



# **CITY OF CANBY SIDEWALK VENDOR/VENDING CART APPLICATION PACKET CONTENTS**

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- ▶ **Sidewalk Vendor/Vending Cart Application**
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- ▶ **Sidewalk Vendor/Vending Cart Permit Indemnity Agreement**
- ▶ **Adjacent Property Owner Consent To Location (n/a if vending in a City Park)**
- ▶ **City Park Vending Agreement**
- ▶ **Certificate of Liability Requirements**
- ▶ **Sidewalk Vendor/Vending Cart Permissible Items**
- ▶ **Clackamas County Certificates and Licenses Information**
- ▶ **City of Canby Sidewalk Vending and Sidewalk Display Code**



# CITY OF CANBY

## SIDEWALK VENDOR/VENDING CART APPLICATION PROCEDURES

THE FOLLOWING DOCUMENTS ARE REQUIRED IN ORDER TO PROCESS YOUR SIDEWALK VENDOR/VENDING CART APPLICATION:

- Completed **Sidewalk Vendor/Vending Cart Application**.
  1. Obtain **Fire Marshal's approval** for Sidewalk Vendor/Vending Cart Application.
  2. Obtain Main Street Manager's approval for Sidewalk Vendor/Vending Cart Application if vending in Wait Park.
  3. Obtain Park Maintenance staff signature if vending in City Parks.
  4. Pay \$10.00 Sidewalk Vendor Application Fee (**no fee if vending in a City Park**).
  
- Completed City of Canby **Business License Application** packet
  1. Obtain departmental approvals as required.
  2. Pay the \$50 annual business license fee.
  
- Signed City of Canby **Sidewalk Vendor/Vending Cart Permit Indemnity Agreement**.
  
- Signed **Adjacent Property Owner Consent to Location** form indicating property owner's approval for operation of vending cart (**not applicable if vending in a City Park**)
  
- Signed **Park Vending Agreement** indicating you have read the rules/requirements for vending in a City Park.
  
- Certificate of Liability Insurance** from your insurance company for the required amount which has been endorsed as outlined in **Canby Municipal Code Chapter 5.12.030**.
  
- Valid copy of the **Mobile Food Unit License** and **Food Handler's Card** from Clackamas County Environmental & Health Services Division. Information regarding the acquisition of these documents can be found at:  
[http://www.co.clackamas.or.us/community\\_health/eh/licenses.htm](http://www.co.clackamas.or.us/community_health/eh/licenses.htm)
  
- A separate application and permit fee shall be required for **each** mobile container.
- No application shall be for more than **one** location.
- No food vendor application will be accepted for a location where a restaurant, fruit and vegetable market, or flower shop, with direct access to the sidewalk is adjacent to or within 100 feet on the same block. This requirement may be waived if the application is submitted with the written consent of the proprietor of the restaurant, fruit and vegetable market or flower shop.

### **FIRE PROTECTION**

Prior to the issuance of any permit, the Fire Marshall shall inspect and approve any mobile device or pushcart to assure the conformance of any cooking or heating apparatus. Only propane will be authorized as a heat source.

## **RESTRICTIONS**

1. Dimension requirements:
  - a. The operating area shall not exceed 24 square feet of the sidewalk.
  - b. Length of the mobile device or pushcart shall not exceed 6 feet.
  - c. Height of mobile device or pushcart excluding canopies, umbrellas or transparent enclosures, shall not exceed 5 feet.
  - d. Accessible route clearances shall be no less than 4 feet in width for the entire length of the accessible route.
2. Sidewalk Vendor/Vending Cart Permit must be displayed in a prominent and visible manner along with the conspicuously posted price of all items sold.
3. All persons conducting business must pick up any paper, cardboard, wood or plastic containers, wrappers or any litter in any form which is deposited by any person on the sidewalk or street within 25 feet of the vending site.
4. Each person conducting business on a public sidewalk must carry a suitable container for the placement of litter by customers or other persons.
5. All persons shall obey any lawful order of a Police Officer to move to a different permitted location to avoid congestion or obstruction of the sidewalk or to remove his or her vending cart entirely from the sidewalk if necessary to avoid congestion or obstruction.
6. No Vendor shall make any loud or unreasonable noise of any kind by vocalization or otherwise for the purpose of advertising or attracting attention to his or her wares.
7. No permitted cart or device shall be left unattended on a sidewalk nor remain on the sidewalk between 11:00 PM and 6:00 AM.
8. No Vendor shall conduct business in violation of the provision of any ordinance providing for a special event i.e. Canby Independence Day Celebration or Canby Saturday Market.

**\*\*\*\*\* NOTE: MOTORIZED VENDING VEHICLES OR TRAILERS ARE NOT PERMITTED  
IN PUBLIC RIGHTS-OF-WAY\*\*\*\*\***

PO Box 930  
222 NE 2<sup>nd</sup> Avenue  
Canby, OR 97013  
503.266.4021  
503.266.7961 FAX



# CITY OF CANBY SIDEWALK VENDOR/VENDING CART APPLICATION

**\$10.00 Annual Fee/No Charge for Park Vending**

|                    |
|--------------------|
| Receipt No: _____  |
| Date Paid: _____   |
| Amount Paid: _____ |

**Please Print or Type (A separate application must be completed for each location or park)**

Business Name \_\_\_\_\_ Date \_\_\_\_\_

Nature of Business \_\_\_\_\_ Item(s) to be Sold \_\_\_\_\_

Email address \_\_\_\_\_ Website address \_\_\_\_\_

Business Address \_\_\_\_\_

Mailing Address (if different than above) \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Business/Cell Phone \_\_\_\_\_

Owner Name \_\_\_\_\_ Owner Residence Phone \_\_\_\_\_

Owner/Manager Residence Address (no PO Boxes) \_\_\_\_\_

Mobile Device or Push Cart: Length \_\_\_\_\_ (not to exceed 6 feet)

Mobile Device or Push Cart: Height \_\_\_\_\_ (not to exceed 5 feet)

Mobile Device or Push Cart: Width \_\_\_\_\_ (minimum of 4 feet of accessible sidewalk clearance is required)

Hours of Operation: From \_\_\_\_\_ To \_\_\_\_\_ (not between 11:00 PM and 6:00 AM)

Name of Insurance Agent \_\_\_\_\_ Phone \_\_\_\_\_

Address Where Vending Will Take Place \_\_\_\_\_

**City Park Vending:**

***City Parks are on a first come, first served basis. Vending operations can only be located on a hardscape/sidewalk. Vending in Wait Park must be coordinated with the Main Street Manager. Vendor must abide by the Park Vending Agreement.***

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**APPROVAL SIGNATURES MUST BE OBTAINED BY APPLICANT**

Fire Department Date \_\_\_\_\_ Signature \_\_\_\_\_

Park Maintenance Date \_\_\_\_\_ Signature \_\_\_\_\_  
(If vending in a City Park)

Main Street Manager Date \_\_\_\_\_ Signature \_\_\_\_\_  
(If vending in Wait Park)

**FOR OFFICE USE ONLY**

The above applicant has met the requirements listed below and supplied appropriate documents:

|  |                |
|--|----------------|
| Sidewalk Vendor/Vending Cart Application and fee (with Fire Marshall approval) | Initials _____ |
| City of Canby Business License Number _____                                    | Fee Pd _____   |
| Sidewalk Vendor/Vending Cart Permit Indemnity Agreement                        | Initials _____ |
| Adjacent Property Owner Consent to Location (n/a if vending in a park)         | Initials _____ |
| Park Vending Agreement   | Initials _____ |
| Certificate of Liability Insurance   | Initials _____ |
| Copy of Mobile Food Unit License from Clackamas County                         | Initials _____ |
| Food Handler's Card  | Initials _____ |
| Review of Permissible Items  | Initials _____ |

Code Enforcement    Date \_\_\_\_\_ Signature \_\_\_\_\_

City Administrator    Date \_\_\_\_\_ Signature \_\_\_\_\_



# **CITY OF CANBY**

## **Sidewalk Vendor/Vending Cart**

### **PERMIT INDEMNITY AGREEMENT**

Applicant hereby agrees to and shall indemnify and hold harmless the City of Canby, its elected officials, employees and agents from and against any and all loss, liability, penalty, claim proceeding or suit in law or equity of any and every kind and description, including, but not limited to, injury to and death of any person or damage to property, or for contribution or indemnity claimed by third parties, arising or resulting from the negligence or willful misconduct of the applicant, its employees or agents, contractors or subcontractors in performing the services subject to this sidewalk vending permit.

Applicant Signature \_\_\_\_\_ Date \_\_\_\_\_



# CITY OF CANBY

## Sidewalk Vendor/Vending Cart ADJACENT PROPERTY OWNER CONSENT TO LOCATION

To Whom It May Concern:

This letter hereby authorizes \_\_\_\_\_ for placement of a  
(Owner of Vending Cart)

sidewalk vending cart adjacent to my property located at \_\_\_\_\_.  
(Property Address)

This consent shall run concurrent with the permit. If at any time the permit expires or is revoked, this consent shall be void.

The owner and operator of the vending cart is required to comply with all applicable sections of City, County, and State codes, including but not limited to, Canby Municipal Code (CMC) Chapter 5.12 and Chapter 12.12 attached hereto. Failure to do so will cause this permit for said location to be revoked.

The Vendor agrees to hold harmless the City of Canby and the adjacent property owner for any claims for damage to property or injury to persons which may be occasioned by any activity arising in connection with the issuance of any sidewalk vending permit. **A copy of the certificate of insurance naming the City of Canby as insured shall be filed with the City with the application.**

OWNER OF PROPERTY:

SIDEWALK VENDOR:

\_\_\_\_\_  
Please Print

\_\_\_\_\_  
Please Print

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Telephone



# **CITY OF CANBY**

## **Sidewalk Vendor/Vending Cart**

### **CERTIFICATE OF LIABILITY**

### **REQUIREMENTS**

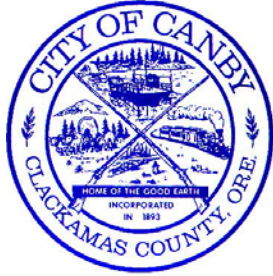
Canby Municipal Code  
§ 5.12.030

The permittee shall furnish and maintain this public liability, food products liability and property damage insurance as will protect permittee, property owners and the city from all claims for damage to property or bodily injury, including death, which may arise from operations under the permit or in connection there with.

This insurance shall provide coverage of not less than \$1,000,000.00 for bodily injury and property damage for each occurrence and not less than \$1,000,000.00 in the aggregate.

The permittee shall provide the City a Certificate of Liability Insurance. This insurance shall be without prejudice to coverage otherwise existing therein; shall name as additional insured the City, its officers and employees; and shall further provide that the policy shall not terminate or be canceled prior to the completion of the contract without 30 days' written notice to the City Recorder of the City.





## **CITY OF CANBY SIDEWALK VENDOR/VENDING CART PERMISSIBLE ITEMS**

- A. All items or services to be sold must:
  - 1. Be prepared in and vended from a vending cart;
  - 2. Not lead to or cause congestion or blocking of pedestrian traffic on the sidewalk;
  - 3. Involve a short transaction period to complete the sale or render the service;
  - 4. Enhance business environments; and
  - 5. Not cause undue noise or offensive odors.
  
- B. Edible items must be immediately consumable, in addition to all applicable requirements stated in item A above.
  
- C. Non-edible items, in addition to all applicable requirements stated in item A above, must:
  - 1. Be easily carried by pedestrians; and
  - 2. Not be prepackaged, pre-manufactured or previously handmade.
  
- D. Requests to have an item or service considered for approval shall be submitted in writing to the City Administrator, who shall determine whether the item or service conforms to the above criteria. If the item or service conforms to the criteria, it shall be listed as approved for sale by sidewalk vendors. The decision of the City Administrator, if adverse to the party making the request, may be appealed to the City Council.

**§ 5.04.200 Display of license.**

All licenses issued in accordance with this chapter shall be openly displayed in the place of business or kept on the person or on the vehicle of the person licensed and shall be immediately produced and delivered for inspection to the Chief of Police, Chief of the Fire Department and their agents or subordinates when requested by the individuals to do so. Failure to carry the license or produce the same on request shall be deemed a violation of this chapter.

**§ 5.04.210 Transfer or assignment of license.**

If any person licensed to do business within the city shall sell or transfer such business to another, the license for such business shall be transferred to such other person upon application being made and payment of a license transfer fee. The anniversary date of the business shall then be changed to the date of the new application. The license fee for this transfer or assignment shall be set forth by resolution. (Am. Ord. 1327, passed 5-19-2010)

**§ 5.04.220 Fee schedule.**

The annual license fee and penalties for delinquency required in this chapter shall be set forth by resolution.

**§ 5.04.230 Penalty.**

A. Any person violating any of the provisions of this chapter shall, upon conviction thereof in the Municipal Court of the city, be punished by a fine not to exceed \$25. Each day of the violation of this chapter shall constitute a separate violation.

B. A finding that a person has committed a violation of this chapter shall not act to relieve the person from payment of any unpaid business fee, including delinquent charges, for which the person is liable. The penalties imposed by this section are in addition to and not in lieu of any remedies available to the city.

C. If a provision of this chapter is violated by a firm or corporation, the officer or officers, or person or persons responsible for the violation shall be subject to the penalties imposed by this section.

**§ 5.04.240 Delinquency charge.**

The fee required by resolution shall be paid within 30 days after the anniversary date of the

original issuance of a business license. A delinquency charge in an amount to be set by resolution will be charged on overdue licenses thereafter at 30-day intervals until the license fee and delinquency charges are paid in full. The total amount paid, including delinquency charges shall not exceed the license fee plus 5 months' delinquency charges.

**CHAPTER 5.12: SIDEWALK VENDING**

Section

- 5.12.010 Definitions.
- 5.12.020 Permit required; fee.
- 5.12.030 Permit application.
- 5.12.040 Fire Marshal inspection.
- 5.12.050 Restrictions.
- 5.12.060 Permitted items.
- 5.12.070 Special event designation.
- 5.12.080 License denial, suspension or revocation.
- 5.12.090 Appeal.
- 5.12.100 Penalty.
- 5.12.110 Violation a nuisance; summary abatement.

**§ 5.12.010 Definitions.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Commercial Zone means any property which is designated commercial under Title 16, Planning and Zoning, of this code.

Conduct Business means the act of offering for sale edible or nonedible items for immediate delivery.

Sidewalk means that portion of the street between the curb lines or the lateral lines of a roadway and the adjacent property line intended for the use of pedestrians.

Special Events means events specifically approved by the City Council granting use of street and sidewalk areas within a specifically defined area, for a period of time not exceeding 10 days, to a community-based organization.

**§ 5.12.020 Permit required; fee.**

No person shall conduct business as defined in this chapter on any city sidewalk without first obtaining a business license, a sidewalk vending permit, and paying the required sidewalk vending permit fee to the office of the City Recorder. Fees are annual and shall be payable upon the business license renewal date. It is unlawful for any person to sell any goods on any sidewalk within the city except as provided by this chapter.

(Am. Ord. 1333, passed 7-21-2010)

**§ 5.12.030 Permit application.**

A. Application for a permit to conduct business on a sidewalk shall be made at the office of the City Recorder on a form deemed appropriate by the City Recorder. This application shall include but not be limited to the following information:

1. Name and address of the applicant;
2. Type of items sold. Individual applications shall be accepted for one type of product;
3. A valid copy of all necessary licenses or permits required by state or local health authorities;
4. A signed Indemnity Agreement stating that the permittee shall hold harmless the city, its officers and employees, and shall indemnify the city, its officers and employees for any claims for damage to property or injury to persons which may be occasioned by any activity carried on under the terms of the permit;

5. The permittee shall furnish and maintain this public liability, food products liability and property damage insurance as will protect permittee, property owners and the city from all claims for damage to property or bodily injury, including death, which may arise from operations under the permit or in connection there with. This insurance shall provide coverage of not less than \$1,000,000.00 for bodily injury and property damage for each occurrence and not less than \$1,000,000.00 in the aggregate. This permittee shall provide the city with a certificate of liability insurance. This insurance shall be without prejudice to coverage otherwise existing therein; shall name as additional insured the city, its officers and employees; and shall further provide that the policy shall not terminate or be canceled prior to the

completion of the contract without 30 days' written notice to the City Recorder of the city;

6. Means to be used in conducting business, including but not limited to a description of any mobile container or device, to be used for transport or to display approved items or services; and

7. The proposed location for conducting business, along with a signed statement that the permittee shall hold harmless the adjacent property owner(s) for any claims for damage to property or injury to persons which may be occasioned by any activity carried on under the permit. No application shall apply to more than one location. Location must be approved by the City Administrator.

B. A separate sidewalk vending permit application and fee shall be required for each mobile container or device to be used for transportation or display.

C. No food vendor application will be accepted for a location where a restaurant or fruit and vegetable market, with direct access to the sidewalk, is adjacent or within 100 feet on the same block. No application will be accepted for a flower vendor for a location where a flower shop, with direct access to the sidewalk, is adjacent or within 100 feet on the same block. The above requirement may be waived if the application is submitted with the written consent of the proprietor of the restaurant, fruit and vegetable market or flower shop. The consent must be submitted on a form deemed appropriate by the City Recorder.

(Am. Ord. 1333, passed 7-21-2010)

**§ 5.12.040 Fire Marshal inspection.**

Prior to the issuance of any permit, the Fire Marshal shall inspect and approve any mobile device or pushcart to assure the conformance of any cooking or heating apparatus with the provisions of the city fire code. Only propane will be authorized for heat source.

**§ 5.12.050 Restrictions.**

A. Any person conducting business on the sidewalks of the city with a valid license issued under this chapter may transport and/or display approved items upon any mobile device or pushcart, under or subject to the following conditions:

1. The operating area shall not exceed 24 square feet of sidewalk, which shall include the area of the mobile device or pushcart, and when externally located, the operator and trash receptacle;

2. The length of the mobile device or pushcart shall not exceed 6 feet; and

3. The height of the mobile device or pushcart, excluding canopies, umbrellas or transparent enclosures, shall not exceed 5 feet.

B. All persons conducting business on a sidewalk must display in a prominent and visible manner the license issued by the City Recorder under the provisions of this chapter and conspicuously post the price of all items sold.

C. All persons conducting business on a sidewalk must pick up any paper, cardboard, wood or plastic containers, wrappers or any litter in any form which is deposited by any person on the sidewalk or street within 25 feet of the place of conducting business. Each person conducting business on a public sidewalk under the provisions of this chapter shall carry a suitable container for the placement of litter by customers or other persons.

D. All persons conducting business on a sidewalk shall obey any lawful order of a police officer to move to a different permitted location to avoid congestion or obstruction of the sidewalk or to remove his or her vending cart entirely from the sidewalk if necessary to avoid congestion or obstruction.

E. No person shall conduct business as defined in this chapter at a location other than that designated on his or her permit.

F. No permittee shall make any loud or unreasonable noise of any kind by vocalization or otherwise for the purpose of advertising or attracting attention to his or her wares.

G. No permitted cart or device shall be left unattended on a sidewalk nor remain on the sidewalk between 11:00 p.m. and 6:00 a.m.

H. No permittee shall conduct business in violation of the provision of any ordinance providing for a special event.

**§ 5.12.060 Permitted items.**

The City Administrator shall maintain a list of items which are approved for sale from sidewalk

vending carts. Any item not on the list may be considered for approval based on the following criteria:

A. All items or services to be sold must:

1. Be prepared in and vended from a vending cart;

2. Not lead to or cause congestion or blocking of pedestrian traffic on the sidewalk;

3. Involve a short transaction period to complete the sale or render the service;

4. Enhance business environments; and

5. Not cause undue noise or offensive odors.

B. Edible items must be immediately consumable, in addition to all applicable requirements stated in division A. of this section.

C. Nonedible items, in addition to all applicable requirements stated in division A. above, must:

1. Be easily carried by pedestrians; and

2. Not be prepackaged, pre-manufactured or previously handmade.

D. Requests to have an item or service considered for approval shall be submitted in writing to the City Administrator, who shall determine whether the item or service conforms to the above criteria. If the item or service conforms to the criteria, it shall be listed as approved for sale by sidewalk vendors. The decision of the City Administrator, if adverse to the party making the request, may be appealed to the City Council.

**§ 5.12.070 Special event designation.**

License shall not be required for sidewalk vendors during special events so designated by the City Council.

**§ 5.12.080 License denial, suspension or revocation.**

A. The City Administrator may revoke or suspend the permit, or deny either the issuance or renewal thereof, of any person to conduct business on the sidewalks of the city, if he or she finds that:

1. The person has violated or failed to meet any of the provisions of this chapter;

2. The cart operation has become detrimental to surrounding businesses and/or the public, due to either appearance or condition of the cart;

3. Any required permit has been suspended, revoked or canceled; or

4. The permittee does not have a currently effective insurance policy in the minimum amount provided in this chapter.

B. Upon denial, suspension or revocation, the City Administrator shall give notice of the action to the license holder or applicant, as the case may be, in writing, stating the action he or she has taken and the reasons therefor. If the action of the City Administrator is a revocation based on divisions A.3 or A.4. of this section, the action shall be effective upon giving the notice to the permittee. Otherwise the notice shall contain the further provision that it shall become final and effective within 20 days. Any revocation effective immediately may also be appealed to the City Council by such filing within 10 days. Any revocation, suspension or denial may be appealed to the City Council by filing a written notice of appeal with the City Recorder within 10 days of receipt of notification.

**§ 5.12.090 Appeal.**

The City Recorder shall place the appeal on the Council calendar at the first convenient opportunity therefor and shall notify the City Administrator thereof. At the hearing upon appeal the Council shall hear all witnesses, including the City Administrator or his or her representative, who shall state the grounds for this action, and the applicant or person whose permit has been revoked or suspended may supply testimony in writing by witnesses or otherwise and may question witnesses on his or her own behalf or on behalf of the city. The Council shall hear and determine the appeal, and the decision of the Council shall be final and effective immediately.

**§ 5.12.100 Penalty.**

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine not exceeding \$500. In the event that any provision of this chapter is violated by a firm or corporation, the officer or officers, or person or persons, responsible for the violation shall be subject to the penalty herein provided.

**§ 5.12.110 Violation a nuisance; summary abatement.**

The placement of any cart or device on any sidewalk in violation of the provisions of this chapter is declared to be a public nuisance. The City Administrator may cause the removal of any cart or device found on a sidewalk in violation of this chapter and is authorized to store the cart or device until the owner thereof redeems it by paying the removal and storage charges therefor to be established by the City Administrator.

**CHAPTER 5.16: LIQUOR LICENSE REVIEW**

Section

- 5.16.010 Title and purpose.
- 5.16.020 Definitions.
- 5.16.030 License application
- 5.16.040 Chief of Police’s duties.
- 5.16.050 Hearing procedure.
- 5.16.060 Standards and criteria.
- 5.16.070 Reconsideration of applications.

**§ 5.16.010 Title and purpose.**

A. This chapter shall be known and may be cited as the Liquor License Review Chapter, and may also be referred to herein as this chapter.

B. The purposes of this chapter are to establish the principal criteria which shall be considered by the Council and its designees, the Chief of Police, in making recommendations to the Oregon Liquor Control Commission concerning the granting, denying, modifying or renewing of all liquor licenses for premises within the city limits and to establish a process, to be utilized for the investigation of license applicants for the purpose of making recommendations, that is fair, effective and efficient. This chapter is necessary to ensure that all premises licensed to sell and dispense liquor in any form, meet the high expectations of this community that all businesses are conducted in a lawful manner that does

# Get a Food Handler Card

The term "food handler" means those persons involved in the preparation or service of food in a restaurant or food service facility licensed under [ORS 624.020](#) or [624.320](#). This includes, but is not limited to, cooks, wait staff, dishwashers, bartenders, or bus persons.

## Food Handler Card Information

- Valid throughout all counties in Oregon
- Valid for 3 years
- Food handler cards issued from other states are **not** valid in Oregon
- A valid, non-expired [Food Manager Certificate](#) is an accepted alternative

## Testing & Cost

- **Online:** [Oregon Food Handlers](#)
  - \$10 after test is passed
  - Replacement card: Print for free
- **In Person:** Monday through Thursday 7 a.m. to 5:30 p.m.
  - \$5.00 per test
  - \$5.00 when you pass to receive your card
  - Replacement card: \$5.00 (if card was received at our facility)

## Food Safety – Food Handler Manual


[Food Handler Manuals](#) are available in English, Spanish, Vietnamese, Chinese, Russian and Korean. They are available in English or Spanish in our office

## Food Manager Certification

In Oregon, the food manager certification isn't required by law.

- For Clackamas County visit [SafeServ Certification Course](#) or call 1-800-462-0619
- List of all valid [Food Manager Training Courses](#) in Oregon

- Satisfies the "Demonstration of Knowledge" and "Person in Charge" requirements of the Oregon Food Code
- Satisfies the Food Handler Certification
- Valid for 5 years



**For more information about Food Handler Cards, call us at (503) 655-8384.**

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**Oregon Health Authority**  
**Food, Pool and Lodging, Health and Safety Section**

## **MOBILE FOOD UNIT OPERATION GUIDE**

Guidelines for Food Service



OREGON HEALTH AUTHORITY

# Mobile Food Unit Operation Guide

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**QUESTIONS?** Contact your county health department for more information on mobile units. See page 4 of this guide for county phone numbers.

Oregon Health Authority  
Foodborne Illness Prevention Program  
800 NE Oregon Street, Suite 640  
Portland, OR 97232  
Phone: 971-673-0185

[www.healthoregon.org/foodsafety](http://www.healthoregon.org/foodsafety)

Rev 12/14

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# Mobile Food Unit Operation Guide

## **A summary of the Food Sanitation Rules relating to mobile food units**

**T**he Mobile Food Unit Operational Guide is intended to help you set up and operate your mobile food unit in a sanitary and safe manner. By focusing on critical food safety practices, you will reduce the possibility of foodborne illness. While this document contains some detailed information about the rules for the construction and operation of mobile food units, it does not contain all the requirements for your unit. Unless otherwise noted, sections of the Food Sanitation Rules, Oregon Administrative Rules (OAR) 333-150-0000 are provided for you to obtain specific rule requirements. The Oregon Food Sanitation Rules are at [www.healthoregon.org/foodsafety](http://www.healthoregon.org/foodsafety).

Contact your County Health Department early in your planning process. Determine the county where you will be operating your mobile unit and contact that county's Environmental Health Program (see page 4, the back of this guide, or website).

## Base of Operation

### Base of Operation

Mobile food units must operate from a licensed restaurant, commissary, or warehouse. A warehouse may be accepted as a base of operation if only prepackaged goods are sold (OAR 333-162-0040; OAR 333-162-0930; OAR 333-162-0940; OAR 333-162-0280; 333-162-0680).

The regulatory authority will determine whether self-contained mobile food units have the ability to operate without a base of operation. To do so, the units must contain all the equipment and utensils that a commissary would provide.

## What is a Mobile Food Unit?

A mobile food unit is any vehicle that is self-propelled, or can be pulled or pushed down a sidewalk, street, highway or waterway. Food may be prepared or processed on this vehicle, and the vehicle is used to sell and dispense food to the ultimate consumer. There is no size limit to mobile food units, but they must meet the following basic requirements:

- Mobile units must be mobile at all times during operation. The unit must be on wheels (excluding boats) at all times (Section 1-201.10).
- The unit and all operations and equipment must be integral to the unit. There are three exceptions that may be allowed provided that specific conditions are met. These exceptions will be discussed later in this document on page 5.

## How is a Mobile Food Unit Classified?

There are four types of mobile food units. The mobile food unit classifications are based on the menu. A mobile food unit can serve menu items within its classification number or below (see Table 1). For example, a Class III unit may also sell items allowed under Class II and I (OAR 333-162-0020(2)).

**Class I** These units can serve only intact, packaged foods and non-potentially hazardous drinks. No preparation or assembly of foods or beverages may take place on the unit. Non-potentially hazardous beverages may be provided from covered urns or dispenser heads only. No dispensed ice is allowed.

**Class II** These units may serve foods allowed under Class I and provide hot and cold holding display areas from which unpackaged foods are displayed. Self-service by customers of unpackaged food is not allowed. Preparation, assembly or cooking of foods is not allowed on this unit.

**Class III** These units may serve any food item allowed under Class II, and may cook, prepare and assemble food items on the unit. However, cooking of raw animal food on the unit is not allowed.

**Class IV** These mobile food units may serve a full menu.

**Table 1: Mobile Food Unit General Requirements and Limitations**

| Requirements                    | Class I                               | Class II                                | Class III  | Class IV                                |
|---------------------------------|---------------------------------------|---|--|---|
| Water Supply Required           | No                                    | Yes                                     | Yes  | Yes                                     |
| Handwashing System Required     | No                                    | Yes - Minimum Five Gallons <sup>1</sup> | Yes - Minimum Five Gallons <sup>1</sup>            | Yes - Minimum Five Gallons <sup>1</sup> |
| Dishwashing Sinks Required      | No                                    | No <sup>2</sup>                         | Yes – Or Licensed Commissary <sup>2</sup>          | Yes - Minimum 30 Gallons <sup>2</sup>   |
| Assembly or Preparation Allowed | No                                    | No                                      | Yes  | Yes                                     |
| Cooking Allowed                 | No                                    | No                                      | Yes <sup>3</sup>                                   | Yes                                     |
| Barbecue Operation Allowed      | No                                    | No                                      | Yes - Reheating of fully cooked foods <sup>4</sup> | Yes                                     |
| Restroom Required               | Yes                                   | Yes                                     | Yes  | Yes                                     |
| Examples                        | Prepackaged Sandwiches/Dispensed Soda | Service of Unpackaged Food Items        | Espresso Hot Dogs                                  | No Menu Limitation                      |

1 The handwashing system must be plumbed to provide hot and cold running water.

2 Must provide a minimum of 30 gallons of water for dishwashing or twice the capacity of the three compartment sinks, if provided.

3 May cook only foods that are not potentially hazardous when raw (rice, pasta, etc.).

4 With Class III units, the barbecue must be integral to the unit and only used to impart flavor.

## County Health Departments

Contact your county health department's environmental health program early in your planning process. Determine what county you will be operating your mobile unit. The county's environmental health program contact information can also be found at: <http://public.health.oregon.gov/ProviderPartnerResources/LocalHealthDepartmentResources/Pages/lhd.aspx>.

|            |              |            |              |
|------------|--------------|------------|--------------|
| Baker      | 541-473-5186 | Lake       | 541-947-6045 |
| Benton     | 541-766-6841 | Lane       | 541-682-4480 |
| Clackamas  | 503-655-8384 | Lincoln    | 541-265-4127 |
| Clatsop    | 503-325-8500 | Linn       | 541-967-3821 |
| Columbia   | 503-397-4651 | Malheur    | 541-473-5186 |
| Coos       | 541-751-2431 | Marion     | 503-588-5346 |
| Crook      | 541-447-8155 | Morrow     | 541-278-5432 |
| Curry      | 541-247-3300 | Multnomah  | 503-988-3400 |
| Deschutes  | 541-322-7400 | Polk       | 503-623-9237 |
| Douglas    | 541-464-3820 | Sherman    | 541-506-2600 |
| Gilliam    | 541-506-2600 | Tillamook  | 503-842-3900 |
| Grant      | 541-575-0429 | Umatilla   | 541-278-5432 |
| Harney     | 541-573-2271 | Union      | 541-962-8800 |
| Hood River | 541-387-6885 | Wallowa    | 541-426-4848 |
| Jackson    | 541-774-8206 | Wasco      | 541-506-2600 |
| Jefferson  | 541-475-4456 | Washington | 503-846-8722 |
| Josephine  | 541-474-5325 | Wheeler    | 541-763-2725 |
| Klamath    | 541-883-1122 | Yamhill    | 503-434-7525 |

## Licensing Your Mobile Food Unit

A license is required. Before a Mobile Food Unit is licensed, it must go through a plan review with the local Environmental Health Department. Prior to licensing, there may be other agencies from which you will be required to obtain approvals. These include, but are not limited to planning (zoning), building codes (structural, electrical, plumbing) Fire Marshall, and other city or county authorities (OAR 333-162-0880).

## Food Handler Certificates

All food service workers must obtain a food handler certificate. For more information on how to obtain a food handler certificate, contact your County Health Department or go to: [www.healthoregon.org/foodsafety/cert.shtml](http://www.healthoregon.org/foodsafety/cert.shtml) (OAR 333-175-0000).

## Activities Allowed Outside of the Unit

All operations and equipment must be an integral part of the mobile food unit, unless your proposed activity meets one of the three exceptions, and specific conditions are met. The three exceptions are the use of a barbecue unit, customer seating, and auxiliary storage.

### Barbecue Unit

A Class III unit may use a barbecue to impart flavor on fully cooked animal food items prior to putting the food item into hot holding or immediately prior to service. The barbecue unit may not be used for hot holding or any other use outside of this description. On a Class III unit, the barbecue must be integral to the unit (OAR 333-162-0020(3)).

A Class IV mobile food unit may use a barbecue when:

- It is in close proximity to the mobile food unit
- The barbecue is used only for cooking. Processing, portioning, preparation, or assembly of food must be conducted from inside the mobile food unit
- A handwashing system must be provided adjacent to the barbecue

### Seating for Customers

Operators may provide seating for customers if restrooms are readily accessible within one-quarter mile or a five-minute walk from the mobile food unit. The restroom must have a handwashing facility that provides hot and cold running water, soap, and paper towels or air dryer (OAR 333-162-0020(4)).

### Auxiliary storage

Auxiliary storage may be provided if it is limited to impervious, nonabsorbent, covered containers stored in such a manner as to prevent contamination or infestation. Auxiliary storage shall be limited to an amount that can be used in the course of a day's operation. No self-service, assembly or preparation activities may occur from the auxiliary storage container (OAR 333-162-0020(5)).

## Food Sanitation Requirements

### Person In Charge (PIC)

Someone at your mobile unit must be in charge during all hours of operation. This person is responsible for knowing the food sanitation rules and the procedures within your unit. This person needs to be able to provide employees with information they need to perform their job. The Person In Charge (PIC) must inform employees to notify the PIC when the employee is experiencing fever, sore throat, or gastrointestinal symptoms such as vomiting, diarrhea, and nausea. The PIC must have the authority to send an employee home (Sections 2-101.11; 2-201.12). The PIC must also be able to describe the major food allergens and the symptoms that they could cause if a customer had an allergic reaction.

The person in charge is required to demonstrate knowledge of rules applicable to the food service operation. Demonstration of knowledge can be met by obtaining a food manager training certificate, having no critical violations, or by correctly answering the inspector's food safety questions. Critical violations are violations that are known to cause foodborne illness. See [www.healthoregon.org/foodsafety/](http://www.healthoregon.org/foodsafety/) for approved food manager certificates.

### Sick Employees Must Not Work

#### Employee Illness

Any person, who is infected with a communicable disease, has vomiting, abdominal cramps or diarrhea must **not** work in food service until the person is completely free from symptoms (Section 2-201.11). Employees with undiagnosed vomiting and diarrhea may not return to work for at least 24 hours after symptoms have gone.

Infected sores or cuts on employee hands must have a watertight cover such as a finger cot that protects the lesion and a single-use-non-latex glove is worn. Infected sores or cuts on other parts of the body, such as the arms, need to be covered by a dry clean tight-fitting bandage. Latex gloves are prohibited (Section 3-304.15).



## Handwashing Facilities

Handwashing facilities must have warm running water, dispensed soap, paper towels, and a wastebasket. (Sections 6-301.11; 6-301.12; 6-301.20; 6-302.11).

Class II, III and IV mobile units must be plumbed to provide hot and cold running water.

Handwashing is very important when working with food and drinks. Handwashing removes microorganisms that are known to cause illness. Food workers need to wash hands between changing tasks, after handling raw meats, and anytime hands may have been contaminated. The best way to wash hands is to scrub for about 20 seconds with warm running water and soap. Rinse and dry hands with paper towels (Sections 2-301.12; 2-301.14; 2-301.15).

When and How to Wash Hands

A double handwash is required whenever you enter the unit, after using the restroom, after smoking, and anytime hands become contaminated with body fluids. A double handwash requires you to lather hands with soap and warm water for approximately 20 seconds, rinse, and repeat a second time. Dry hands with paper towel. A double handwash is to prevent the spread of diseases that workers might have even though they are not yet showing the symptoms (Section 2-301.13).

## Food Source

All food products must be wholesome and free of spoilage, microorganisms, toxic chemicals, and other harmful substances that can make people sick. All food products must be prepared, stored, handled, or displayed so that it is safe for people to eat (Sections 3-201.11 thru 3-201.17).

Home canned or home processed foods are not allowed. All food must either be prepared in the unit or obtained from an approved source. Home-prepared foods must not be stored on the unit or served to the public. The only alternative to preparing the food in the unit is to prepare the food in an approved licensed facility such as a commissary. If you plan to prepare food off the unit, a separate commissary license is required.

## Water Source

All water used in the mobile food unit must be from an approved public water system. A mobile food unit may also use commercially bottled water (Sections 5-1; 5-2; 5-3).

## Potentially Hazardous Foods (PHF)

Potentially hazardous foods are:

- Food of an animal origin (raw or cooked)
- Cooked plant products
- Raw seed sprouts, cut melons, garlic and oil mixtures, cut leafy greens and tomatoes

Examples: hamburgers, tacos, hot dogs, spaghetti, chili, cooked rice, cooked potatoes, and cooked beans (Section 1-201.10).

## Food Temperatures

### Hot and Cold Holding

Potentially hazardous foods must be kept cold at 41°F or colder or kept hot at 135°F or hotter. Temperatures between 41°F and 135°F allow for rapid growth of bacteria that can make people sick. Use equipment capable of holding food hot (135°F or hotter). Open flames often fail and blow out. Be sure equipment will work and can hold food hot at all times (Sections 3-501.11 thru 3-501.19).

Use refrigerators or ice to store food cold (41°F). The ice must be from an approved source. All containers used must allow for water to drain away as ice melts (like an insulated cooler with drain plug). Keep enough ice available to keep the food surrounded by ice for the duration of the operation.

### Date Marking

Date-mark ready-to-eat potentially hazardous foods that will be kept longer than 24 hours at 41°F with a date to discard at 7 days from the day of preparation.

### Thawing Foods

Foods may be thawed under refrigeration, under cool running water, or in a microwave if it will be cooked immediately.

### Cooling

The best way to keep food safe is to make it fresh each day, just before you serve it. If you have food that is leftover or made in advance, you must cool it from 135°F to 70°F within two hours. Then the food must cool from 70°F to 41°F within four hours. If the food does not reach 70°F within two hours, you must reheat the food to 165°F, and start the cooling process again or you may serve it immediately or hot hold the food until service. If the food takes longer than four hours to drop from 70°F to 41°F,

it must be discarded. Refer to the food handler manual for more information or look online at: [www.healthoregon.org/foodsafety](http://www.healthoregon.org/foodsafety).

### Cooking

Cook raw animal products to the following internal temperatures (Sections 3-401.11 thru 3-401.13):

- Poultry, stuffed meats, stuffed fish, stuffed pasta to 165°F
- Ground beef and other ground meats to 155°F
- Pork, eggs, fish and other potentially hazardous foods 145°F

A consumer advisory will be required for facilities that serve raw or under cooked animal products, such as “burgers cooked to order”.

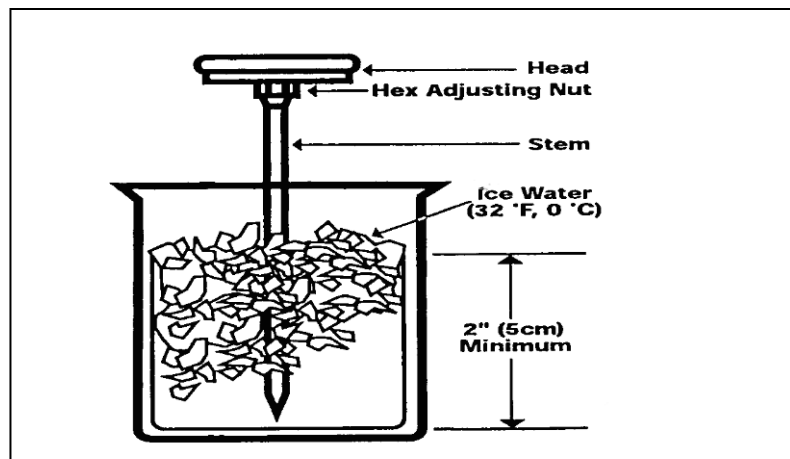
### Reheating

All potentially hazardous foods that have been cooked, and cooled must be reheated to at least 165°F within two hours before being placed in hot holding (Section 3-403.11).

## Thermometers

Metal-stem probe food thermometers with a temperature range of 0°F to 220°F are required to test food temperatures when holding foods hot, cold or when cooking raw animal products. Clean and sanitize your thermometer after each use (Sections 4-203.11; 4-502.11). A small diameter probe is required to measure the temperature of thin foods, such as burgers and fish fillets.

It is important to ensure that the thermometer is working properly. An easy way to check your thermometer is to pack a container with crushed ice and add enough water to make it slushy. Put the thermometer into the slush and wait for 30 seconds until the dial stops moving. The dial should read 32°F. If it has a different reading, adjust the hex nut keeping the probe in the slush until it reads 32°F. For digital thermometers, follow manufacturer instructions on how to adjust the thermometer.



Refrigerator thermometers are required to confirm that the refrigerator or cooler is staying cold at 41°F (Section 4-204.112).

## Dishwashing

A commercial dishwasher or a three-compartment sink are used to wash, rinse, and sanitize all equipment and utensils. Using a three-compartment sink, wash equipment and utensils with soapy hot water, rinse with hot water, immerse in sanitizer and air dry. Sanitizer can be made up of 50-100 ppm of chlorine bleach or 200 ppm of quaternary ammonium. Use test strips that are made for the sanitizer that you are using. The test strips will ensure that the sanitizer has been mixed according to manufacturer's directions (Chapter 4).

For units that do not have a dishwashing, you must bring multiple clean utensils to replace any that have been in use for four hours or utensils that have been dropped or contaminated.

## Cleaning and Sanitizing

Clean and sanitize food-contact surfaces between preparing raw and ready-to-eat foods. Food contact surfaces must be washed, rinsed, and sanitized as with dishwashing. Wiping cloths must be stored in a sanitizing solution between uses. Wipe cloths used for wiping areas that contacted raw animal products must be stored in a container of sanitizer separate from all other sanitizers (Section 3-304.14).

## General Food Protection

- Store food and utensils up off the floor. Store food only in food grade containers. Protect food and utensils from dust and other contaminants (Sections 3-305.11; 4-1)
- Store chemicals such as liquid bleach and detergents below and separate from the food and utensils. Properly label all chemical containers (Section 7-2)
- Keep all garbage in a watertight container with lid (Section 5-5)
- Dispose of wastewater properly into a plumbed sewer (Section 5-4)
- Protect food from insects and rodents (Sections 6-202.15; 6-501.111; 6-501.11)

