

Food Vending in Public Places

Select FAQs from C.B. 117165

What does the proposed legislation do?

- Authorizes the Seattle Department of Transportation (SDOT) to establish food vehicle zones that would allow food trucks to vend in curb spaces.
- Modifies existing regulations regarding food cart vending on sidewalks & plazas.
- Creates various setbacks for carts & trucks located in public places.
- Outlines SDOT regulatory & permitting authority & responsibilities.
- Eliminates requirements requiring food vendors to obtain neighboring property owner permission to vend in public places.
- Modifies Street Use Permit fee schedule.
- Deletes City's food code chapter (outdated & unnecessary).

What food vending is currently allowed in the City?

- Vending from a food truck is allowed on private property only & is not subject to SDOT regulations, though trucks can only park where vehicles are normally allowed to park, e.g., commercially zoned parking lots.
- Food cart vending from sidewalks is currently allowed, but carts can only serve hotdogs, popcorn, and coffee. (The Department of Public Health- Seattle & King County will consider allowing carts to serve a greater variety of foods beginning this summer.)
- The Parks Department is responsible for issuing permits to food carts in City parks.
- "Interim Use" legislation (Ordinance #123566) provides for up to 20 pilot sites where development standards can be waived for street food vending and other activities, to activate sidewalks adjacent to stalled development projects.

Where & when will trucks and carts be allowed to vend in public places?

- Food trucks and carts will be allowed to vend in the ROW in commercial, downtown, industrial, and mid-rise and high-rise residential zones.
- Food trucks and carts will not be allowed to vend in the ROW in single-family and low-rise residential zones.
- SDOT will issue permits for four hour blocks of time for food trucks in curb spaces.
- SDOT will issue permits for a day (6am- 8pm) and/or night (8pm- 6am) time-slot for food carts on sidewalks and plazas.
- C.B. 117165 does not restrict times when food carts and trucks are allowed to operate, but all vendors must comply with the noise code and SDOT can condition the hours of operation if warranted.

How will food vehicle zones be identified?

- Generally, SDOT will rely on food vendors to propose locations for food trucks or carts and the food vendor will be responsible for meeting public notice requirements.
- SDOT may pre-designate a food vending zone in curb spaces or plazas if the location appears viable (restroom likely available, high traffic area). SDOT will be responsible for public notice requirements prior to designating a zone. If multiple vendors are interested in the location, SDOT may hold a lottery.

What are the proposed siting regulations for food vending trucks & carts?

- 50 feet from food service business.
- 200 feet from public or private schools.
- Within 50 feet of park, SDOT needs to consult with Parks.
- Need to allow minimum 6 foot pedestrian zone in downtown urban center.
- Need to allow minimum 5 foot pedestrian zone outside of downtown urban center
- 3 feet from curb.
- 5 feet from alleys, driveways, bus zones, parking zones, commercial loading zones.
- 5 feet from curb ramps, parking meters, pay stations, traffic signs, utility poles, fire hydrants, bike racks, and other street fixtures.
- 10 feet along the curb line from the point where the radius of corner curb area intersects curb line.
- 10 feet from business entrances.
- Not allowed in corner curb radius area.

How many trucks or carts will be allowed to vend in any one public place?

- Maximum two carts or trucks per block face on the sidewalk.
- Maximum one food vehicle zone per block face (note: a zone may accommodate several trucks).
- No maximum established for plazas as long as pedestrian requirements and other setbacks can be met.

What other vending regulations are proposed?

- Vendor responsible for all refuse generated by business.
- Need to provide a refuse container if food is served.
- All materials and supplies must be contained on cart, vehicle, or display.
- Vendors are responsible for ensuring customers do not encroach in the roadway.
- Vending can only occur from side of vehicle parked abutting & parallel to the curb.
- Abutting property owner has priority for merchandise display permit.
- Cannot abut SF, RSL, LR1, LR2, & LR3 zones.
- Carts or trucks and associated activity cannot impair pedestrian passage.
- Must comply with ADA requirements.
- No permanent fixtures of any kind.
- Cannot use amplification or noise-making devices.
- Must comply with noise-code.
- Cannot leave carts or trucks unattended for more than 30 minutes.
- Must comply with all health and fire regulations.
- Shall maintain all required permits & business licenses & display street use permit.

What restrictions can SDOT place on a permit?

- Condition hours & dates of operation.
- Require larger setbacks.
- Require wider pedestrian zone or visual corridor.
- Dictate design and placement of vending equipment & umbrellas.
- Require repairs to public place.

- Require mitigation for impacts associated w/vending activity, e.g. lighting, noise, air emissions, signage, or equipment.
- Condition for pedestrian circulation & traffic management.
- Modify permit with 10 days written notice.

What is the application & notification process?

- Vendor submits application.
- SDOT conducts site review.
- 10 day public comment period for new sites: vendor responsible for public notice of all entities within 100 foot radius of proposed vending site.
- SDOT reviews comments, issues permit, possibly with conditions.
- Previously permitted sites do not need to be noticed.
- SDOT responsible for public notice if SDOT designates site.

How will enforcement work?

- Daytime enforcement will generally be complaint driven.
- Nighttime enforcement activities will be more pro-active and are supplemented by GF support to ensure at least 26 outings by the Code Compliance Team per year.
- Vending citation fines will be \$1,000 for first offence and \$2,000 for subsequent offences.

How much will a street use permit cost?

Typical annual permit cost for cart or truck			
Food carts on sidewalks or plazas			
Daytime permit		Nighttime permit	
Issuance fee	\$146	Issuance fee	\$146
Use fees*	\$78	Use fees*	\$78
Program Administration	\$344	Program Administration	\$688
Total existing site	\$568	Total existing site	\$912
<i>New site review</i>	\$344	<i>New site review</i>	\$344
Total new site	\$912	Total new site	\$1,256
Food trucks in curb spaces			
Daytime permit		Nighttime permit	
Issuance fee	\$146	Issuance fee	\$146
Parking use/fee**	\$531	Parking use/fee**	\$531
Program administration	\$344	Program administration	\$688
Subtotal	\$1,021	Subtotal	\$1,365
<i>New site review</i>	\$344	<i>New site review</i>	\$344
Total new site	\$1,365	Total new site	\$1,709

*Assumes 50 sq ft @\$1.56 per sq. ft.

**Assumes \$177/4-hr. period*3 days a week.

When does a permit expire?

- After one year.

- Change of ownership.
- Street use fees not paid.

Can a permit be renewed?

- SDOT will renew existing permit:
 - If vendor in good standing (fewer than 2 citations).
 - If vendor submits complete application 30 days before permit expires.
 - Site conditions have not changed.
- If not in compliance, SDOT will open up site to other applications and hold lottery.

What does the City do with permit fee revenue?

- Used by SDOT for program administration.
- May be used by other city departments for enforcement if authorized by SDOT.

What agencies are involved in permitting a food truck or cart?

- SDOT (street use permit).
- Public Health (mobile food unit permit).
- Fire Department (propane).
- WA state dept. of labor and industry (food truck permit).
- Must also obtain business license & commercial liability insurance.

What are Department of Public Health requirements for food vending trucks and carts?

- Must secure food service permit, which includes plan review and route map.
- Must have menu and menu changes pre- approved.
- Must return to a commissary each night or have an approved system for servicing unit.
- Must provide written approval to use restroom within 200 ft. of food cart/truck.
- Can only sell immediately consumable food, no raw proteins or cooling of heated products.

Key Definitions

- Public Place: streets, avenues, ways, blvds., drives, places, alleys, sidewalks, planting strips, squares, triangles, plazas and right-of-way for public use & the space above or beneath the surface.
- Food vehicle: licensed and operable motor vehicle used to serve, vend, or provide food for human consumption from a fixed location.
- Vending cart: a movable cart that is used to serve, vend, or provide food, nonalcoholic beverages, or flowers.
- Food vehicle zone: portion of public place designated by a sign or other traffic control device reserved for food vehicles permitted to vend in curb space.
- Pedestrian zone: area or space of the public place or roadway reserved for exclusive use of pedestrians.
- Pedestrian visual corridor: continuous and straight corridor w/in designated pedestrian zone that provides pedestrian w/a clear visual indication of the location of the path of travel along a block face.
- Mobile food vending: selling food exempt from acquiring a food establishment permit (e.g. ice-cream trucks).
- Curb space: that portion of the roadway area next to the curb.
- Block face: the area bounded by: the continuous front lot lines abutting a public place within a block; each corner lot side street lot line as extended to the centerline of the public place abutting the front lot lines; and the centerline of the abutting public place.
- Corner curb radius area: the area that includes the intersection of two sidewalks bounded by the adjoining corner or curb bulb and curb ramps (Exhibit B for 15.02.042: Corner Curb Radius Area). If the start of the point of curvature for the curb bulb or curb radius occurs beyond the sidewalk intersections, the area shall be extended to the point of curvature for the curb bulb or curb radius.
- Food Service Business: The following business or other entities that serve, vend, or provide food for human consumption, including but not limited to:
 - a. Food establishments permitted by the Seattle-King County Department of Public Health.
 - b. Restaurants, snack bars, cafeterias, taverns, bars.
 - c. Stores selling groceries, produce, meat/fish/poultry, baked or delicatessen goods.
 - d. Food services in schools and private higher education learning facilities.
 - e. Institutions licensed by the Seattle-King County Department of Public Health, such as hospitals, prisons, state-licensed higher education facilities, and child-care facilities.