



ORDINANCE NO. 28374

1 AN ORDINANCE relating to food truck vendor regulations; amending Tacoma
 2 Municipal Code Subtitle 6B, License Code, by adding thereto a new
 3 Chapter 6B.175, to be known and designated as “Sales – Food Truck
 4 Vendors,” consisting of eight sections, to create a standard process for food
 trucks to operate on public rights-of-way through a regulatory license
 application and location review.

5 WHEREAS, in 2015, the City conducted a pilot program through the Special
 6 Events permitting process, which indicated that small, flexible businesses play an
 7 important role in the City’s economy, that food trucks are desired, and that standard
 8 regulations needed to be established for the operation of food trucks in the City,
 9
 10 and

11 WHEREAS a stakeholder work group, comprised of food truck vendors; brick
 12 and mortar restaurants; the Washington Restaurant Association; Tacoma Pierce
 13 County Health Department staff; and City staff representing Community and
 14 Economic Development, Tax & License, Code Enforcement, and Traffic and
 15 Parking, have met over the past several months to develop food truck policy and
 16 regulation for vending from the right-of-way, and

18 WHEREAS the proposed regulations establish requirements and process
 19 based on cooperative efforts by the workgroup, findings from the 2015 pilot
 20 program, and peer cities best practices, and

22 WHEREAS the proposed regulations establish a transparent, fair, and
 23 navigable process for food trucks to operate on rights-of-way, and provide a
 24 standard application process, location review process, and operating requirements,
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 26 and



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WHEREAS the following five food truck locations have been identified, three in downtown and two in the Dome district, and are pending Tacoma Pierce County Health Department sales site agreement acquisition (restroom agreements) and establishment of operating hours:

- Tacoma Avenue South, near the main library;
- South 11th and A Streets;
- Broadway, in front of Pierce Transit Park;
- East 25th Street, between East C and East D Streets; and
- Puyallup Avenue, near the Greyhound station;

and

WHEREAS the proposed regulations also provide for a review process if additional locations on rights-of-way are identified by food truck vendors as desirable locations for future operations; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

That Subtitle 6B of the Tacoma Municipal Code, License Code, is hereby amended by the addition of a new Chapter 6B.175, to be known and designated as "Sales – Food Truck Vendors," consisting of eight sections, to read as set forth in the attached Exhibit "A."

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



EXHIBIT "A"

TITLE 6B
LICENSE CODE

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Chapters:

- 6B.10 General License Provisions
- 6B.20 Annual Business License
- 6B.30 Adult Entertainment
- 6B.40 Alarm Devices
- 6B.50 Ambulances
- 6B.60 Boilers – Engineer and Fireman Certificates
- 6B.70 Entertainment/Dancing – Alcohol served
- 6B.80 Entertainment/Dancing or Skating Rinks – All Ages
- 6B.90 Fire Alarms and Fire Suppression Systems
- 6B.100 *Repealed*
- 6B.110 Garages, Fuel Stations and Marine Repair Facilities
- 6B.120 Gas Fitters and Appliance Installers
- 6B.125 Hazardous Materials
- 6B.130 Home Occupations
- 6B.140 Hotels
- 6B.145 Live/Work and Work/Live
- 6B.150 Oil and Gas Delivery Vehicles
- 6B.160 Pawnbrokers, Secondhand Dealers and Garage Sales
- 6B.165 Provisional Rental Property License
- 6B.170 Sales – Door-to-Door Soliciting
- 6B.175 Sales – Food Truck Vendors
- 6B.180 Sales – Sidewalk Vendors
- 6B.190 *Repealed*
- 6B.200 Septic and Side Sewer Contractors
- 6B.210 Sign Erectors
- 6B.220 For-Hire Regulations
- 6B.230 Temporary Licenses – Sales or Shows

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Chapter 6B.175
Sales – Food Truck Vendors

Sections:

- 6B.175.010 Purpose.
- 6B.175.020 License required.
- 6B.175.030 Definitions.
- 6B.175.040 Application requirements.
- 6B.175.050 Fees.
- 6B.175.060 Locations.
- 6B.175.070 Operating Requirements.
- 6B.175.080 License or location revocation or denial.

6B.175.010 Purpose.

The purpose of this chapter is to provide for regulation of food truck vending activities in approved locations of the City on public ways in order to more fully promote the public interest by contributing to an active and



attractive pedestrian environment. In recognition thereof, reasonable regulation of food truck vending is necessary in public ways to protect the public health, safety, and welfare and the interests of the City.

6B.175.020 License required.

It shall be unlawful for any person to engage in or carry on the business of food truck vending upon the public ways of the City without first having obtained a license or licenses pursuant to this chapter.

6B.175.030 Definitions.

“Food truck” means an operable motor vehicle used to serve, vend, or provide ready-to-eat food or nonalcoholic beverages for immediate consumption, with or without charge, and is operated from a temporary location on a public way. However, the provisions of this chapter shall not apply to an ice cream vendor that offers only prepacked frozen confections produced in a licensed food establishment or food processing plant or mobile caterers or mobile trucks, generally defined as follows: a person engaged in the business of transporting, in motor vehicles, food and beverages to residential, business, and industrial establishments pursuant to prearranged schedules, and dispensing from the vehicles located on private property the items, for convenience of the personnel of such establishments.

“Food truck vending” means the sale of primarily food and/or non-alcoholic beverages from a food truck upon public ways of the City. Other items may be sold in conjunction with food truck vending items.

“Food truck vendor” means a person who engages in the activity of food truck vending.

“Public ways” means and includes all portions of streets and alleys within the corporate limits of the City and, in addition, such other property under the control of the City which the City Council may from time to time designate via resolution for the express purpose of allowing vending thereon.

6B.175.040 Application requirements.

Application for a license shall be filed with the Department on forms deemed appropriate by the Director and include the current application fee. In addition the applicant shall:

A. Obtain commercial general liability, including products/completed operations liability insurance, naming the City of Tacoma as additional insureds for both ongoing and completed operations. Minimum liability to be maintained is \$1,000,000. The applicant shall obtain commercial automobile liability with limits of not less than \$1,000,000 for each accident for bodily injury and property damage. If the applicant hires employees, the applicant shall maintain Statutory Workers Compensation and also Employers Liability with limits not less than \$1,000,000. The applicant shall submit a certificate of insurance and copies of the additional insured endorsement(s) to the Department.

B. Comply with the inspection provisions and standards for food trucks, as set forth in WAC 246-215 and any amendments thereto. To demonstrate compliance with these requirements, the food truck vendor shall obtain plan check approval from the Tacoma-Pierce County Health Department and submit a copy of the Mobile Unit Permit to the City.

C. Submit to inspection by the Tacoma Fire Department to assure compliance with Tacoma Municipal Code (TMC”) 3.02, including, but not limited to, compliance of cooking or heating apparatus, fire extinguisher requirements, and any other requirement of TMC 3.02 related to safe operations of food truck vending operation.

6B.175.050 Fees.

The fees for a food truck vendor license are hereby fixed as follows:

<u>Description</u>	<u>Fees</u>
<u>Annual license fee</u>	<u>\$225</u>

6B.175.060 Locations.

A. The City shall establish locations suitable for food truck vending. When reviewing locations the City shall consider the following non-exclusive criteria before approving the location for food truck vending.



The location, at a minimum, shall:

- 1 1. Have restroom access that meets the requirements of WAC 246-215, as approved by the Tacoma-Pierce
- 2 County Health Department.
- 3 2. Be within an approved commercial zone as identified in TMC Title 13, unless approved by the City.
- 4 3. Be compatible with the public and local business interest in use of the public ways as public rights-of-way.
- 5 4. Not reduce the width of any pedestrian walkway below six feet or impede vehicular traffic.
- 6 5. Not hinder the use of any phone booth, mailbox, fire alarm, fire hydrant (including automatic sprinklers or
- 7 standpipe connections), newspaper vending machine, bench, transit stop, or traffic signal controllers.
- 8 6. Not be within 10 feet of a driveway or bus stop sign, or within 20 feet from a crosswalk, pursuant to
- 9 RCW 46.61.570, unless approved by the City.

B. Any given location may not be accessible to the food truck when the City approves a special event permit per TMC 11.15 that uses the same public ways unless the food truck vendor is a participant of the special event and has received permission from the special event applicant.

C. The right to occupy said food truck locations shall be shared in common with other food truck vendors which qualify for use of said areas as hereinafter set forth.

D. Locations shall be identified by the City with a sign that will include the approved hour food truck vendors are allowed to operate. If an approved location is not identified with a permanent City sign, an A-Board sign that is approved or designed by the City must be posted by the food truck vendor prior to the location being used, and such posting shall reserve the location for that food truck vendor for the operating hours indicated on the sign.

The A-Board sign shall:

- 12 1. Be posted by the vendor 24 hours in advance of the location being used on the sidewalk directly next to the
- 13 parking space designated by the City for food truck operations.
- 14 2. Indicate the hours the food truck vendor will be operating. Hours of operation at each location will be
- 15 approved by the City.
- 16 3. Not exceed four feet high and 12 square feet on each side of the A-board.
- 17 4. Only include wording approved by the City.
- 18 5. Not contain business names, business logos, or any type of business advertising.
- 19 6. Be removed at the beginning of the food truck vendor shift by the vendor, unless the food truck will be
- 20 operating at the location within the next 24 hours.

E. Food truck vendors or other interested parties may request a new food truck vendor location that would allow all licensed food truck vendors to operate to the City by submitting their request on a form provided by the Director to the Tax & License Division. The person submitting the request for the location shall have the burden to prove that any proposed food truck vending activity will enhance and further the public interest consistent with the use of the public way by the general public and the City for other authorized uses and activities as outlined in 6B.175.060.

6B.175.070 Operating requirements.

Any person with a food truck vending license issued pursuant to this chapter shall be subject to the following requirements:

A. All food truck vendors must display, in a prominent and visible manner, the license issued by the Department under the provisions of this chapter.

B. Canopies shall have a minimum clearance of (7) seven feet and a maximum height of (9.5) nine feet six inches above the sidewalk. Canopies shall not exceed (40) forty square feet in area.

C. The food truck vending site must be clean and orderly at all times, and the food truck vendor must provide a refuse container for use by patrons and must remove all refuse from the site when the food truck is done making sales for the day.

D. Soliciting business from persons in motor vehicles is prohibited.



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E. No merchandise shall be displayed using street furniture (planters, street lights, trees, trash containers, etc.) or placed upon the sidewalk.

F. A six foot, unobstructed accessible public pedestrian pathway through the food truck area must be maintained at all times. The pathway shall be clear of all debris, temporary furniture, and trip hazards (electrical cords or cables crossing the pathway shall be covered with ADA compliant ramp or cover).

G. Food truck vendors shall obey any lawful order from a Police or Fire Department official or any other City official during an emergency or to avoid congestion or obstruction of the public way.

H. No food truck vendor shall make any noise that exceeds the standards in TMC 8.122.020 or use mechanical audio or noise-making devices to advertise his or her product.

I. No food truck shall be left unattended at a food truck location designated by the City. Any unattended food trucks are subject to impound by the City.

J. No food truck may occupy a designated food truck location unless they are available to make sales to the public.

K. No maintenance or repairs may be made to a food truck while parked at a food truck location.

L. Any unauthorized or unlicensed food truck vendors operating from the public ways are subject to impound by the City.

M. Utility service connections are not permitted, except electrical, when provided by the owner of the adjacent property. Electrical lines are not allowed overhead or lying in the pedestrian portion of the sidewalk or in an area where a vehicle can drive over them, provided, however, electrical cords or cables may cross the sidewalk if they are covered with an ADA compliant ramp or cover.

N. No products may be sold while a food truck vendor is in transit.

O. The maximum width of a food truck shall not be more than eight feet.

P. Notwithstanding the requirements in TMC 11.05, food truck vendors licensed under this chapter shall be exempt from paying the required parking fees and adhering to the designated time limitations while operating at an approved City food truck location during the approved hours of operation.

6B.175.080 License or location revocation or denial.

A. In addition to the reasons for suspension or revocation set out in Section 6B.10.140, the Director may suspend or revoke any license issued under this chapter if the Mobile Unit Permit issued by Tacoma-Pierce County Health Department is cancelled or revoked or for any violations of this chapter.

B. The grant of a license for food truck vending on a public way is a grant of a temporary privilege to use a portion of the public way to serve and benefit the general public, and any rights of use permitted under the provisions of this chapter shall be of a temporary and revocable nature.

C. Any approved location granted under the provisions of this chapter may be revoked by the Director or other authorized representative of the City; if the Director or authorized representative finds that the location no longer serves or benefits the public and is inconsistent with Section 6B.175.060. The Director may rely, in part, on correspondence regarding food truck vendor's operations and compliance with the requirements of the TMC filed with the Director by property owners and businesses located within reasonable proximity to the food truck location.