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Prepared by: Assembly Counsel
For reading: February 12, 2019

ANCHORAGE, ALASKA
AO No. 2019--27

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 **MOVEABLE REPURPOSED INTERMODAL SHIPPING CONTAINER (CONNEX)**
5 **THAT CAN BE LIFTED OR DRAGGED ONTO A VEHICLE OR TRAILER FOR**
6 **TRANSPORT, AND HAVE MEMBERS OF THE PUBLIC INSIDE TO ORDER**
7 **FOOD ONLY.**
8

9
10 **THE ANCHORAGE ASSEMBLY ORDAINS:**

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

15
16 **16.60.050 - Definitions.**

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

21 *** *** ***

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

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

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

HAVING A TOW HITCH, CHASSIS, AXLES, WHEELS
AND TRAILER LAMPS AND REFLECTORS
REQUIRED BY AMC CHAPTER 9.44.

- c. NOT BE CONNECTED TO UTILITIES EXCEPT ELECTRICAL.
- d. MEET THE REQUIREMENTS OF SECTION 23.10.104.4.]

*** *** ***

Repurposed shipping container means a standard intermodal shipping container (connex) that has been substantially modified for a permanent use as a food establishment under this chapter.

*** *** ***

(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, § 3, 12-19-17)

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

16.60.230 - Mobile food units and kiosks.

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

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

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

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

3. If a ~~repurposed~~ factory-built, readily moveable, intermodal shipping container (connex) ~~that lacks~~ repurposed for permanent use as a vehicular chassis mobile food unit, it shall have cutouts, anchors, skids or other features used to lift or drag is exempt from subsection 2 above. The department may require the ~~container to~~ operator to demonstrate it can be lifted or dragged onto a trailer or vehicle or trailer within one calendar day for transport.

4. Meet the requirements of ~~section~~ Chapter 23.10.104.4 for mobile food units and any other applicable requirements of Title 23.

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

1. Ensure functions that cannot be performed in the mobile food unit or kiosk, but are required by this code, be performed at least once each day in a commissary or other location approved

- 1 by the department, such as cleaning the unit, equipment, and
- 2 utensils; servicing potable water and wastewater tanks; and
- 3 restocking food and supplies;
- 4 2. Provide to the department a letter of agreement between the
- 5 operator and the commissary outlining:
- 6 a. The days and hours the commissary is to be used; and
- 7 b. The extent of support services to be provided at the
- 8 commissary.
- 9 3. Advise the department in writing immediately, but not later than
- 10 72 hours, if use of the commissary is discontinued or the
- 11 commissary used is changed.
- 12

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

- 16 1. Installed on the unit, in operable condition at all times the unit
17 is in service, either
 - 18 a. water and wastewater utility connections, or
 - 19 b. adequate for one full day of operation, water and
20 wastewater holding tanks, and hand washing[,] and
21 ware washing facilities. ~~If the unit is connected to utilities~~
22 ~~the~~The water and wastewater holding tanks may not be
23 removed ~~so long as they are reinstalled before even if the~~
24 unit is ~~moved~~connected to and using utility services; and
- 25 2. Adequate storage facilities on the unit for all food, equipment,
26 utensils, including single-service items, and supplies used in
27 the operation.
- 28
- 29

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

- 31 1. Provide only single-service articles to consumers;
- 32 2. Ensure toilet facilities are available within 200 feet of the unit or
- 33 conveniently located and available to employees during work
- 34 hours, as approved by the department; and
- 35 3. Provide on both sides of the mobile food unit, in at least three-
- 36 inch-high letters and numbers, the name of the facility and the
- 37 permit number as printed on the permit, if the mobile food unit
- 38 is not a pushcart.
- 39 4. If the unit is connected to utilities, obtain permits and install
40 connections as required by Title 23 and utility service providers.
- 41 ~~5. If a repurposed shipping container (connex), demonstrate it can~~
42 ~~be lifted or dragged to a trailer or vehicle within a calendar day~~
43 ~~for transport and mobility.~~

44 *** *** ***
45 F[E]. In addition to the other requirements of this section, the operator of a
46 pushcart shall ensure:

47 *** *** ***

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

6
7 1. Mobile food units wider than eight feet six inches that were
8 permitted in the [M]municipality [OF ANCHORAGE] prior to the
9 adoption of the width requirement on January 9, 2018 listed in
10 section 16.60.230B.1.[16.60.050], shall be exempt from the
11 width requirement in section 16.60.230B.1[16.60.050].

12 2. Mobile food units on skids or not currently mounted on a
13 chassis and wheels as required in section 16.60.230B.2. that
14 were permitted in the municipality prior to [insert effective date
15 of AO] shall be exempt from the requirement to have wheels
16 and a chassis in section 16.60.230B.2.

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

20
21 **Section 3.** Anchorage Municipal Code section 23.10.104.4 is hereby amended to
22 read as follows (*the remainder of the section is not affected and therefore not set*
23 *out*):

24
25 **23.10.104.4 - Mobile food units.**

26
27 Mobile food units, including coffee carts, coffee huts, and pushcarts,
28 (hereafter referred to as units) may be set up without obtaining a building
29 permit and certificate of occupancy under the following restrictions:

30
31 A. The unit shall not exceed 8'6" in width or 48' in length, including
32 overhangs.

33
34 B. The unit shall be readily moveable daily and either:

35 1. Currently titled and licensed by the State of Alaska as a:

36 i. Motor vehicle, or

37 ii. Trailer having a tow hitch, chassis, axles, wheels and
38 trailer lamps and reflectors required by AMC chapter
39 9.44; [OR]

40 2. A pushcart as defined in AMC 16.60.050 and that satisfies the
41 requirements of AMC 16.60.~~230E-;~~230F[E].; or

42 3. A ~~repurposed~~ factory built, readily moveable, intermodal
43 shipping container ~~(a non~~repurposed to function as a mobile
44 food unit) which ~~the owner or operator must demonstrate~~ can
45 be lifted or dragged ~~to~~onto a trailer or vehicle within ~~a~~one
46 calendar day for transport ~~and mobility.~~.

47

1 C. The unit shall obtain approval by the Department of Health and Human
2 Services.

3
4 ~~D. D.~~ Approval and a permit, where applicable, shall be obtained from a
5 public utility prior to connecting to the utility's services.

6
7 E. A licensed plumbing contractor shall obtain a retrofit permit if the unit
8 is to be connected to a public utility's water supply or wastewater
9 system, and comply with requirements of the utility service
10 provider(s). The water supply shall be isolated by a reduced pressure
11 backflow assembly. [THE UNIT SHALL NOT BE CONNECTED TO
12 UTILITIES, EXCEPT ELECTRICAL].

13
14 ~~E.~~ ~~A licensed mechanical contractor shall obtain a retrofit permit if F.~~ If
15 the unit is to be connected to a natural gas utility supply, and comply
16 with the requirements a retrofit permit shall be obtained by one of the
17 utility service provider(s) following:

18
19 F.1. A licensed plumbing contractor, or

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

22
23 G[E]. A licensed electrical contractor shall obtain a permit to provide
24 electrical service and/or connection to the unit. The electrical
25 connection shall consist of an approved flexible cord, attachment cap
26 and receptacle approved for the location.

27
28 GH[F]. The unit shall comply with the National Electrical Code as noted
29 by NEC 550.4 (A). A code compliance inspection shall be performed
30 and necessary corrections made before power is connected. A
31 licensed electrical contractor shall obtain a permit and make the
32 corrections. The permit for providing electrical service and/or
33 connection may include the corrections when performed by the same
34 contractor.

35
36 HI[G]. Service equipment located adjacent to vehicle lanes or the unit shall
37 be provided with bollards or other substantial protective barriers.

38
39 IJ[H]. The unit shall not reduce the required number of parking spaces at
40 existing facilities.

41
42 JK[I]. — Mobile food units shall be an allowable use in the zoning district
43 where the unit is proposed to be located.

44
45 KL[J]. — Units shall comply with fire plan review and operational
46 processes as determined by the fire marshal. These include, but are
47 not limited to:

48

1. An Anchorage Fire Department (AFD) approved, currently serviced fire extinguisher shall be located inside the unit. ~~1.1.~~

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.

~~1.1.~~ ~~[M].~~ — The unit location is subject to approval by [FIRE PLAN REVIEW AND] traffic engineering.

~~M[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 ~~not~~ withinoutside 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.

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