



ORDINANCE NO. 4158-26

An ORDINANCE relating to mobile food units.

WHEREAS,

- A.** Permitted and licensed food vendors are required to obtain food-service permits, receive education regarding safe food handling, storage, and preparation, and are subject to routine inspections to ensure compliance with applicable health and safety standards;
- B.** The Snohomish County Health Department is authorized to inspect and respond to unpermitted food vendors but has limited enforcement capability with respect to ongoing operations within the City of Everett;
- C.** The Snohomish County Health Department is aware of, and has recently responded to, numerous unpermitted food vendors within the City of Everett;
- D.** Unpermitted food vendors operate without the required permits or inspections and therefore without verification that they possess the necessary power, potable water, sanitation, cleaning facilities, and temperature-control capabilities required to safely store, prepare, and handle food for sale to the public;
- E.** The operation of unpermitted food vendors undermines compliance with established food-safety and licensing requirements, creates unfair competition for properly permitted vendors, diminishes incentives to adhere to rigorous health standards, and poses a risk to public health and safety;
- F.** Existing enforcement tools available to the Snohomish County Health Department and the City of Everett are insufficient, standing alone, to deter or promptly address the continued operation of unpermitted food vendors within the City, necessitating additional local regulatory measures to ensure compliance with food-safety requirements and prevent the spread of foodborne illnesses;
- G.** The regulation of mobile food units and unpermitted food vending activity within the City is consistent with, and intended to complement, applicable state and local public health laws, regulations, and food-safety codes, including those governing food service permitting, inspection, and sanitation standards;

H. The City of Everett has the authority and responsibility to provide for the punishment of all practices dangerous to public health or safety, and to make necessary for the preservation of public health, peace, and good order, and to provide for the punishment of all persons charged with violating any city ordinance.

NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:

Section 1. The EMC 5.36.010 is amended, with the underlined text added, as follows:

EMC 5.36.010

C. A “food truck” is a business that, as its principal function, sells or otherwise dispenses prepared food and beverages to the general public from a licensed motor vehicle that is not permanently affixed to real property. The term excludes food delivery vehicles that move from place to place and are stationary for no more than thirty minutes at a time, such as ice cream trucks. The term excludes Mobile Food Vendors as defined in Chapter 8.68.010.

Section 2. A new Chapter of Title 8 is added to the Everett Municipal Court as follows:

8.68.010 Purpose

The purpose of this chapter is to establish regulations and criminal penalties for unlawful mobile food vending within the City of Everett.

8.68.020 Definitions

- (1) "Employer" means the individual, corporation, company, association, society, firm, partnership, joint stock company, or the authorized agent(s) of these entities that is legally responsible for the operation of the Mobile Food Vendor such as the owner, the owner's agent, or other person.
- (2) “Law enforcement officer” means any general authority, limited authority, or specially commissioned Washington peace officer as those terms are defined in RCW [10.93.020](#), as now or hereafter amended.
- (3) “Lemonade Stand” means a temporary, informal retail operation, operated by a minor, that sells lemonade or similar beverages and/or prepackaged snacks from a small, non-permanent structure or table for a limited duration of time. A Lemonade Stand is not operated as a commercial enterprise for profit and is primarily educational or recreational in purpose.
- (4) “Mobile Food Vending Unit” and “MFVU” means the non-permanent structure used by a Mobile Food Vendor.

- (5) "Mobile Food Vendor" is a readily movable food establishment that prepares, packages, serves, dispenses, and/or vends prepared food directly to the general public or otherwise provides food for human consumption for profit from a non-permanent structure, including but not limited to food stands, carts, booths, tents, and kiosks.
- (6) "Responsible Operator" means the individual present at a Mobile Food Vending Unit who is responsible for the operation as a Mobile Food Vendor.
- (7) "Site Location" means a physical location, either public property or private property, from which a Mobile Food Vendor sells prepared food to the general public.

8.68.030 Requirements and Restrictions

(1) Licensing Requirements

a. A Mobile Food Vendor must obtain:

- i. A current and valid city business license issued to the Responsible Operator or their Employer pursuant to Chapter 3.19; and
- ii. A current and valid mobile food unit or other applicable food permit issued by the Snohomish County Health Department to the Responsible Operator or their Employer, which shall be displayed at all times in a prominent location on the MFVU while operational as a Mobile Food Vendor.

(2) Operational restrictions

a. No Mobile Food Vendor may:

- i. Operate between the hours of 10:00 p.m. and 7:00 a.m., Monday through Sunday, except as permitted under a current and valid city-issued permit;
- ii. Operate in violation of any provision of the International Fire Code as adopted by Chapter 16.03 EMC; or
- iii. Fail to restore the Site Location occupied by the Mobile Food Vendor to the original or better condition upon removal of the MFVU;

(3) Location restrictions:

a. No Mobile Food Vendor may:

- i. Operate within bus stops, loading zone, or a parking space, as those terms are defined in Chapter 46.28 EMC;
- ii. Operate within a parking place reserved for persons with physical disabilities that is identified as such according to RCW 46.61.581;
- iii. Operate within five feet of an alley, as that term is defined in Chapter 46.28 EMC;
- iv. Operate within five feet of a driveway approach, as that term is defined in Chapter 13.16.010 EMC and;
- v. Operate within fifteen feet of a fire hydrant, fire lane, or fire zone, as those terms are defined in Chapter 46.28 EMC;
- vi. Operate in any location that inhibits the operation, maintenance, visibility, or functionality of any utilities or street fixtures, as determined by city

- personnel responsible for the maintenance and safety of such utilities or fixtures; or
- vii. Operate on any public street or sidewalk, except as permitted under a current and valid city-issued permit.

8.68.040 Exemptions

This chapter shall not apply to the following:

- (1) Any federal, state, or local government agencies;
- (2) Food trucks as defined in Chapter 5.36 EMC.
- (3) Lemonade Stands, as defined in this Chapter.
- (4) Nonprofit organizations, including but not limited to public, religious, civil, charitable, benevolent, nonprofit, cultural or youth organizations;
- (5) Farmers, gardeners, or other persons who sell, deliver or peddle any fruits, vegetables, berries, eggs, or any farm produce or edibles raised, gathered, produced, or manufactured by such person;
- (6) Any persons regularly selling or delivering food products door-to-door to established customers;
- (7) Vendors operating at a farmers' or public market or other city-sponsored or approved activity under the provisions of a city-issued permit.

8.68.050 Penalty

- (1) A violation of this chapter by a Responsible Operator is a misdemeanor punishable by a fine of up to \$1,000, imprisonment for up to 90 days, or both.
- (2) An Employer is guilty of a gross misdemeanor punishable by a fine of up to \$5,000, imprisonment of up to 364 days, or both, if he or she is complicit in a violation of this chapter, pursuant to EMC 10.06.050.

8.68.060 Enforcement

- (1) The Everett Police Department shall have the authority to enforce the provisions of this chapter, except as otherwise authorized herein. This authority does not supersede or preclude enforcement by other state or local authorities.
- (2) The city's fire marshal or designee shall have the authority to enforce the provisions of Chapter 16.03 against any Responsible Operator or Employer.
- (3) Any person requested to identify themselves to a law enforcement officer or fire marshal or designee pursuant to an investigation of a violation of this chapter has a duty to identify themselves and give their current address.

(4) For the purpose of enforcing the provisions of this chapter, a Law Enforcement Officer who has reasonable grounds to believe a person observed by the officer is violating the provisions of this chapter may detain such person for a reasonable period of time necessary to identify the person and check the status of the permits required by EMC 8.68.030.

8.68.070 Impound

(1) When a Responsible Operator is arrested for a violation of this chapter and the officer directs impoundment of the MFVU, and the impounded property is not otherwise required to be held in custody, the MFVU may only be redeemed the Employer.

Section 3. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener’s/clerical errors, references, ordinance numbering, section/subsection numbers, and any internal references.

Section 4. The City Council hereby declares that should any section, paragraph, sentence, clause or phrase of this ordinance be declared invalid for any reason, it is the intent of the City Council that it would have passed all portions of this ordinance independent of the elimination of any such portion as may be declared invalid.

Section 5. The enactment of this Ordinance shall not affect any case, proceeding, appeal or other matter currently pending in any court or in any way modify any right or liability, civil or criminal, which may be in existence on the effective date of this Ordinance.

Section 6. It is expressly the purpose of this Ordinance to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance. It is the specific intent of this Ordinance that no provision or any term used in this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers or employees. Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City related in any manner to the enforcement of this Ordinance by its officers, employees or agents.



Cassie Franklin, Mayor

ATTEST:



Marisa Jorve, City Clerk

PASSED: 02/11/2026

VALID: 02/12/2026

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EFFECTIVE DATE: 02/26/2026










Ordinance 4158-26

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