safety
and welfare of existing and future residents and businesses of the City;

WHEREAS, the Council finds that the unique characteristics of Mobile Food
Vendor operations and their potential impacts makes it necessary to establish particular
requirements for such operations and a separate permitting process for siting Mobile Food
Vendors;

NOW, THEREFORE, the City of Keizer ordains as follows:

Section 1. Purpose. The purpose of this Ordinance is to minimize any adverse
public safety and public health impacts that may result from allowing Mobile Food
Vendors in the City by adopting particular requirements and a permitting process to
allow Property Owners to Site Mobile Food Vendors.

Section 2. Definitions.

A. "City" means the City of Keizer.

B. "Manager" means the City Manager of the City of Keizer or his/her
designee.

1 C. "Mobile Food Vendor" means a non-permanent, contained vehicle,
2 typically a truck, van, or trailer which have their wheels intact and have
3 been outfitted to prepare and serve food to pedestrian customers and patrons
4 outside of their vehicles.

5 D. "Owner" means a Person who has an ownership interest in a Mobile Food
6 Vendor.

7 E. "Person" means every natural person, firm, partnership, association, social
8 or fraternal organization, corporation, estate, trust, receiver, syndicate,
9 branch of government, or any other group or combination acting as a unit.

10 F. "Premise" means a single lot or parcel of record.

11 G. "Property Owner" means the owner of record of real property as shown on
12 the latest tax rolls or deed records of Marion County.

13 H. "Site" means the space on Premises designated to be occupied by one
14 Mobile Food Vendor.

15 Section 3. Permit Required.

16 A. An Owner of any Mobile Food Vendor operating in the City shall obtain
17 and maintain current licensing with Marion County Environmental Health
18 or other appropriate governing agency and must comply with the
19 requirements of any and all federal, state or local laws. Such license or
20 sticker must be displayed in a prominent location in view of all patrons and
21 customers. Mobile Food Vendor(s) may not provide drive-through window
22 service.

1 B. A Property Owner wishing to allow one or more Mobile Food Vendors on
2 their property must receive a Mobile Food Vendor Premises permit issued
3 under this Ordinance. A new permit must be obtained if the Property Owner
4 wants to change the number or location of allowed Mobile Food Vendor
5 Sites on Property Owner's property.

6 C. This Ordinance is not applicable if the Mobile Food Vender is operating
7 under a Special Event Permit, Park Permit or other City Permit.

8 Section 4. Permit Application and Fee Requirements.

9 A. Application forms for Mobile Food Vendor Premises permits will be
10 available at the Keizer Community Development Department.
11 Applications must be submitted to the Community Development
12 Department and must be signed by the Property Owner under penalty of
13 perjury. The application documents must include at least the following:

- 14 1) The completed application form.
- 15 2) A detailed Premises plan showing the number and location(s) of the
16 proposed Site(s) for Mobile Food Vendor(s). Such plan shall detail
17 the following:
 - 18 (a) the Site location(s);
 - 19 (b) the distance from the Site to driveway approaches, sidewalks,
20 and on-site pedestrian ways;
 - 21 (c) clearly delineate the parking spaces, both available and
22 unavailable due to the Sites.

- 1 3) The description, location of and size of the eating area if one is
2 provided.
- 3 4) The application fee as set by Council Resolution. No portion of
4 the Mobile Food Vendor Premises permit fee is refundable once the
5 Premises plan has been submitted for review.
- 6 5) Such other information deemed necessary by the Manager to
7 conduct any investigation for the Mobile Food Vendor Premises
8 permit.

9 The permit will be approved, denied or approved as modified. The Sites
10 shall be approved if in the Community Development Department's
11 discretion, the Site(s) meet the requirements as forth herein and the Site(s)
12 are in a safe and appropriate location considering vision clearance,
13 pedestrian safety and access, parking requirements and other appropriate
14 factors.

15 Section 5. Permit Termination .

- 16 A. A Mobile Food Vendor Premises permit shall remain in effect so long as
17 the Site location(s) and number of Mobile Food Vendors remain the same.
- 18 B. A Mobile Food Vendor Premises permit terminates automatically if federal
19 or state statutes, regulations or guidelines are modified, changed, or
20 interpreted in such a way by state or federal law enforcement officials as to
21 prohibit operation of a Mobile Food Vendor.

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1 Section 6. Permit Conditions. The Property Owner must comply with the
2 following requirements, in addition to any other federal, state or local requirements:

3 A. The Property Owner shall only allow Mobile Food Vendors that have and
4 display their current Marion County Environmental Health Department
5 license or sticker, or current appropriate governing agency licensing in a
6 prominent location in view of all patrons and customers.

7 B. The Property Owner shall require that the Mobile Food Vendor be mobile
8 and on wheels at all times when present on the Premises.

9 C. The Property Owner shall ensure that the Mobile Food Vendor shall not be
10 on the Premises for more than four (4) days without being open for business.

11 D. The Premises shall not be used as storage for the Mobile Food Vendor
12 vehicle.

13 E. The Property Owner shall maintain the Premises as follows:

14 1. Must comply with all American with Disability Act accessibility
15 requirements and not impede any pedestrian pathways, driveways or drive
16 aisles of any off-street parking area or create safety or traffic hazards.

17 2. Must not place a Site in a public right-of-way.

18 3. Must place the Site on an improved parking lot or other hard surface
19 area.

20 4. The minimum off-street parking requirements for all uses or
21 activities must be maintained.

- 1 5. Mobile Food Vendors may only occupy Site(s) as approved in the
- 2 permit.
- 3 6. The Property Owner must set operating hours for the Mobile Food
- 4 Vendors, which shall not exceed 6:00 a.m. to 11:00 p.m.
- 5 7. Signage must comply with signage regulations in the Keizer
- 6 Development Code.
- 7 8. Property Owner may not allow Mobile Food Vendor to place or store
- 8 any type of supplies, material, or equipment outdoors on Property Owner
- 9 Premises. All supplies, material, and equipment must be fully contained
- 10 within Mobile Food Vendor or in an enclosed structure, except that one (1)
- 11 grill, barbeque or cooking surface may be used outdoors.
- 12 9. The Property Owner may be allowed a temporary covered eating
- 13 area provided that the temporary covered eating area is kept in good
- 14 condition and maintained to manufacturer’s specifications. The covering
- 15 must be able to be securely tied down.
- 16 10. The Property Owner is responsible for keeping the Premise free of
- 17 paper, cardboard, wood, plastic containers, wrappers, and litter. Bathroom
- 18 facilities must be provided for Mobile Food Vendors and customers during
- 19 operating hours.
- 20 11. The Property Owner shall not allow grey water to be discharged on
- 21 the Premise.
- 22 12. All conditions of the Permit must be in compliance.

1 Section 7. Examination of Premise.

2 A. To determine compliance with the requirements of this Ordinance, and any
3 and all applicable regulations, the Manager may examine or cause to be
4 examined by an agent or representative designated by the Manager, at any
5 reasonable time, the Premises. Every permittee is directed and required to
6 furnish to the Manager the means and opportunity for making such
7 examinations.

8 B. Without reducing or waiving any provisions of this Ordinance, the Manager
9 or his designee shall have the same access to the Premise as allowed to
10 county inspectors. Denial or interference with access shall be grounds for
11 revocation or suspension of a Mobile Food Vendor Premises Permit.

12 Section 8. Administrative and Other Remedies for Noncompliance,
13 Administrative Appeals, and Penalties.

14 A. The Manager may deny, suspend, or revoke a Mobile Food Vendor
15 Premises permit for failure to comply with this Ordinance or rules adopted
16 under this Ordinance, for submitting falsified information to the City, or for
17 noncompliance with any other City Ordinances or regulations, or violation
18 of any state laws.

19 1) Any suspension or revocation pursuant to this section shall be in
20 writing, setting forth the reasons therefor, and giving the permittee
21 written notice by first-class United States Mail at least ten (10)
22 calendar days prior to effective date of the revocation or suspension.

1 2) A decision to deny, suspend, or revoke a Mobile Food Vendor
2 Premises permit may be appealed by filing a Notice of Appeal in
3 writing physically delivered to the Manager on or before the
4 effective date. Unless Manager has declared imminent danger to the
5 public will exist, the Manager's decision to revoke or suspend is
6 stayed pending appeal. The matter shall be heard by the Keizer
7 Hearings Officer who shall determine, by preponderance of the
8 evidence, whether the Manager's decision should be upheld or
9 reversed, or upheld in part and reversed in part. The hearing shall
10 be conducted no later than twenty (20) days from the date of appeal,
11 unless a different date is stipulated by the City and the applicant, or
12 good cause is shown for setting the matter forward. Testimony at
13 the hearing shall be taken upon oath or affirmation of the witnesses.
14 The Hearings Officer shall consider only the matters set forth in the
15 Notice of Appeal. The Findings and Decision of the Hearings
16 Officer shall be served upon the appellant by first class mail within
17 ten (10) days after the hearing concludes. The Hearings Officer
18 decision shall be effective ten (10) days following the date of the
19 decision. The Findings and Decision of the Hearings Officer shall
20 be final and conclusive, subject only to writ of review under ORS
21 34.010 to 34.100, which shall be the sole remedy.

1 B. In addition to the remedies of suspension and revocation, failure to comply
2 with the requirements of this Ordinance or the conditions of the permit
3 constitutes an infraction under the Civil Infraction Ordinance. Violations
4 are subject to fines not to exceed \$500.00 per day. Each day in violation
5 constitutes a separate offense.

6 C. The remedies provided in this Section are not exclusive and shall not
7 prevent the City from exercising any other remedy available under the law.

8 Section 9. Severability. If any section, subsection, paragraph, sentence or word
9 in this Ordinance is deemed to be invalid or beyond the authority of the City, either
10 on its face or is applied, the invalidity of such provision shall not affect the other
11 sections, subsections, paragraphs, sentences, or words of this Ordinance, and the
12 application thereof; and to that end sections, subsections, paragraphs, sentences and
13 words of this Ordinance shall be deemed severable.

14 Section 10. Repeal of Ordinance No. 2017-773. Ordinance No. 2017-773
15 (Adopting the Mobile Food Vendor Permit Process) shall be repealed in its entirety,
16 but such Ordinance shall remain in force for the purpose of enforcing any violation or
17 permit under such Ordinance that existed prior to the date of this Ordinance.

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1 Section 11. Effective Date. This Ordinance shall take effect thirty (30) days after
2 its passage.

3 PASSED this 1st day of April, 2019.

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5 SIGNED this 1st day of April, 2019.

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Mayor 

City Recorder