

**ORDINANCE NO. 05-2019**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON AMENDING TITLE 5 OF THE COVINGTON MUNICIPAL CODE TO ADD A NEW CHAPTER 5.30 MOBILE FOOD UNITS.**

WHEREAS, Chapter 35A.63 of the Revised Code of Washington (RCW) empowers the City of Covington (the “City”) to enact planning and environmental regulations; and

WHEREAS, the proposed new Chapter 5.30 Mobile Food Units will provide regulations for mobile food vendors, including the appropriate siting and design of mobile food units in the City; and

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

WHEREAS, this ordinance will enable permitting of mobile food units in the City of Covington that conform to regulations protecting public health and safety; and

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

WHEREAS, mobile food units may seek opportunities to locate operations in the City of Covington and to contribute to the community’s character and quality of life; and

WHEREAS, on February 27, 2019, City Staff transmitted a copy of the proposed code amendments to the Washington State Department of Commerce for review and comment, pursuant to RCW 36.70A.106; and

WHEREAS, environmental review was conducted pursuant to SEPA and a Determination of Nonsignificance was issued on March 8, 2019; and

WHEREAS, the Planning Commission conducted a properly noticed public hearing regarding these proposed changes on April 4, 2019, after which it rendered a recommendation for approval; and

WHEREAS, the City Council, upon review of the facts and findings and recommendations of the Covington Planning Commission, and after review of information provided by City staff find that all applicable and substantive requirements of the law have been met, that adoption of this ordinance promotes the public health, safety, and general welfare of the community and the adoption of this ordinance serves the public interest.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON, DO ORDAIN AS FOLLOWS:**

Section 1. Covington Municipal Code Title 5, is hereby amended to include a new Chapter 5.30 Mobile Food Units as set forth in the attached Exhibit A, incorporated herein by this reference.

Section 2. Corrections. The City Clerk and the codifiers of this ordinance are authorized to make necessary clerical corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

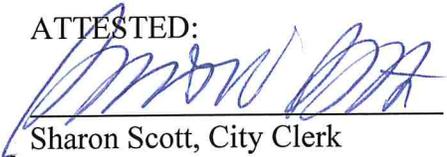
Section 3. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such invalidity shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

Section 4. Effective Date. This ordinance shall be in full force and effect five (5) days from passage and publication in accordance with law.

Passed by the City Council on the 23rd day of April 2019.

  
\_\_\_\_\_  
Mayor Jeff Wagner

ATTESTED:

  
\_\_\_\_\_  
Sharon Scott, City Clerk

PUBLISHED: April 26, 2019  
EFFECTIVE: May 1, 2019

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Kathy Hardy, City Attorney

**CHAPTER 5.30****MOBILE FOOD UNITS**

<b>5.30.010</b>	<b>Purpose.</b>
<b>5.30.020</b>	<b>Definitions.</b>
<b>5.30.030</b>	<b>General Regulations.</b>
<b>5.30.040</b>	<b>Permit Duration and Fee.</b>
<b>5.30.050</b>	<b>Permitted Zones.</b>
<b>5.30.060</b>	<b>License Requirements.</b>
<b>5.30.070</b>	<b>Hours of Operation.</b>
<b>5.30.080</b>	<b>Restrictions.</b>
<b>5.30.090</b>	<b>Revocation of Permit.</b>

**5.30.010 Purpose.**

The purpose of this chapter is to:

- (1) Provide an opportunity for mobile food units to conduct business within the City.
- (2) Promote entrepreneurship and small business development.
- (3) Provide regulations that protect the public health, safety, and welfare for operations associated with mobile food units.

**5.30.020 Definitions.**

- (1) "Cart" shall be defined as a mobile food unit that can be pushed by a single person to move between locations.
- (2) "Mobile Food Vendor" shall be defined as a licensed and operable motor vehicle or trailer used to serve, vend, or provide ready to eat food or beverages for consumption from an approved and assigned fixed location.
- (3) "Mobile Food Unit" shall be defined as a food service that can be easily moved from one location to another, such as a cart, trailer, or truck.
- (4) "Occupied Mobile Food Unit" shall be defined as a Mobile Food Unit where workers will be inside of the unit, such as an enclosed truck or trailer.
- (5) "Unoccupied Mobile Food Unit" shall be defined as a Mobile Food Unit where the workers will be outside of the unit, such as a push cart or trailer.

**5.30.030 General Regulations.**

A mobile food unit permit shall be required except when associated with a city sponsored special event. The following requirements shall apply:

- (1) A mobile food vendor or his/her designee shall fill out a complete application by providing, at minimum, the following information:

- (a) A photograph of the vending unit, proposed signs, and any equipment.
  - (b) A site plan, a simple sketch of the site layout, depicting the location of the vending unit on the property on which food will be offered for sale and the location of parking, tables, tents, signage and canopies.
  - (c) Provide a complete "Property Owner Consent" form signed by the owner(s) of the private property or designated property manager that addresses the following:
    - (i) The property owner shall be responsible for the mobile food unit's compliance with the provisions of this chapter with respect to the mobile food unit's operation on the owner's property.
    - (ii) A complete "Use of Restroom Agreement" form and a map showing the location of the restrooms in relation to the mobile food unit.
  - (d) Occupied mobile food units shall provide copies from all necessary licenses or permits issued by the Washington State Department of Labor (L&I). L&I inspection and seal of approval must be obtained and properly affixed to the outside of the vehicle prior to operation.
  - (e) Copies of all the necessary license or permits issued by the Public Health—Seattle & King County, verifying that the mobile food unit is in compliance with all associated rules and regulations.
  - (f) The proposed hours of operation.
- (2) Tables/Tents/Canopies.
- (a) The arrangement of tents/canopies shall meet all building and fire code requirements.
  - (b) One portable pop-up tent or umbrella that does not exceed ten (10) feet by twelve (12) feet in size, or up to three (3) tables with beach type umbrellas, may be used for cover for patrons. Cooking shall not take place under any tents. Liquefied petroleum gas (LPG) tanks shall not be located under any tents. Umbrellas and canopies must be removed at the end of each day.
- (3) Grease and Wastewater.
- (a) A grease trap shall be installed and maintained on all mobile food preparation vehicles.
  - (b) Grease and wastewater shall be properly disposed of per adopted State and local health regulations.
- (4) Trash.
- (a) All exterior trash receptacles not intended for customer use shall be screened from the public view and securely covered.
- (5) Fire Marshal Review.
- (a) The Fire Marshal review and approval is required when LPG, charcoal, wood, or oil frying equipment is used.
- (6) Signs.

(a) Signs associated with a mobile food unit shall comply with [CMC 18.55](#).

**5.30.040 Permit Duration and Fees.**

(1) The mobile food unit permit shall be effective for one year from the date of permit issuance.

(2) Persons applying for a mobile food unit permit must pay an application fee established by the City of Covington as set forth in the current fee resolution unless exempted by CMC 5.10.040(2).

**5.30.050 Permitted Zones.**

Mobile food units shall only be permitted within the Mixed Commercial (MC), General Commercial (GC), Town Center (TC), or Regional Commercial Mixed Use (RMCU) Zones; provided, that all other conditions of approval are satisfied. Mobile food units may be permitted on city property, including city parks for concessions subject to city approval.

**5.30.060 License requirements.**

(1) A separate business license obtained from the City of Covington, as authorized under CMC Title 5, shall be required for each mobile food unit.

(2) All mobile food unit licenses shall be prominently displayed upon all vehicles or locations from which a mobile food unit sells products, including but not limited to the State of Washington Department of Labor and Industries Food Truck/Trailer sticker.

(3) All mobile food units shall comply with all laws, rules, and regulations regarding food handling, and all mobile food preparation vehicles used by food vendors shall comply with all applicable laws, rules, and regulations respecting such vehicles as established by Public Health – Seattle and King County, State and local traffic laws, and the provisions of the Covington Municipal Code.

**5.30.070 Hours of Operation.**

(1) Mobile food units may operate any day of the week.

(2) Operating hours shall be consistent with the site's primary business operating hours, ensuring bathroom facilities are always available. When located on a vacant lot, the hours shall be consistent with the general hours of adjacent business(es).

Vendors must assemble and disassemble their spaces during these hours.

**5.30.080 Restrictions.**

(1) Mobile food units on public streets, parks, city owned property and public rights-of-way shall not be permitted unless approved by the city for concessions or a special event, including a festival, sports tournament, or similar activity.

(2) Mobile food units shall comply with Washington State Liquor and Cannabis Board.

(3) The use of any portion of the vending unit as living or sleeping quarters is prohibited.

(4) Except for special events or activities authorized by a temporary use permit, no portable restrooms for use in connection with a mobile food unit shall be allowed on a site.

(5) Temporary power shall be regulated by the National Electrical Code and the International Fire Code. If electrical cord covers are used, they are required to meet the slope requirements of ANSI A117.1 section 303.

**5.30.090 Revocation of Permit**

(1) A mobile food unit permit issued pursuant to this section may be revoked, suspended, or denied either the issuance or renewal of if the City finds that:

(a) The vendor has violated or failed to meet the terms of this section and all other applicable sections of the Covington Municipal Code or conditions of this permit, or

(b) The mobile food unit operation is detrimental to the surrounding businesses or to the public due to either appearance or conditions of the stand, or

(b) Any required licenses have been suspended, revoked, or canceled.

A vendor or his/her designee may appeal a revocation to the hearing examiner in accordance with Chapter 14.45 CMC