

*For: Monday, **June 12, 2017**, City Council Meeting*

Advance Packet Information

Included in this packet is documentation to support the following Agenda items:

ORDINANCES

1. Ordinance 17-O-769 amending Brookings Municipal Code Subsection E of Section 5.05.020 Definitions, and Adding Chapter 5.20 Transient Businesses to the Brookings Municipal Code. [Building, Pg. 2]
 - a. Ordinance 17-O-769 [Pg. 3]

*Obtain Public Comment Forms and view the agenda and packet information on-line at www.brookings.or.us, or at City Hall. Return completed Public Comment Forms to the City Recorder before the start of meeting or during regular business hours.


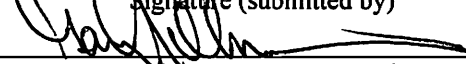
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CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: 6/12/17


Originating Dept: Bldg


Signature (submitted by)

City Manager Approval

Subject: Amendment to chapter 5.05.020 Definitions subsection E. of the Brookings Municipal Code and addition of Chapter 5.20 Transient Businesses to Brookings Municipal Code.

Recommended Motion: Motion to adopt Ordinance 17-O-769 amending Chapter 5.05.020 subsection E. Definitions and adding Chapter 5.20 Transient Businesses to Brookings Municipal Code.

Financial Impact: There is the potential for a financial gain to the City through increased business licenses due to the relaxation of this code. There is a potential loss of system development charges and water/ sewer revenue if transient kitchens are allowed to supplant the development of non-transient kitchens within buildings that may offer customer seating.

Reviewed by Finance & Human Resources Director: 

Background/Discussion: Businesses conducted under the Brookings Municipal Code Section 5.05.060, "Ability to conduct business – license required – exemptions." This authority does not extend to City parking lots, parks or other public properties, nor does it extend to public property under the control of other public agencies, such as the Oregon Department of Transportation (ODOT), Brookings Harbor School District, Chetco Community Public Library or other such agencies as may apply. It should be noted that Chetco Avenue, also known as Highway 101, and its adjacent sidewalks fall under ODOT authority.

Due to street sweeping operations and garbage disposal activities that occur over night as well as safety and liability it was determined by the Site Plan Committee that Mobile Food Vending Units shall not remain on the streets after dusk. It was also discussed by Site Plan Committee that to be fair to brick and mortar businesses and to promote permanent businesses that "Mobile Businesses" should be just that and stay mobile. A proposed time limit on public property of 4 hours would be more lenient than the current 2 hours, allowing Mobile Food Vending Units more time at any one location while also preventing a monopoly on any particular locations. Mobile food vending units shall not be conduct business within 150 feet of any brick and mortar restaurant.

Attachment(s):

- a. Ordinance 17-O-769

IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON
ORDINANCE 17-O-769

IN THE MATTER OF ORDINANCE 17-O-769, AN ORDINANCE AMENDING BROOKINGS MUNICIPAL CODE SUBSECTION E OF SECTION 5.05.020 DEFINITIONS, AND ADDING CHAPTER 5.20 TRANSIENT BUSINESSES TO BROOKINGS MUNICIPAL CODE.

Sections:

- Section 1. Ordinance identified.
- Section 2. Amends Sub-Section E of Section 5.05.020 Definitions
- Section 3. Adds Chapter 5.20

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance Amending Brookings Municipal Code subsection E of section 5.05.020 Definitions, and adding Chapter 5.20 Transient Businesses to Brookings Municipal Code.

Section 2. Amends Sub-Section E of Section 5.05.020: Sub-Section E of Section 5.05.020, Definitions, is amended to read as follows:
E. "Transient Business", See Chapter 5.20.

Section 3. Adds Chapter 5.20: Chapter 5.20, Transient Businesses is amended to read as follows:

Chapter 5.20
Transient Businesses

Sections:

- 5.20.010 Definitions.
- 5.20.020 Authority.
- 5.20.030 Licensing and Agreements
- 5.20.040 Operator Requirements
- 5.20.050 Suspension and Revocation of License
- 5.20.060 Insurance Required
- 5.20.070 Penalty for Violation

5.20.010 Definitions

A. Mobile Food Vending Unit (Vending Unit) shall be held to mean a business as defined in subsection (B) of Section 5.05.020 that operates from various locations in the city and has no fixed permanent location from which the business is conducted. Mobile food venders shall only operate on public property from sunrise until sunset. Mobile food venders shall not be open for service at any one location in the city, on public property, for more than four (4) hours on any single day.

B. "Operator" shall mean a proprietor, manager or employee that operates a commercial establishment.

5.20.020 Authority

Businesses conducted under this Chapter fall under the authority of Brookings Municipal Code Section 5.05.060, "Ability to conduct business – license required – exemptions." This authority does not extend to City parking lots, parks or other public properties, nor does it extend to public property under the control of other public agencies, such as the Oregon Department of Transportation (ODOT), Brookings Harbor School District, Chetco Community Public Library or other such agencies as may apply. It should be noted that Chetco Avenue, also known as Highway 101, and its adjacent sidewalks fall under ODOT authority.

5.20.030 Licensing and Agreements

Mobile Food Vending Unit (Vending Unit) operators are required to obtain a business license from the City of Brookings Administrative Services Department and pay such fees as applicable upon initial issuance, and annually thereafter.

Mobile Food Vending Unit operators must execute a Mobile Food Vending Unit Wastewater Disposal Agreement prior to issuance of a business license.

Mobile Food Vending Units shall comply with all state regulations such as but not limited to the Oregon Health Authority (Mobile Food Unit Operation Guide) and operators shall provide proof of a valid Food Handlers Certificate from the appropriate County Health Department.

5.20.040 Operator Requirements

- A. When operating a Vending Unit adjacent to a sidewalk, a minimum unobstructed pedestrian passage area of 36-inches must be obtained at all times.
- B. No electrical cords, ropes or other devices that may constitute a trip and fall hazard shall extend across any sidewalk or pedestrian-way.
- C. The City issues permits for the conduct of festivals and parades from time to time. Such permits shall supersede this authorization to conduct business on the public right-of-way within the area subject to the event permit and within 200 feet of the area subject to the event permit unless separate approval has been granted by the event operator.
- D. Business shall not be conducted in any area of the City which is predominately residential.
- E. Business shall not be conducted within 150 feet of any restaurant.
- F. All areas around the Vending Unit shall be kept in a neat and orderly condition, free of debris and litter generated by the subject business activities or patrons. The Vending Unit operator must provide a litter receptacle for use by its patrons at the site where business is being conducted and remove all trash upon departing the site.
- G. There shall be no sale or consumption of alcoholic beverages at any time on public property.
- H. At all times during the conduct of business, the Vending Unit must be legally parked, shall not be parked on the sidewalk or obstruct a pedestrian-way or a driveway.
- I. One (1) sandwich board type sign may be placed on the right-of-way adjacent to the Vending Unit, subject to the 36-inch clearance indicated above.

5.20.050 Suspension and Revocation of License

Any and all permits and licenses for the operation of a Vending Unit, as the same may be granted hereunder, may be revoked and forfeited, without recovery of the license fee or any part thereof, by the City Manager for any violation by said permittee of any of the terms or provisions of this chapter. No permit issued under this chapter shall vest any right in the licensee to continued use or operation of a Vending Unit within the city of Brookings, whether upon renewal or revocation thereof or otherwise.

5.20.060 Insurance Required

Provide the City of Brookings with the following certificates of insurance:

Automobile liability

Comprehensive General Liability with limits of not less than \$500,000 and listing the City of Brookings as an additional insured.

5.20.070 Penalty for Violation

Failure to comply with any of the above listed conditions when operating on right-of-ways controlled by the City of Brookings will result in the revocation of your business license and/or a fine, as defined under Brookings Municipal Code Chapter 1.05, General Penalty.

First Reading: _____ Passage: _____
Second Reading: _____ Effective Date: _____

Signed by me in authentication of its passage this _____, day of _____, 2017

ATTEST:

Mayor Jake Pieper

City Recorder Teri Davis