

**PROPOSED AMENDMENTS TO CITY ORDINANCE NO. 4853 FOR THE JULY 25,
2022 CITY COUNCIL MEETING**

AN ORDINANCE OF THE CITY OF LEWISTON AMENDING SECTION 21-2 OF THE LEWISTON CITY CODE TO ADD AND AMEND DEFINITIONS RELATED TO MOBILE FOOD VENDORS, AMENDING SECTION 21-66 REGARDING THE APPLICABILITY OF ARTICLE VIII RELATED TO TEMPORARY VENDORS AND MOBILE FOOD VENDORS, ENACTING A NEW ARTICLE XI IN CHAPTER 21 OF THE LEWISTON CITY CODE RELATED TO MOBILE FOOD VENDORS, AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF LEWISTON, IDAHO:

SECTION 1: Lewiston City Code § 21-2 is hereby amended as follows:

Sec. 21-2. Definitions.

...

Mobile food vendor means a food service business that sells or serves food from a: (1) mobile food service vehicle or unit built and designed to be able to travel on public streets, whether motorized or not; or (2) cart or temporary structure, such as a canopy, stand, or kiosk, transported on a trailer. A mobile food vendor does not include a vending machine.

...

Temporary vendor means a vendor that operates intentionally and planned as a seasonal or otherwise temporary venture in accordance with the time limits set forth in article VIII of this chapter, on a lot, whether vacant or not; ~~whether~~ outside of an enclosed building in the open air or under a canopy, tent, or other temporary structure; from a mobile trailer, cart, or vehicle, except any mobile food vendor regulated pursuant to article XI of this chapter; or within a building, whether or not the building has another licensed business. A temporary vendor is subject to article VIII of this chapter.

...

SECTION 2: Lewiston City Code § 21-66 is hereby amended as follows:

Sec. 21-66. Applicability of article.

In addition to the provisions of Article I of this chapter, an applicant for a temporary vendor license shall comply with the provisions of this article. The provisions of this article shall not apply to vendors participating in an event licensed under Article IX of this chapter: or to mobile food vendors licensed pursuant to article XI of this chapter.

SECTION 3: Lewiston City Code Chapter 21, Article XI is hereby enacted as follows:

**Article XI.
Mobile Food Vendors**

Sec. 21-82. Applicability of article.

(a) In addition to the requirements in article I of this chapter, the regulations set out in this article shall apply to all mobile food vendors, as defined in article I of this chapter, operating on private property in the city where such operation is not associated with an event licensed pursuant to article IX of this chapter.

(b) Mobile food vendors operating in a street or alley right-of-way, or as part of an event, shall be licensed pursuant to article IX of this chapter. Mobile food vendors licensed pursuant to articles I and XI of this chapter may operate in a city park, subject to the approval of the parks and recreation department.

Sec. 21-83. License application, renewal, and fee required.

(a) An application for a mobile food vendor license shall be subject to the requirements in article I of this chapter, and shall include:

(1) A completed mobile food vendor addendum, as provided by the city;

~~(2) A site plan of the property on which the mobile food vendor will operate, including any/all property improvements, other existing land uses, and the location and orientation of the proposed mobile food vendor;~~

~~(3)~~(2) A completed local emergency services information form, as provided by the city;

~~(4)~~(3) A property owner consent form if operating on property not owned by the mobile food vendor, unless operating as part of an event licensed pursuant to article IX of this chapter;

~~(5)~~(4) Business license application fee, as adopted by resolution of the city council, as may be amended from time-to-time;

~~(6)~~(5) Current food permit or approval from ~~Idaho Public Health~~ Public Health – Idaho North Central District; and

~~(7)~~(6) Current approved fire inspection from the Lewiston Fire Department.

(b) The annual renewal of a mobile food vendor license shall require the following:

(1) Current food permit or approval from ~~Idaho Public Health~~ Public Health – Idaho North Central District; and

(2) Current approved fire inspection from the Lewiston Fire Department.

Sec. 21-84. Application denial and license suspension or revocation.

(a) In addition to the provisions of sections 21-4 and 21-8 of this chapter, the business licensing coordinator may deny an application for a mobile food vendor license, and the community development director may suspend or revoke a mobile food vendor license, if an applicant or licensee:

- (1) Fails to maintain compliance with all standards outlined in section 21-85 of this article; or
- (2) Has violated a provision of this chapter or ordinance of the city with regard to the premises where the mobile food vendor is located.

(b) In determining whether to deny, suspend, or revoke a mobile food vendor license, the business licensing coordinator and community development director, as applicable, shall consider the risk to the health and safety of the public based on such factors as:

- (1) Repeated or outstanding violations of applicable city codes;
- (2) A pattern of noncompliance;
- (3) The type of violation;
- (4) The severity of each violation;
- (5) The number of violations; and
- (6) Any other factors deemed appropriate to protect the public health, safety, and welfare, such as, but not limited to, vehicular, pedestrian, or bicycle traffic safety; nuisances, such as, but not limited to, noise, dust, or odor; and adverse effect on the enjoyment or use of neighboring properties.

Sec. 21-85. Standards.

(a) A mobile food vendor shall not operate in a residential zoning district unless: (1) the mobile food vendor is located on a permitted church, public use, semi-public use, school, park, conditionally permitted, or nonconforming commercial use property, as defined in chapter 37 of this code, and is associated with an event that is licensed pursuant to Article IX of this chapter; or (2) the mobile food vendor is operating in a catering capacity for the property owner and not selling to the general public. For purposes of this subsection, residential zoning districts shall be F-2, R-1, R-2, R2A, NHN, NHS, R-3, R-4, BASPAB, as described in chapter 37 of this code and depicted on the official zoning map of the city.

(b) The driveway or mobile food vendor site access location, width, and design shall be subject to approval by the public works and fire departments.

(c) A minimum of two (2) visibly demarcated off-street parking spaces shall be provided or, if customer seating is provided, one (1) visibly demarcated off-street parking space per four (4) seats shall be provided, whichever is greater. Parking dimensions shall be in accordance with the public works layout dimensions approved by the city engineer. All off-street parking shall be gravel, asphalt, concrete, or other impervious or semi-pervious surface designed for parking. Parking lot landscaping pursuant to chapter 37, article VII of this code shall not be required; provided, however, if customer seating is provided within a building, then the parking lot paving and landscaping requirements of chapter 37, article VII shall apply. If customer food table staff service is provided, then additional off-street parking shall be provided for such staff who are not transported to the site by the associated mobile food vendor(s) at a rate of one (1) parking space per two (2) such staff members. For the purposes of calculating parking requirements, twenty-four inches (24") of bench seating shall constitute one (1) seat.

~~(d) If no ADA compliant parking exists or is planned to be provided, then the property owner shall submit a signed, notarized statement that ADA compliant parking will be provided upon request or complaint, subject to suspension or revocation of the business license.~~

~~(e)~~(d) The mobile food vendor operation shall not displace any other required parking.

~~(f)~~(e) The mobile food vendor shall not be parked such that any service window allows or requires walk-up customers to be on a public sidewalk during service.

~~(g)~~(f) The mobile food vendor shall not be parked in such a manner as to block or impede ingress or egress to/from any building, structure, or use during its operating hours.

~~(h)~~(g) An alcohol beverage license or alcohol catering permit shall be required for the serving or sale of alcohol from the mobile food vendor. The mobile food vendor shall adhere to chapter 6 of this code.

~~(i)~~(h) If a drive-through service window is used to provide drive-through service, then the drive-through service facilities provisions of chapter 37, article VII of this code shall apply.

~~(j)~~(i) The mobile food vendor shall not be parked in such a manner as to impede a required clear vision area, as defined in public works department standard drawing 1-12 or as otherwise updated or amended.

SECTION 4: This ordinance shall take effect and be in full force from and after its passage and publication.

Signature page to follow

PASSED this _____ day of _____ 2022.

CITY OF LEWISTON

By: _____
Daniel G. Johnson, Mayor

ATTEST:

Kari J. Ravencroft, City Clerk