

CITY OF AMERICAN FALLS PUBLIC HEARING NOTICE

PLEASE TAKE NOTICE THAT the City of American Falls will conduct a public hearing on August 30, 2023 at 7:00. P.M. at the American Falls City Hall Council Chambers, 550 North Oregon Trail Rd, to consider to adopt Ordinance 662, establishing regulations for Mobile Food Vending. Including definitions, licensing requirements, adopting operating requirements, establishing penalties for violations.

The Ordinance is on file with the Clerk of the City of American Falls where it may be inspected during regular business hours. Such file does contain materials relevant to the request, the contents of which may change prior to the date of the hearing.

All persons desiring to be heard on this matter should appear at this hearing. Written testimony may be sent to the City of American Falls, 550 North Oregon Trail Rd, American Falls, ID 83211. Written testimony received after this date will not be entered into the record or read at the public hearing.

If you require special accommodations, please contact City Hall at (208)226-2569 prior to the date of the hearing.

Mayor Rebekah Sorensen

ORDINANCE NO.662

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF AMERICAN FALLS, POWER COUNTY, IDAHO, A MUNICIPAL CORPORATION OF IDAHO, ADOPTING A NEW MUNICIPAL CODE TITLE 5, CHAPTER 16 TO ESTABLISH REGULATIONS FOR MOBILE FOOD VENDING INCLUDING, DEFINITIONS, LICENSING REQUIREMENTS, ADOPTING OPERATING REQUIREMENTS, ESTABLISHING PENALTIES FOR VIOLATION OF THE REGULATIONS OF THIS CHAPTER, ESTABLISHING FEES FOR LICENSING UNDER THIS CHAPTER; REPEALING CONFLICTING ORDINANCES; PROVIDING SEVERABILITY; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE BY SUMMARY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is deemed by the Mayor and City Council to be in the best interests of the City of American Falls that said amendments be adopted; NOW, THEREFORE,

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF AMERICAN FALLS AS FOLLOWS:

SECTION 1. *That a new Title 5, Chapter 16, entitled Mobile Food Vending, is added to the American Falls Municipal Code as follows:*

Chapter 16

MOBILE FOOD VENDING

5-16-1: AUTHORIZATION:

This Chapter is enacted pursuant to the city's general police power and the authority granted to cities by Article 12, Section 2 of the Idaho Constitution and Sections 50-301, 50-302, 50-304, 50-307, and 50-314 of the Idaho Code.

5-16-2: PURPOSE:

The City of American Falls recognizes that the diversity of prepared food options can be enhanced by allowing mobile food vendors to serve and prepare food within the city limits. The City further recognizes that mobile food vendors have the same responsibilities to their customers and the community as do food service establishments with fixed locations and should be required to abide by local permitting requirements in the same manner as facilities with fixed locations.

5-16-3: DEFINITIONS:

For the purpose of this chapter, the following terms have the following meaning:

Mobile Food Vendor. A person or business that sells food or beverages for consumption from a Mobile Food Vending Unit.

Mobile Food Vending Unit. A vehicle, trailer, cart, or other similar equipment that is designed to be moved and to prepare or serve food or beverages for consumption including food/beverages prepared in the Mobile Food Vending Unit, food/beverages prepared in a Commissary and ready-to-eat or prepackaged food and beverage items. Street Vending Units and Sidewalk Vending Units are included within this definition.

Street Vending Unit (Food Truck or Concession Trailer). A Mobile Food Vending Unit that is motorized or towed as a trailer that is capable of being readily moved and is designed and equipped to prepare, safely store and/or serve food including food cooked and prepared for vending in the vehicle, commissary-prepared food and ready to eat or packaged foods in individual servings.

Commissary. An approved food establishment where food is stored, prepared, portioned, or packaged for service elsewhere.

5-16-4: POLICIES AND PROCEDURES:

The City is authorized to establish and update, from time to time, written policies and procedures to implement the provisions of this chapter.

5-16-5: FEES SET BY RESOLUTION:

All license and other fees authorized by this chapter will be established by resolution of the City Council.

5-16-6: LICENSE REQUIRED:

It is unlawful for any person to operate as a Mobile Food Vendor without first obtaining a license from the city.

5-16-7: MOBILE FOOD VENDOR LICENSE APPLICATION, DURATION AND TRANSFERABILITY:

A. A completed application for a Mobile Food Vendors License must be filed with the City Clerk along with the required fee. The application must include the following:

1. Name of Mobile Food Vendor;
2. Make, model, and license plate number of Mobile Vending Unit (if applicable);
3. Owner's contact information;
4. Operator's contact information;
5. Type of vendor (Street Vending Unit or Sidewalk Vending Unit);
6. References;
7. Copy of approved permit from the Southeastern Idaho Health Department;
8. Proof of food handler certificates for Mobile Food Vendor employees;
9. List of operating location(s), if applicable and written acknowledgment of permission of property owner where Mobile Food Vendor will operate;
10. Commissary address;
11. Proof of insurance including Commercial General Liability with a combined single limit of \$500,000 and product liability with a combined single limit of \$500,000 per occurrence if vending on City property (including streets and sidewalks);
12. The endorsement of the Fire Marshal evidencing that the requirements of Power County Fire and Rescue have been met;
13. Location of approved wastewater disposal with a grease trap;
14. Indemnity Agreement signed by Applicant;
15. The description, make and model of backflow prevention device on the Mobile Vending Unit; and
16. Any other information required by the application.

B. All applications received by the City Clerk will be reviewed and a final decision

to grant or deny the license will be made within five (5) business days of receipt of a completed application. If a permit is not issued within five (5) business days, unless the applicant agrees to an extension, the application is deemed denied.

- C. Any entity denied a license may appeal the denial of a license to the City Council by providing a written notice of appeal to the City Clerk explaining the legal or factual basis of the appeal within 10 days after the date of the denial.
- D. Mobile Food Vending Licenses are valid for a period of one hundred eighty (180) days from the date of issuance and expire at 12:00 a.m. Mobile Food Vendors may also purchase a Single Day Mobile Food Vendor License, which is effective for twenty-four (24) hours from the time of purchase.
- E. Mobile Food Vending Licenses are non-transferable.

5-16-8: OPERATING REQUIREMENTS FOR ALL MOBILE FOOD VENDING UNITS:

All Mobile Food Vendors/Vending Units must comply with the following requirements:

- A. All Mobile Food Vending Units must remain capable of being readily moved. Any Mobile Food Vending Unit that has its wheels removed, is attached to a permanent utility supply, has skirting installed, or is otherwise rendered incapable of being readily moved will be required to comply with all requirements of the adopted building and zoning code for permanent structures.
- B. The City of American Falls Mobile Food Vendor Temporary Business License must be displayed in a prominent location on the unit in a location that is readily visible on the outside of the unit.
- C. Vendors can only serve walk-up customers. Drive-through service for customers in motor vehicles is prohibited.
- D. Vendors cannot broadcast music or advertisements that are plainly audible at a distance of fifty feet (50') or more. Mobile Food Vendors selling only pre-packaged ice cream products are exempt from this requirement.
- E. Vendors cannot obstruct sidewalks, streets, alleys, or other public spaces, by causing people to congregate in a manner that obstructs the free-flow of pedestrians or vehicles.
- F. Vendors are limited to selling food and beverages and limited promotional items like hats and t-shirts.
- G. Vendors must provide adequate waste receptacles for their customers and remove all waste from the site daily without using public waste receptacles.

- H. Vendors must operate in a safe and sanitary manner including keeping the area around their vending unit free from trash.
- I. No signage is allowed except signage affixed to the Mobile Food Vending Unit identifying the vendors and menu/price information. All signage and graphics should be professionally constructed.
- J. All wastewater generated by the Mobile Food Vending Unit must be disposed of in an approved wastewater dump site that is equipped with a grease trap.
- K. All Mobile Vending Units must be equipped with an approved back flow prevention device to prevent backflow and contamination of the fresh water supply.
- L. Vendors may only operate at approved locations. If operating on private property, vendors must obtain the permission of the property owner and must operate in compliance with all requirements of the owner. If operating on City property, the vendor must obtain approval of the City Council.
- M. All Mobile Vending Units must be self-contained and cannot use outside water or sewer unless the Unit is parked at a Mobile Vending Site that offers approved utility connections.
- N. Vendors may not utilize unapproved utility connections.
- O. Street Vending Units parking on public streets must be parked in a manner that complies with parking requirements contained in Title 10 Chapter 4 of this code. The vending window must face the sidewalk.

5-16-9: ENFORCEMENT:

- A. Operation of any Mobile Vending Unit in violation of this ordinance may result in revocation of the license issued under this Chapter. Any entity whose license is revoked may appeal the license revocation to the City Council by providing a written notice of appeal to the City Clerk explaining the legal or factual basis of the appeal within 10 days after the date of the revocation. Any licensee who has its license revoked may not re-apply for a license for a period of two (2) years from the date of revocation.
- B. Any person who shall violate any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not to exceed three hundred dollars (\$300.00), or by imprisonment in the county jail for a period not to exceed thirty (30) days, or both such fine and imprisonment. Each day violation continues shall be a separate offense, punishable as hereinabove described.

5-16-10: EXEMPTIONS:

The provisions of this chapter shall not apply to Mobile Food Vendors participating in community events as approved by the City (i.e. Music in the Park, American Falls Days).

SECTION 2. All provisions of the current American Falls Municipal Code or ordinances of the City of American Falls and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 3. Neither the adoption of this ordinance nor the repeal of any ordinance shall, in any manner, affect the prosecution for violation of such ordinance committed prior to the effective date of this ordinance or be construed as a waiver of any license or penalty due under any such ordinance or in any manner affect the validity of any action heretofore taken by the City of American Falls City Council or the validity of any such action to be taken upon matters pending before the City Council on the effective date of this ordinance.

SECTION 4. The provisions of this ordinance are severable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid or unconstitutional provision, clause sentence, subsection, word, or part had not been included therein, and if such person or circumstance to which the ordinance or part thereof is held inapplicable had been specifically exempt therefrom.

SECTION 5. After its passage and adoption, a summary of this Ordinance, under the provisions of the Idaho Code, shall be published once in the official newspaper of the City of American Falls, and upon such publication shall be in full force and effect.

PASSED AND APPROVED this _____ day of _____, 2023.

CITY OF AMERICAN FALLS, a municipal corporation of Idaho