

PUBLIC NOTICE

LAKESIDE PLANNING COMMISSION MEETING

March 16th, 2023

The City of Lakeside Planning Commission will hold a meeting at **6:00 p.m.** on Thursday, March 16th, 2023.

INSTRUCTIONS FOR THOSE CALLING IN:

For computers, tablets or smart phones, use the Zoom app and sign in with the following:

Meeting ID: 444-313-9923

Numeric Password: 611328

Regular phone users should dial 408-638-0968, and then put in the ID and Password when prompted by voice

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

MINUTES: March 2nd, 2023

Motion to approve minutes:

NEW BUSINESS:

- 1. Workshop: Codes for food trucks/mobile food units**

OLD BUSINESS:

None

ITEMS NOT ON THE AGENDA:

PUBLIC COMMENTS:

ADJOURNMENT:

The above meeting is open to the public. The Lakeside City Hall is handicapped-accessible. Lakeside is an Affirmative Action/Equal Opportunity Employer and complies with Section 504 of the Rehabilitation Act of 1973. For information call 541-759-3011

March 6th, 2023

**City Hall
McKay's Market**

**Lakeside Post Office
Website**

The City of Lakeside Planning Commission Committee held a meeting in City Hall, at 6:00 PM on March 2nd, 2023.

The meeting was recorded. It was presented on line with the Zoom system and available to callers.

CALL TO ORDER: 6:00pm by Mark Crouch, Planning Commission Chair

PLEDGE OF ALLEGIANCE:

ROLE CALL:

Commissioners present: Lanelle Comstock, Mark Crouch, Karl Granzow, Mary Gray, Randy Thomas

Commissioners absent: None

Staff: Rob Ward

APPROVAL OF MINUTES:

The minutes of 2/16/2023 had been distributed to the Commissioners prior to the meeting. None of the Commissioners had error corrections or amendments to recommend. Commissioner Crouch made a motion that the minutes be approved as written. Seconded by Commissioner Thomas. Approved by majority vote (Commissioners Crouch, Granzow and Thomas voted aye; Commissioners Comstock and Gray abstained).

NEW BUSINESS:

1. Public hearing: CU2023-01 LSP4LIFE LLC

Samantha Oswald, co-applicant, requested that a continuance be granted before the hearing was opened. The Commissioners gave unanimous consent for the granting of a continuance until 6pm, Thursday, 6 April 2023.

2. Request for zoning clarification from owners of 23S12W07BB-200

The owner of 23S12W07BB-200 had learned that the City zoning map of 2022 depicted the subject property as General Commercial (G-C), and was insistent that the correct zoning was residential. Staff provided the Commission with evidence indicating that lots 23S12W07BB-200 and -201 were designated as General Single Family (G-S) on the original 1978 Lakeside zoning map, and that there had been no legislative rezoning of the properties. The draft zoning map of 2015 had incorrectly shown the properties as G-C, and this error had subsequently been incorporated into the 2022 zoning map. The Commissioners reached a unanimous consensus that the subject properties were in fact zoned G-S, and requested that staff (1) inquire with DLCD as to the desired process for making map correction, and (2) initiate that process.

OLD BUSINESS:

None

ITEMS NOT ON THE AGENDA:

Staff asked the Commissioners whether they desired to schedule a workshop meeting on 3/16/2023; and if so, which of their goals they wished to work on at that time. The Commissioners were in agreement that they would meet on 3/16/2023 to begin initial consideration of a code for food trucks. The Commissioners requested that staff collect representative samples of similar codes from other jurisdictions for consideration.

PUBLIC COMMENTS:

None

ADJOURNMENT: 6:35pm

NEXT PLANNING COMMISSION MEETING: March 16th, 2023 at 6:00 PM

SUPPORTING DOCUMENTS

All documents used in discussions and decisions can be viewed on Lakeside City Web Site, www.cityoflakeside.org. Look at the details of the meeting date. Oregon Freedom of Information and Public Meeting Law information can be viewed on the Open Oregon Web Site, www.open-oregon.com and by reference to ORS 192.610 through ORS 192.690

The Above meeting was open to the public. The Lakeside City Hall is handicapped-accessible. Lakeside is an Affirmative Action/Equal Opportunity Employer and complies with Section 504 of the Rehabilitation Act of 1973. All City Council Meetings are digitally recorded, available for viewing at City website: www.cityoflakeside.org and recordings are available on a flash drive for \$30.00.

March 2023

Sampling of codes related to the use of food trucks.

State law

Under state law, a food truck falls within the phrase “mobile food unit”. This term also applies to hot dog carts, ice cream trucks and any other mobile platform for the sale of food and/or beverage.

The operation of a mobile food unit must comply with OAR 333-150-0000, and is regulated by the Oregon Health Authority.

Overview of state requirements:

- 1) Must be licensed by county in which the unit is operating, prior to any operation; and must also acquire any required local review, license or permit.
- 2) The units must have wheels, be mobile, and designed/constructed to move as a single piece.
- 3) All operations and equipment must be integral to the unit (one outdoor BBQ can be used)
- 4) Must have on-board fresh water and waste tanks. Unit may be connected to public water and sewer; but cannot be connected to water unless connected to sewer.
- 5) The state has a raft of other requirements for things like sinks, restrooms, seating, outdoor shelves, garbage, food storage, hygiene, food safety, etc.
- 6) Mobile food units can operate temporarily during special events (fairs, carnivals, circuses, festivals, concerts, or any other temporary public gathering)

Local code options: If these are left out of local code, operators are still required to comply. Local code can therefore include these requirements by reference; or ignore them entirely.

Oregon Small Cities Model Code

The Model Code does not contain a section for mobile food units, but does mention them as a potential form of “temporary use”, and does offer a code for temporary uses. This includes subsections for “seasonal and special events”; “temporary sales office or model home”; and “temporary buildings, kiosks and other structures”. It is the last of these where food trucks would fall.

Overview of Model Code for mobile food units:

- 1) The use is permitted in the zone.
- 2) Property owner has given permission.
- 3) Lot standards are met (lot size, setbacks, etc.)
- 4) Ingress/egress is adequate, safe, and does not create problems in combination with traffic from other uses of the site.
- 5) Use does not violate visual clearance codes.
- 6) There is sufficient parking for both the temporary use and other uses.
- 7) Does not create adverse off-site impacts (traffic, noise, odors, vibration, glare, lights) in a manner greater than others uses allowed outright in the zone.
- 8) Is adequately served by utilities, as applicable.
- 9) Optional: Limit on length of use (consecutive and/or total time per calendar year)
- 10) Applicant has obtained all required licenses and permits.
- 11) Vehicular access and circulation:
 - a. Driveways shall accommodate all projected vehicular traffic on-site without vehicles stacking or backing up onto a street.

- b. Driveways shall be designed so that vehicle areas, including, but not limited to, drive-up and drive-through facilities and vehicle storage and service areas, do not obstruct any public right-of-way.
- c. Approaches and driveways shall be located and designed to allow for safe maneuvering in and around loading areas, while avoiding conflicts with pedestrians, parking, landscaping, and buildings.

City of Coos Bay

Coos Bay does not have a food truck code per se, but instead lumps this into something called "transient business". Mobile food units are explicitly included in this classification.

Overview:

- 1) Must have all local and state licenses; this includes a local business license and a right-of-way use permit.
- 2) No sidewalk obstruction.
- 3) Must be self-contained; no waste discharge and no ropes, wires or other trip hazards on pedestrian ROWs.
- 4) If the city issues a special event permit for an area that is the approved location of a transient business, the transient business has to move for the duration of the event unless the event organizer lets them stay.
- 5) No transient business in residential areas, as long as the stay in one location is no more than 15 minutes.
- 6) No transient business within 10 feet of the entrance of any other business, nor within 50 feet of any competing business
- 7) Area must be litter-free, and the transient business removed when goods are not being sold.
- 8) No sale or consumption of alcohol.
- 9) Signage restrictions.
- 10) Proof of insurance
- 11) Limited to operation on city owned property or city ROW
- 12) Prohibited on Highway 101.

Eugene

Eugene has a "food cart" program, which also includes food trucks. These enterprises are allowed to operate under contract with the City in specified downtown areas. For units operating on City property, the City collects an application fee (essentially the same as Lakeside's business license fee), plus the greater of monthly site rent or 6% of gross sales.

Overview:

- 1) Hold harmless agreement required.
- 2) Proof of insurance required.
- 3) City has the right to accept or reject any proposed food cart.
- 4) Agreements between the city and an operator are not transferrable.
- 5) There is a stated expectation of hours per day and days per week of service, seasonally adjusted; and a minimum number of 20 days per month.
- 6) Proposals have to include a complete list of products to be sold. City discourages duplication. Vendor may not sell items not in proposal unless they get prior approval from the city.
- 7) Operators must comply with state, county and city health requirements and inspections.
- 8) Heaters and lights must be installed in compliance with building codes.

- 9) Electrical appliances and equipment must be rated for outdoor use.
- 10) No sound amplification.
- 11) Vendor must provide their own trash container, arrange for the disposal of such trash, and keep their area free of litter. Use of city trash receptacles for vendor trash is prohibited.
- 12) City may request that vendors move for special events or cleaning. Such movement cannot be required more than 4 times per year and requires at least 2-week notice.
- 13) Operators must maintain complete, detailed and accurate records of all business transactions.
- 14) For vendors operating on privately owned property:
 - a. Owner approval required.
 - b. Units cannot take up parking spaces required by other businesses at the location.
 - c. Units are not allowed to block motor vehicle access or pedestrian ways.
 - d. Pedestrian (walk-up) traffic only is allowed (no drive-thru service).
 - e. Units should not be parked in required landscape areas.

City of North Bend

Like Coos Bay, North Bend does not have a food truck code per se, but instead lumps this into something called "transient business". Mobile food units are explicitly included in this classification.

Overview:

- 1) Requires business license, business license rider for transient business and all required health permits.
- 2) Operation as part of a special event is allowed and requires the same licensure, but fees are prorated based on the number of days that business will be conducted.
- 3) Locations restricted to commercial and industrial zones; or residential zones where there is a public park, institutional use or commercial use occupying the parcel. May only operate adjacent to state highways with permission of ODOT.
- 4) For locations outside public ROWs:
 - a. Written consent of owner
 - b. Room to pull vehicles off the roadway and adequate parking
 - c. No encroachment of parking, landscaping or setbacks of any established business
 - d. Clear sight triangles
 - e. Minimum space of 3 feet from sidewalk or curb, whichever provides greater distance from ROW
 - f. Minimum 5 feet from service windows or other customer access points and an active drive aisle
 - g. All items visible from the street in good repair and in a safe and clean condition
- 5) No license issued without evidence of passing a fire inspection
- 6) Cords, cables, pipes and similar items shall not create tripping hazards in pedestrian or vehicular areas
- 7) Signage limitations
- 8) No mobile food unit shall stop in a public ROW in a residential zone for more than 15 minutes;
- 9) Use of public property other than ROW during special events only
- 10) Drive-through service in G-C zone only, and must have at least 85 feet of queuing distance from service window.
- 11) Mobile food units in ROW may not be:
 - a. Within 20 feet of intersection
 - b. In a crosswalk

- c. In an area where stopping or parking vehicles is not allowed
- d. Less than 10 feet from another mobile food unit
- 12) Food safety inspections and sanitation as required by the county
- 13) Mobile food units shall not connect to water or sewer, unless permanent.
- 14) Prior to leaving a location, operator must collect and dispose of all trash within 25 feet of mobile food unit.
- 15) *Permanent occupancy:*
 - a. Permanently connected to sewer, water and power
 - b. Illuminated with downcast or shielded lighting when operating during hours of darkness
 - c. Requirements for both visual screening and areas of view for crime prevention
 - d. Considered as a new commercial development and subject to all requirements for new commercial development

City of Stayton

Short and concise code for mobile food units.

Overview:

- 1) Requires business license and county health and sanitation licenses.
- 2) Unless part of a special event, if in place more than 72 hours without being moved it requires review as a new land use/development.
- 3) Allowed locations:
 - a. Zones where eating/drinking establishments are a permitted use
 - b. Parking lots of manufacturing businesses, for the purpose of serving the employees of that business
 - c. City-owned property, with permission
 - d. In areas of a designated special event or street closure, during those events
- 4) Must be in approved parking lot or other hard-surfaced area.
- 5) Customer line must not block:
 - a. Sidewalk or pedestrian pathway
 - b. Driveways or drive aisles of any off-street parking
 - c. Visual triangles
- 6) Must not create any traffic or safety hazards
- 7) If parked for 24 hours or more:
 - a. Screening of all conduit, tanks and storage from all public areas and streets; or
 - b. Temporary landscaping/skirting around perimeter of mobile food unit
- 8) May not be permanent structure. Must remain capable of being moved with wheels attached.

Oregon Small Cities Model Code

[2.3.150 Mobile Homes and Recreational Vehicles Used as Dwellings]

User's Guide: The following is a placeholder for jurisdictions that have mobile homes pre-dating current HUD standards. It is also intended to clarify where residential use of recreational vehicles is grandfathered.

2.3.160 Temporary Uses

User's Guide: It is recommended that cities define temporary uses and regulate them appropriately. For example, one mobile food cart placed temporarily (e.g., summer months) on private property may not have much of an impact on public services or parking. However, an entire "food court" (i.e., with multiple carts) that lasts the whole year through should be subject to public improvement standards, just like any other development.

Temporary uses are characterized by their short term or seasonal nature and by the fact that permanent improvements are not made to the site. Temporary uses include, but are not limited to: construction trailers, leasing offices, temporary carnivals and fairs, parking lot sales, retail warehouse sales, seasonal sales such as Christmas tree sales and vegetable stands, and similar uses. This Code contains permit procedures for three types of temporary uses, Seasonal and Special Events, Temporary Sales Offices and Model Homes, and Temporary Buildings, Trailers, Kiosks, and Other Structures, as follows:

A. Seasonal and Special Events. Through a Type II procedure, pursuant to Section 4.1.030, the City shall approve, approve with conditions, or deny a temporary use application for a Seasonal or Special Event, based on the following criteria:

1. The use is permitted in the underlying zone, and does not violate any conditions of approval for the property (e.g., prior development permit approval).
2. The use occurs only once in a calendar year and for not longer than [30-60] consecutive days.
3. The use is permitted in the underlying land use district and does not violate any conditions of approval for the property (e.g., prior development permit approval).
4. The applicant, if different than the property owner, has proof of the owner's permission to place the use on the property.
5. Ingress and egress are adequate and do not raise safety concerns when the proposed use is combined with the other uses of the site, pursuant to Chapter 3.3 Access and Circulation.
6. The use does not conflict (i.e., create a nonconformity) with the provisions of Chapter 3.4 Landscaping, Fences and Walls.
7. There is sufficient parking to accommodate the temporary use and other uses existing on the site, pursuant to the Chapter 3.5 Parking and Loading.
8. The use does not conflict (i.e., create a nonconformity) with the provisions of Chapter 3.6 Public

2.3 – Special Use Standards | Temporary Uses

Facilities.

9. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare, or lights that affect an adjoining use in a manner in which other uses allowed outright in the district do not affect the adjoining use.
10. The use is adequately served by sewer or septic system and water, as applicable.
11. The applicant shall be responsible for maintaining all required licenses and permits.

B. Temporary Sales Office or Model Home. Through a Type II procedure, pursuant to Section 4.1.030, the City shall approve, approve with conditions, or deny a temporary use application for a Temporary Sales Office or Model Home, based on the following criteria:

1. Temporary sales office. The use of any real property within the City as a temporary sales office, office for the purpose of facilitating the sale of real property, shall meet all of the following criteria:

- a. The temporary sales office shall be located within the boundaries of the subdivision or tract of land in which the real property is to be sold.
- b. The property to be used for a temporary sales office shall not be permanently improved for that purpose.
- c. Public health, safety, and welfare shall be protected through conditions imposed by the City, regarding temporary utility connections.

2. Model house. The use of any real property within the City for a model home, including a model home in any subdivision or on any tract of land within the City, shall meet all of the following criteria:

- a. Where the model house is located in a Residential zone, it shall be located within the boundaries of the subdivision or tract of land where the real property to be sold is situated.
- b. A model house located in a Residential zone shall be designed as a permanent structure that meets all relevant requirements of this Code and other applicable codes and permit requirements.
- c. A model house located in a non-Residential zone, as with a manufactured home sales display lot, shall be removed when the use of the subject site for home sales ends.

C. Temporary Buildings, Trailers, Kiosks, and Other Structures. Through a Type II procedure, pursuant to Section 4.1.030, the City shall approve, approve with conditions, or deny an application for a placement and use of a temporary building, trailer, kiosk, or other structure, based on following criteria:

1. The use is permitted in the underlying zone and does not violate any conditions of approval for the property (e.g., prior development permit approval).

2.3 – Special Use Standards | Temporary Uses

2. The applicant, if different than the property owner, has proof of the owner's permission to place the use on the property.
3. The lot development standards of Section 2.2.040 are met. *lot size, setbacks, etc.*
4. Ingress and egress are adequate and do not raise safety concerns when the proposed use is combined with the other uses of the site, pursuant to Chapter 3.3 Access and Circulation. *See attached*
5. The use does not conflict (i.e., create a nonconformity) with the provisions of Chapter 3.4 Landscaping, Fences and Walls. *Applicable standard for Lakeside is fence code to visual clearance at intersections. MC 155.052 & 053*
6. There is sufficient parking to accommodate the temporary use and other uses existing on the site, pursuant to the Chapter 3.5 Parking and Loading. *MC 155.250 - 256*
7. The temporary use does not conflict (i.e., create a nonconformity) with the provisions of Chapter 3.6 Public Facilities. *Sewer, water, electricity*
8. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare, or lights that affect an adjoining use in a manner in which other uses allowed outright in the district do not affect the adjoining use.
9. The use is adequately served by sewer or septic system and water, as applicable.
10. The structure complies with applicable building codes.
11. Except where specifically authorized by the [City decision-making body], the length of time that the temporary structure may remain on a site shall not exceed [#] consecutive months or a total of [#] months in any one calendar year.
12. The applicant has obtained and will maintain all required licenses and permits.
13. Public health, safety, and welfare are protected through the installation of a water meter, if necessary, and other improvements, pursuant to Chapter 3.6 Public Facilities, as necessary.

3.3.030 Vehicular Access and Circulation

User's Guide: This section implements Transportation Planning Rule requirements related to access management and is intended to be consistent with ODOT access management requirements for state highways under OAR 734-051. Insert the graphics pages that apply, and add text references to graphics.

- A. Purpose and Intent.** Section 3.3.030 *[implements the street access policies of the City of (name) Transportation System Plan / serves as the street access management policy of the City of (name) until such time as the City adopts a Transportation System Plan.]* It is intended to promote safe vehicle access and egress to properties, while maintaining traffic operations in conformance with adopted standards. "Safety," for the purposes of this chapter, extends to all modes of transportation.
- B. Permit Required.** Vehicular access to a public street (e.g., a new or modified driveway connection to a street or highway) requires an approach permit approved by the applicable roadway authority. *[The City Planning Official reviews permit requests for connections to City streets through a Type III procedure.]*
- C. Traffic Study Requirements.** The City, in reviewing a development proposal or other action requiring an approach permit, may require a traffic impact analysis, pursuant to Section 3.6.020, to determine compliance with this code.
- D. Approach and Driveway Development Standards.** Approaches and driveways shall conform to all of the following development standards:
1. The number of approaches on higher classification streets (e.g., collector and arterial streets) shall be minimized; where practicable, access shall be taken first from a lower classification street.
 2. Approaches shall conform to the spacing standards of subsections E and F, below, and shall conform to minimum sight distance and channelization standards of the roadway authority.
 3. Driveways shall be paved and meet applicable construction standards. *[Where permeable paving surfaces are allowed or required, such surfaces shall conform to applicable Engineering Design Standards].*
 4. The *[City decision-making body]* may limit the number or location of connections to a street, or limit directional travel at an approach to one-way, right-turn only, or other restrictions, where the roadway authority requires mitigation to alleviate safety or traffic operations concerns.
 5. Where the spacing standards of the roadway authority limit the number or location of connections to a street or highway, the *[City decision-making body]* may require a driveway extend to one or more edges of a parcel and be designed to allow for future extension and inter-parcel circulation as adjacent properties develop. The *[City decision-making body]* may also require the owner(s) of the subject site to record an access easement for future joint use of the approach and driveway as the adjacent property(ies) develop(s).
 6. Where applicable codes require emergency vehicle access, approaches and driveways shall be designed and constructed to accommodate emergency vehicle apparatus and shall conform to applicable fire protection requirements. The *[City decision-making body]* may restrict parking, require signage, or require other public safety improvements pursuant to the recommendations of an emergency service provider.

3.3 – Access and Circulation | Vehicular Access and Circulation

7. As applicable, approaches and driveways shall be designed and constructed to accommodate truck/trailer-turning movements.
8. *[Except where the (City decision-making body) and roadway authority, as applicable, permit an open access with perpendicular or angled parking (See Section 3.3.030.J), d/D]* Driveways shall accommodate all projected vehicular traffic on-site without vehicles stacking or backing up onto a street.
9. Driveways shall be designed so that vehicle areas, including, but not limited to, drive-up and drive-through facilities and vehicle storage and service areas, do not obstruct any public right-of-way.
10. Approaches and driveways shall not be wider than necessary to safely accommodate projected peak hour trips and turning movements, and shall be designed to minimize crossing distances for pedestrians.
11. As it deems necessary for pedestrian safety, the *[City decision-making body]*, in consultation with the roadway authority, as applicable, may require that traffic-calming features, such as speed tables, textured driveway surfaces (e.g., pavers or similar devices), curb extensions, signage or traffic control devices, or other features, be installed on or in the vicinity of a site as a condition of development approval.
12. Construction of approaches along acceleration or deceleration lanes, and along tapered (reduced width) portions of a roadway, shall be avoided; except where no reasonable alternative exists and the approach does not create safety or traffic operations concern.
13. Approaches and driveways shall be located and designed to allow for safe maneuvering in and around loading areas, while avoiding conflicts with pedestrians, parking, landscaping, and buildings.
14. Where sidewalks or walkways occur adjacent to a roadway, driveway aprons constructed of *[concrete]* shall be installed between the driveway and roadway edge. The roadway authority may require the driveway apron be installed outside the required sidewalk or walkway surface, consistent with Americans with Disabilities Act (ADA) requirements, and to manage surface water runoff and protect the roadway surface.
15. Where an accessible route is required pursuant to ADA, approaches and driveways shall meet accessibility requirements where they coincide with an accessible route.
16. The *[City decision-making body]* may require changes to the proposed configuration and design of an approach, including the number of drive aisles or lanes, surfacing, traffic-calming features, allowable turning movements, and other changes or mitigation, to ensure traffic safety and operations.
17. Where a new approach onto a state highway or a change of use adjacent to a state highway requires ODOT approval, the applicant is responsible for obtaining ODOT approval. The *[City decision-making body]* may approve a development conditionally, requiring the applicant first obtain required ODOT permit(s) before commencing development, in which case the City will work cooperatively with the applicant and ODOT to avoid unnecessary delays.
18. Where an approach or driveway crosses a drainage ditch, canal, railroad, or other feature that is under the jurisdiction of another agency, the applicant is responsible for obtaining all required approvals and permits from that agency prior to commencing development.
19. Where a proposed driveway crosses a culvert or drainage ditch, the *[City decision-making body]* may require the developer to install a culvert extending under and beyond the edges of the driveway on both sides of it, pursuant to applicable *[public works / engineering]* design standards.

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20. Except as otherwise required by the applicable roadway authority or waived by the [City Engineer / Public Works Director], temporary driveways providing access to a construction site or staging area shall be paved or graveled to prevent tracking of mud onto adjacent paved streets.

[21. Development that increases impervious surface area shall conform to the storm drainage and surface water management requirements of Section 3.6.050.]

E. Approach Separation from Street Intersections. Except as provided by Section 3.3.030.H, the following minimum distances shall be maintained between approaches and street intersections, where distance is measured from the edge of an approach surface to the edge of the roadway at its ultimate designated width:

Insert standards from the local jurisdiction's transportation system plan; or, where no transportation plan exists, determine appropriate standards in coordination with city engineering and public works staff, and staff from other roadway authorities, as applicable. The standards should balance the need for reasonable development opportunities with traffic operations and safety for all modes of transportation. Revise the standards of Section 3.3.030.D, above, as needed.

1. On an arterial street: [100] feet, except as required by ODOT, pursuant to Oregon Administrative Rule (OAR) 734-051, for state highways
2. On a collector street: [50] feet
3. On a local street: [20] feet

F. Approach Spacing. Except as provided by Section 3.3.030.H or as required to maintain street operations and safety, the following minimum distances shall be maintained between approaches, where distance is measured from the edge of one approach to the edge of another:

User's Guide: Cities should use standards from the local jurisdiction's transportation system plan; or where no transportation plan exists, determine appropriate standards based on a collaborative discussion with the city's engineering and public works staff or consultants. The standards should balance the need to provide for reasonable development opportunities with safety and traffic operations. As approaches occur more frequently on busy streets, the more potential there is for conflicts between vehicles (i.e., conflicting turning movements) and between vehicles and pedestrians. The following standards for arterials streets are based on the highway approach spacing standards in Oregon Administrative Rules (OAR) 734-051 for highway segments with speeds between 25-45 miles per hour.

1. On an arterial street: [150-360] feet based on speed limit or posted speed, as applicable, except as otherwise required by ODOT for a state highway, pursuant to Oregon Administrative Rules (OAR) 734-051
2. On a collector street: [50-100] feet
3. On a local street: [20] feet, or the [City decision-making body] may approve closer spacing where necessary to provide for on-street parking (e.g., between paired approaches)

3.3 – Access and Circulation | Vehicular Access and Circulation

- G. Vision Clearance.** No visual obstruction (e.g., sign, structure, solid fence, or shrub vegetation) between *[three feet]* and *[eight feet]* in height shall be placed in “vision clearance areas” at street intersections, as illustrated. The minimum vision clearance area may be modified by the *[City decision-making body]* through a Type I procedure, upon finding that more or less sight distance is required (i.e., due to traffic speeds, roadway alignment, etc.). Placement of light poles, utility poles, and tree trunks should be avoided within vision clearance areas.
- H. Exceptions and Adjustments.** The *[City decision-making body]* may approve adjustments to the spacing standards of subsections E and F, above, where an existing connection to a City street does not meet the standards of the roadway authority and the proposed development moves in the direction of code compliance. The *[City decision-making body]* through a Type II procedure may also approve a deviation to the spacing standards on City streets where it finds that mitigation measures, such as consolidated access (removal of one access), joint use driveways (more than one property uses same access), directional limitations (e.g., one-way), turning restrictions (e.g., right-in/right-out only), or other mitigation alleviate all traffic operations and safety concerns.
- I. Joint Use Access Easement and Maintenance Agreement.** Where the City approves a joint use driveway, the property owners shall record an easement with the deed allowing joint use of and cross access between adjacent properties. The owners of the properties agreeing to joint use of the driveway shall record a joint maintenance agreement with the deed, defining maintenance responsibilities of property owners. The applicant shall provide a fully executed copy of the agreement to the City for its records, but the City is not responsible for maintaining the driveway or resolving any dispute between property owners.
- J. Frontage Driveways and Street-Side Parking Bays.** The *(City decision-making body)*, in consultation with the roadway authority, as applicable, may permit an open access with perpendicular or angled parking adjacent to a public street where an existing street does not contain parallel parking, and the proposed development does not warrant a street widening to provide parallel parking pursuant to Chapter 3.6. The open access area shall conform to the City’s street construction standards for paving (, storm drainage and surface water management,) and the requirements of the roadway authority if different from the City’s. The *(City decision-making body)* may also require, based on existing and projected pedestrian activity, that a sidewalk or a walkway be installed along the full frontage of the site pursuant to Section 3.3.040.]

City of Coos Bay

11/15/2023 10:00 AM

**CITY OF COOS BAY
RESOLUTION 19-20**

A RESOLUTION OF THE CITY OF COOS BAY, COOS COUNTY, OREGON, REGULATING TRANSIENT BUSINESS ON SPECIFICALLY DESIGNATED CITY-OWNED PROPERTY AND PUBLIC RIGHT OF WAYS.

WHEREAS, the City of Coos Bay enacted Ordinance No 451 on February 19, 2013, which defined "transient business," Coos Bay Municipal Code Chapter 5.05, as a business which shall be conducted on specifically designated city-owned property and public rights-of-ways.

WHEREAS, the City of Coos Bay adopted Resolution 13-02 on February 19, 2013 regulating transient business and identifying specifically designated city-owned property and public right-of-way where they may conduct business.

WHEREAS, the Coos Bay City Council desires to amend which specifically designated city-owned property on which transient businesses may conduct business. The specifically designated city-owned property shall now be as follows: Boardwalk and a portion of the Preway as identified in Exhibit 1.

WHEREAS, authorization to conduct "transient business" on public right of ways or on the specifically designated city-owned property controlled by the City of Coos Bay, does not extend to city parking lots, 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 (US Highway 101) or the Coos Bay School District or other agencies.

WHEREAS, transient business shall be conducted in accordance with the following conditions or specifications.

1. All local and state licenses (including food safety Mobil Food Unit License as applicable) must be obtained prior to operating a transient business. This includes a city Business License, which must be renewed annually, and a city Right of Way Use Permit, which will remain valid as long as the business license does not expire.
2. When operating adjacent to, or on a sidewalk, a minimum unobstructed pedestrian passage area of 36 inches must be maintained at all times; avoid creating safety hazards for pedestrians and vehicles.
3. All transient businesses must be self-contained. The discharge of gray water or grease on site, or in a city storm drain, is prohibited. No electrical cords, ropes or other devices that may constitute a trip and fall hazard shall extend across any sidewalk or pedestrian-way.
4. Occasionally, the city issues permits for festivals and parades. Such permits shall supersede the use of the right of way for a transient business within the area subject to the event permit and within 300 feet or a block, whichever is greater, of the area subject to the event permit unless separate approval has been granted by the event operator.
5. Business shall not be conducted in any area of the City which is predominantly residential. However, transient businesses, such as ice cream trucks, may make

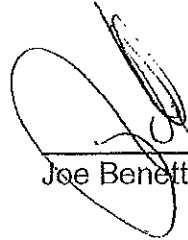
sales in residential districts as long as they are not in one location for more than 15 minutes.

6. A transient business shall not be within 10 feet of the entrance of a building where business is being conducted. A transient business shall not be conducted within 50 feet of the following: any restaurant, if selling food; a flower shop, if selling flowers, etc.
7. All areas around the business activity must be kept in a neat and orderly condition, free of debris and litter generated by business activities or patrons. The vendor must provide a litter receptacle for use by their patrons at the site where business is taking place and all trash must be removed upon departing the site. All transient business carts must be removed when the vendor is no longer operating/selling their goods.
8. There shall be no sale or consumption of alcoholic beverages at any time on public property or right of way.
9. At all times during the conduct of business a motorized vendor vehicle must be legally parked; the motorized vendor vehicle shall not be parked on the sidewalk, the Boardwalk, or the Proway, obstruct a pedestrian way or a driveway, or create any type of hazard. Sales from a motorized vendor must be from curbside.
10. In order to eliminate fire hazard, propane or combustible fuel of any type are not permitted on the Boardwalk.
11. One sandwich board type sign may be placed on the right of way adjacent to the transient business, subject to the 36-inch clearance indicated above.
12. Transient businesses, motorized or non-motorized, are not permitted to conduct business on US Highway 101.
13. Transient businesses shall not locate on the Boardwalk in such a manner as to block access or the view of the water for the pedestrians using the Boardwalk.
14. Provide the City of Coos Bay with the following certificates of insurance:
 - a. Automobile liability (if a motorized vehicle).
 - b. Comprehensive General Liability with limits of not less than \$1 million and listing the City of Coos Bay as an additional insured.
15. All city staff is authorized to enforce the above conditions. Failure to comply with any of the above listed conditions when operating on property or rights of way controlled by the city of Coos Bay will result in the revocation of your business license and a fine of up to \$500.

WHEREAS, on September 17, 2019 the City Council approved the designated city-owned property and public right of ways for transient business and the above referenced conditions and specifications.

NOW, THEREFORE, BE IT RESOLVED, that this Resolution shall confirm the use, transient business, on specifically designated city-owned property and public right of ways pursuant to the conditions or specifications listed above.

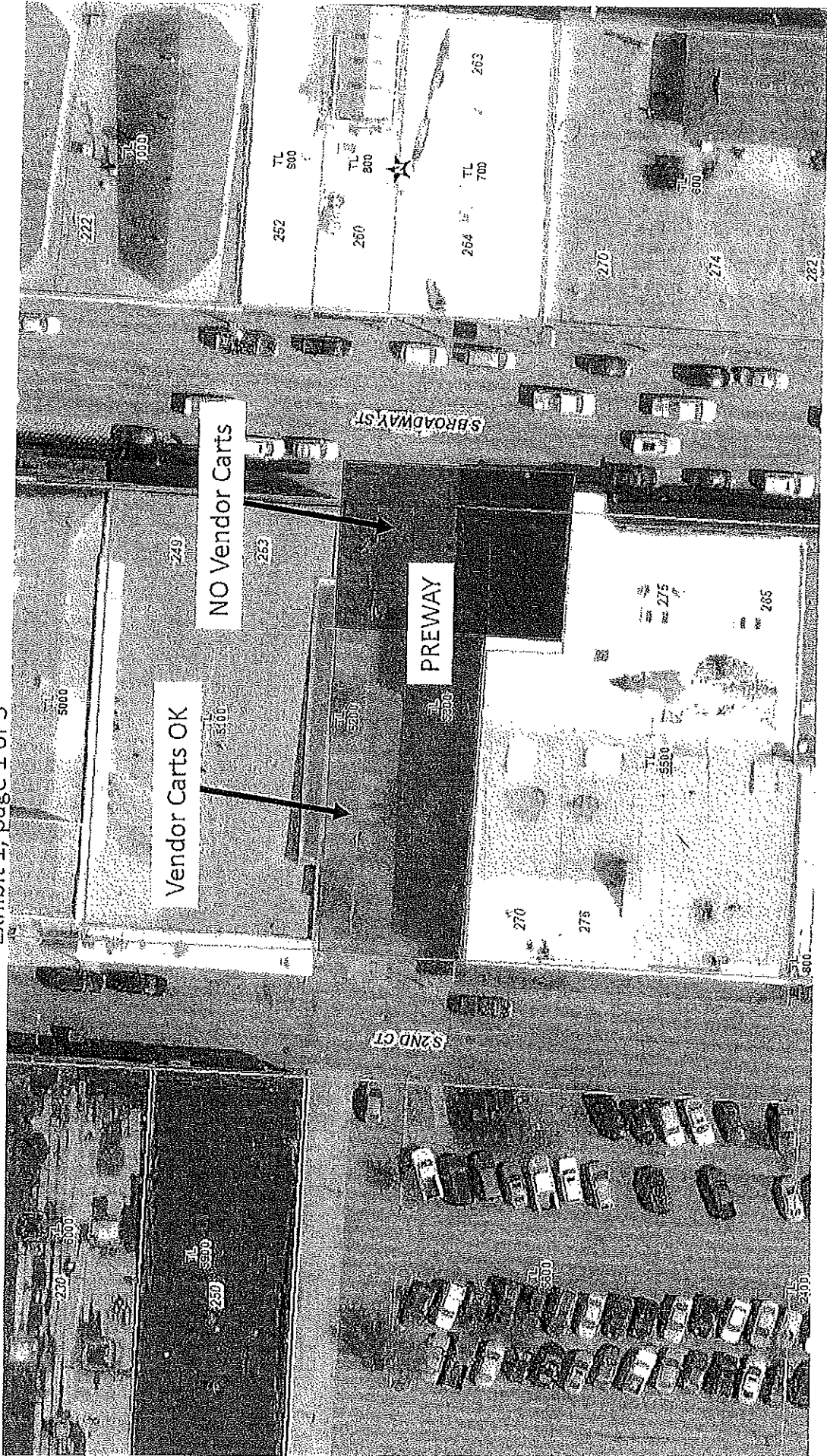
The foregoing resolution was duly adopted by the City Council of the City of Coos Bay, Coos County, Oregon this 17th day of September 2019.



Joe Benetti, Mayor

ATTEST: 
Nichole Rutherford, City Recorder

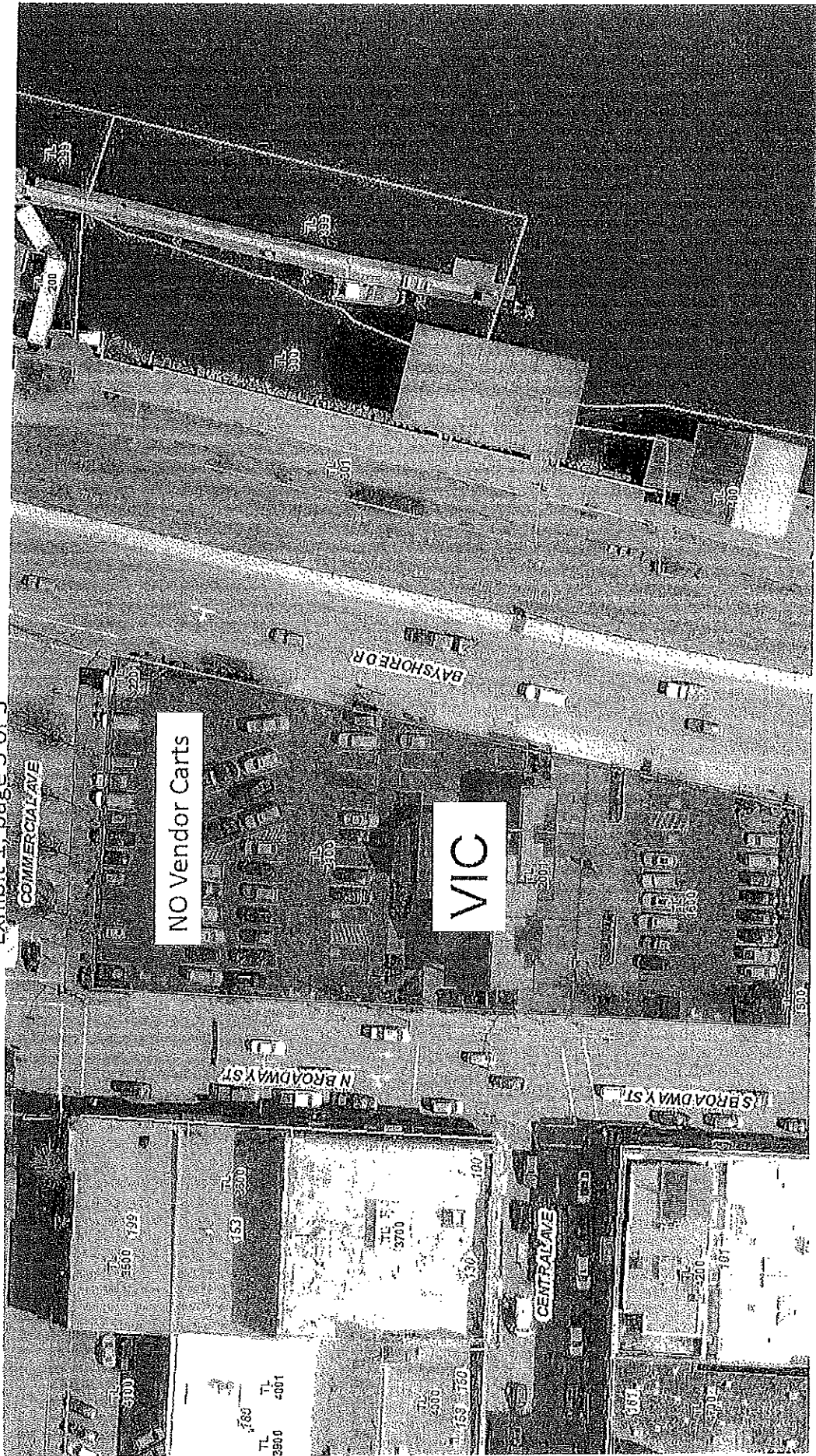
Exhibit 1, page 1 of 3



Boardwalk



Exhibit 1, page 3 of 3



Eugene



A food cart, also known as a mobile food unit, is a vehicle that is self-propelled or that can be pulled or pushed down a sidewalk, street, or highway, on which food is prepared or processed and is used in selling and dispensing food to the consumer. (OAR 333-150-0000)

Are building permits required?

A building permit is not required for a mobile food unit as defined in the Oregon Vehicle Code, as long as:

- The vehicle is on wheels at all times. (There is no requirement that it be moved at any specific time interval only that it be able to be moved.)
- It is not enclosed by a structure, attached to a structure, or otherwise restricted from being able to be moved at all times.
- It does not require a special permit from the Oregon Department of Transportation to be moved.
- Connection to onsite electrical is via a flexible cord plugged into a receptacle; no hard-wired connection allowed.
- There is no piped connection to water service or wastewater piping.

Where are mobile food units allowed?

Downtown: Permits are required for food vending on public property in the downtown area. This includes:

- Kesey Square (corner of Willamette St. & E. Broadway)
- The Park Blocks (E. 8th Ave. between W. Park Ave. and E. Park Ave.)
- Other locations considered by request

For more information visit www.eugene-or.gov/dazpermits.

Public Parks: Food units are not allowed in City parks unless associated with an approved event. Authorization by the organizer of the event must be obtained.

13th Ave. near the University: There is an area between Kincaid St. and Ferry St. where food vending is allowed in the public right-of-way with

Note: This document should not be used as a substitute for codes and regulations. The applicant is responsible for compliance with all code and rule requirements, whether or not described in this document.

a permit. Please contact the Eugene Chamber of Commerce at 541-484-1314 for details.

Public Sidewalks: Food vending is not allowed on public sidewalks with the exceptions noted above under Downtown and 13th Ave. near the University.

Private Property: Food vending is allowed in Commercial zones (C-1, C-2, C-3), Employment & Industrial zones (E-1, E-2, I-2) subject to special use limitations, and in the Walnut (S-WS) and Whiteaker (S-W) Special Area zones. To determine the zoning of a particular property you can visit our website at www.eugene-or.gov/zoningmap. The following are things to consider when vending on private property:

- Property owner approval
- Units cannot take up parking spaces required by other businesses at the location.
- Units are not allowed to block motor vehicle access or pedestrian ways.
- Pedestrian (walk-up) traffic only is allowed (no drive-thru service).
- Units should not be parked in required landscape areas.

Are there any other regulations I should be aware of?

Yes, because the unit is selling food to the public it must be inspected and licensed by Lane County Health and Human Services:

151 W. 7th Avenue, Eugene, OR
(541) 682-4051 (Se habla Español)
Website: www.lanecounty.org/HHS

See details about the City's single-use ordinances at www.eugene-or.gov/singleuse.

Please contact Land Use staff at 541-682-8336 or landuseinfo@eugene-or.gov for information related to these standards.



Downtown Activity Zone Food Cart Application

Before completing this application, please reach out to the City of Eugene's Downtown Manager, Eric Brown (ebrown@eugene-or.gov) to discuss your interest in operating a food cart in downtown Eugene.

Applicant Information

Applicant Name _____

Business/Food cart name _____

Primary Phone Number _____ Alternate Phone _____

Physical Address _____

Mailing Address (if different) _____

Email _____, Website _____

Location

Where are you interested in setting up your food cart?

Kesey Square West Park Block Other _____

Term and Hours of Operations

When do you intend to begin operations? _____

What will be your days and hours of operations? _____

When do you intend to terminate operations? _____

Utilities

The City of Eugene has limited 50amp and 20amp service available. Please indicate what level of electrical service you will need.

No electricity needed 20amp service needed 50amp service needed

We are not able to provide access to water. Food carts must provide their own.



Permit Application: Downtown Activity Zone Food Cart

Menu

Please provide a description of your menu or check the box below if no changes have occurred since your last application/renewal:

No changes since last application/renewal

Note: Beverages in glass bottles are not permitted on the Park Blocks and the Farmers Market Plaza due to park rules.

Waste Management Plan

The City of Eugene is committed to environmental sustainability and we encourage our partners to think about ways to reduce their impacts on the natural world. Food cart operators should be aware of the single use ordinances that have been passed by Eugene City Council (<https://www.eugene-or.gov/4235/Single-Use-Ordinances>) and should think about other ways they can divert waste away from the landfill, including the use of commercial composting and recycling. Under no circumstance are public trash cans to be used by food cart operators to dispose of waste.

Please describe your waste management plan or check the box below if no changes have occurred since your last application/renewal:

No changes since last application/renewal

Potential Staff/Food Cart Operators

Please list all potential staff who might operate the cart with their contact information. Please remember to include valid copies of their food handling licenses with this application.

Name	Phone
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>



Permit Application: Downtown Activity Zone Food Cart

Fees and Signature

The fees for operating a food cart on public property within the Downtown Activity Zone are as follows:

Application Fee (non-refundable)	\$100
Renewal Fee (non-refundable)	\$25
Monthly Rent June 1 – September 30	\$100/month*
Monthly Rent October – October 1 – May 31	\$50/month*

*Or 6% of gross sales, whichever is greater.

I understand that monthly fees are due on the 10th of the following month, along with documentation attesting to gross sales for the period. Food cart operators must keep detailed records of all sales associated with this permit and make them available to the City of Eugene upon request.

By signing below, I am attesting that the information provided in this application is true to the best of my knowledge.

Signature _____

Print Name _____

Date _____

Food Cart Design

Please use the space below to provide scaled drawings (including measurements) of your food cart and any other equipment associated with your vending unit, including signs. You may also attach a copy of your drawings to this application.

See below

See attached

Please use diagram already on file



Hold Harmless, General Liability Insurance & Unattended Property

Hold Harmless Agreement

"I certify that I am an authorized representative of the above organization, and that the information provided is true to the best of my knowledge. I have been advised of the applicable Rules and Regulations as outlined in Administrative Order No. 56-17-02-F of the Eugene Code. I and/or the organization I represent agree to be bound by all applicable regulations and policies. I and/or the organization I represent understand that any violation of any of these agreements will result in forfeiture of deposit and could jeopardize future use in Downtown Eugene. I and/or the organization I represent agree to indemnify, defend, and hold harmless the City of Eugene, its officers, agents and employees from and against any and all claims, damages, losses and expenses, including legal fees arising out of or in any way related to my business activities and/or those of the organization I represent during the term of the permit."

Signature _____

Print Name _____

Date _____

Liability Insurance

Applicant agrees to maintain during the term of the applicant's requested Downtown Activity Permit a Comprehensive General Liability Insurance Policy in an amount equivalent to \$500,000 Combined Single Limit for Bodily Injury and Property Damage. A Certificate of Insurance listing the City of Eugene as additional insured shall be submitted with this application. The adequacy of all insurance required by these provisions shall be subject to approval by the City's Risk Manager. Failure to maintain any insurance coverage required by this agreement shall be cause for immediate termination of the Downtown Activity Permit by the City of Eugene.

Signature _____

Print Name _____

Date _____

Unattended Property Declaration

I hereby acknowledge that by leaving my food cart on public property my cart may be vulnerable to issues such as, but not limited to, vandalism and theft. I also acknowledge that the City of Eugene does not provide insurance for carts left overnight on public property and that the City of Eugene are free from liability for any ensuing damage to my private property.

Signature _____

Print Name _____

Date _____



Food Cart Program General Specifications

Please initial each page and sign at the bottom.

1. The City of Eugene will accept proposals for Food Carts meeting the Food Cart General Specifications. Vendors may take exception to any area of the listed Specifications and will not automatically be disqualified for doing so, but should clearly list those exceptions on a separate sheet of paper titled: "Exceptions".

2. **Submitting Proposals:** All proposals should be addressed to the City of Eugene:

ATT: Eric Brown, Downtown Manager, City of Eugene

99 W 10th Ave, Suite 116

Phone: 541-682-5208

Email: ebrown@eugene-or.gov

3. **Reservations to The City of Eugene:** The City of Eugene reserves the right to reject or accept any or all proposals, to waive any formalities of the proposals, to change any of the specifications or requirements, and/or to accept the proposal deemed to be in the best interests of the City of Eugene.
4. **Agreement Not Transferable:** Once an agreement has been entered into by the vendor and the City of Eugene the agreement shall not be transferable to another contractor or subcontractor without full and written consent of The City of Eugene. The original vendor's responsibility for the performance of the agreement shall remain even if The City of Eugene agrees to assignment of a subcontractor.
5. **Location:** The food cart shall be located in the area as prescribed by the City of Eugene. Reasonable consideration shall be given to proximity of other food carts and businesses. Vendors currently operating in an approved site shall be given first opportunity to renew at that site; provided said vendors have been meeting terms of their current Food Cart Contract. The prospective/new vendor shall be given a map illustrating his/her cart location when the contract begins.
6. **Term of Agreement:** The contract term is established from the date of signing to the following May 31st. Permits may be renewed for subsequent one-year terms in May. There are two seasons for downtown food carts; June 1 through September 30 (summer) and October 1 through May 31 (winter).
7. **Hours:** Vendor is expected to operate a minimum of five hours a day, five days a week during the summer season and three hours a day, five days a week in the winter season. Vendor is encouraged to have cart set up for operation before 11:00 a.m. and remove no earlier than 2:00 p.m., unless under a night cart agreement. Vendor must operate a minimum of 20 days per month unless written permission is granted by The City of Eugene.



8. **Products Sold:** Proposals shall include a complete list of products to be sold. The intent of the Food Cart Program is to promote commerce in the Downtown Core and to provide a variety of unique items to community members. The City of Eugene encourages the use of local products whenever possible. Duplication of items sold by other vendors or adjacent businesses will be discouraged.
9. **Waste Prevention:** Vendors should demonstrate that they have food waste collection services or access to shared commercial food waste collection. Be aware that the City of Eugene has established ordinances impacting the single-use of polystyrene, service-ware, and checkout bags. (For more information visit <https://www.eugene-or.gov/4235/Single-Use-Ordinances>). Under no circumstance are public trash cans to be used by food cart operators to dispose of waste.
10. **Limitations:** Sales shall be limited to those items proposed by the vendor and approved by The City of Eugene. No changes will be permitted without prior approval by The City of Eugene. Those vendors utilizing seasonally available food in their menu must indicate this in their original detailed menu submission.
11. **Quality and Food Cart Concession Items and Service:** Vendor shall maintain a level of quality and quantity commensurate with that expected of any commercial business establishment.
12. **Health Standards:** Food carts shall conform to all City, County, and all other pertinent health qualifications and inspections. Contact the Lane County Environmental Health Division in the Lane County Courthouse, 151 W. 7th Ave., Suite 430, Eugene, OR 97401 or call: 682-4051 for information on health regulations and requirements.
13. **Food Cart Specifications:**
 - a. Preferred dimensions of cart shall be three (3) feet in width by seven (7) feet in length by eight (8) feet in height with an awning or canopy that covers an area no greater than forty-nine (49) square feet. In no case will a cart exceed 14 feet in length. The food cart shall be a single, self-contained unit on wheels, so that the operator is capable of storing, preparing, and serving all items on, or in the food cart.
 - b. Food cart plans should be drawn in a scaled draftsman-like manner. Structural integrity of the vehicle must be shown with special attention to overturning and rolling resistance with a wind load of 15 pounds per square foot applied horizontally and 18.75 pound per square foot uplift.
 - c. Mechanical and electrical heaters and lights, such as propane or butane heaters and electrical heaters and lights, must be installed in accordance with adopted mechanical and electrical codes.
 - d. Electrical appliances and equipment must be of a type approved for use in exterior locations with shielding and grounding appropriate for such use.

In addition to size and engineering requirements, the design review will assess how closely the following guidelines are met:

- a. Design materials and colors will enhance the economic and aesthetic value of the Downtown Core



- b. Professional quality and application of construction finishes, including: paint and/or varnish, finished corners, edges and details
 - c. Well-fitted and securely installed awnings, umbrellas and canopies
 - d. Scaled drawings of the cart showing plans and elevations; as well as layout of signs, graphics and color samples, shall be submitted with the proposal. Photographs, brochures or other items that illustrate the proposed cart and operation may be submitted in addition to drawings. All items are non-returnable.
14. **Portability of Cart:** "Food Cart" means a wheeled vehicle of such size and weight that it may be wheeled on or moved to and from the assigned location. Food carts may not be stored on the site unless permission is granted by the City of Eugene, and a liability waiver is signed by the vendor.
15. **Number of Carts:** The City of Eugene discretion regarding how many and what types of food carts will be approved annually for the program. Individual vendors may propose to operate more than one cart, with different products; however, priority will be placed on including in the program as many individual vendors as are possible.
16. **Sound Amplification:** No amplification of sound shall be permitted by the food carts. (A radio/mp3/CD player in the cart is acceptable as long as the sound does not extend beyond the immediate vicinity of the food cart, and does not generate complaints from neighboring vendors, customers or community members.)
17. **Installation and Maintenance:** Vendor shall assume all costs associated with the construction, transportation, operation, and maintenance of the cart.
18. **Litter Cleanup:** Vendor shall be expected to keep the area around the food cart concession clean and free of litter generated by the stand and dispose of the litter in a container/receptacle provided by the vendor. Use of City trash receptacles for vendor trash is prohibited.
19. **Vacating Location:** Occasionally, food trucks will be requested to vacate their usual location in order to provide space for large community events or to allow for cleaning. The City of Eugene will not ask food carts to move more than four times per year and will provide a minimum of two weeks' notice.
20. **Permits:** Vendor shall obtain and display as required all necessary permits and licenses including, but not limited to, Food Handler's Card(s), LC Environmental Health License and Food Cart Permit. Vendor shall pay for all permits.
21. **Compliance with Laws:** Vendors shall comply with all Federal, State and local laws in the performance of this agreement.
22. **Vendor Independence:** The vendor is an independent contractor, free of the direction and control of the City of Eugene except for the provisions of the applicable regulations and the Downtown Food Cart Contract.
23. **Vendor Indemnity:** Permittee agrees to indemnify City of Eugene, its agents, and employees from any and all liability, of any kind of nature whatsoever that may arise from his/her



performance under this permit. In the event any suit, action, or other employees are joined, vendor agrees to hold City of Eugene, its agents, and employees harmless from any liability whatsoever that may be found, and to defend City of Eugene, its agents, and employees all at vendor's own cost and expense.

Vendor agrees to procure and thereafter maintain during the course of the agreement, at vendor's expense, a public liability and property damage insurance policy from a responsible company, naming the City of Eugene as additional insured. Limits of the policy shall not be less than \$100,000 per person and not less than \$500,000 per occurrence for bodily injury and indirectly out of vendor's performance under this agreement, and shall protect the City of Eugene, City of Eugene, Inc., its agents, and employees against any such claims of any kind or nature whatsoever. Vendor shall provide a certificate of coverage of Worker's Compensation if vendor is now or becomes, during the course of this agreement, an employer.

- 24. **Legal Cost:** Vendor shall pay any attorney's fees and court cost incurred by City of Eugene for the purpose of enforcing the terms of this agreement.
- 25. **Rental Rates for Downtown Food Carts:** Food trucks pay 6% of monthly sales OR monthly base rent (whichever is greater). The base rent is \$100.00/month June through September and \$50.00/month October through May. Rent for the preceding month is due on the 10th.
- 26. **Electrical Access:** Food trucks can access electrical hook-ups at some locations for an additional \$7.50/month per food cart.
- 27. **Records:** Vendor shall maintain complete, detailed, and accurate records of all business transactions. A monthly gross revenue report is due with monthly payment on the 10th of each month for the preceding month and the vendor must make detailed records available to the City of Eugene for audit upon request.

By signing below, the applicant attests to understanding these specifications and agrees to comply with the general conditions outlined above unless a addendum is included and signed by the applicant and a representative of the City of Eugene. The applicant further attests to understanding that non-compliance with any of these conditions may result in revocation of the food truck permit.

Exceptions addendum included? Yes No No changes since last application/renewal

Signature _____

Print Name _____

Date _____



Food Cart Application/Renewal Checklist

The following documents must be included with your application:

- Completed and signed application form, including:
 - Applicant information
 - Proposed menu
 - Description of waste management plan
 - Scaled drawings of the vending unit, equipment, and any associated signs
 - List of all potential cart staff/operators
 - Confirmation of fees and reporting
- Certificate of insurance naming the City of Eugene (99 W 10th Ave, Eugene OR) as additionally insured
- Signed hold harmless, liability and unattended property agreement
- Valid copy of all applicable health licenses required by federal, state or local authorities for all potential food cart staff/operators
- Signed Food Cart General Specifications document
- Signed exceptions addendum (if applicable)
- Application/renewal fee: \$100/\$25 (make check payable to the City of Eugene)

Please mail completed application form, along with all supporting documents and the application fee to:

ATT: Eric Brown, Downtown Manager
City of Eugene
99 W 10th Ave
Eugene OR 97405

City of North Bend

Chapter 5.20
TRANSIENT BUSINESSES

Sections:

- 5.20.010 Purpose – Intent.
- 5.20.020 Definitions.
- 5.20.030 Exemptions.
- 5.20.040 License – Required.
- 5.20.050 License – Fees.
- 5.20.060 License – Application.
- 5.20.070 General requirements.
- 5.20.080 Special requirements for mobile food units.
- 5.20.090 License – Appeal.
- 5.20.100 Violation – Penalty.

5.20.010 Purpose – Intent.

The council hereby finds and determines that the practice of selling goods, services or contracts from vehicles or temporary or movable stands or containers creates special problems of enforcing regulations for the protection of the public health, safety, morals and welfare within the city of North Bend, that the mobility and temporary nature of the businesses affect the enforcement of traffic, sanitation, building and zoning regulations in the city of North Bend and that such businesses should be licensed, regulated, and controlled. (Ord. 2053 § 2, 2021)

5.20.020 Definitions.

“Mobile food unit” means 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 vendor” means any person with an ownership interest or control over the transient business in any capacity.

“Permanent” means occupying a single location for a period in excess of 30 days.

“Person” means an individual, firm, partnership, joint venture, association, social club, fraternal organization, fraternity, sorority, public or private dormitory, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or another group or combination acting as a unit.

“Seasonal business” means Christmas tree lots, firework stands, or any other special seasonal business operating not more than 30 consecutive days in the same location. Seasonal businesses shall meet the requirements of transient businesses under this chapter.

“Transient business” means a business that operates in the city and has no fixed permanent location from which the business is conducted. “Transient business” does not include service work where the operator drives to a particular premises in order to perform a specific service; examples include but are not limited to landscapers, yard maintenance workers, plumbers, etc. (Ord. 2053 § 2, 2021)

5.20.030 Exemptions.

As used in this chapter, the transient business of selling, soliciting or peddling goods, services or contracts from vehicles or temporary or movable stands or containers shall not include the delivery of goods, services or contracts previously purchased or ordered, nor shall it include sales by wholesalers to retailers. (Ord. 2053 § 2, 2021)

5.20.040 License – Required.

It shall be unlawful for anyone to offer for sale, sell, vend, solicit the sale of or peddle goods, wares, merchandise, produce, services, or contracts from vehicles or temporary or movable stands or containers or otherwise conduct transient business within the corporate limits of the city of North Bend, unless and until the transient business has been authorized in accordance with the provisions of this chapter. The following requirements shall be met before a vendor may conduct transient business in the city of North Bend:

- (1) A city of North Bend business license.
- (2) A city of North Bend business license rider for transient business.
- (3) All applicable health permits required by state law and other local ordinance. (Ord. 2053 § 2, 2021)

5.20.050 License – Fees.

(1) *General.* The fees for a license to conduct transient business shall be in the amount prescribed by the city council as set by council resolution and shall follow the requirements and timing for a business license as set forth in Chapter 5.01 NBCC. Exceptions may be made as set forth in subsections (2) through (4) of this section. Costs shall be based on the following existing fees:

- (a) The cost of a city of North Bend business license.
- (b) The cost of the city of North Bend transient business fee (“public safety fee”).
- (c) When required by state law or other local ordinance, the cost of a fire safety inspection.

(2) *Special Events.* A license to conduct transient business under this chapter for a one-time special event may be prorated based upon the number of days the business will be conducted.

(3) *Nonprofit.* Any organization, society, association, corporation or person desiring to sell, solicit or peddle from vehicles or temporary or movable stands or containers as herein provided for charitable, religious, educational or philanthropic purposes may receive a license therefor by complying with all of the provisions of this section, except that no business license fee shall be charged. The recipient of such license shall, at the request of the city recorder, file a financial statement showing a breakdown of all receipts and disbursements from sales made as a result of such registration and license within 30 days from the end of the license period.

(4) *Fee Reduction.* Applicants for a license may file a request with the city council for the waiver or reduction of license fees together with information to establish that the applicant qualifies for such waiver or reduction as provided in this paragraph. The city council may authorize a waiver or reduction of license fees for any activity, festival, or other event which is determined by the council to promote or advertise the city of North Bend or the community of which such city is a part and is found to be in the public interest. In authorizing such waiver or reduction of fees, the council may impose conditions and limitations consistent with the purposes of this chapter and the protection of the public. (Ord. 2053 § 2, 2021)

5.20.060 License – Application.

(1) The application for the license provided herein shall be the same as required in NBCC 5.01.080. (Ord. 2053 § 2, 2021)

5.20.070 General requirements.

(1) *Location.* Transient business shall be conducted on property zoned for commercial or industrial use, and may be conducted on property zoned for residential use only where an established public park, institutional, or

commercial use occupies the parcel, except as otherwise authorized in NBCC 5.20.080 to operate in the public right-of-way.

(a) Mobile vendors may not operate on state-owned highway portions of Sherman Avenue, Sheridan Avenue, Virginia Avenue, Broadway Avenue, and Newmark Street, unless the mobile vendor first obtains permission from Oregon Department of Transportation.

(2) *Siting Requirements.* The following requirements shall apply to transient businesses located outside of the public right-of-way:

(a) The written consent of the property owner(s) allowing the use of selling goods or services on the subject property shall be obtained and evidence of such submitted with the application for license.

(b) There shall be room to pull vehicles off the roadway so that hazardous traffic conditions are not created. Once off the roadway, there must be adequate room for vehicles to park.

(c) The required parking spaces, landscape areas, and required setbacks of any established business on the property shall not be encroached upon.

(d) The required clear sight triangle for any lot or service drive shall remain free and clear of temporary or permanent obstructions exceeding three and one-half feet in height as measured from the top of the curb.

(e) At least three feet shall be maintained between a transient business and the back of sidewalk or back of curb, whichever provides the greater distance from the right-of-way.

(f) At least five feet shall be maintained between service windows or other customer service points and an active drive aisle.

(g) All items visible from the street shall be kept in good repair and be maintained in a safe and clean condition.

(3) *Health and Safety.* A fire safety inspection shall be conducted as required by the fire code or other local ordinance. No license shall be issued without first showing evidence of having obtained a satisfactory fire safety inspection report or evidence that such is not required for the transient business.

(a) Cords, cables, pipes, and other similar items associated with a transient business shall not create tripping hazards in pedestrian or vehicular areas. No hard-wire connections are allowed, except as provided for in NBCC 5.20.080(5).

(4) *Signage.* See Chapter 18.70 NBCC, Signs. (Ord. 2053 § 2, 2021)

5.20.080 Special requirements for mobile food units.

In the case of mobile food units, in addition to the above requirements, the following special requirements shall apply:

(1) *Location.*

(a) Mobile food units may occupy the public right-of-way in any zone subject to all applicable state motor vehicle laws and other local traffic ordinance, except that:

(i) No mobile food unit shall stop in a public right-of-way to conduct business in a residential zone at the same location for a period in excess of 15 minutes.

(b) Mobile food units are expressly allowed outright on Harbor Avenue between Washington Street and California Avenue.

(c) Mobile food units are not allowed on public property unless approved in association with a city-approved event. This requirement does not attach to mobile food units using public rights-of-way, which are addressed in subsection (2) of this section.

(d) Mobile food units that provide drive-through service are only permitted in the C-G zone district and shall have at least 85 feet in queuing distance behind the drive-through window where sales occur.

(2) *Parking in the Public Right-of-Way.* Mobile food units shall:

(a) Be allowed to stop, stand, or park on any public street or right-of-way, provided this area is not within 20 feet of an intersection, such vehicle does not obstruct a pedestrian crosswalk, and the area is not prohibited to the stopping, standing, or parking of such vehicles.

(b) Shall not operate in a manner which will interfere with or obstruct the free passage of pedestrians or vehicles along any such street, sidewalk, or parkway.

(3) *Siting Requirements.* The following additional requirements shall apply to mobile food units located outside of the public right-of-way:

(a) At least 10 feet shall be maintained between individual mobile food units.

(4) *Health and Safety.*

(a) Food safety inspections shall be completed as required by the county health department.

(b) Sanitation shall be provided for as required by the county health department.

(c) Mobile food units shall not connect to sewer or water, except as provided for in subsection (5) of this section.

(d) After dispensing victuals, at any location, a mobile food unit operator, prior to leaving the location, shall pick up, remove, and dispose of all trash or refuse within 25 feet of the mobile food unit which consists of materials originally dispensed from the mobile food unit, including any packages or containers, or parts of either, used with or for dispensing the victuals.

(5) *Permanent Occupancy.* In addition to the above requirements, a mobile food unit permanently occupying a site in conjunction with another business no longer qualifies as a transient business, but shall remain subject to the requirements of this chapter and shall meet the following requirements:

- (a) Shall be permanently connected to sewer, water, and power.
- (b) Shall be illuminated with downcast or shielded lighting when operating during hours of darkness so as to ensure a safe environment for customers without adversely affecting abutting properties.
- (c) Shall be screened to limit the visual effect of accessory items not used by customers, including but not limited to tanks, barrels and miscellaneous items, such as by using screening or storing them in containers to substantially limit views of such items from the street. Screening could be temporary fencing or landscaping (such as landscaping in pots or planters). Storage containers could be small sheds or storage units. Screening shall:
 - (i) Significantly limit views of items within three feet of the ground; and
 - (ii) Allow views through the site between three and 10 feet to ensure surveillance of the site remains possible for crime prevention purposes.
- (d) Shall be considered new commercial development and subject to all other local ordinances applicable to new commercial development. (Ord. 2053 § 2, 2021)

5.20.090 License – Appeal.

In the event that an applicant for a license under this chapter shall be denied such license by the city recorder, the applicant may file a notice with the recorder of intent to appeal to the council of the city of North Bend, and the council shall hear and determine such appeal at its next regular meeting held not less than 10 days after the filing of the said notice of intent to appeal, and the decision of the council at such hearing shall be final and conclusive. (Ord. 2053 § 2, 2021)

5.20.100 Violation – Penalty.

Violation of, or failure to comply with, any provision of this chapter is punishable, upon conviction, by a fine in an amount to be set by council resolution, and each day that such violation shall continue and persist, after due notice thereof, shall constitute a separate and distinct violation of this chapter. (Ord. 2053 § 2, 2021)

The North Bend City Code is current through Ordinance 2063, passed January 24, 2023.

Disclaimer: The city recorder's office has the official version of the North Bend City Code. Users should contact the city recorder's office for ordinances passed subsequent to the ordinance cited above.

City Website: www.northbendoregon.us

City Telephone: (541) 756-8500

Code Publishing Company

City of Stayton

CHAPTER 5.48
MOBILE FOOD UNITS

SECTIONS

5.48.010 Regulations

5.48.010 REGULATIONS

1. In addition to the information required by Section 5.08.020, an application for a mobile food unit license shall contain documentation that the applicant has obtained all required health and sanitary licenses from the State of Oregon and Marion County.
2. Unless part of an event or festival that has received a permit from the City, any mobile food unit that is in place for more than 72 hours without being moved shall be considered a land use and require approval under the appropriate provisions of Chapter 17.12.
3. Location.
 - a. Mobile food units may only operate in zones where eating and drinking establishments are allowed as a permitted use or use permitted after site plan review in Section 17.16.070 or in the parking area of a manufacturing business for the purpose of primarily serving the employees of that manufacturing business.
 - b. Mobile food units shall not operate or be located in a public right-of-way. Mobile food units may operate on city-owned property provided the licensee is granted a site specific permit which shall be displayed conspicuously on-site.
 - c. A mobile food unit may only operate in an approved parking lot, or other hard surface area, where the off-street parking areas are met. The unit shall be located such that the queue of customers at an ordering or serving window does not block a public sidewalk. The customer queue shall allow a continuous through pedestrian zone of at least five feet in width along the sidewalk.
 - d. The location standards of this section do not apply to mobile food units which operate as a vendor within an approved community event or where a street closure permit is granted under Chapter 10.36.
4. Standards
 - a. A mobile food unit, including all items associated with the operation, shall not obstruct pedestrian pathways, driveways or drive aisles of any off-street parking area and shall not be located in the sight distance triangle as defined in Section 17.04.100 or so as to create a traffic or safety hazard.
 - b. All mobile food units which are parked in a stationary location for a period of 24 hours or longer shall provide screening for all conduit, tanks, and storage areas from all public areas and streets by sight-obscuring fencing and/or temporary landscaping and skirting shall be provided along the perimeter of the mobile food unit.
 - c. Mobile food units may not be permanent structures and must remain capable of being moved, with wheels attached.

State law



Oregon Health Authority
Food, Pool & Lodging, Health and Safety Program

MOBILE FOOD UNIT OPERATION GUIDE

Guidelines for Food Service

OREGON HEALTH AUTHORITY

Mobile Food Unit Operation Guide

QUESTIONS?

Contact your county health department for information on licensing your mobile unit:

<https://www.oregon.gov/oha/PH/PROVIDERPARTNERRESOURCES/LOCALHEALTHDEPARTMENTRESOURCES/Pages/lhd.aspx>

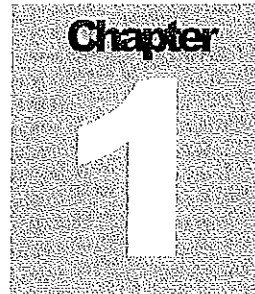
Oregon Health Authority
Foodborne Illness Prevention Program
800 NE Oregon Street, Suite 640
Portland, OR 97232

www.healthoregon.org/foodsafety

Rev 4/2022

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Mobile Food Unit Operation Guide

A summary of the Food Sanitation Rules relating to mobile food units

The Mobile Food Unit Operational Guide is intended to help you set up and operate your mobile food unit in a sanitary and safe manner. By focusing on critical food safety practices, you will reduce the possibility of foodborne illness. While this document contains some detailed information about the rules for the construction and operation of mobile food units, it does not contain all the requirements for your unit. Unless otherwise noted, sections of the Food Sanitation Rules, Oregon Administrative Rules (OAR) 333-150-0000 are provided for you to obtain specific rule requirements. The Oregon Food Sanitation Rules www.healthoregon.org/foodsafety.

Licensing Your Mobile Food Unit

A license is required. Before a Mobile Food Unit is licensed, it must go through a plan review with the local Environmental Health Department. Prior to licensing, there may be other agencies from which you will be required to obtain approvals. These include, but are not limited to planning (zoning), Fire Marshall, and other city or county authorities. Oregon law requires that all food service activities open to the public be licensed **PRIOR** to operation.

Maintain the unit as approved. Mobile food units must be maintained and operated as originally designed and approved. Units that have been modified without approval must revert to the approved design and operation. If a mobile unit operates in a county other than where it is licensed, the operator is required to notify the health department in the county where it has moved prior to operating.

County Health Departments

Contact your county health department early in your planning process. Determine what county you will be operating your mobile unit. The county's environmental health program contact information can also be found at this website or in the table below:
<https://www.oregon.gov/oha/PH/PROVIDERPARTNERRESOURCES/LOCALHEALTHDEPARTMENTRESOURCES/Pages/lhd.aspx>

Baker	541-473-5186	Lake	541-947-6045
Benton	541-766-6841	Lane	541-682-4480
Clackamas	503-655-8384	Lincoln	541-265-4127
Clatsop	503-325-8500	Linn	541-967-3821
Columbia	503-397-7210	Malheur	541-473-5186
Coos	541-266-6720	Marion	503-588-5346
Crook	541-447-8155	Morrow	541-278-6394
Curry	541-425-7545	Multnomah	503-988-3400
Deschutes	541-322-7400	Polk	503-623-9237
Douglas	541-440-3574	Sherman-NCPH	541-506-2753
Gilliam-NCPH	541-506-2753	Tillamook	503-842-3943
Grant	541-620-0965	Umatilla	541-278-6394
Harney	541-620-0965	Union	541-962-8818
Hood River	541-387-6885	Wallowa	971-673-0442
Jackson	541-774-8206	Wasco-NCPH	541-506-2753
Jefferson	541-475-4456	Washington	503-846-8722
Josephine	541-474-5325	Wheeler	541-620-0965
Klamath	541-883-1122	Yamhill	503-434-7525

What is a Mobile Food Unit?

A mobile food unit is any vehicle that is self-propelled, or can be pulled or pushed down a sidewalk, street, highway, or waterway. Food may be prepared or processed on this vehicle, and the vehicle is used to sell and dispense food to the ultimate consumer. Mobile food units must be secured and protected from contamination when not in operation. Mobile food units have no size limit, but they must meet the following requirements:

Wheels: Mobile units must be mobile at all times during operation. The unit must be on wheels that are functional and appropriate for the type of unit at all times.

Designed in One Piece: Mobile food units must be designed and constructed to move as a single piece. Mobile units may not be designed to be assembled at the operating location.
333-162-0020

Integral: The unit and all operations and equipment must be integral to the unit. This does not preclude the use of one outdoor cooking unit such as a BBQ with a Class IV unit.

Water and Sewer Capacity: Potable water tanks must be designed to be accessible and translucent to determine cleanliness and cleaned at least every 6 months. The tanks must accommodate the amount of water needed for the operation of the unit including at least 30 gallons for dishwashing, 5 gallons for handwashing, and additional gallonage needed for food preparation and cleaning. The waste tank must be a minimum of 15% greater than the freshwater tank. A mobile food unit may connect to water and sewer if it is available at the operating location. If the unit cannot connect directly to the sewer, then the unit may not connect to the public water system. The water and sewer tanks may not be removed from the unit even if water and sewer are available. 5-305.11

Water Pressure: All sinks must provide water under pressure of a least 20 PSI or provide for a continuous flow of water. Gravity fed is not allowed.

How is a Mobile Food Unit Classified?

There are four types of mobile food units. The mobile food unit classifications are based on the menu. A mobile food unit can serve menu items within its classification number or below (see Table 1). For example, a Class III unit may also sell items allowed under Class II and I.

- Class I** These units can serve only intact, packaged foods and non-potentially hazardous beverages. No preparation or assembly of foods or beverages may take place on the unit. Non-potentially hazardous beverages may be provided from covered urns or dispenser heads only. No dispensed ice is allowed.
- Class II** These units may serve foods allowed under Class I and provide hot and cold holding display areas from which unpackaged foods are displayed. Self-service by customers of unpackaged food is not allowed. Preparation, assembly or cooking of foods is not allowed on this unit.
- Class III** These units may serve any food item allowed under Class II, and may cook, prepare, and assemble food items on the unit. However, cooking of raw animal food on the unit is not allowed.
- Class IV** These mobile food units may serve a full menu.

Table 1: Mobile Food Unit General Requirements and Limitations

Requirements	Class I	Class II	Class III	Class IV
Water Supply Required	No	Yes	Yes	Yes
Handwashing System Required	No	Yes ¹	Yes ¹	Yes ¹
Dishwashing Sinks Required	No	No ²	Yes – Or Licensed Commissary ²	Yes ²
Assembly or Preparation Allowed	No	No	Yes	Yes
Cooking Allowed	No	No	Yes ³	Yes
Off-Unit Cooking Operation Allowed	No	No	No	Yes
Restroom Required	Yes	Yes	Yes	Yes
Examples	Prepackaged Sandwiches/ Dispensed Soda	Service of Unpackaged Food Items	Espresso/ Hot Dogs	No Menu Limitation

¹The handwashing system must be plumbed to provide hot and cold or tempered running water and a minimum of 5 gallons of water must be dedicated for handwashing.

²Must provide a minimum of 30 gallons of water for dishwashing or twice the capacity of the three compartment sinks, if provided.

³May only cook foods that are not potentially hazardous when raw (rice, pasta, etc.). Animal foods must be pre-cooked.

Base of Operation

Base of Operation Mobile food units must operate from a base of operation or be fully self-contained. The regulatory authority will determine whether self-contained mobile food units can operate without a base of operation. To do so, the units must contain all the equipment and utensils that a commissary would provide. A mobile food unit may not serve as a commissary for another mobile food unit.

Activities Allowed Outside of the Unit

All operations and equipment must be an integral part of the mobile food unit unless your proposed activity meets one of the three exceptions and specific conditions are met. The three exceptions are the use of a cooking unit, customer seating, and auxiliary storage.

Cooking Unit	<p>Class IV mobile food units may use <u>one</u> cooking unit, such as a BBQ or pizza oven that is not integral to the unit. The cooking unit may not be a flat top grill, griddle, vertical rotating spit, wok, steamtable, stovetop, oven, or similar cooking device. The cooking unit must be able to move with the unit.</p> <p>A Class IV mobile food unit may use a cooking unit when:</p> <ul style="list-style-type: none"> • It is in close proximity to the mobile food unit • It is used only for cooking. Processing, portioning, preparation, or assembly of food must be conducted from inside the mobile food unit • A handwashing system must be provided adjacent to the cooking unit.
Seating for Customers	<p>Operators may provide seating for customers if restrooms are readily accessible within 500 feet of the mobile food unit (6-402.11). The restroom must have a handwashing facility that provides hot and cold running water, soap, and paper towels or air dryer. When seating is provided, mobile food units must provide a garbage container for customers.</p>
Shelves, Tables and Off-Unit Display	<p>Shelves or tables that are integral to the unit may be used to display non-potentially hazardous condiments and customer single-use articles such as napkins and plastic utensils. Mobile food units may display commercially packaged, non-potentially hazardous food items, such as cans of soda or bags of chips, off the unit if they are limited to what might be sold during a typical meal period.</p>
Auxiliary storage	<p>Auxiliary storage shall be limited to an amount that can be used in a day's operation and stored in such a manner as to prevent contamination or infestation (water-tight covered containers). At the end of the day, items must be placed in the unit or a licensed warehouse. No self-service, assembly or preparation activities may occur from the auxiliary storage container.</p> <p>Refrigerators and freezers may not be placed outside the unit and must be in the unit or in a licensed warehouse. Handling of unpackaged foods, dishwashing and ice making are prohibited in a warehouse.</p>

Mobile Food Units Operating at Temporary Events

Events include fairs, carnivals, circuses, festivals, concerts, or any other temporary public gathering. As a licensed mobile food unit, you may operate as a single-event temporary restaurant as specified under ORS 624.650. If you are operating at a temporary event that you may utilize off-unit tables and display areas for non-potentially hazardous foods and dispensed beverages, condiments, and single-service articles such as napkins and utensils. However, the off-unit tables and display areas allowed under this rule may not be used to conduct activities such as food preparation, assembly, or cooking. In addition, the display or dispensing of potentially hazardous foods is not allowed. Mobile food units that place equipment or conduct operations outside the unit that are beyond those allowed in this rule must obtain a single-event temporary restaurant license from the county where the event will be held.

Food Handler Certificates

All food service workers must obtain a food handler certificate. For more information on how to obtain a food handler certificate, contact your County Health Department or go to:

<https://www.orfoodhandlers.com/eMain.aspx>

Mobile Unit Catering and Conducting Specialized Processes

Catering without a commissary and conducting a special process (canning, reduced oxygen packaging, etc.) would need to be approved by OHA prior to starting (333-162-0030).

Because these activities require additional space and equipment and have some additional food safety concerns, they have additional requirements. There is more information on the special processes and application information online at:

<https://www.oregon.gov/oha/PH/HEALTHYENVIRONMENTS/FOODSAFETY/Pages/variance.aspx>

Mobile units conducting special processes are also required to have a commissary to support these activities (Chapter 3-502.11).

Chapter 2

Food Sanitation Requirements

Person In Charge (PIC)

Someone at your mobile unit must be in charge during all hours of operation. This person is responsible for knowing the food sanitation rules and the procedures within your unit. This person needs to be able to provide employees with information they need to perform their job. The Person In Charge (PIC) must inform employees to notify the PIC when the employee is experiencing fever, sore throat, or gastrointestinal symptoms such as vomiting, diarrhea, and nausea. The PIC must have the authority to send an employee home (Sections 2-101.11; 2-201.12). The PIC must also be able to describe the major food allergens and the symptoms that they could cause if a customer had an allergic reaction.

The person in charge is required to demonstrate knowledge of rules applicable to the food service operation. Demonstration of knowledge can be met by obtaining a food manager training certificate, having no critical violations, or by correctly answering the inspector's food safety questions. Critical violations are violations that are known to cause foodborne illness. See www.healthoregon.org/foodsafety/ for approved food manager certificates.

Sick Employees Must Not Work

Employee Illness Any person, who is infected with a communicable disease, has vomiting, abdominal cramps or diarrhea must not work in food service until the person is completely free from symptoms (Section 2-201.11). Employees with undiagnosed vomiting and diarrhea may not return to work for at least 24 hours after symptoms have gone.

Infected sores or cuts on employee hands must have a watertight cover such as a finger cot that protects the lesion and a single-use-non-latex glove is worn. Infected sores or cuts on other parts of the body, such as the arms, need to be covered by a dry clean tight-fitting bandage. Latex gloves are prohibited (Section 3-304.15).

Handwashing Facilities

Handwashing facilities must have warm running water, dispensed soap, paper towels, and a wastebasket. (Sections 6-301.11; 6-301.12; 6-301.20; 6-302.11). Class II, III and IV mobile units must be plumbed to provide hot and cold running water.

When and How to Wash Hands Handwashing is very important when working with food and drinks. Handwashing removes microorganisms that are known to cause illness. Food workers need to wash hands between changing tasks, after handling raw meats, and anytime hands may have been contaminated. The best way to wash hands is to scrub for about 20 seconds with warm running water and soap. Rinse and dry hands with paper towels (Sections 2-301.12; 2-301.14; 2-301.15).

A double handwash is required whenever you enter the unit, after using the restroom, after smoking, and anytime hands become contaminated with body fluids. A double handwash requires you to lather hands with soap and warm water for approximately 20 seconds, rinse, and repeat a second time. Dry hands with paper towel. A double handwash is to prevent the spread of diseases that workers might have even though they are not yet showing the symptoms (Section 2-301.13).

Food Source

All food products must be wholesome and free of spoilage, microorganisms, toxic chemicals, and other harmful substances that can make people sick. All food products must be prepared, stored, handled, or displayed so that it is safe for people to eat (Sections 3-201.11 thru 3-201.17).

Home canned or home processed foods are not allowed. All food must either be prepared in the unit or obtained from an approved source. Home-prepared foods must not be stored on the unit or served to the public. The only alternative to preparing the food in the unit is to prepare the food in an approved licensed facility such as a commissary. If you plan to prepare food off the unit, a separate commissary license is required.

Water Source

All water used in the mobile food unit must be from an approved public water system. A mobile food unit may also use commercially bottled water (Sections 5-1; 5-2; 5-3).

Potentially Hazardous Foods (PHF)

Potentially hazardous foods are:

- Food of an animal origin (raw or cooked)
- Cooked plant products
- Raw seed sprouts, cut melons, garlic and oil mixtures, cut leafy greens and tomatoes

Examples: hamburgers, tacos, hot dogs, spaghetti, chili, cooked rice, cooked potatoes, and cooked beans (Section 1-201.10).

Food Temperatures

Hot and Cold Holding Potentially hazardous foods must be kept cold at 41°F or colder or kept hot at 135°F or hotter. Temperatures between 41°F and 135°F allow for rapid growth of bacteria that can make people sick. Use equipment capable of holding food hot (135°F or hotter). Open flames often fail and blow out. Be sure equipment will work and can always hold food hot (Sections 3-501.11 thru 3-501.19).

Use refrigerators or ice to store food cold (41°F). The ice must be from an approved source. All containers used must allow for water to drain away as ice melts (like an insulated cooler with drain plug). Keep enough ice available to keep the food surrounded by ice for the duration of the operation.

Date Marking Date-mark ready-to-eat potentially hazardous foods that will be kept longer than 24 hours at 41°F with a date to discard at 7 days from the day of preparation.

Thawing Foods Foods may be thawed under refrigeration, under cool running water, or in a microwave if it will be cooked immediately.

Cooling Mobile food units may not cool potentially hazardous foods unless they comply with one of the following conditions:

(1) The food is cooled in a licensed commissary that meets the requirements of OAR 333-150-0000;

(2) Commercial refrigeration equipment is provided on the unit that is capable of cooling foods in accordance with section 3-501.14; or

(3) Written cooling procedures are prepared in advance by the operator and approved by the regulatory authority prior to conducting cooling on the unit. The person in charge shall maintain cooling logs and record temperature measurements to document that food is cooled in accordance with section 3-501.14. The logs must be maintained on the unit for 90 days and be available for inspection upon request.

(4) Units licensed prior to February 1, 2020 must meet this requirement by July 1, 2020.

Refer to Fact Sheet #31 on Cooling for more information:

<https://www.oregon.gov/oha/PH/HEALTHYENVIRONMENTS/FOODSAFETY/Documents/FactSheet31Cooling.pdf>

Cooking Cook raw animal products to the following internal temperatures (Sections 3-401.11 thru 3-401.13):

- Ground beef and other ground meats to 155°F
- Pork, eggs, fish, and other potentially hazardous foods 145°F

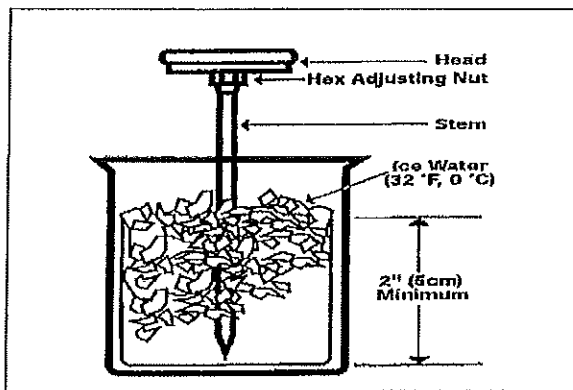
A consumer advisory will be required for facilities that serve raw or undercooked animal products, such as “burgers cooked to order”.

Reheating All potentially hazardous foods that have been cooked and cooled must be reheated to at least 165°F within two hours before being placed in hot holding (Section 3-403.11).

Thermometers

Metal-stem probe food thermometers with a temperature range of 0°F to 220°F are required to test food temperatures when holding foods hot, cold or when cooking raw animal products. Clean and sanitize your thermometer after each use (Sections 4-203.11; 4-502.11). A small diameter probe is required to measure the temperature of thin foods, such as burgers and fish fillets.

It is important to ensure that the thermometer is working properly. An easy way to check your thermometer is to pack a container with crushed ice and add enough water to make it slushy. Put the thermometer into the slush and wait for 30 seconds until the dial stops moving. The dial should read 32°F. If it has a different reading, adjust the hex nut keeping the probe in the slush until it reads 32°F. For digital thermometers, follow manufacturer instructions on how to adjust the thermometer.



Refrigerator thermometers are required to confirm that the refrigerator or cooler is staying cold at 41°F (Section 4-204.112).

Dishwashing

A commercial dishwasher or a three-compartment sink are used to wash, rinse, and sanitize all equipment and utensils. Using a three-compartment sink, wash equipment and utensils with soapy hot water, rinse with hot water, immerse in sanitizer and air dry. Sanitizer can be made up of 50-100 ppm of chlorine bleach or 200 ppm of quaternary ammonium. Use test strips that are made for the sanitizer that you are using. The test strips will ensure that the sanitizer has been mixed according to manufacturer's directions (Chapter 4).

For units that do not have a dishwashing, you must bring multiple clean utensils to replace any that have been in use for four hours or utensils that have been dropped or contaminated.

Cleaning and Sanitizing

Clean and sanitize food-contact surfaces between preparing raw and ready-to-eat foods. Food contact surfaces must be washed, rinsed, and sanitized as with dishwashing. Wiping cloths must be stored in a sanitizing solution between uses. Wipe cloths used for wiping areas that contacted raw animal products must be stored in a container of sanitizer separate from all other sanitizers (Section 3-304.14).

General Food Protection

- Store food and utensils up off the floor. Store food only in food grade containers. Protect food and utensils from dust and other contaminants (Sections 3-305.11; 4-1)
- Store chemicals such as liquid bleach and detergents below and separate from the food and utensils. Properly label all chemical containers (Section 7-2)
- Keep all garbage in a watertight container with lid (Section 5-5)
- Dispose of wastewater properly into a plumbed sewer (Section 5-4)
- Protect food from insects and rodents (Sections 6-202.15; 6-501.111)