

**CITY OF UNION GAP
ORDINANCE NO. 2912**

**AN ORDINANCE OF THE CITY OF UNION GAP,
WASHINGTON, ADDING SECTION 4.22 WITHIN THE UNION GAP MUNICIPAL CODE**

WHEREAS, the City Council wishes to promote and regulate mobile food vending in an orderly fashion;
and

WHEREAS, after public notification as required, the Planning Commission held a public hearing on the draft ordinance considered the text amendment criteria, along with any public testimony and other relevant factors, and, following the public hearing, recommended approval to the City Council; and

WHEREAS, the Planning Commission's recommendation to council to add section 4.22 to the Union Gap Municipal Code for the permitting and regulating of mobile food vending.; and

WHEREAS, the City Council, upon review of the facts, findings and recommendations of the Planning Commission find that the proposed amendment are in the best interest of the city, ;

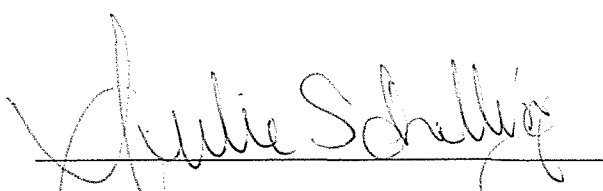
**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF UNION GAP DOES ORDAIN
AS FOLLOWS:**

Section 1. Recitals. The Recitals set forth above are hereby adopted and incorporated as Findings of Fact and/or Conclusion of Law of the City Council. The City Council bases its findings and conclusions on the entire record of testimony and exhibits, including all written and oral testimony before the Planning Commission.

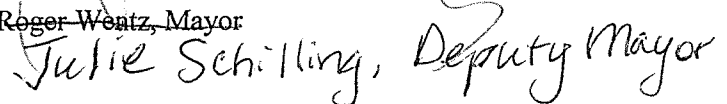
Section 2. Section 4.22 Mobile Vending of the Union Gap Municipal Code is hereby added and/or modified to read as attached:

Section 3. Effective Date. This Ordinance shall take effect and be in force five (5) days after final passage by the City Council and publication.

ORDAINED this 28th day of November, 2016.




Roger Wentz, Mayor



Julie Schilling, Deputy Mayor

ATTEST:

APPROVED AS TO FORM:



Karen Clifton, City Clerk



Bronson Brown, City Attorney

Chapter 4.22 Mobile Vending

4.22.010 Purpose.

The purpose of the Ordinance is to regulate mobile vending activities in order to protect public health, safety, and welfare, while accommodating commercial uses that generally promote an active and social pedestrian environment within appropriate areas of the City Union Gap

4.22.020 Definitions.

The following words and terms are defined for the purpose of applying the provisions of this Chapter:

“License” shall mean a City of Union Gap Business License.

“Mobile Food Vendor” shall mean a portable push cart or a vehicle mounted food service establishment designed to be readily movable and approved by law to travel highways, roadways, and/or waterways in the state of Washington that is a self-contained mobile food establishment as set forth by the Yakima Health District and Washington State Department of Labor and Industries..

“Mobile Food Vendor Event” shall mean an organized gathering of Mobile Food Vendor vendors, located on a private, commercially zoned property, and which is open to the general public and operates on a regular schedule.

“Mobile Food Vending” shall mean selling, vending, supplying or providing of food, drinks or any other consumables from a Mobile Food Vendor.

“Permit” shall mean an Development Permit in accordance with UGMC 17.11.

“Property Owner” shall mean the holder of fee title to a property, whether a person, partnership, corporation or other entity recognized by law, and his/her/its lessees, permittees, assignees or successors in interest.

“Public Property” shall mean any real property owned, leased, operated, or controlled by the City of Union Gap other than a street, alley, parkway, sidewalk or other area dedicated, identified or used as a public right-of-way.

“Public Right-of-Way” shall mean any public street, road, avenue, highway, named or unnamed alley, lane, court, place trail, or other public way, operated and/or controlled by the City or other public entity, or subject to an easement owned by or dedicated or granted to City.

“Special Event” shall mean an activity or series of activities, specific to an identifiable time and place, most often produced in conjunction with community organizations, held on public or private property, which require the receipt of a City of Union Gap Parade and Special Events Permit or other Operations Permit pursuant to Title 4 of this Code.

4.22.030 Permit Requirement

- A. No person shall conduct Mobile Vending operations on Public Property or Public Right-of-Way without first obtaining a Permit in accordance with the provisions of UGMC 17.11 and this Chapter.
- B. No Property Owner shall allow Mobile Vending operations to be conducted on private property without first obtaining a Permit in accordance with the provisions of UGMC 17.11 and this Chapter.
- C. No Permit shall be required when the mobile vending activity is limited to a single Food Truck on private property operating solely for private catering purposes and when all of the following provisions are met:
 - 1. The Mobile Food Vendor is parked entirely on private property; and
 - 2. Service is limited to the guests of the catered event only.
 - 3. No payment transactions shall occur for individual orders taken by the Mobile Food Vendor operator.

4.22.040 License Requirement

It is unlawful for any person to engage in the activity of Mobile Vending or operate a Mobile Food Vendor in the City without having a current Business License obtained from the City in accordance with the provisions of UGMC Title 4.

4.22.050 Health Permit Requirement

It is unlawful for any person to engage in the activity of Mobile Food Vending or to operate a Mobile Food Vendor in the City of Union Gap without a valid permit, certificate or other authorization required by the Yakima Health District.

4.22.060 Sales Tax Reporting

All Mobile Vendors, including Mobile Food Vendor operators, shall be subject to reporting of tax revenues generated within the City of Union Gap to the Washington State Department of Revenue.

4.22.070 General Provisions for Mobile Food Vendors

- A. Mobile Food Vendors shall meet all standards and rules of the Washington State Department of Labor and Industries.
- B. Mobile Food Vendors shall meet the requirements for Type 1 commercial kitchen hoods in accordance with RCW 19.27 and WAC 51-54A.
- C. Mobile Food Vendor operators shall be responsible for controlling smoke and odors caused by food preparation so as to avoid a public nuisance.
- D. No amplified music or loudspeakers shall be permitted.
- E. No temporary lighting shall be provided on the site where the Mobile Food Vendor is operating, except that localized lighting may be used on or in the Mobile Food Vendors for the purpose of inside food preparation and menu illumination.
- F. No flashing, blinking lights, or strobe lights are allowed on Mobile Food Vendors.

- G. No signage other than that exhibited on the Mobile Food Vendor may be displayed at the site where the Mobile Food Vendor is operating. The prohibition shall include any hand-held signage and handbills.
- H. Mobile Food vendor when parked on public streets shall be parked in conformance with applicable parking restrictions, and shall not hinder the lawful parking or operation of other vendor.
- I. Mobile Food Vendors shall not impede access to the entrance or driveway of any adjacent building.
- J. A vendor shall not operate a Mobile Food Vendor within 500 feet of any fair, festival, school, special event or civic event that is licensed or sanctioned by the City unless the vendor has obtained permission from the City.
- K. The issuance of a permit does not grant or entitle the vendor to the exclusive use of any service route or parking space.

4.22.080 Mobile Food Vendors on Private Property

Mobile Food Vendors may operate on private properties in the Central Business District (CBD, Commercial (C-1), Regional Commercial (C-2), and Wholesale Warehouse (WW) Zones, subject to a Class 1 review pursuant to the following minimum standards and conditions:

- A. One (1) Mobile Food Vendor shall be allowed for each 1,500 square feet of paved, level parking area on a site, provided that parking spaces in that area are not reserved, encumbered, or designated to satisfy the off-street parking of a business or activity that is operating at the same time as the Mobile Food Vendor.
- B. No more than eight (8) Mobile Food Vendor shall operate on any private property at one time.
- C. A minimum of two (2) off-street parking spaces shall be provided for each Mobile Food Vendor. The parking required herein shall be provided free of charge and shall not be reserved, encumbered, or designated to satisfy the off-street parking of another business or activity that is operating on the site at the same time as the Mobile Food Vendor.
- D. A minimum of one (1) accessible restroom with hand-washing facilities shall be made available during all hours the Mobile Food Vendor is in operation. These facilities must be located on-site and be made available for use by patrons of the event.
- E. Separate refuse and recycling containers shall be provided on-site during all hours of Mobile Food Vendor operations. All litter generated within a minimum of a 100-foot radius of the site shall be collected prior to closure of the Mobile Food Vendor operations.
- F. No overnight parking of Mobile Food Vendor shall be allowed on the permitted vending site.
- G. Mobile Food Vendors shall not provide or allow any dining area, including but not limited to tables, chairs, booths, bar stools, benches and stand-up counters, unless a proposal for such seating arrangement is submitted with the permit application and approved.

4.22.090 Enforcement

Any person violating or failing to comply with the provisions of the Union Gap Municipal Code may be issued a civil infraction citation pursuant to Section 1.18.050(c). Each civil infraction shall carry with it a monetary penalty of two hundred fifty dollars (\$250.00).