

**WASILLA PLANNING COMMISSION
RESOLUTION SERIAL NO. 20-04**

A RESOLUTION OF THE WASILLA PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL AMEND WASILLA MUNICIPAL CODE SECTION 16.04.070, DEFINITIONS, TO ADD A DEFINITION FOR “MOBILE FOOD VENDOR”; AMEND SECTION 16.16.060, SPECIFIC APPROVAL CRITERIA, TO ADD SUBSECTION L, MOBILE FOOD VENDOR, CONTAINING REGULATIONS FOR MOBILE FOOD VENDORS; AMENDING SECTION 16.20.020, DISTRICT USE CHART, TO ADD THE PERMIT APPROVAL REQUIRED FOR MOBILE FOOD VENDORS; AND AMENDING SECTION 1.20.030, DISPOSITION OF SCHEDULED OFFENSES – FINE SCHEDULE, TO ADD FINES FOR MOBILE FOOD VENDOR VIOLATIONS.

WHEREAS, the Planning Commission is required to make recommendations to the Wasilla City Council for amendments to Title 16 of the Wasilla Municipal Code; and

WHEREAS, the public hearing date and time was publicly advertised; and

WHEREAS, on January 14, 2020, the Wasilla Planning Commission held a public hearing on the proposed amendments; and

WHEREAS, the Wasilla Planning Commission deliberated on this request taking into account the current provisions of the Wasilla Municipal Code and the 2011 City of Wasilla Comprehensive Plan; and

WHEREAS, after due consideration, the Wasilla Planning Commission determines that the proposed amendment is appropriate and is consistent with the goals and objectives of the Wasilla Municipal Code and the 2011 City of Wasilla Comprehensive Plan;

NOW, THEREFORE BE IT RESOLVED, that the Wasilla Planning Commission hereby approves this resolution recommending that the City Council adopt the following:

32 **Amendment of section.** WMC 16.04.070, Definitions, is hereby amended as
33 follows:

34 **16.04.070 Definitions.**

35 When used in this title, the following words and phrases shall have the meanings set forth
36 in this section:

37 “Mobile Food Vendor” means a temporary outdoor food and/or beverage service
38 use that may be non-motorized and self-propelled by the operator or is a vehicle that is
39 either motorized or trailered. This term is inclusive of food trucks, trailers, and/or food
40 carts and trailers.

41 **Amendment of section.** WMC 16.16.060, Specific approval criteria, is hereby
42 amended to add subsection L, Mobile Food Vendor, as follows:

43 **16.16.060 Specific approval criteria.**

44 The following uses are subject to the preceding general approval criteria and these
45 additional approval standards:

46 L. Mobile Food Vendor. A mobile vendor may be allowed on private property, subject
47 to reasonable conditions, provided that it meets the following:

- 48 1. General. A mobile food vendor is a temporary food service operation.
49 2. Exemptions. Mobile food vendors do not require a land use permit for the
50 following locations:

- 51 a. City-owned parks (appropriate vendor permits must be obtained
52 from the city);

73 c. Physical description, dimensions, and photographs of the mobile
74 food vendor cart/vehicle and information regarding water supply, fuel
75 supply, and waste disposal.

76 d. Insurance. A certificate of insurance for a general liability insurance
77 policy, in the minimum coverage amount of \$100,000 personal injury per
78 occurrence and \$50,000 property damage, naming the City of Wasilla as
79 additional insureds. The certificate shall provide that the city will be notified
80 at least 30 days before the policy is modified or terminated.

81 e. Licensing. Proof of applicable licenses or permits required by city,
82 borough, and state agencies must be submitted to the city planner prior to
83 operation.

84 f. Acknowledgement. Notarized acknowledgement of receipt and
85 inspection of a copy of all regulations pertaining to the operation of a
86 mobile food vendor within the city limits.

87 g. Other information. Any other information deemed reasonably
88 necessary by the city planner to administer this section.

89 4. Approval Criteria – New and Renewal

90 a. The applicant has the burden of proof to demonstrate compliance
91 with each of the applicable criterion for approval or renewal of the mobile
92 food vendor permit. The approval criteria also operate as continuing code

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93 compliance obligations of the owner. Staff may verify evidence submitted
94 with the permit application and the applicant shall cooperate fully in any
95 investigation. To receive approval, an applicant must demonstrate that all
96 approval criteria listed below have been satisfied:

97 i. Zoning. The zoning for the property is in compliance with the
98 requirements of WMC Title 16.

99 ii. Site. The site upon which the mobile food vendor is to be
100 located is adequate in size and shape to safely accommodate said
101 use.

102 iii. Setbacks. Mobile food vendors must be located a
103 minimum of 15 feet from fire hydrants and building entrances and a
104 minimum of five feet from above ground utility boxes and facilities.

105 iv. Parking. Mobile food vendor vehicles and/or equipment (e.g.
106 grills, tables/chairs, generators) may not occupy any parking spaces
107 needed to meet the minimum required parking for the approved
108 primary use on the lot.

109 v. Utilities. Connections to public utilities (e.g. water, sewer,
110 electric, gas) and/or installation of an approved on-site well and
111 septic system are prohibited.

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112 vi. Signage. All signage and identification for the mobile food
113 vendor must be attached to the vehicle. Sandwich boards may be
114 used to display menu items when located within the approved area
115 for the mobile food vendor. Sandwich boards may not exceed six
116 square feet in sign area.

117 vii. Refuse. Vendor must provide a minimum of one waste
118 container for customer use and is responsible for all litter and
119 garbage left by mobile food vendor customers. All trash and
120 grease/waste must be removed from the site daily except when
121 stored in on-site containers specifically designed for such waste and
122 approved on the permit site plan.

123 viii. Generators. Generators must be oriented away from
124 residences and commercial buildings to the greatest extent feasible
125 to minimize negative impacts.

126 ix. Picnic tables. Picnic tables or other seating for customers is
127 allowed if the mobile food vendor has obtained written approval for
128 customer use of the restrooms in the business on the same lot. If
129 restroom access is not available, the mobile food vendor must
130 provide a port-a-potty with a handwashing station.

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131 x. Maximum number of mobile food vendors per parcel. Sites
132 less than one acre in area may only have one mobile food vendor at
133 any time unless the vendor is participating in an organized event that
134 has obtained the appropriate temporary use permit approval from
135 the city planner.

136 xi. Hours of operation. The proposed hours of operation must
137 be identified in the written approval from the property
138 owner/property manager. The city planner may limit hours of
139 operation when determined necessary to minimize impacts to
140 adjacent residential uses.

141 xii. Exterior cooking. Vendor must take appropriate safety
142 measures to protect the public from injury from exterior grills or
143 cooking equipment.

144 xiii. Alcoholic beverages. Sale or service of alcohol beverages by
145 the mobile food vendor is prohibited at all times.

146 xiv. Licenses. Required city, borough, state, and federal licenses
147 must be posted visibly in/on the mobile food vendor vehicle.

148 6. Renewal and Transferability.

149 a. Renewal. The owner(s) must renew a mobile food vendor land use
150 permit annually prior to January 1. The renewal permit must include the

151 renewal fee and any changes to the requirements set forth in this section.

152 The city planner shall have the authority to impose additional conditions on

153 the renewal of any permit in the event of any violation of the conditions to

154 the permit or the provisions of this section subject to compliance with the

155 procedures specified in this section.

156 b. Transferability. Any transfer of a mobile food vendor permit issued

157 under this section must be reviewed/approved by the city planner but does

158 not require submittal of a new application and fee.

159 7. Denial, revocation, and suspension. Mobile food vendor permits may be

160 denied, revoked, or suspended by the city planner for good cause. The city planner

161 shall provide written notice describing the reasons for denial, revocation, or

162 suspension of a mobile food vendor permit. The vendor may appeal the city

163 planner's decision utilizing the process in WMC 16.34. For purposes of this section,

164 "good cause" includes, but is not limited to:

165 a. The manner, or proposed manner, of operating the mobile food cart

166 or vehicle violates any federal, state, borough, or city law or regulation;

167 b. The manner of operation creates a public nuisance;

168 c. The vendor made omissions, deceptive statements, and/or false

169 statements of material fact to city staff in the mobile food vendor permit

170 application; or

171 d. The vendor failed to timely pay the required permit application fee
 172 or operated without the required permit.

173 8. Penalties. Penalties for violations of the section include revocation of the
 174 permit and/or fines as provided in WMC Chapter 1.20.

175 **Amendment of section.** WMC 16.20.020, District use chart, is hereby amended
 176 as follows:

177 **16.20.020 District use chart.**

178 A. The following chart summarizes the uses allowed and the standard of review for
 179 each use. In the commercial and industrial districts, more than one building housing a
 180 permissible principal use may be erected on a single lot; provided, that each building and
 181 use shall comply with all applicable requirements of this chapter and other borough, state
 182 or federal regulations.

183

AA = Administrative approval UP = Use permit CU = Conditional use EX = Excluded Blank = No city approval necessary							
Districts	RR Rural	R1 Single-Family	R2 Residential	RM Multi-family	C Commercial	I Industrial	P Public
Uses							
<u>Mobile Food Vendor</u>	<u>UP</u> ¹	<u>EX</u>	<u>EX</u>	<u>EX</u>	<u>AA</u> ¹	<u>AA</u> ¹	<u>EX</u> ²

184 ¹Must comply with specific approval criteria in Section 16.16.060.

185 ²Only permitted with approved public vending license required in WMC 6.08.

186 **Amendment of section.** WMC 1.20.030, Disposition of scheduled offenses – Fine
187 schedule, is hereby amended to read as follows:

188 1.20.030 Disposition of scheduled offenses – Fine schedule.

189 A. A person cited for an offense for which a fine is established in subsection (C) of
190 this section may mail or personally deliver to the clerk of court the amount of the fine
191 indicated on the citation for the offense plus any surcharge required to be imposed by AS
192 29.25.074, together with a copy of the citation signed by the person indicating the person’s
193 waiver of court appearance, entry of plea of no contest, and forfeiture of the fine. The
194 citation with the fine shall be mailed or personally delivered on or before the thirtieth day
195 after the date the citation was issued. The payment of a fine under this subsection shall
196 be treated as a judgment of conviction. The fine paid is complete satisfaction for the
197 offense.

198 B. If a person cited for an offense for which a fine amount is established in subsection
199 (C) of this section appears in court to contest the citation and is found guilty, the maximum
200 sentence which shall be imposed is the scheduled fine amount plus any surcharge
201 required to be imposed by AS 29.25.074.

202 C. The following violations of this code are amenable to disposition without court
203 appearance upon payment of a fine in the amount listed below.

CODE SECTION	DESCRIPTION OF OFFENSE	FINE
WMC 16.16.060(L)(1) – (L)(8)	Mobile Food Vendor Violations	\$300

204

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205 NOW, THEREFORE BE IT RESOLVED that the Wasilla Planning Commission
206 approves of these code amendments and enactment of the proposed new code and
207 hereby forwards their support for adoption to the Wasilla City Council and to take effect
208 upon adoption by the Wasilla City Council.

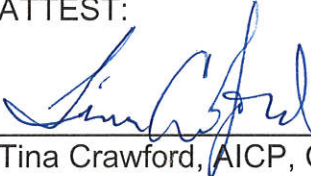
209 APPROVED by the Wasilla Planning Commission on January 14, 2020.

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APPROVED:

 1-23-2020
Eric Bushnell, Chairman Date

ATTEST:


Tina Crawford, AICP, City Planner

VOTE: Passed Unanimously