

City of Lincoln City

City Council Communication

EXTERNAL GENERATORS FOR MOBILE FOOD UNITS

Meeting Date: 11/18/2024	Primary Staff Contact: Richard Townsend
Department: Planning & Community Development	Email: rtownsend@lincolncity.org
Secondary Dept:	Secondary Contacts:
Approval: Daphnee Legarza	Estimated Time: 10 minutes
Strategic Priority: Economic	

Question:

Should the City Council direct staff to draft an ordinance amendment to allow mobile food units to be powered by external generators?

Staff Recommendation:

Staff recommends the Council consider whether an ordinance amendment is warranted.

Background:

In 2020 the City Council adopted Ordinance No. 2020-05 to allow mobile food units and mobile food unit pods in certain zones. The ordinance included a suite of standards for mobile food units that included the following requirements:

- Mobile food units must be fully contained;
- Equipment must be integral to the unit; and
- External generators are prohibited.

In 2023 the City Council adopted an ordinance amendment creating an exception to the integral equipment standard. The amendment allows a mobile food unit to have an outdoor cooking unit, such as a barbeque or a smoker, that is not integral to the mobile food unit itself, provided the fire marshal approves its placement.

The result is that LCMC 17.80.170.B.2 now reads as follows:

Mobile food units must be fully contained, and equipment must be integral to the unit except that a Class IV mobile food unit may have one and only one separate outdoor cooking unit, such as a barbecue or smoker unit, that is not integral to the mobile food unit itself. The distance of the one separate outdoor

cooking unit from the mobile food unit and from any structure is subject to approval by the fire marshal. External generators are prohibited.

Recently the operator of a mobile food unit requested the City Council to amend the code to allow mobile food units to have external generators.

In discussions leading up to adoption of the ordinance relating to mobile food units, the principal objection to external generators was their noise. There also was concern about pollution. Regarding noise, some generators are quieter than others. Those generators using inverters are known to be quieter than other generators. Additionally, inverter generators are more efficient because they do not run constantly at high rpms, their speed varying with the load that is put on them. Because of these advantages, staff suggests that if external generators are to be allowed they be limited to inverter generators.

Of course, while inverter generators are quieter, they are far from silent. Given this, proximity of such generators to each other and to places where people may be eating, otherwise congregating, or sleeping becomes an issue. For this reason, staff suggests that if they are allowed they be limited in the following ways:

- They not be allowed in mobile food unit pods.
- They not be allowed on or adjacent to a "noise sensitive unit" (i.e. places used for sleeping) as defined in LCMC 9.10.020.
- They not be allowed to be located within some distance (e.g. 100 feet) of each other.

A possible further restriction would be to limit allowed generators to those that are rated at 60 dB or less.

Additionally, if external generators are to be allowed, they should be subject to basic safety requirements, such as the following:

- They be subject to fire marshal approval.
- They be required to be operated and maintained in accordance with the Oregon Fire Code, their listing, and their manufacturer's instructions.

Another possibility to consider is to allow mobile food units that have external generators only in limited circumstances. Such circumstances might be athletic events (e.g. high school football, baseball, softball games, athletic tournaments like the mushball event, etc.), farmers markets under LCMC 5.04.030.C., ELC-sponsored events, and special events under LCMC Chapter 5.16.

Council Options:

1. Direct staff to prepare an ordinance amendment to remove the prohibition on external generators.
2. Direct staff to prepare an ordinance amendment to allow external generators in limited circumstances.
3. Direct staff to take no action.
4. Continue discussion to a later date.