



Memorandum

To: City Council Members

From: Tina Kriss, Business License Program Coordinator

CC: Mayor Nancy Backus
Jeff Tate, Director of Community Development

Date: February 28, 2022

Re: Ordinance No. 6848

Ordinance No. 6848 – Background Summary:

Overview of Current Mobile Vending and Food Truck Code. Currently the City of Auburn provides opportunity for mobile sales of the sale of plants, flowers, books, crafts, produce, beverages, food, and other similar items in a single location. Traditionally, the process to permit these types of activities has relied upon provisions contained in the city's zoning code (Title 18), specifically Chapter 18.46A ACC "Temporary Uses".

The code provisions within Chapter 18.46A ACC allow for a use to locate within the City of Auburn on a temporary (interim) basis. A Temporary Use Permit (Type I or II) has been required in the past for all mobile vending operations prior to commencing business operations in the city irrespective of where the activity was to occur, how long it was to occur, or what event it was supporting. Historically, Mobile Vendors and Food Truck have been treated under the Type I and Type II categories.

Mobile Vendors and Food Truck activities have grown very popular over the past ten years and with the COVID-19 pandemic, some jurisdictions have updated their regulations to expand mobile vending opportunities. Mobile Vendors and Food Truck activities provide additional opportunities for sales and services for small business owners and provide an additional popular culinary experience for the community.

General Code Reorganization. Ordinance No. 6848 seeks to shift how mobile vending and food truck activities are allowed to operate in Auburn. Ordinance No. 6848 adds language to Chapter 5.20 ACC, a business license regulation so that vendors are subject to the licensing standards instead of the Temporary Use requirements.

The purpose and benefit of the proposed changes to Chapter 5.20 ACC and creating a new section on Mobile Vendors and Food Truck activities will provide multiple benefit to our community and business owners. For example:

1. Increases and supports economic development, fostering opportunities for small businesses and encourages mobile vendors and food truck activities; and
2. Provides a popular and diverse culinary option for the community; and
3. Provides more access to mobile vending and mobile food activities for business owners by reducing the time and cost to operate on a more immediate basis; and
4. Provides regulation to protect public health and safety by ensuring the mobile vendors and mobile food trucks have clear regulations that address health and safety risks; and
5. Provides an exemption for Mobile Vendors and Food Trucks from having to obtain a city business license if they are operating on public or private property (parcel) for 10 (ten) days or less within a 365-day period and that are not located on the same parcel for more than 3 (three) consecutive days; and
6. Still requires a city business license prior to operation for any Mobile Vendor or Food Truck operating for more than 10 (ten) calendar days in a 365-day period or located on the same parcel for more than 3 (three) consecutive days to ensure public health, safety, and welfare of city residents and visitors.
7. Provides information and direction for business owners who would like to operate in the city for either a city sponsored event or those applying for a Special Event Permit. A Special Event Permit is an application for an event that hosted by the city and approved through a permit reviewed by the Special Events Committee for the Auburn Parks, Arts & Recreation Department. In some cases, a mobile vending or food truck activities are part of the special event.

To understand some of the scenarios business owners would experience under the proposed code ACC 5.20.260, staff has provided "Attachment A". This table provides examples of many options a business owner would have with the under the proposed code changes.