

Submitted by: Assembly Member Weddleton
Assembly Member Constant
Assembly Member Dunbar
Prepared by: Assembly Counsel
For reading:

ANCHORAGE, ALASKA
AO No. 2019-_____

1 **AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING ANCHORAGE**
2 **MUNICIPAL CODE SECTIONS 16.60.050, 16.60.230, AND 23.10.104.4., TO**
3 **ALLOW MOBILE FOOD UNITS TO CONNECT TO UTILITY SERVICES, BE A**
4 **REPURPOSED INTERMODAL SHIPPING CONTAINER (CONNEX) THAT CAN**
5 **BE LIFTED OR DRAGGED ONTO A VEHICLE OR TRAILER FOR TRANSPORT,**
6 **AND HAVE MEMBERS OF THE PUBLIC INSIDE TO ORDER FOOD ONLY.**
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9 **THE ANCHORAGE ASSEMBLY ORDAINS:**

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11 **Section 1.** Anchorage Municipal Code section 16.60.050 is hereby amended to
12 read as follows (*the remainder of the section is not affected and not set out, other*
13 *provisions included for context*):

14
15 **16.60.050 - Definitions.**

16
17 The definitions from the 2013 FDA Model Food Code paragraph 1-201.10(B)
18 are adopted and incorporated by reference, except as otherwise modified or
19 supplemented by this section as follows:

20 *** *** ***

21 *Kiosk* means a type of limited food service mobile facility, without
22 permanent plumbing, located inside of a permanent building with a certificate
23 of occupancy issued by the municipality.

24
25 *Mobile food unit* means a type of permitted food establishment located
26 in a vehicle, trailer, repurposed factory-built, readily moveable, intermodal
27 shipping container (such as a connex unit), or pushcart that:

- 28
29 1. Completely retains its mobility and is capable of easily moving
30 daily [FOR SERVICING OF WATER AND WASTEWATER
31 HOLDING TANKS];
32 2. Operates out of a[N] commissary or other approved facility
33 (unless the unit is a self-contained mobile food unit); and
34 3. Has a menu usually restricted to service of specific food.[:]
35 [4. A MOBILE FOOD UNIT, OTHER THAN A PUSHCART,
36 SHALL:
37 a. NOT EXCEED EIGHT FEET SIX INCHES IN WIDTH
38 OR FORTY-EIGHT FEET IN LENGTH, INCLUDING
39 OVERHANGS.
40 b. BE CURRENTLY LICENSED BY THE STATE OF
41 ALASKA AS A MOTOR VEHICLE OR TRAILER
42 HAVING A TOW HITCH, CHASSIS, AXLES, WHEELS

1 AND TRAILER LAMPS AND REFLECTORS
2 REQUIRED BY AMC CHAPTER 9.44.

3 c. NOT BE CONNECTED TO UTILITIES EXCEPT
4 ELECTRICAL.

5 d. MEET THE REQUIREMENTS OF SECTION
6 23.10.104.4.]

7
8 *** **

9 (AO No. 2009-40(S), § 1, 7-21-09; AO No. 2009-102, § 1, 8-25-09, eff. 1-1-
10 10; AO No. 2017-162 , § 3, 12-19-17)

11
12 **Section 2.** Anchorage Municipal Code section 16.60.230 is hereby amended to
13 read as follows (*the remainder of the section is not affected and not set out*):

14
15 **16.60.230 - Mobile food units and kiosks.**

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17 A. In addition to the other requirements of this chapter, the operator of a
18 mobile food unit or kiosk shall comply with this section.

19
20 B. A mobile food unit, other than a pushcart, shall:

21 1. Not exceed eight feet six inches in width or forty-eight feet in
22 length, including overhangs.

23 2. Be currently licensed by the State of Alaska as a motor vehicle
24 or trailer having a tow hitch, chassis, axles, wheels and trailer
25 lamps and reflectors required by AMC chapter 9.44.

26 3. If a factory-built, readily moveable, intermodal shipping
27 container (connex) repurposed for permanent use as a mobile
28 food unit, it is exempt from subsection 2 above. The
29 department may require the operator to demonstrate it can be
30 lifted or dragged onto a trailer or vehicle within one calendar
31 day for transport.

32 4. Meet the requirements of Chapter 23.10 for mobile food units
33 and any other applicable requirements of Title 23.

34
35 C. The operator of a mobile food unit or kiosk, except a self-contained
36 mobile food unit or kiosk described in section D[C]. below, shall:

37 1. Ensure functions that cannot be performed in the mobile food
38 unit or kiosk, but are required by this code, be performed at
39 least once each day in a commissary or other location approved
40 by the department, such as cleaning the unit, equipment, and
41 utensils; servicing potable water and wastewater tanks; and
42 restocking food and supplies;

43 2. Provide to the department a letter of agreement between the
44 operator and the commissary outlining:

- 45 a. The days and hours the commissary is to be used; and
46 b. The extent of support services to be provided at the
47 commissary.

- 1 3. Advise the department in writing immediately, but not later than
2 72 hours, if use of the commissary is discontinued or the
3 commissary used is changed.
4

5 D[C]. The operator of a self-contained mobile food unit or kiosk is not
6 required to work out of a commissary as described in section B. above
7 if the department determines the unit has:

- 8 1. Installed on the unit, in operable condition at all times the unit
9 is in service, either
10 a. water and wastewater utility connections, or
11 b. adequate for one full day of operation, water and
12 wastewater holding tanks, and hand washing[,] and
13 ware washing facilities. The water and wastewater
14 holding tanks may not be removed even if the unit is
15 connected to and using utility services; and
16 2. Adequate storage facilities on the unit for all food, equipment,
17 utensils, including single-service items, and supplies used in
18 the operation.
19

20 E[D]. The operator of a mobile food unit shall:

- 21 1. Provide only single-service articles to consumers;
22 2. Ensure toilet facilities are available within 200 feet of the unit or
23 conveniently located and available to employees during work
24 hours, as approved by the department; and
25 3. Provide on both sides of the mobile food unit, in at least three-
26 inch-high letters and numbers, the name of the facility and the
27 permit number as printed on the permit, if the mobile food unit
28 is not a pushcart.
29 4. If the unit is connected to utilities, obtain permits and install
30 connections as required by Title 23 and utility service providers.
31

32 F[E]. In addition to the other requirements of this section, the operator of a
33 pushcart shall ensure:

34 *** **

35 H[G]. Recognition of nonconforming rights; limited continuation. The
36 following nonconforming units may continue to operate and not be in
37 violation of this chapter for the nonconformity so long as the food
38 establishment permit for such units was maintained in good standing
39 within the past three years.
40

- 41 1. Mobile food units wider than eight feet six inches that were
42 permitted in the [M]unicipality [OF ANCHORAGE] prior to the
43 adoption of the width requirement on January 9, 2018 listed in
44 section 16.60.230B.1.[16.60.050], shall be exempt from the
45 width requirement in section 16.60.230B.1[16.60.050].
46 2. Mobile food units on skids or not currently mounted on a
47 chassis and wheels as required in section 16.60.230B.2. that
48 were permitted in the municipality prior to [insert effective date

of AO] shall be exempt from the requirement to have wheels and a chassis in section 16.60.230B.2.

(AO No. 2009-40(S), § 1, 7-21-09; AO No. 2009-102, § 1, 8-25-09, eff. 1-1-10; AO No. 2017-162 , § 22, 12-19-17)

Section 3. Anchorage Municipal Code section 23.10.104.4 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

23.10.104.4 - Mobile food units.

Mobile food units, including coffee carts, coffee huts, and pushcarts, (hereafter referred to as units) may be set up without obtaining a building permit and certificate of occupancy under the following restrictions:

- A. The unit shall not exceed 8'6" in width or 48' in length, including overhangs.
- B. The unit shall be readily moveable daily and either:
 - 1. Currently titled and licensed by the State of Alaska as a:
 - i. Motor vehicle, or
 - ii. Trailer having a tow hitch, chassis, axles, wheels and trailer lamps and reflectors required by AMC chapter 9.44; [OR]
 - 2. A pushcart as defined in AMC 16.60.050 and that satisfies the requirements of AMC 16.60.230F[E].; or
 - 3. A factory built, readily moveable, intermodal shipping container repurposed to function as a mobile food unit which can be lifted or dragged onto a trailer or vehicle within one calendar day for transport.
- C. The unit shall obtain approval by the Department of Health and Human Services.
- D. Approval and a permit, where applicable, shall be obtained from a public utility prior to connecting to the utility's services.
- E. A licensed plumbing contractor shall obtain a retrofit permit if the unit is to be connected to a public utility's water supply or wastewater system. The water supply shall be isolated by a reduced pressure backflow assembly. [THE UNIT SHALL NOT BE CONNECTED TO UTILITIES, EXCEPT ELECTRICAL].
- F. If the unit is to be connected to a natural gas supply, a retrofit permit shall be obtained by one of the following:
 - 1. A licensed plumbing contractor, or

2. A licensed mechanical contractor that employs a licensed plumber or gas fitter.

G[E]. A licensed electrical contractor shall obtain a permit to provide electrical service and/or connection to the unit. The electrical connection shall consist of an approved flexible cord, attachment cap and receptacle approved for the location.

H[F]. The unit shall comply with the National Electrical Code as noted by NEC 550.4 (A). A code compliance inspection shall be performed and necessary corrections made before power is connected. A licensed electrical contractor shall obtain a permit and make the corrections. The permit for providing electrical service and/or connection may include the corrections when performed by the same contractor.

I[G]. Service equipment located adjacent to vehicle lanes or the unit shall be provided with bollards or other substantial protective barriers.

J[H]. The unit shall not reduce the required number of parking spaces at existing facilities.

K[I]. Mobile food units shall be an allowable use in the zoning district where the unit is proposed to be located.

L[J]. Units shall comply with fire plan review and operational processes as determined by the fire marshal. These include, but are not limited to:

1. An Anchorage Fire Department (AFD) approved, currently serviced fire extinguisher shall be located inside the unit.

2[K]. Propane tanks shall be protected from vehicle impact and shall be located in accordance with the fire code.

3[L]. The unit location shall not impact fire lanes or emergency vehicle access to nearby structures.

M. The unit location is subject to approval by [FIRE PLAN REVIEW AND] traffic engineering.

N. Public occupancy for consumption of food or beverages shall not be allowed inside the unit. The unit may only be occupied by the owner and employees, and entered by members of the public only for ordering and take out of food or beverages for consumption outside the unit [ONLY].

Units that do not meet all of these requirements shall be considered a structure and require a building permit in accordance with this code.

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23.10.104.4.1 - Application requirements.

The following items are required at the time of the permit application:

- A. A completed commercial permit application.
- B. A site plan showing where the unit will be located.
- C. Approval from the Department of Health and Human Services for compliance with requirements of AMC 16.60.
- D. A current copy of the State of Alaska vehicle or trailer registration, if the structure is not a pushcart or a repurposed factory-built, readily movable, intermodal shipping container (connex).

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(AO No. 2015-127, § 1, 4-1-16 ; AO No. 2016-36(S), § 1, 4-1-16 ; AO No. 2016-117 , § 1, 11-1-16)

Section 4. This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2019.

Chair of the Assembly

ATTEST:

Municipal Clerk