

SHEET 2, ADDED 9.23.14	PORTLAND	ALBUQUERQUE
<b>General Questions</b>		
1. How long have your regulations related to mobile food units been in place?	<p>The City of Portland does not have specific regulations that apply to mobile food units or vending carts on private property. They are regulated as utility trailers and/or heavy trucks depending on the length and are treated as a retail sales and service use.</p> <p><i>John Holtrop, Bureau of Environmental Services, Pollution Prevention/Source Control:</i> Since about 2007 carts that request to connect to the sanitary sewer have been required to install a grease removal device, a dump station with locking lid, and a sampling location. Connecting to the sewer is still optional. Food cart lots are required to have trash enclosures the same as other businesses.</p>	Current regs have been in place since the mid 1980s.
2. How many mobile food units have registered/licensed in your community?	Because the City of Portland does not require a specific permit, we do not have access to this information. We do have a significant number of food carts and it is growing. More specific information should be available from the Multnomah County Health Department which issues licenses ( <a href="#">see website above</a> ).	
3. Who is responsible for inspecting the mobile food unit to insure that proper food safety measures are followed and the mobile food unit is sanitary and safe?	Multnomah County Health Department	
4. What do you see as the benefits to having mobile food units in your community?	<i>Tyler Bump, Economic Planner, Bureau of Planning and Sustainability:</i> Food carts provide a low barrier to entry opportunity for small business development. Food carts are a low cost entrepreneurship opportunity. They also provide placemaking benefits and have catalyzed commercial investment in areas throughout the city. Additionally, food carts increase access to services for some areas of the city that do not have strong enough market demand for brick and mortar restaurants.	
5. Are there any changes you feel would make the regulations more effective, or easier to implement?	The main issue is the lack of regulations specifically addressing food carts. We have interpreted existing zoning regulations to apply to food carts, which sometimes don't make sense when applied to this type of operation. The Bureau of Development Services has identified this need and has requested that our long range planning arm (the Bureau of Planning and Sustainability) develop food cart specific regulations.	
6. Have you had any complaints or issues with mobile food units?	<p><i>Mike Liefeld, Bureau of Development Services, Compliance Services:</i> Yes, we receive complaints relating to zoning and building code violations. The public generally expects these types of uses to conform to the same building, mechanical, plumbing, and electrical codes as stick built structures. But as vehicles, they are not regulated under our State Building Codes. We do regulate site built structures such as decks, outdoor seating areas or other items that are not completely supported by the vending cart vehicle. They are also required to provide permitted electrical service for the vehicle to plug into.</p> <p><i>J. Holtrop, BES Source Control:</i> We have had to respond to complaints of illicit discharge of gray water to the storm sewer. I think there is a need for greater oversight with respect to wastewater disposal. We have had vector complaints as well.</p>	
7. Have you identified any specific	<i>M. Liefeld, Compliance Services:</i> Enforcement of mobile food units	

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enforcement issues with mobile food units?	is subject to the same enforcement process for all private property issues. Ultimately the property owner is held responsible for unresolved violations and it becomes a landlord/tenant issues regarding how they will address cited violations.	
8. Now that you have mobile food units in your community, what is your overall opinion of them? Anything you would have done differently?	Overall, there seems to be a positive opinion toward food carts in the City because of the business and placemaking opportunities they bring. There is frustration on the part of City staff and some cart operators about the lack of clarity in the regulations and the need for food cart specific regulations in the Zoning Code.	
9. Have you had any cases of food poisoning that was linked to a mobile unit? If so, how easy was it to determine the cause?	Unknown. This information may be available by contacting Multnomah County Health Department	
<b>Code Specific Questions</b>		
1. Do your regulations limit the amount of time a mobile food unit may be in one location? (If so, what is the restriction?)	No.	No limit when located in the right-of-way. (Police ensure they are not blocking traffic or causing a hazard.)  2 hours on private property unless the owner has obtained a special exception to the zoning regs to allow for more time.
2. Is there any restriction on the type of food that is offered?	No.	
3. Do your regulations allow the food to be prepared in the food truck or are they limited to pre-packaged foods?	Per Multnomah County Health Dept: Different requirements apply depending on the type of food. If it is prepackaged no hand washing facilities are needed, assembly requires hand washing facilities, and items which need to be cooked have additional requirements.	
4. Does the code require the mobile food units to be mobile and be able to be moved, even when remaining in one location for an extended period of time?	<p>Yes. The vending carts must have wheels in place to be considered a vehicle. They can then be located in "vehicle area" are on the site. Because they are vehicles they are not subject to development standards and other procedures such as design review that would apply to buildings.</p> <p>A summary of the regulations is as follows:</p> <ul style="list-style-type: none"> <li>• Non-motorized carts on wheels that are 16 feet or less in length are regulated as utility trailers. The zoning code is silent on utility trailers (with the exception of residential zones); therefore they are allowed with very little regulation in most commercial areas.</li> <li>• Non-motorized carts on wheels that are greater than 16 feet in length are regulated as heavy trucks, which are not allowed in most commercial areas.</li> <li>• If the food vendor is in a motorized vehicle, it is regulated as a light, medium or heavy truck depending on the size (these are defined in the Zoning Code, see link above). Generally, light trucks are allowed, but must be in parking areas.</li> <li>• If the cart does not have wheels, it is considered a building and is therefore subject to all relevant development standards and building code (setbacks,</li> </ul>	

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	<p>parking, landscaping, design review in some areas, etc.)</p> <p>Most food carts in Portland fall into the 16 foot utility trailer definition and therefore are basically not regulated by the Zoning Code.</p>	
<p>5. Where are mobile food units allowed to park/operate? (Certain parts of town, private property, right-of-way, specific zoning districts?)</p>	<p>On private property, they are classified as a retail sales and service use and are allowed in any zone that allows this use. This includes most zones, with the exception of residential. Industrial zones have limitations on the amount and number of retail uses. Food carts must be located on paved vehicle area. Vending carts in the right-of-way are subject to separate regulations (see link to brochure above).</p>	<p>Permitted within the right-of-way and on certain commercially zoned properties.</p>
<p>6. Do you have any restrictions on operating hours? Are mobile food units allowed to operate in districts at night after the restaurants close in areas that would be considered entertainment districts or areas that bars predominate?</p>	<p>There is no restriction on hours in the Zoning Code. Other City regulations, such as noise ordinance may limit the hours of operation in some areas.</p>	
<p>7. Do you limit the density of mobile food units (the number permitted per specific area)?</p>	<p>No</p>	
<p>8. Do you have a specific setback from property lines or from adjacent residential property lines?</p>	<p>Food carts are allowed in "vehicle area", which is mainly limited in commercial zones based on its relationship between the building and street. On vacant sites, there are very few limits on the location of vehicle area. In addition, there are no specific setback requirements in relation to residential zones. If food cart specific regulations were developed, this would likely be one issue addressed</p>	
<p>9. Have you applied any restrictions related to competition between mobile units and brick and mortar restaurants? (For example, no food truck within 500 ft of a restaurant serving a similar type food.)</p>	<p>Not on private property. There is a requirement to get consent from the adjacent property for operating a vending cart in the right-of-way. See link to brochure above.</p>	
<p>10. Do you feel the mobile food units have had an impact on the permanent restaurants in the area?</p>	<p><i>T. Bump, Economic Planner, BPS:</i> Food carts have had positive benefits to many of the brick and mortar restaurants across the city. Food carts typically locate on underutilized surface parking lots which transform. There have been demonstrated increases in economic vitality in commercial areas adjacent to food cart pods. Food carts generate additional customer trips to an area as well as contribute to place making of some of our commercial districts.</p> <p><i>J. Holtrop, BES Source Control:</i> Yes. We work closely with the brick and mortar restaurants implementing sewer surcharges and FOG requirements and their opinion is that food carts are unfair competition. Their perception is that food carts are not subject to any of the types of requirements that they are. Some of this is true but much of it is false in that food cart do need to meet similar requirements. I would recommend that the issue of equitable competition be addressed in food cart regulation.</p>	
<p>11. How are food trucks/mobile food</p>	<ul style="list-style-type: none"> <li>All food carts must get licensed by the Multnomah County Health</li> </ul>	<p>a.</p>

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units permitted? (license, site plan, special event permit, Special use permit)	<p>Department .</p> <ul style="list-style-type: none"> <li>• City of Portland permitting depends on whether they are triggering any requirements that must be verified through a permit.</li> <li>• A commercial building permit is required for any structures added around the food cart, such as stairs, decks, awnings that aren't part of the original vehicle.</li> <li>• A zoning permit may be required to verify zoning regulations, such as use allowance or to add vehicle area.</li> <li>• A development review permit may be required to add paving that triggers stormwater requirements or to address wastewater and garbage issues.</li> <li>• Often separate trade permits are required for electrical, mechanical and plumbing.</li> <li>• Fire Dept requires an annual permit if they use propane for cooking.</li> </ul>	