

City addresses concerns of mobile vending ordinance

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Crescent City Mayor Blake Inscore shared his vision for the city, one originally brought up by local youth, that would be good for its economic development — more food trucks.

“Visitors coming into our community do look for those things. On a trip a couple years ago, my wife and I ate for three days, and other than breakfast in our hotel, we ate exclusively out of food trucks. It was some of the most amazing food that we have ever had — phenomenal,” Inscore said at the City Council meeting Feb 18.

He and the other councilors were pleased with the city staff’s progress in developing Crescent City’s mobile vending ordinance (Heidi Kime and Isaiah Wright were absent).

Staff brought initial outlines of a mobile ordinance to the City Council in November, but were forced to reexamine those efforts after legal and vagueness questions arose.

Baltimore lawyer Robert Frommer contacted The Triplicate saying he is a senior attorney at a national non-profit that helped pass the California state vending ordinance and the city’s last direction of discussions were in danger of violating the law regarding imposing distance restrictions to businesses and unduly burdensome hours of operation restrictions.

Jon Olson, Director of Public Works, addressed the concerns Tuesday.

“Based on legal council’s research, and some court proceedings, it was recommended to remove the language for a 300-foot separation between mobile vendors and brick and mortar buildings,” he said. “The vague language to ‘substantially similar businesses,’ in the opinion of (City Attorney Martha Rice) was too vague, too difficult to enforce. In the future, if there were some specific problems that were needed to be

addressed, safety or other concerns, we could tailor the ordinance as needs arise instead of trying to address it in a broad-based manner.”

Olson said staff also had concerns about the manner of vending.

“For example, on Howe Drive, the direction of vending is always to be toward sidewalks. We were concerned if you don’t direct people to vend toward a pedestrian facility, that there would be opportunities for conflict between pedestrian and vehicle traffic,” he said.

Rice outlined the changes made to the ordinance:

— Mobile vending permits would be part of the business license application and wouldn’t need a separate process.

— Mobile vending is allowed in all zones, public streets, parking lots and private property without a “proper use” permit, except in zones R1 and R3, which are residential areas. Those require use permits.

— No vending within 300 feet of a farmer's market, special event or school event within school hours.

— No vending within 50 feet of an intersection.

“There will be an insurance requirement that staff is working on to bring before the city council in resolution, because there is a wide range of mobile vending and what might be appropriate,” Rice said. “Somebody selling food out of food truck might be different than somebody with a folding table and selling gem stones.”

Rice said the city’s sidewalk vending ordinance is also in compliance with SB946, defining it as vending from a push cart wagon or other mobile device along public sidewalk.

A business license won’t be required but a sidewalk vendor permit will be required with small fee. And it has the same restrictions as mobile vendors regarding locating near farmer’s markets, special events and schools.

“You can’t set up right outside a farmer’s market or special event where people have paid money and met a certain criteria in order to become part of that event,” Rice said.

Inscore wanted to make sure safety was a top concern within the ordinance.

“Can a person set up a different kind of mobile vending in the street area, set up in a parking space and vend toward the sidewalk?” he asked.

Inscore was worried the ordinance didn’t specifically address allowing staff to deny vending permits to set up a table from parking space in street, creating a potential pedestrian hazard.

Olson, Rice and City Manager Eric Wier agreed language can be added to give staff the latitude to evaluate case-by-case safety concerns.

“It would be wise to add some language that gives staff broad authority to identify unsafe situations to require that as part of the permit,” he said.

Councilman Alex Fallman said these kinds of measures are long overdue.

“Folks coming down from Portland and Salem are looking to eat from food trucks. For this little town to have food trucks can make it seem to be a lot more with it,” he said.

David Gearhart, owner of Dave & Suzie’s Grub Hut, said he’s ready to go and eager for the city to implement a mobile vending ordinance. He told the council his main concerns were insurance and safety.

“I’ve seen how big a bomb these things can be. I have a \$2 million policy on mine. I just want to make sure we’re looking at that as a city because just one slip up of that food truck, you can go on Youtube, watch a truck in Eugene, Ore., middle of night, 3 a.m., no one around and it blew up,” he said. “And the other thing, the safety of vehicle itself. You don’t want it left where you’re working, you want it locked up.”

Olson said because there have been such substantial changes to the proposed ordinance, it will be brought back to the Planning Commission for approval before bringing it back to City Council for adoption.