

**CITY OF MAUPIN**

**ORDINANCE NO: 329**

**AN ORDINANCE OF THE CITY OF MAUPIN PROVIDING FOR THE REGULATION AND OPERATION OF FOOD CARTS, CONTINUING THE CITY'S FOOD CART PILOT PROGRAM, AND REPEALING ORDINANCE 319**

**WHEREAS**, the Common Council of the City of Maupin ("City") established a food card ordinance and pilot program through Ordinance 319, adopted on May 25, 2022;

**WHEREAS**, Ordinance 319 says that food cart permits issued thereunder expire on September 30, 2022, at which time the City may extend or amend the Ordinance;

**WHEREAS**, the City desires to allow continued operation of food carts and amend some provisions of Ordinance 319 which will allow more efficient operation of the food cart program;

**WHEREAS**, the City would like to enact the aforesaid changes by adoption of a new ordinance and repeal of Ordinance 319.

**NOW, THEREFORE, BASED ON THE FOREGOING, THE CITY OF MAUPIN ORDAINS AS FOLLOWS:**

**Section 1: Purpose and Duration.** The City of Maupin has established a pilot program to allow food carts under specific circumstances as outlined in prior Ordinance 319 and this Ordinance. The program and all issued permits issued hereunder shall expire on September 30, 2023, for the year this Ordinance is adopted. For subsequent years, the City may extend application of this Ordinance to allow a food cart program by resolution of the City Council, with the expiration date of permits for subsequent years stated in said resolution.

**Section 2: Definitions.** A "food cart" which may also be referred to as 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 all requirements of the Oregon Health Authority per the Mobile Food Unit Operation Guide.

**Section 3: Authority.** The Zoning Ordinance Administrator is empowered to administer and enforce this Ordinance. The procedures outlined in the Maupin Zoning Ordinance shall be applicable to the administration of this Ordinance.

**Section 4: Conformance.** No food cart may be placed in any location unless it conforms to the provisions of this Ordinance and any further regulations as adopted by resolution of the City Council. Prior to placement of a food cart, a food cart permit shall be obtained from the Zoning Ordinance Administrator.

**Section 5: Food Cart Standards.** The following standards shall apply to all food carts permitted herein:

1. Food carts shall be mobile at all times, including but not limited to having fully inflated tires.
2. Food carts shall provide sufficient trash and recycling receptacles on site. Food cart owners and operators shall be responsible for the disposal of trash and general site cleanup on a daily basis.
3. Food cart wastewater shall be disposed of properly and the operator must demonstrate compliance with all Oregon Health Authority and North Central Public Health District requirements.
4. No part of the food cart footprint shall impede vehicular or pedestrian circulation, ingress, egress, or clear vision areas, as defined by the City.
5. Food carts shall only be permitted on developed private property. No portion of a food cart's footprint shall be located in a public right-of-way, unless authorized to do so for operation during a City-permitted event.
6. Any temporary canopy or tent structure provided by the food cart operator for customer seating areas shall be the responsibility of the food cart operator. The City shall not be responsible for inspecting the anchoring of such structures. Tents and canopies shall be capable of being moved at any time.
7. Food cart signage must comply with signage regulation in the Maupin Zoning Ordinance.
8. Food carts shall not be required to provide off-street parking.
9. Food carts are restricted to placement within the following zones: General Commercial, Recreational Commercial, Commercial/Residential Transition, and Craft Industrial Zone.

**Section 6: Permits, Application Materials, and Fees.** The following provisions shall apply to the permitting of food carts:

1. A temporary permit may be issued by the Zoning Ordinance Administrator for the duration of the food cart program as allowed by this Ordinance or as extended by

resolution of the City Council.

2. Complete permit applications and renewals shall be submitted to the City not less than 15 days prior to operation of a food cart. Incomplete applications shall not be processed by the City until all required information is received by the City.
3. An application shall include the following in addition to any other requirements as requested by the City:
  - a. A food cart permit application form signed by the food cart owner, the food cart operator (if different than the food cart owner), the host business owner, and the host property owner (if different than the business owner);
  - b. A basic plot plan indicating the following: property dimensions, location of food cart footprint including all site amenities (benches, tables, chairs, lighting, fencing, etc.), location and size of water and power hook-ups, setbacks from nearby property boundaries, setbacks from nearby structures, and number of paved parking spaces occupied by the food cart footprint;
  - c. Copies of all other relevant permits, including but not limited to: OLCC permit (if alcohol is to be served), Oregon Department of Motor Vehicles (DMV) registration, Oregon Food Handlers Card for individual workers, North Central Public Health District Mobile Unit application, etc; and
  - d. An application fee, as set by resolution of the City Council.

**Section 7: Enforcement.** Enforcement of this Ordinance shall follow the same procedures as outlined in Article 9 of the City Zoning Ordinance. In addition, permits may be denied or revoked by the Zoning Ordinance Administrator upon a determination of the Maupin Community Liaison that a violation of City Codes or Ordinances has occurred as a result of food cart operation that is not in compliance with this Ordinance or resolution of the City Council.

**Section 8: Citizen Complaints.** Citizen complaints shall be filed in writing with the Maupin Community Liaison.

**Section 9: Civil Penalty.** Violations of the food cart program may be punishable by a fine not to exceed \$100.00 per day, for each day the violation occurs. The party responsible for a violation, and for which a violation penalty may be levied, shall include all persons or entities named in Section 6(3)(a) herein.

**Section 10: Severability.** A determination of invalidity or unconstitutionality by a court of competent jurisdiction of any clause, sentence, paragraph, section, or part of this Ordinance shall not affect the validity of the remaining parts to this Ordinance.

**Section 11: Repeal of Prior Ordinance.** City of Maupin Ordinance 319, and any amendments thereto, are hereby repealed.

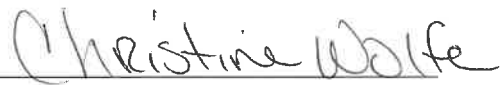
**Section 12: Effective Date.** This ordinance shall become effective 30 days after its date of adoption.

PASSED by the Maupin City Council this 31 day of May, 2023.

Ayes: 7; Nos: 0; Absent: 0; Abstain: 0.

  
\_\_\_\_\_  
Carol Beatty, Mayor

ATTEST:

  
\_\_\_\_\_  
Christine Wolfe, City Recorder