



Memo

To: Chair Taylor and Members of the Commission

From: Shannon Drappo, Planner

Date: 5/14/2026

Agenda Item: 4.B. New & Unlisted Use – Mobile Food Truck Complex Discussion

Agenda Item Location

New Business

Recommended Action or Motion

Recommendation to / not to move forward with the inclusion of “Mobile Food Establishment” and “Mobile Food Establishment Complex” to Hayden City Code §11-2-4 “Uses Permitted, Conditional Use Permit, Development Standards Cross Reference”.

Staff seek direction from the Planning and Zoning Commission on the inclusion of Mobile Food Trucks within the Table of Allowed Uses found in Hayden City Code §11-2-4.

Summary

Hayden City Code §3-7 “Mobile Food Establishment Pilot Program” was previously adopted by City Council in March 2020 for a one-year term. The Code allowed local citizens to obtain a license through the city to conduct their Mobile Food business within City Limits. It also provided standards encompassing public health and safety, location, and design. It was extended and ultimately repealed in December 2021 due to a lack of data in the success of the program. It is important to note that the program was during the active months of COVID-19 which could have contributed to the lack of licenses issued for Mobile Food Establishments.

Recently, the Community Development Department has received multiple phone calls, emails and walk-ins inquiring about the use of a mobile food establishment within City Limits, in which Staff repeatedly inform citizens that the City does not allow for the use. Staff would like the Commission to discuss two uses; a stand-alone mobile food establishment, and an area of land developed to accommodate 2 or more mobile food establishments (complex).

Fiscal Impact

A fee would be imposed for the licensure of each Mobile Food Establishment in addition to any site development and/or off-site development requirements in accordance with Hayden City Code.

Attachment

Hayden City Code 3-7 (Repealed)

CHAPTER 7

MOBILE FOOD ESTABLISHMENT PILOT PROGRAM

SECTION:

- 3-7- 1: Purpose
- 3-7- 2: Term
- 3-7- 3: Enactment
- 3-7- 4: Definitions
- 3-7- 5: Requirements Applicable To All Mobile Food Establishments
- 3-7- 6: General Provisions For All Mobile Food Establishments
- 3-7- 7: Restrictions
- 3-7- 8: Mobile Food Establishments On Public Property
- 3-7- 9: Mobile Food Establishments Located Entirely On Private Property
- 3-7-10: Registration Revocation
- 3-7-11: Inspections
- 3-7-12: Fees

3-7-1: PURPOSE:

The purpose of the pilot program is to ensure for the public health and safety, convenience, and protection of the city and the citizens of the city while allowing city council, city staff, mobile food vendors, businesses, and citizens the opportunity to experience the pilot program and improve on it if the city council chooses to make the program permanent. (Ord. 608, 3-24-2020)

3-7-2: TERM:

This chapter will expire on December 31, 2021. (Ord. 608, 3-24-2020; amd. Ord. 614, 11-10-2020)

3-7-3: ENACTMENT:

The city of Hayden hereby enacts this chapter implementing a pilot program to authorize mobile food establishments within city limits and to establish a mobile food establishment registry process for the pilot program. (Ord. 608, 3-24-2020)

3-7-4: DEFINITIONS:

As used in this chapter, these terms shall be defined as follows. Terms appearing in this chapter but not defined herein shall have the meanings provided in the city's

code of ordinances, or if not defined by the city then the common meanings in accordance with ordinary usage.

COMMISSARY:	<p>A base location to which a mobile food establishment returns regularly where any of the following can occur:</p> <ol style="list-style-type: none"> 1. Food, containers, or supplies are stored. 2. Food is prepared or prepackaged for sale or service at other locations. 3. Utensils are cleaned. 4. Liquid and solid wastes are disposed and/or potable water is obtained.
FIXED MOBILE FOOD ESTABLISHMENT:	A mobile food establishment which operates at a specific location and is connected to electrical, water, and sewage disposal systems.
FOOD COURTS:	A parcel of land where two (2) or more mobile food establishments selling food or beverage products congregate to engage in commercial activity.
FULL SERVICE MOBILE UNIT:	An enclosed commercial van or truck designed for the transportation, storage, and preparation of potentially hazardous and potentially non-hazardous foods as identified within the food permit authorized by panhandle health district.
GREASE TRAP/GREASE INTERCEPTOR:	A watertight receptacle utilized by commercial or industrial generators of liquid waste to intercept, collect and restrict, the passage of grease into the sewer system to which the receptacle is directly or indirectly connected, and to separate and retain grease from the wastewater discharged. Grease interceptors are generally required to be located underground between the food establishment and the connection to the sewer system.
LIMITED SERVICE MOBILE UNIT:	A semi-enclosed mobile cart with overhead protection, capable of being maneuvered by one (1) person, with no cooking or food preparation. Only reheating of cooked food by boiling or steaming.

MOBILE FOOD ESTABLISHMENT:

A full service or limited service food establishment selling or serving food for human consumption from any vehicle or other temporary or itinerant station and includes any movable food service establishment, truck, van, trailer, pushcart, bicycle, watercraft or other movable food service with or without wheels, including hand-carried, portable containers in or on which food or beverage is transported, stored or prepared for retail sale or given away at temporary locations.

REFUSE:

Solid waste not carried by water through the sewage system.

VENDOR:

A person or persons owning, operating, or working in a mobile food establishment and is the registered license holder and person in charge of a mobile food establishment. (Ord. 608, 3-24-2020)

3-7-5: REQUIREMENTS APPLICABLE TO ALL MOBILE FOOD ESTABLISHMENTS:

- A. Registry: No individual or organization shall operate, or cause to be operated, any mobile food establishment within the city limits of Hayden without a current and valid mobile food establishment registration number and documentation in accordance with the provisions of this chapter.
- B. Application Submittal Requirements: Applications for the mobile food establishment pilot program registry must be submitted on forms provided by the community development department. The application shall include, at a minimum:
1. The applicant shall supply his or her name, phone number, e-mail address, mailing address, registered business name, business owner's name, physical address of registered business and phone numbers.
 2. If the mobile food establishment is to be managed by someone other than the applicant, the same information as required in subsection B1 of this section shall be provided for a responsible party with day to day authority over operations.
 3. Proof of insurance.
 4. Proof of valid state and any applicable local business registrations, including registration numbers and date of issuance.

5. Proof that the mobile food establishment has been inspected and is currently registered by state and local agencies as required by law, including, but not limited to, mobile food unit license from panhandle health district.
 6. A description of any food and beverage offered for sale by the vendor.
 7. Where the mobile food establishment will be located, this may include a site plan.
 8. Commissary agreement.
 9. Approval from the northern lakes fire protection district.
- C. The community development director may require additional documentation of the applicant as deemed reasonably necessary to ensure compliance with the provisions of this code prior to approving registration. (Ord. 608, 3-24-2020)

3-7-6: **GENERAL PROVISIONS FOR ALL MOBILE FOOD ESTABLISHMENTS:**

- A. Mobile food vendors shall be responsible for controlling smoke, sound, and odors caused by food preparation and general running of equipment as to avoid disturbing surrounding property owners.
- B. A mobile food establishment may be located only in the central business district, commercial, and light industrial zones with a mobile food establishment pilot program registration number and documentation. Mobile food establishments may be allowed at city parks and parks in residential zones with the approval from the city council as a concession agreement approved per section 7-5-5H.
- C.
 1. Mobile food establishments may be allowed to stop, stand, or park on private streets, subject to prior written approval from the owner(s) of the private street. Provided this area is not within twenty feet (20') of an intersection, such vehicle does not obstruct a pedestrian crosswalk, and the area is not prohibited to the stopping, standing, or parking of such vehicles;
 2. The vendor must setup and operate the mobile food establishment so as to maintain a minimum five foot (5') clear pedestrian pathway on all sides of the establishment.
- D. Signs: No mobile food vendor shall place signs/banners in or alongside the public right-of-way, across roadways, or within pedestrian walkways.

- E. Exterior lighting shall be limited to hours of operation. Any exterior lighting shall be hooded, shielded, or designed and placed in such a manner that it does not result in glare or light spillage onto other properties or interfere with vehicular traffic. Lighting shall be directed in a downward manner, so as to minimize light pollution.
- F. Disposal of wastewater may only be performed via cleanout on site with a connection approved by the community development department, where available. If no cleanout on site is available, an alternate method of disposal must be approved prior to approval of registration. This location may be identified as a designated commissary.
- G. Unless an establishment sells only prepackaged food, grease traps or interceptors connections shall be required. A notarized letter of agreement with the commissary or business providing a connection to a grease trap shall be required prior to approval of registration. This location may be identified as a designated commissary.
- H. Electrical service may be provided only by:
 - 1. An onboard generator; or
 - 2. Temporary service or other connection provided by an approved electric utility.
- I. Fire Department: The northern lakes fire protection district shall ensure compliance with all applicable federal, state and local fire safety statutes, regulations, ordinances, and codes. Mobile food vendors must undergo an inspection by the northern lakes fire protection district annually.
- J. The vendor acknowledges that the sheriff's department, or any authorized representative thereof, may order the food vendor to depart from a specific location when it has clear and convincing evidence that the vendor's presence at that location is causing or contributing to an imminent public safety hazard.
- K. After dispensing food, drink, or other products at any location, a mobile food vendor, prior to leaving the location, shall pick up, remove and dispose of all products or refuse within twenty five feet (25') of the mobile food establishment which consists of materials originally dispensed from the establishment, including any packages or containers, or parts or either, used with or for dispensing the victuals.
- L. As an accessory use, the mobile establishment shall not locate in any minimum required parking spaces for the principal use. The city shall have the authority to request a mobile food establishment find a new location should parking not be adequate. The location shall have adequate parking for customers.

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- M. The mobile food establishment shall be located on an area that will provide sufficient space for parking, circulation, and pedestrian traffic for any other existing uses on the property.
- N. The vendor shall obtain and provide to the community development department, a copy of the written agreement from the owner(s) of the private property or their designated property manager, as to the use and location of the mobile food establishment on their property. (Ord. 608, 3-24-2020)

3-7-7: RESTRICTIONS:

- A. No amplified music or loudspeakers shall be permitted.
- B. A drive-in service is not permitted.
- C. The mobile food vendor shall properly dispose of all waste associated with the mobile food establishment. City receptacles may not be utilized for this purpose. No liquid waste or grease may be poured into any tree pit, swale, storm drain, gutter pan, sidewalk or any other public space. Grease cannot be released into the city's sanitary sewer system.
- D. Mobile food establishments shall not use city utilities or property including, but not limited to, electrical power, garbage or trash containers, water, or sewer without written permission and payment of appropriate fees.
- E. Fixed (permanent) mobile food establishments shall not be permitted outside of a city approved mobile food court.
- F. A mobile food establishment shall not be allowed to stop, stand or park on public right-of-way, except as allowed in accordance with section 6-1-3. (Ord. 608, 3-24-2020)

3-7-8: MOBILE FOOD ESTABLISHMENTS ON PUBLIC PROPERTY:

When vending on public property, the mobile food establishment must limit vending to a location where mobile food vending is acceptable and is further subject to the following requirements:

- A. The vending location must be within a zone wherein mobile food establishments are a permitted use pursuant to this code.

- B. The vendor must setup and operate the mobile food establishment so as to maintain a minimum five foot (5') clear pedestrian pathway at all times within the vicinity of the site.
- C. A registered mobile food establishment does not confer nor guarantee any exclusive right to any specific location. (Ord. 608, 3-24-2020)

3-7-9: MOBILE FOOD ESTABLISHMENTS LOCATED ENTIRELY ON PRIVATE PROPERTY:

When vending from or onto a location or locations on private property where all mobile food establishment activity occurs entirely on private property, the mobile food establishment shall provide the city documentation of approval for the vendor to vend at that particular location or locations. The approval is subject to the following requirements:

- A. The vending location must be located within a zone permitted in this code.
- B. The mobile food establishment shall not occupy any required parking stall for the primary use while the primary use is open to the public.
- C. Must have a valid Hayden mobile food establishment permit. (Ord. 608, 3-24-2020)

3-7-10: REGISTRATION REVOCATION:

- A. Vendor permission may be revoked at any time by the community development director upon any one (1) or more of the following occurrences:
 1. Revocation of health department permit;
 2. Violation of any federal, state or local laws or regulation, including those contained in this chapter;
 3. Failure to maintain insurance as herein provided; or
 4. Failure to comply with the terms of the pilot program.
- B. A suspension or revocation may be appealed in accordance with section 11-17-2.
- C. Should an emergency exist and the Kootenai county sheriff's department or the northern lakes fire protection district, or the panhandle health district certify there is an immediate danger to life or health, the permission may be revoked pending the notice and hearing herein provided below. (Ord. 608, 3-24-2020)

3-7-11: INSPECTIONS:

- A. The city may inspect a mobile food establishment during regular business hours and at other reasonable times to ensure compliance with this chapter.
- B. After conducting an inspection, the city shall inform the mobile food establishment of findings, if any.
- C. If a violation is found, the city shall:
 - 1. Revoke the registration; or
 - 2. Prescribe a reasonable time period for correction of violations. Re-inspections at prescribed time intervals will be conducted to determine whether required corrections have been made.
- D. A finding of violation may be appealed using the process in section 6-1-3I for civil penalties. (Ord. 608, 3-24-2020)

3-7-12: FEES:

- A. The fees for a mobile food establishment pilot program shall be set by resolution of the city council.
- B. The required fee shall be paid at the time the application is submitted and is non-refundable. (Ord. 608, 3-24-2020)