

SUBCHAPTER 84: MOBILE VENDING LOCATIONS

Please Note: These standards would regulate the approval of locations for mobile vending devices. Many of the standards previously existed in IMC Section 8. The related standards for mobile vending devices would remain in IMC Section 8.

84.010 Purpose.

The purpose of this subchapter is to regulate the locations of mobile vending devices and mobile food units.

84.020 Applicability.

This subchapter does not apply to:

- A. Lemonade stands and other similar limited sales by minors.
- B. Garage sales.
- C. Car wash fundraisers.
- D. Vendors at farmers' or flea markets while working under the event organizer's city-granted authorization.
- E. Mobile vendors conducting business at a community event or on a temporary street closure while working under the event organizer's city granted authorization.
- F. The sale of agricultural consumables, where the vendor does not prepare, process or convert the item, for no more than seven days within a 30-day period.

84.030 Definitions.

The following words, terms and phrases, when used in this subchapter, shall have the meanings ascribed to them in this subchapter, except where the context clearly indicates a different meaning:

“Conduct business” means carrying, conveying, transporting, selling or offering for sale food or beverage of any type or fresh cut flowers, balloons, souvenirs, other non-food merchandise for immediate delivery, or service either from a mobile vending device or as a pedestrian.

“Mobile food unit” is any moveable motor vehicle, trailer or wagon that is used for the purpose of preparing, processing or converting food for immediate consumption as a drive-in, drive-through, curb or walk-up service.

“Mobile vending device” includes devices used to conduct business, such as pushcarts as defined in this section, motorized vehicles, trailers, recreational vehicles, or any device in, upon or by which any person or property is or may be transported, moved or drawn or any structure or enclosure, which because of its size, construction or use of materials is not regulated by the Uniform Building Code. Mobile vending devices include mobile food units, as well as mobile devices that sell items other than food.

“Mobile vending location” is a location approved by the City to conduct mobile vending. A mobile vending location may be either a mobile vending pad or a mobile vending pod.

“Mobile vending pad” means a location that allows one mobile vendor and their associated amenities.

“Mobile vending pod” means a location that allows two or more mobile vendors and their associated amenities under common management on one property.

“Mobile vendor” is any person(s), entity(ies) or other parties that conduct business either from a mobile vending device, pushcart, table, tent or other temporary device.

“Pushcart” means a wheeled, non-motorized vehicle of such size and weight that it may be easily moved by no more than two people.

“Sidewalk” means that portion of the street between the curblines or the lateral lines of a roadway and the adjacent property line intended for the use of pedestrians.

84.040 Standards

Mobile vending locations shall be processed using the Site Design Review requirements in Subchapter 80. The following standards shall be used by the City Manager or designee to process the permits:

- A. Allowed zones. Mobile vending locations are allowed in all zones except the Low Density Residential (RS), Medium Density Residential (RM), High Density Residential (RH), and Mixed Density Residential (MX) zones.
- B. General location requirements. Mobile vending locations are only allowed in paved parking lots or other hard surface areas.
- C. Use of public right-of-way or city property.
 1. Mobile vending pads are not allowed within a public right-of-way or on other city property, unless:
 - a. The applicant demonstrates that the use will not have a negative impact to pedestrian or vehicular travel and
 - b. The city agrees to the use of the location prior to the submittal of the application.
 2. Mobile vending pods are not allowed within a public right-of-way or on city-owned property, unless the city initiates the application.
- D. Clear travel ways. Mobile vending locations, including all vehicles, devices and items associated with the operation, shall not obstruct travel lanes, driveways, drive aisles of any off-street parking area, or pedestrian pathways. The City Manager may consider adopted, non-discretionary city standards, including but not limited to city vision clearance standards set in Independence Development Code Section 75.050 and City Public Works Standards to ensure this standard is met.
- E. Sufficient parking. Mobile vending locations shall only be allowed in areas that have adequate parking for the use and any other activities on the site. The number of spaces needed for mobile vending locations shall be determined using the Table in Section 73.010, and be calculated based on the amount of seating area that is available for restaurant uses and the amount of display area that is available for retail

and service uses. If the location fails to maintain adequate parking at any point during the life of the use, the city may revoke the permit pursuant to Section 84.070.

- F. Disposal of waste. Locations approved for mobile vending shall maintain a clean environs, pick up any litter that is deposited by any person on the subject property and dispose of the waste generated by mobile vending activities. Receipts proving continued solid waste disposal service may be requested by the city at any time during the permit term.
- G. Utilities.
 - 1. Mobile Vending Pads. A mobile vending pad that is intended to accommodate a mobile food unit may connect to City services or utilize self-contained water and graywater tanks. When an applicant seeks to rely on a tank to store graywater, the mobile vendor that utilizes the site shall ensure that the unit is regularly pumped. Receipts that prove continued wastewater service may be requested by the city at any time.
 - 2. Mobile Vending Pods.
 - a. Water and Sewer Service. Connection to the City water and sewer systems are required for all mobile vendor pods. Applicable City Public Works Design Standards and/or the Oregon Plumbing Specialty Code standards shall be met.
 - b. Stormwater. Stormwater treatment, when required, shall be consistent with the Independence Public Design Standards.
- H. System development charges. Applicable System Development Charges shall be paid prior to the issuance of any development permits in accordance with the Independence Municipal Code, Chapter 34, Article VII, Utility System Development Charges.
- I. Lighting. Lighting proposed for a mobile vending location shall be shielded and directed downward and shall not spill onto adjacent properties.
- J. Signage.
 - 1. Mobile Vending Pads. Signs for a mobile vending pad shall be limited to what may be displayed on the mobile vending unit and a sign that meets the standards for sandwich board or temporary signs in Independence Development Code Section 58.040(N). No feather flags or other signs prohibited in IDC 58.150 are allowed.
 - 2. Mobile Vending Pods. Signs for a mobile vending pod (and any other use on a subject site) shall meet the size standard in Subchapter 58.190(A). Individual mobile vending devices may be allowed to have additional signage on the mobile vending device and to have a sandwich board or temporary sign so long as the sign is located entirely on the site associated with the mobile vending pod. No feather flags or other signs prohibited in IDC 58.150 are allowed.
- K. Drive through not allowed. No location proposed for mobile vending shall operate as a drive-through facility, as defined in the Independence Development Code, Subchapter 13.

- L. Spacing requirements. All mobile vending units shall meet the setbacks for the underlying zone and allow five feet of separation between each unit. Potentially flammable and/or explosive items shall additionally meet the setbacks required in the Oregon Fire Code.
- M. Restroom Facilities.
 - 1. A mobile vending pad shall be located within a 300-foot walking distance of an available permanent restroom for employees during all anticipated hours of operation. For any property that is not under the control of the applicant, a signed agreement that allows the use of the restroom shall be provided as part of the application.
 - 2. A mobile vending pod shall have a permanent restroom that is available for employees during all anticipated hours of operation. The restroom shall be located on the same site as the mobile vending pod and be within 300 feet of every mobile vending space.
- N. Conditions of Approval. A mobile vending location shall comply with applicable conditions of approval for previous land use decisions for the subject property.
- O. Violation. The property owner and any representative of the property owner shall be jointly and severably responsible for any violation of this Subchapter or other applicable Subchapters of the Independence Development Code. Any such violation may result in the immediate revocation of a mobile vending location or device permit and may result in the denial of any future mobile vending permit for the site upon which the violation occurred.

84.050 Application

- A. No person may establish a new location for mobile vending without first submitting an application and obtaining a permit from the City Manager or his or her designee.
- B. Each application shall be accompanied by a nonrefundable fee, as established by Council resolution.
- C. Applications shall be made in a form approved by the City Manager.
- D. The application shall include, but not be limited to, the following information:
 - 1. The name and address of the property owner. For the purposes of this code, the property owner will be considered the applicant for the project.
 - 2. A site plan that shows the following information:
 - a. The anticipated types of mobile vending devices that will occupy the location.
 - b. The proposed location of the mobile vending devices, and the distance to the property lines and nearby sidewalks, driveways or structures.
 - b. The location of the hard-surface area where mobile vending devices will be located.
 - c. The location of any power service to a mobile vending space.
 - d. The location of proposed garbage and recycling receptacles, restrooms, chairs, tables and other site features.

- e. The location of the public water, sanitary sewer and storm drainage lines (if applicable). If the applicant proposes a mobile vending pad, served with self-contained water and/or graywater tanks, the applicant should specify the plan anticipated for the disposal of wastewater and gray water.
 - f. The location of any proposed lighting.
 - g. A traffic plan, showing the in/out flow of cars; and the parking for customers and employees.
- E. Mobile vending devices may operate on city-owned property provided that the city approve of the location and grant the vendor a site-specific approval to be conspicuously displayed on-site.

84.060 Form and conditions of permit

- A. The City Manager shall grant a Site Design Review permit for a mobile vending location if the City Manager or designee finds that the mobile vending location meets the standards set in Sections 84.040 (Standards), and 84.050 (Application) and will not detract from the health, safety, and general welfare of the city.
- B. Site Design Review approvals issued under this subchapter shall be in a form prescribed by the City Manager and contain the following conditions:
- 1. The approved mobile vending location shall be valid only when used at the location designated on the Site Design Review approval.
 - 2. The Site Design Review approval shall be subject to the conditions and restrictions of this subchapter.
- C. Under an approved permit, no mobile vending location shall:
- 1. Operate in a manner which creates a danger to persons or property.
 - 2. Deliberately hinder or impede pedestrian or vehicular traffic.
 - 3. Obstruct the clear vision of the driver of any vehicle.
 - 4. Operate in a manner which will hinder emergency or utility services.
 - 5. Operate in violation of any of the city's land use regulations or municipal codes.