



## ORDINANCE NUMBER 2021-05

### AMENDING MOLALLA MUNICIPAL CODE SECTIONS 17-2.3.220 MOBILE FOOD UNITS AND 17-5.1.020 DEFINITIONS

**WHEREAS**, Mobile food units provide opportunities to enliven under-utilized spaces, increased draw for consumers, entrepreneurship, increased job opportunities in the community, and a unique dining experience; and

**WHEREAS**, The City of Molalla adopted temporary mobile food unit legislation in Ordinance No. 2020-08; and

**WHEREAS**, The need for a comprehensive set of laws regarding mobile food unit operations and licensing remained; and

**WHEREAS**, City staff has determined that the community supports mobile food units.

#### **Now, Therefore, the City of Molalla Ordains as follows:**

**Section 1.** Molalla Municipal Code (MMC) Section 17-2.3.220 *Mobile Food Units* is replaced in its entirety by Section 17.2.3.220 *Mobile Food Units* in Exhibit "B."

**Section 2:** MMC Section 17-5.1.020 *Definitions* is amended to include the definitions in Exhibit "B."

**Section 4. Emergency Clause.** Due to urgent need, this Ordinance shall be effective upon approval of the City Council.

The First Reading of Ordinance No. 2021-05 was held on April 14, 2021. The vote passed with 4 Ayes and 2 Nays.

The Second Reading of this Ordinance was held on April 28, 2021. The vote was 4 Ayes and 3 Nays.

Signed this 28<sup>th</sup> day of April 2021.

  
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Mayor, Scott Keyser

ATTEST:

  
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Christie DeSantis, City Recorder

Christie DeSantis, City Recorder

## Exhibit B

### Ordinance 2021-05

#### MMC 17-5.1.020 Definitions

**Mobile Food Unit.** Any vehicle that is self-propelled or that can be pulled or pushed down a sidewalk, street, highway, or waterway, on which food is prepared, processed, or converted or which is used in selling and dispensing food to the ultimate consumer.

**Mobile Food Unit, Temporary.** A mobile food unit that operates on a given property for 8 hours or less in a 24-hour period.

**Mobile Food Unit, Permanent.** A mobile food unit that operates on a given property for more than 8 hours in a 24-hour period.

#### MMC 17-2.3.220 Mobile Food Units

- A. Applicability.** No Mobile Food Unit may operate within the city limits of Molalla except as permitted in this chapter, or as authorized by an event permit issued by the City of Molalla.
- B. General Requirements.** The following standards apply to all mobile food units operating within the City of Molalla, except as authorized by an event permit issued by the City of Molalla.
1. Mobile Food Units shall be permitted as an accessory use in all zones in which they are “Permitted Subject to Special Use Standards (S).”
  2. Mobile food units shall primarily sell food items.
  3. Mobile food units may not sell, offer, provide or in any way transfer cannabis in any form.
  4. Mobile food units are subject to inspection by City of Molalla Code Enforcement and Molalla Fire District personnel on official business.
  5. All mobile food units must have a valid Clackamas County Mobile Food Unit License.
  6. All mobile food units must have a valid City of Molalla Business License.
  7. Mobile food units shall maintain continuous compliance with applicable federal, state, county, and city standards.
  8. Discharge or leakage draining into the stormwater or wastewater system is prohibited. Wastewater shall not be dumped or spilled onto or into the ground, streets, stormwater, or wastewater systems. All liquid waste from the waste tank or from cleaning activities shall be captured and properly disposed of.
  9. All permanent utility lines shall be placed underground. Temporary utilities, lines and tanks shall be placed underground or otherwise screened, covered, or hidden from view from the right-of-way as to minimize visual impacts and prevent unsafe conditions.
  10. Power connections may not be connected by overhead wires to the individual mobile food units.

11. Additional impervious surfaces must comply with stormwater and grading design standards.
12. Mobile food units, equipment, customer service areas, or any other associated object may not be located within the public right-of-way.
13. Mobile food unit owners are responsible for maintaining the mobile food unit in a neat and clean condition, including but not limited to: an exterior that is clean and free from rust, peeling paint, and visibly worn or broken exterior equipment (including accessory equipment) and any other defect that reasonably detracts from the public's aesthetic appreciation of the unit or accessories thereto.
14. Mobile food unit owners and property owners are responsible for maintaining the property upon which a mobile food unit operates in a neat and clean condition, including but not limited to: free from trash, waste, broken or visibly worn equipment and furnishings, or any other defect that reasonably detracts from the public's aesthetic appreciation of the site.
15. Mobile food units must be self-contained and connect to individual wastewater and potable water holding tanks at all times, except as authorized in this chapter for a Mobile Food Unit Pod.

**C. Design and Operation Standards.**

1. Temporary Mobile Food Units. Mobile food units that operate on a property for eight (8) hours or less in a twenty-four-hour period shall comply with the following:
  - a. Hours of Operation.
    - i. Operations are permitted between the hours of 6:00am – 10:00pm.
    - ii. Hours of operation may be modified by Conditional Use Permit.
  - b. Site Standards.
    - i. Limited to three food units on a property at any one time; and
    - ii. Must be accessory to a primary use; and
    - iii. Temporary tables, chairs, lighting, and shelter may be provided during temporary mobile food unit operations but must be removed or appropriately stored out of site upon cessation of mobile food unit operations each day; and
    - iv. Maintain minimum number of parking stalls and minimum drive aisle widths and parking lot requirements; and
      1. Non-conforming parking lots may be utilized, but the TMFU may not cause an increase in non-conformity; and
    - v. Vehicle and Pedestrian circulation and parking areas must be compact gravel, asphalt, concrete, or other hard material as approved by the Public Works Director; and
    - vi. Placement may not result in a reduction of landscaping to less than the minimum site requirement.
  - c. Unit & Accessory Standards.
    - i. Shall comply with the Molalla Municipal Code; and
    - ii. Shall comply with all applicable standards of the zone in which the property lies; and
    - iii. Must not inhibit emergency vehicle ingress and egress to the site.

2. Single or Double Permanent Mobile Food Units. Mobile food units that operate on a property that is approved for two or less Permanent Mobile Food Units, for more than eight (8) hours in a twenty-four-hour period shall comply with the following:
  - a. Hours of Operation.
    - i. Operations are permitted between the hours of 6:00am – 10:00pm.
    - ii. Hours of operation may be modified by Conditional Use Permit.
  - b. Site Standards.
    - i. Limited to two permanent and one temporary food unit on the property at any one time; and
    - ii. Maintain the minimum number of parking stalls, and minimum drive aisle widths and parking lot requirements; and
      1. Non-conforming parking lots may be utilized, but the MFU may not cause an increase in non-conformity; and
    - iii. Vehicle and Pedestrian circulation and parking areas must be compact gravel, asphalt, concrete, or other hard material as approved by the Public Works Director; and
    - iv. Placement may not result in a reduction of landscaping to less than the minimum site requirement; and
    - v. Must supply at least one public on-site restroom facility, this may be portable, part of an existing building on-site, or constructed in accordance with the State of Oregon Building Code; and
    - vi. Where frontage improvements would be triggered by development, the applicant may record a city approved non-remonstrance agreement in lieu of improvements.
    - vii. Where insufficient right-of-way exists on a street abutting the property, dedication in accordance with the City of Molalla Transportation System Plan will be required.
  - c. Unit & Accessory Standards
    - i. Fully screen from view any portable toilet, mechanical or power generating equipment that is separated from the mobile food unit, with vegetation or screening at a height equal to or greater than the height of the unit, subject to Planning Official approval; and
    - ii. Comply with the applicable standards of the zone in which the property lies; and
    - iii. Must not inhibit emergency vehicle ingress and egress to the site.
3. Mobile Food Unit Pods. A site that is approved for 3 or more food units to operate on the property for more than eight (8) hours in a twenty-four-hour period shall comply with the following:
  - a. Site, Unit, and Accessory Standards
    - i. Except as outlined in this ordinance, all Mobile Food Unit Pods shall comply with the applicable provisions of MMC Title 17 for commercial activities classified as retail sales and commercial services.
    - ii. Shall be fully enclosed by a fence, wall, exterior building wall, or combination thereof.

1. Notwithstanding MMC section 17-3.4.040, the design and dimensions of fences or walls used to satisfy the requirement of this section are subject to approval by the Planning Official.
2. The planning official shall base their approval of a proposed wall or fence on a balance of the Community Design Standards in MMC 17-3.4.040, the location of the parcel and surrounding uses, and the aesthetics of the proposal.
- iii. Must supply at least one public on-site restroom facility for every two mobile food units, these may be portable, part of an existing building on-site, or constructed in accordance with the State of Oregon Building Code.
- iv. A Pod may choose to connect to City Water, City Sewer, or a combination thereof, but the entire Pod must be uniform in this election.
- v. A Pod must connect to a permanent power supply, generators are prohibited unless for emergency use.

#### **D. Process.**

1. Temporary Mobile Food Units are subject to Type I Site Plan and Design Review for each property upon which they operate.
  - a. Title 17 Division III Design Standards are not applicable unless:
    - a. otherwise indicated in this ordinance; or
    - b. required by a condition of land use approval; or
    - c. a pre-existing design element (or lack thereof) is deemed unsafe or unreasonable by the Planning Official or Public Works Director.
  - b. A copy of Clackamas County Health Department Mobile Food Unit Application and Permit must be attached to your application.
  - c. System Development Charges are not applicable to simple placement of a Temporary Mobile Food Unit.
2. Single or Double Mobile Food Units that are accessory to a primary use are subject to Type I Site Plan and Design Review.
  - a. Title 17 Division III Design Standards are not applicable unless:
    - ii. otherwise indicated in this ordinance; or
    - iii. required by a condition of land use approval; or
    - iv. a pre-existing design element (or lack thereof) is deemed unsafe or unreasonable by the Planning Official or Public Works Director.
  - b. A copy of Clackamas County Health Department Mobile Food Unit Application and Permit must be attached to your application.
  - c. System Development Charges are applicable to placement of an Individual Permanent Mobile Food Unit.
3. Mobile Food Unit Pods and Single or Double Mobile Food Units that are the primary use on a property are subject to Type II or Type III Site Design Review in accordance with MMC 17-4.2.
  - a. A copy of Clackamas County Health Department Mobile Food Unit Application and Permit must be attached to your application.

b. System Development Charges are applicable to Mobile Food Unit Pods and single or double Mobile Food Units that are the primary use on a property.

**E. Fees.** Fees will be set by Resolution of the City Council from time to time.

**F. Enforcement and Penalties.** Violations of this ordinance are subject to the enforcement and penalty provisions of MMC Title 17.

**G. Severability.** In the event any provisions of this chapter shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision.