

## Sec. 146-42. Temporary uses.

The following temporary uses may be allowed under the conditions and for the time specified upon proper application and review by the chief building official:

- (1) A temporary building may be used as an office incidental to construction work if such building is located upon the same property as the site under construction, does not contain living quarters, and provides only for uses incidental to construction on the premises. Such buildings shall be removed within 30 days following final acceptance of the construction by the city.
- (2) A temporary facility or a permanent residential structure located on any platted lot in an approved residential subdivision may be used as a construction office, or as a sales office, or for display purposes. No more than one office and no more than four display facilities shall be allowed for any purposes for any subdivision. Such temporary use shall be allowed for a period of one year, with extensions upon application and approval of six months possible, provided construction remains continuous and no more than ten lots remain unsold in the subdivision. However, in no case shall more than four such extensions be granted.
- (3) Temporary uses of a religious or philanthropic nature by those organizations not normally conducting business for profit may be allowed for the period of their actual duration up to a maximum of 30 days, except that two extensions of up to 30 days may be possible upon application and approval.
- (4) Temporary sales of seasonal products such as shaved ice or snow cones, firewood, cut trees, plants, fruits and vegetables, and the like may be allowed during their normal and generally accepted season for a period of up to 30 days, except that two extensions of up to 30 days may be possible upon application and approval. Temporary sales of seasonal products may be allowed no more than 120 days, whether consecutive or cumulative, per site.

### (5) Food Trucks. Food trucks shall be subject to the following criteria:

#### a. Definitions.

- i. Food Truck means an operational motor vehicle from which food and associated non-alcoholic beverages that are not typically tied to a single season of the year are prepared, served and sold on private property for a period of time which exceeds 60 minutes or two instances of 30 minutes each day. This definition shall also apply to any seating, garbage and/or recycling containers, gear or equipment that is associated with the food truck's operation.
- ii. Operation site means the geographic area within which the food truck will park, prepare, and sell food. This also includes areas

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where the food truck's customers go to consume food and/or non-alcoholic beverages sold from the food truck. The sale of merchandise shall not be permitted.

b. *Permits and inspections required.*

i. Food Truck Temporary Site Permit. The owner or the authorized owner's representative who includes, but is not limited to the general manager or president of a property containing a site where a food truck will be located must apply for a temporary site permit from the Building Inspections Department prior to allowing a food truck to operate on their property. The permit application shall include information which details where the food truck will be located on the property along with any refuse receptacle(s), restroom(s), vehicle parking, dining area(s), or any other pertinent information. As part of the permit application, any necessary authorization letters from adjacent property owners and businesses shall also be provided. Authorization letters which limit the allowance of food trucks to a type or style of food shall not be accepted. Additional information as deemed necessary by the Chief Building Official to thoroughly review the request shall also be submitted as part of the permit application. A temporary site permit which is issued by the Building Inspections Department shall only remain valid for a maximum of six months and shall expire on June 30 or December 31 of every calendar year, whichever occurs first. A temporary site permit may accommodate any licensed food truck vendor that the property owner/temporary site permit holder deems acceptable.

ii. Food Truck Vendor Permit. All food trucks shall be required to register and obtain all applicable permits from the Environmental Health Department prior to operation.

iii. Other Permits. Food trucks shall be responsible for identifying and obtaining all applicable permits and shall be responsible for conforming to all applicable regulations. Property owners shall be responsible for ensuring that any food truck which operates on their property obtains all necessary permits prior to operation and conforms to all applicable regulations.

iv. Inspections. Food trucks and their operation sites may be inspected from time to time by appropriate City personnel. Food trucks and operation sites shall immediately be made available for inspections upon request.

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c. *Property owner authorization.* Owners of a property on which a food truck will operate shall be required to provide written assurance to the Building Inspections Department ensuring that:

- i. Restrooms for each sex, or a gender neutral restroom(s), located within a permanent building with a valid certificate of occupancy shall be provided for the food truck's use. This restroom(s) must remain open and available for use during the same hours of operation as the food truck they're serving. No portable or temporary restrooms will be allowed; and
- ii. Refuse and/or recycling receptacles with an appropriate size to accept refuse from the food truck operation shall be provided for the food truck operation.

d. *Acceptable locations for food trucks (operation sites).*

- i. Subsequent to all permits being issued, food trucks may operate within all non-residential zoning districts assuming all other locational criteria contained herein are also satisfied.
- ii. Food trucks and their customers shall be prohibited from utilizing the public right-of-way for food sales and/or consumption.
- iii. Food trucks shall only be permitted to sell food on private property. Said property must feature an area of sufficient size which is finished with a concrete or asphaltic material on which the food truck may temporarily park (referred to as the operation site). No food truck shall be permitted on property which does not have a valid temporary site permit.
- iv. All portions of a food truck and its associated operation site shall be located within 150 feet, as determined by the Fire Marshal, of a dedicated fire lane easement or a public street.
- v. Food trucks must be parked, situated and operate in a manner that does not restrict orderly and/or safe vehicular and/or pedestrian movements.
- vi. Food trucks may not occupy off-street parking or loading spaces that are otherwise required to satisfy another land use's minimum off-street parking or loading requirements.
- vii. Minimum distances.

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1. No food truck operations including, but not limited to food preparation, sales or consumption shall be permitted within 500 feet of any door, window or outdoor dining area of any existing restaurant(s) or food service establishment(s). Food trucks shall be exempted from this requirement with the express, written permission of the restaurants' or food service establishments' owner or authorized representative.
2. Only one food truck shall be permitted on each lot or property and food trucks shall not be allowed to engage in sales operations within 1,000 feet of one another. This requirement shall not be applicable to food trucks located on lots or properties that are larger than five acres in area. In this case, no more than two food trucks shall be allowed for each five acres of land area. The maximum allowable number of food trucks on a particular property shall be six.
3. Food trucks shall not be allowed to engage in sales operations within 500 feet of any residential zoning district and/or use.
4. Food trucks shall not engage in sales within 20 feet of a public right-of-way.
- e. *Hours of operation.* Food trucks shall only be allowed to engage in sales operations between the hours of 8:00 am and 10 pm. Food trucks shall not be located or stored at the operation site between the hours of 11 pm and 7 am.
- f. *Off-street vehicle parking.* One off-street vehicle parking space shall be required for each table that is provided for use by food truck customers. If no tables are provided, no off-street vehicle parking shall be required.
- g. *Signage.* All signage pertaining to or advertising a food truck and/or its menu shall be attached to the food truck. No detached signage shall be allowed. There shall be no limit to the amount of signage that is allowed on a food truck. Signage containing profanity or lewd or obscene images shall be prohibited.
- h. *Refuse, recycling, litter and food preparation byproducts.*
  - i. Food truck operators shall provide, on or within 20 feet of the food truck, containers of sufficient size and number for the disposal of refuse and recyclables resulting from the sales. They shall be identified as being for the disposal of refuse and/or recyclables. City-provided refuse and recycling containers shall not be used for

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the food truck's refuse and/or recycling needs unless written authorization has been provided by the City. Any refuse, recycling and/or litter on the ground at the operation site shall be immediately picked up and discarded appropriately by the food truck operator. Refuse and/or recycling must be removed from the operation site daily or on as needed basis to remove excess refuse and/or recycling from the operation site, which ever spans less time.

- ii. Greases, oils, vapors and other similar food preparation byproducts shall be kept inside the food truck at all times. Dumping of or the improper disposal of food preparation byproducts into a storm water collection system or other system not designed for that specific use is strictly prohibited and may result in the immediate revocation of all permits and licenses.

- i. Safety. The Chief Building Official, Fire Marshal and/or the Environmental Heath Manager shall have the authority to require that additional safety measures be provided at an operational site to ensure the health, safety, and welfare of the general public. These additional safety measures may include, but not be limited to limitations governing the provision of utilities (water, wastewater, electricity, gas, etc.) to the food truck, providing fire extinguisher(s), and adding limitations to the use of deep fat fryers or flat top grills in specific instances.

- i. Exceptions. These regulations shall not apply to food trucks that operate:

- i. Under a special event permit issued by the City;

- ii. At a permitted farmers' market; and

- iii. At a public facility including, but not limited to a City park, public library, recreation or aquatics center, or performing art center at which food trucks shall be permitted by right.

(5)(6) The chief building official, in approving or denying such application shall consider the nature of the use; existing uses in surrounding areas; noise, dust, light, and traffic generated; health and sanitary conditions; and compliance with other regulations of this chapter. The chief building official shall have the right, upon finding that a hazard or nuisance shall exist by continuing such use, to revoke any temporary use at any time or to deny any extension. After which, such temporary use shall immediately cease and all temporary structures shall be removed within ten days of notification of such finding.

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