

ORDINANCE 26-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROYAL CITY, WASHINGTON REPEALING CHAPTER 4.28 OF THE ROYAL CITY MUNICIPAL CODE TITLED “TRANSIENT AND ITINERANT MERCHANTS” AND REPLACING IT WITH A NEW CHAPTER 4.28 TITLED “MOBILE FOOD VENDORS, FOOD COURTS, AND STREET FOOD VENDORS”

THE CITY COUNCIL OF THE CITY OF ROYAL CITY, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Repeal and Replace. Chapter 4.28 of the Royal City Municipal Code titled “Transient and Itinerant Merchants” is hereby repealed in its entirety and replaced with a new Chapter 4.28 titled ““Mobile Food Vendors, Food Courts, and Street Food Vendors” to read as follows:

Chapter 4.28

MOBILE FOOD VENDORS, FOOD COURTS, AND STREET FOOD VENDORS

Sections:

- 4.28.010 License Required.**
- 4.28.020 Definitions.**
- 4.28.030 Exemptions.**
- 4.28.040 Mobile Food Vendor Application.**
- 4.28.045 Food Court Application.**
- 4.28.050 Investigation and Determination.**
- 4.28.060 Fees.**
- 4.28.070 Exhibiting of License/Transfer.**
- 4.28.080 Compliance with Regulations.**
- 4.28.090 Mobile Food and Street Food Vendor and Food Court Standards.**
- 4.28.100 Revocation or Denial of License.**
- 4.28.110 Appeal.**
- 4.28.120 Penalty.**
- 4.28.130 Duty of Finance Department to Enforce.**
- 4.28.140 General Fund.**
- 4.28.150 Fees Collected by Court.**

4.28.010 License Required:

It shall be unlawful for a mobile food or street food vendor to engage in business within the City of Royal City except when licensed as a mobile food or street food vendor as defined in this chapter. The license required by this chapter is in addition to the business license provided for by Chapter 4.04, if it is also required.

4.28.020 Definitions:

The following terms and definitions shall be used in the administration of this chapter:

- A. “Mobile food vendor” shall mean any person, firm, or corporation, whether as owner, agent, consignee, or employee, whether a resident of the City or not, who engages in a business of selling and delivering food from a vehicle or other motorized conveyance upon privately or publicly owned property including any public street, sidewalk, alley, or public way of the City. A person, firm, or corporation so engaged shall not be relieved from complying with the provisions of this chapter merely by reason of associating temporarily with any local dealer, trader, merchant, or auctioneer, or by conducting such temporary business in connection with, as part of, or in the name of any local dealer, trader, merchant, or auctioneer.
- B. “Food” shall have its usual and ordinary meaning, and shall include all items designed for human consumption, including, but not limited to, candy, gum, popcorn, hot dogs, sandwiches, peanuts, soft drinks, frozen concessions, nonalcoholic beverages, and dairy products. Products regulated by the Washington State Liquor and Cannabis Board may not be sold by mobile food or street food vendors.
- C. “Authorized concession stand” shall mean a concession stand operated or maintained for the sale of food or merchandise, in the public parks of the City, or on other public property, by the City or in accordance with a City-approved agreement or franchise.
- D. “Public celebration” shall mean the Summer Fest Festival activities customarily celebrated in and around Lion’s Park and other areas of the City, as well as any other time of public celebration.
- E. “Special event” shall mean an event for which the City has authorized use of City facilities for use by vendors, such as the farmers market.
- F. “Street food vendor” shall mean a vendor, including any owner and employee, selling food

within a public or private parking lot, pedestrian plaza, public street, alley, sidewalk, public right-of-way, or public property, using a nonmotorized cart or temporary structure.

G. “Food court” shall mean one (1) location (parking lot, plaza, or lot) where three (2) or more street food vendors operate within a defined space that has been designed to accommodate multiple food vendors on a permanent basis. The site offers permanent utility connections, paved parking and restrooms for patrons.

H. A “tent,” for the purposes of this chapter, shall be defined as a structure, enclosure, canopy or shelter, with or without sidewalls or drops, constructed of fabric or pliable material supported by any manner except by air or the contents that it protects, and which meets the flame propagation performance treatment set forth in Section 3104.2 of the International Fire Code (test method 1 or 2 of NFPA 701), CPAI 84, or California Fire Marshal Seal.

4.28.030 Exemptions:

The provisions of this chapter shall not be construed to apply to the following:

A. Persons selling only fruits, vegetables, berries, eggs, or any farm produce, pursuant to RCW [36.71.090](#).

B. *Limited Special Event Vending.* Mobile food vendors and street food vendors may vend from a zone approved for mobile food vending and are exempt from the permitting requirements of this chapter but must have and maintain all other licenses and approvals necessary to lawfully operate as a mobile food or street food vendor in Royal City. Limited special event vending cannot remain at a location for longer than the duration of the special event and while there must be located so as to avoid creating conflicts with pedestrian or motor vehicle traffic or creating other public safety problems. The owner of the property where an event such as a community event, special event approved by the City, a neighborhood block party, wedding, birthday party, grand opening, or similar event is taking place must have invited the mobile food or street food vendor to participate and such vending is part of the event activities.

4.28.040 Mobile Food Vendor Application:

Any person, firm, or corporation desiring to secure a license as a mobile food or street food

vendor shall make application to the City, on forms to be provided by the City, at least twenty-one (21) days before the requested start date of the business. Such mobile food or street food vendor application shall provide:

A. The name or names and address of the applicant, vehicle license numbers of all vehicles or a description of the conveyance from which the applicant proposes to conduct business; description of the general type of food proposed to be sold by the applicant.

B. Each mobile food vendor application shall be accompanied with the license fee as provided for in the currently adopted fee schedule.

C. Each license application for a mobile food or street food vendor shall be accompanied with the following information to establish compliance with this chapter and other applicable codes:

1. Washington State Unified Business Identifier (UBI).
2. Copy of approved operations permit from the Grant County Fire District No. 10 Fire Department, as applicable (for instance for operators with grease-laden vapors, etc.), which must be renewed annually. Requirements for such a permit are found in the most recently adopted Washington State Adopted and Amended Fire Code.
3. The mobile food vendor must obtain a signed agreement between the property owner, or legal agent, and the mobile food vendor allowing use of the property for the mobile food business. This shall include written permission from the property owner for employees of the mobile food vendor to use the property owner's restroom.
4. Vendors must have access to restrooms with warm water under pressure and be open/accessible during all hours of operations. If seating is provided restrooms must also be accessible to customers. Portable restrooms are not permitted.
5. A statement explaining the method of trash and litter disposal being proposed by the vendor and/or signed agreement from the property owner to utilize their garbage.
6. Site plan of where unit will be located (if applicable), as it pertains to existing buildings, parking and exits, will be provided for each operating location within City limits.
 - a. A mobile food or street food vendor shall not be located within five feet (5') from the outside edge of the public right-of-way. The setback requirement applies to all vehicle appurtenances, on or in the vehicle, including but not limited to tanks, generators, awnings, tents, etc.

For parcels adjacent to extended city owned right of way the distance shall be five feet from the sidewalk. The location of such parcels includes the following areas:

200-600 blocks of Beech Ave NE, 200 block of Daisy St NE, 200 block of Grape Dr NW, 400 block of Hemlock Ave NW, 400 block of Hawthorne Ave NW, 400 block of Calla St NW

b. Site distance triangles shall be observed. The site triangle shall be formed by measuring from the intersection of the extended curb line or the traveled right-of-way (if no curbs exist) of the adjacent street, to a distance of fifty feet (50') from the corner point. The third side of the triangle is the straight line connecting the two (2) fifty foot (50') sides. Within the area comprising the triangle, no fence, shrub, or other physical obstruction higher than thirty-six inches (36") above the established street grade shall be permitted.

c. The vending window shall be facing the interior of the lot, away from the public right-of-way.

7. Copy of current food establishment permit issued by the Grant County Health District, which must be renewed annually.

8. Each food vendor shall be a self-contained unit and shall obtain an electrical permit and inspection from L&I prior to operation.

9. Approval from Fire Department (Grant County Fire District No. 10).

a. LPG (commonly referred to as propane tanks) or compressed natural gas (CNG) gas containers shall adhere to the following requirements:

1) Maximum aggregate capacity shall not exceed forty-six (46) gallons for propane (LPG), and no more than one thousand three hundred (1,300) pounds for CNG (compressed natural gas). The final maximum capacity shall be determined by the Fire Department on a case-by-case basis.

2) Gas containers shall be contained on, or within, the food vending unit.

10. Any tents used by the food vendor shall comply with the standards of Section [4.28.090\(I\)](#).

4.28.045 Food Court Application:

Any person, firm, or corporation desiring to operate a “food court,” as defined in Section [4.28.020](#), shall request a preapplication meeting through the Community Development Department prior to submission of a business license. Upon successful completion of the preapplication meeting, such person, firm, or corporation shall make application to the City, on forms to be provided by the City, at least twenty-one (21) days before the requested start date of the business. Such food court application shall provide:

A. The name or names and address of the applicant, vehicle license numbers of all vehicles or a description of the conveyance(s) from which the applicant proposes to conduct business; description of the general type of food proposed to be sold by the applicant.

B. Each mobile food court application shall be accompanied with the application review fee as currently adopted.

C. Each food court operations application shall be accompanied with the following information to establish compliance with this chapter and other applicable codes:

1. Washington State Unified Business Identifier.
2. Copy of approved operations permit from the Grant County Fire District No. 10 for each vendor proposing to locate on the site, as applicable (i.e., for operators with grease-laden vapors, etc.). Requirements for such a permit shall comply with the most recently adopted Washington State Adopted and Amended Fire Code.
3. A site plan depicting the following:
 - a. Parcel lines and right-of-way lines.
 - b. The boundaries of the portion of the property to be used for the food court.
 - c. Location and dimensions of:
 - 1) Existing structures, vehicles, and signage on the site.
 - 2) Proposed vending stalls for the site.
 - 3) Tank locations for each food vendor unit, including dimensions.
 - A) Setbacks shall adhere to the most recently adopted Washington State

Adopted and Amended Fire Code.

B) Any protective bollards proposed for the site shall also be depicted.

4) Accessory seating and tables.

5) Permanent restroom facilities.

6) Trash enclosure.

7) Parking. Location of available parking spaces required for the food vendors shall be depicted. The site plan must also demonstrate compliance with the parking requirements for any primary use on the site.

d. Vehicle ingress and egress.

e. Utilities, including power, water, sewer, etc.

f. Lighting.

g. Landscaping, pursuant to most currently adopted development code of the Royal City Municipal Code.

h. A tent may be included with each food vendor on the site and shall comply with the requirements of Section [4.28.090\(I\)](#).

4. Compliance with setback and distance requirements.

a. Food vendors within the food court shall not be located within five feet (5') from the outside edge of the public right-of-way. For parcels adjacent to extended city owned right of way the distance shall be five feet from the sidewalk as identified in Section 4.28.040 above. The setback requirement applies to all vehicle appurtenances, on or in the vehicle, including but not limited to tanks, generators, awnings, tents, etc.

b. All vending windows within the food court shall face the interior of the food court, and away from the public right-of-way.

c. There shall be at least ten feet (10') of separation between each food vending unit, unless there is a neighboring vendor that includes a grease-laden vapor. In such case, the distance between units shall be twenty feet (20') between units.

d. Sight distance triangles for the outer perimeter of the site shall be observed. The sight

triangle shall be formed by measuring from the intersection of the extended curb line or the traveled right-of-way (if no curbs exist) of the adjacent street, to a distance of fifty feet (50') from the corner point. The third side of the triangle is the straight line connecting the two (2) fifty-foot (50') sides. Within the area comprising the triangle, no fence, shrub, or other physical obstruction higher than thirty-six inches (36") above the established street grade shall be permitted.

5. Approval from Grant County Fire District No. 10 (required for each individual vendor hook-up that utilizes a separate source).

a. LPG (commonly referred to as propane tanks) or compressed natural gas (CNG) gas containers shall adhere to the following requirements:

1) Maximum aggregate capacity shall not exceed forty-six (46) gallons for propane (LPG), and no more than one thousand three hundred (1,300) pounds for CNG (compressed natural gas). The final maximum capacity shall be determined by the Fire Department on a case-by-case basis.

2) Gas containers shall be contained on, or within, the food vending unit.

6. Permanent power shall be provided within the food court, with connections made available to each individual food vending unit.

a. The property owner, property lessee, or their contractor shall obtain a permit from L&I and necessary inspections performed prior to operation of the food court.

7. It is the responsibility of the individual food vendors within the food court to obtain a food establishment permit from Grant County and to adhere to best practices for food handling when undertaking food vendor activities involving the preparation and serving of food.

8. Noise generated on site shall comply with currently adopted noise ordinance of the Royal City Municipal Code.

4.28.050 Investigation and Determination:

Upon receipt of such complete application, the Finance Department shall cause such investigation of such person's or persons' business responsibility to be made as is deemed necessary for the

protection of the public good and shall refer the application to all City departments for their determination as to compliance with standards and requirements of this chapter. An application shall be denied by the Finance Department upon written findings that the applicant's business responsibility is unsatisfactory or that the proposed business activity will violate any applicable law, rule, or regulation. Any license issued under this chapter shall contain the number on the license, the date same was issued, the nature of the business authorized to be carried on, the expiration date of said license, and the name or names of the person or persons authorized to carry on the same. The Finance Department shall keep a record of all licenses issued under this chapter and shall promptly provide the Washington State Department of Revenue a record of any license issued under this chapter.

4.28.060 Fees:

The business license fee for a mobile food or street food vendor, and the application review fee for a food court, shall be assessed in accordance with the adopted fee schedule for the year or part thereof, payable in advance, for each vehicle, conveyance, or mobile food or street food vendor.

4.28.070 Exhibiting of License/Transfer:

- A. Any license issued under this chapter shall be posted conspicuously upon all vehicles, conveyances, or temporary structures from which a mobile food or street food vendor conducts business.
- B. Any license issued under this chapter shall not be transferred to any other person, firm, or corporation.

4.28.080 Compliance with Regulations:

All food vendors shall comply with all laws, rules, and regulations regarding food handling, and all vehicles, conveyances, and stands used for the sale of food shall comply with all applicable laws, rules, and regulations respecting such vehicles, conveyances, or stands as established by the Grant County Health District, the Washington State Motor Vehicle Code, Washington State Adopted Fire Code, Washington State Adopted Building Code, as currently or hereafter amended,

and as set forth in the Royal City Municipal Code.

All mobile food and street food vendors are subject to periodic compliance inspections by the City.

4.28.090 Mobile Food and Street Food Vendor and Food Court Standards:

All mobile and street vendors licensed under this chapter shall conform to the following standards:

- A. No mobile food or street food vendor shall operate from one (1) location in a residential zone as defined in Title [15](#) for longer than fifteen (15) minutes at a time.
- B. No property owner shall permit more than one mobile food vendor or street food vendor to operate on a parcel unless it is a food court.
- C. No mobile food or street food vendor shall locate his or her vehicle or conveyance in that portion of public right-of-way abutting private property without the written permission of the owner of the abutting private property. No food shall be offered, displayed, or sold, and no customers served, in any vehicle travel lane. A mobile food or street food vendor shall not be located within five feet (5') from the outside edge of any public right-of-way. For parcels adjacent to extended city owned right of way the distance shall be five feet from the sidewalk as identified in Section 4.28.040 above.
- D. No signs or signage shall be permitted other than that which can be contained on the vehicle or conveyance utilized.
- E. The distance between any food vendor and other structures on the site shall comply with the requirements of the International Fire Code, as currently enacted or hereinafter amended.
- F. No vehicle, mobile food, street food vendor, other conveyance or temporary stand shall locate closer than fifty feet (50') from flammable combustible liquid or gas storage and dispensing structures.
- G. All mobile food and street food vendors shall have at least one (1) adequately sized and properly secured garbage receptacle upon the site of business or on the vehicle or conveyance for customer use.

H. Sites used by mobile food or street food vendors, or food courts shall be cleaned of all debris, trash, and litter at the conclusion of daily business activities.

I. All vehicles, mobile food vendor, street food vendor, other conveyances, or temporary stands shall be equipped with at least one (1) fire extinguisher approved by the Fire Department, with an up-to-date annual inspection tag provided.

J. All tents with dimensions larger than ten feet (10') by ten feet (10') must conform to labeling and certification which shall be done in accordance with the currently adopted and amended state fire code.

1. The tent shall be of vinyl, canvas, or similar durable material. All parts of such tent must have a minimum of seven feet (7') of vertical clearance to the ground.
2. All tents shall be anchored in accordance with requirements of the International Fire Code, as currently adopted or hereinafter amended.
3. Cooking under tents shall conform with each of the following requirements:
 - a. Any tent that is placed over any cooking apparatus, or near a heat source, shall be of a flame-retardant material, and require approval from the Fire Department.
 - b. Tents with cooking devices are not allowed to be open to the public.
 - c. Cooking devices are not allowed to obstruct the exit access, exit or exit discharge.
 - d. Cooking devices located under tents with sidewalls shall have cooking devices located a minimum of three feet (3') from tent walls.
 - e. Cooking surfaces shall have a minimum vertical clearance of forty-two inches (42") to tent structure when the tent dimensions do not exceed ten feet (10') by ten feet (10'), and a minimum vertical clearance of forty-eight inches (48") when the tent dimensions exceed ten feet (10') by ten feet (10').
 - f. A minimum rated 2A-10BC fire extinguisher shall be located within each tent.
 - g. If grease-laden vapors are produced, a six (6) liter class K extinguisher shall be located within the tent.
 - h. All compressed gas cylinders shall be restrained to prevent dislodging.

K. No mobile food or street food vendor shall sell or vend from his or her vehicle or conveyance:

1. Within four hundred feet (400') of any public or private school grounds during the hours of regular school session, classes, or school-related events in said public or private school, except when authorized by said school.
2. Within one hundred feet (100') of any public park of the City where any City-authorized concession stand is located during times other than during the course of a public celebration except as approved by the Parks and Recreation Department of the City.
3. Within one hundred feet (100') of any public park of the City where any City authorized concession stand is located during the course of a public celebration when nonprofit organizations are permitted to engage in the sale of merchandise and food in such park.
4. Within one hundred feet (100') of any public park or other public space during a special event for which organizations are permitted to sell merchandise and/or food in the park or public space for a fee, unless the mobile food or street food vendor obtains written permission from the coordinator of the event.

L. No mobile food or street food vendor shall conduct business so as to violate the traffic and sidewalk ordinances of the City as now in effect or hereafter amended.

M. No mobile food or street food vendor, acting solo or as part of a food court, shall obstruct or cause to be obstructed the passage of any sidewalk, street, avenue, alley or any other public place, by causing people to congregate at or near the place where goods, wares, food, or merchandise of any kind is being sold or offered for sale.

N. Generators shall not be operated from 10:00 p.m. to 6:00 a.m.

4.28.100 Revocation or Denial of License:

Any license pursuant to this chapter may be revoked or denied, in writing, by the Finance Director for any of the following causes:

- A. Any fraud, misrepresentation, or false statement contained in the application for license.
- B. Any fraud, misrepresentation, or false statement made in connection with the selling of

products.

C. Any violation of this chapter.

D. Any violation of building or fire codes of the City.

E. Conducting the business licensed under this chapter in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.

4.28.110 Appeal:

Any person aggrieved by the denial of an application for a license or by the revocation of a license as provided for in this chapter shall have the right to appeal to the City Council. Such appeal shall be taken by filing with the Finance Director within fourteen (14) calendar days after the notice of decision has been mailed, by certified mail, to the applicant's or licensee's last known address, a written statement setting forth the grounds for the appeal. The City Council shall set the time and place for hearing on such appeal and notice of such hearing shall be given by certified mail to the appellant at least five (5) calendar days prior to the date fixed for such hearing.

4.28.120 Penalty:

Failure to comply with any of the provisions of this chapter shall subject the violator to a C-9 penalty as defined in Chapter [1.12](#).

4.28.130 Duty of Finance Department to Enforce:

It shall be the duty of the Finance Department of the City of Royal City to enforce the application and licensing provisions of this chapter against any person found to be violating the same. It shall be the duty of any other department to enforce violations of any permit issued by that department.

4.28.140 General Fund:

All funds received by the City under the terms of this chapter shall be paid into the General Fund of the City and budgeted annually for any municipal purpose, as required by law.

4.28.150 Fees Collected by Court:

The City shall have the power to institute suit or action in any court of competent jurisdiction for the purpose of collecting any license fees that are due and payable.

Section 2. Severability. If any portion of this ordinance is declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portion(s) of this ordinance

Adopted by the City Council of the City of Royal City, WA and signed by its Mayor on May 5, 2026.

Ryan Piercy, Mayor

ATTEST:

APPROVED AS TO FORM:

Janice Flynn, Finance Director

Katherine L. Kenison, City Attorney

	Carlson	Rodriguez	Worsham	Kannely	Garcia
Vote:					

Date Published: May 11, 2026

Date Effective: May 16, 2026