

## X. MOBILE FOOD COURTS

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### **17.07.1100: TITLE AND PURPOSE:**

The purpose of this Article is to preserve and protect the health, safety, and general welfare of persons and property in the City by regulating the development, operation, location, and licensing of mobile food courts.

### **17.07.1110: DEFINITIONS:**

- A. Mobile Food Court. A parcel of land where two or more concessions congregate to offer food or beverages, or non-food items for sale to the public.
- B. Mobile Food Concession. A service establishment vending food or beverages, whether prepared on or off site, but not including the retail sale of food products in a raw, unprepared, or natural state, and which is operated from a vehicle, or mounted on a trailer that can be towed by a vehicle, or which is capable of being moved under its own power or otherwise.
- C. Mobile Retail Concession. An establishment, other than a Mobile Food Concession, displaying, selling, vending, hawking, or renting goods, wares, merchandise, or services, which is operated from a vehicle or mounted on a trailer that can be towed by a vehicle, or which is capable of being moved under its own power or otherwise.
- D. Trailer. For purposes of this Chapter, the term “trailer” shall have the meaning defined in Idaho Code § 49-121(6).
- E. Vehicle. For purposes of this Chapter, the term “vehicle” shall have the meaning defined in Idaho Code § 49-123(2).

### **17.07.1120: MOBILE FOOD COURT REVIEW CRITERIA:**

- A. The applicant must undergo a Project Review which identifies applicable requirements and considers at least the following:
  - 1. Whether the design and planning for the parcel is compatible with the location, setting, and existing uses on adjacent properties;

2. Whether the design and planning of the parcel is compatible with this Article and other applicable codes; and

3. Whether the location, design, and size of the Mobile Food Court are such that the development will be adequately served by existing streets, public facilities, and services.

**17.07.1130: DEVELOPMENT STANDARDS:**

A. A Mobile Food Court may be located only in the C-17 as of right; and in the C-17L, LM, or M zones with a special use permit.

B. The maximum number of individual Mobile Food Concessions allowed in a Mobile Food Court will depend on the size of the parcel and applicable ordinances and codes, and will be determined at the time of the site plan approval.

C. Mobile Retail Concessions may also be located in a Mobile Food Court.

D. No participating Mobile Food Concession shall continue to operate in a Mobile Food Court unless the required annual license fee has been paid.

E. All setback requirements in the underlying zoning district shall be maintained. No concession, structures associated with the Mobile Food Court, nor any associated seating areas shall be located in a required zoning setback, buffer yard, access easement, drainage easement, floodplain, driveway, utility easement and/or fire lane(s).

F. There shall be three (3) parking spaces for each concession located in the Mobile Food Court. This parking shall be in addition to the parking required for any other use of the parcel.

G. A single freestanding sign, in compliance with the Sign Code, is allowed for a Mobile Food Court, in addition to signs for individual mobile food concessions as allowed by the Sign Code.

H. The applicant must provide for access to restrooms for staff and patrons within five hundred (500) feet of a mobile food concession on the parcel. The restrooms must be available any time any concession is in operation. Portable toilets shall not be permitted.

I. All activities will be conducted on private property owned or otherwise controlled by the applicant, and no sales or commercial activities are allowed within any public right-of-way.

J. The Mobile Food Court shall comply with all conditions pertaining to existing variances, conditional use permits, or other approvals granted for the parcel.

K. All activities associated with the Mobile Food Court must comply with the requirements of the City's Wastewater Utility, Water Department, Engineering Department, Fire Department, Planning Department, Street Department, and Panhandle Health District, except as otherwise provided in this Article.

**17.07.1140: SITE PLAN:**

The detailed site plan required by this Article shall demonstrate:

- A. The location and orientation of each vendor space;
- B. The location of any paving, parking spaces, trash enclosures, landscaping, planters, fencing, canopies, umbrellas or other table covers, barriers, seating, restrooms, or any other site requirement of the applicable building code, wastewater regulations, and Panhandle Health District.
- C. The location and identification of all existing and proposed activities on site.
- D. The proposed circulation lanes of all pedestrian and vehicle traffic on the site.
- E. The location of any accessory buildings, commissaries, or warehouses provided for the use of the Mobile Food Concessions.

**17.07.1150: APPLICATION; LICENSE:**

- A. Every Mobile Food Court must obtain a City license before any Mobile Food Concessions begins to operate on the parcel.
- B. The applicant shall complete an application on a form provided by the City and file it with the City Clerk. The application shall include, at a minimum:
  - 1. The physical address of the proposed mobile food court.
  - 2. If the applicant is an individual, the applicant shall supply his/her name, date of birth, telephone number and address; if a partnership, the business name of the partnership and the name, date of birth, telephone number, and address of each partner; if a corporation, the names, telephone numbers and addresses of its principal officers and the names, telephone numbers and addresses of all directors thereof. The applicant shall notify the City of any change in such information within five (5) business days;
  - 3. If the mobile food court is to be managed by someone other than the applicant, the same information as required in subsection 2 above shall be provided for a responsible party with day-to-day authority over operations;
  - 4. If the owner of the parcel is different from the applicant, the applicant shall provide the name, address, and contact information for the owner of the parcel on which the mobile food court will be located. The applicant must also provide written authority from the owner of the parcel for the establishment of a mobile food court. The applicant shall notify the City of any change in such information within five (5) business days; and

5. Proof of a Panhandle Health District approved source of water shall be provided to the City.

C. An application shall be accompanied by a detailed site plan.

D. All Mobile Food Courts shall be subject to an annual fire inspection.

**17.07.1160: FEES:**

A. The fee for a Mobile Food Court license shall be set by resolution of the City Council.

B. The required fee shall be paid at the time the application is submitted and is non-refundable.

C. An annual inspection fee, in an amount to be set by resolution of the City Council, shall be assessed each January 1.

**17.07.1170: VIOLATIONS:**

A. An applicant commits a violation this Article if he/she, or anyone under his/her supervision or control, knowingly and willfully violates any provision of this Article.

B. For a first offense, the applicant shall be subject to a civil penalty in an amount established by resolution of the City Council.

C. For any subsequent offense, the applicant shall be subject to a misdemeanor, pursuant to section 1.28.010 of the City Code.