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## BURIEN FOOD TRUCK PILOT PROGRAM GUIDELINES

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A “Food Truck Vendor” is defined as a seller of food from a mobile food preparation van, truck, or other vehicle or conveyance. Sales of only pre-packaged food products do not constitute food truck vending. Food Truck Vendors operating within the regulations of this program shall be exempt from a temporary use permit, but must apply for or obtain, and submit to the City of Burien the following:

- City of Burien Food Truck Pilot Program Permit
- City of Burien business license
- King County Public Health Mobile Food Service Business Permit
- King County Fire District #2 Annual Fire Permit
- Certificate of Insurance, with a copy of an endorsement naming the additional insured as the City of Burien

Additionally, to the degree that the following are or remain applicable, Food Truck Vendors must abide by:

- Public health orders
- Other local and state laws

### 1. Operating Conditions and Regulations

Food Truck Vendors shall comply with all parking time limits and location limitations, including sight distance, established in Burien Municipal Code unless the *City of Burien Food Truck Pilot Program Guidelines* specify otherwise.

Food Truck Vendors may operate from 6:00 am-10:00 pm. Food Truck Vendors shall comply with all regulations and ordinances especially those ordinances regarding noise in Burien Municipal Code 9.105.410 and garbage. Food trucks must be mobile food vendors and are not allowed to park in a location overnight as part of the pilot program.

Food Truck Vendors shall not park more than 12 inches from the curb or where parking is prohibited. These distance requirements are all measured in a straight line from the closest point of the proposed food truck location to the closest point from the buffered object.

Food Truck Vendors shall ensure that pedestrians, bicyclists, and/or vehicles may safely maneuver around the food truck if it is in the public street right-of-way. The public street right-of-way typically includes the curb and the sidewalk.

Food Truck Vendors must display a valid Burien Food Truck Pilot Program permit while vending. This permit must be prominently displayed at all times and must be viewable by the public while the vending activity is occurring.

Food Truck Vendors must sell only food and beverages that are capable of immediate consumption.

Signage: The Food Truck Vendor may place one sandwich board sign on the same block that the food truck is parked, but the sign shall not impede Americans with Disabilities Act access to or from parking, curb, street, or sidewalk.

## **2. Allowable Locations**

Food Truck Vendors operating according to this program may operate in public street right-of-way parking areas, and on private property if the property owner has granted the Food Truck Vendor permission. If operating within 50 feet of an existing restaurant's property line(s), Food Truck Vendors must have each restaurant owner's permission.

Food Truck Vendors must abide by the parking standards in Burien Municipal Code 10.15 unless otherwise noted in the *City of Burien Food Truck Pilot Program Guidelines*. The permittee is responsible for ensuring that customer queues or vending activity do not encroach into the roadway, or cause pedestrians to divert from the abutting pedestrian zone or sidewalk.

The permittee must not conduct business in such a way as to restrict or interfere with the ingress or egress of the abutting property owner or tenant; create or become a nuisance or hazard to public health, safety, or welfare; increase traffic congestion or delay; or constitute an obstruction to adequate access to fire, police, or sanitation vehicles. Food trucks must not extend out into the street in a manner that would obstruct vehicular traffic or sightlines.

To operate in a park, please contact the City of Burien Parks, Recreation and Cultural Services Department at 206-988-3700 for a parks permit.

## **3. Length of Pilot Program**

The Burien Food Truck Pilot Program shall be effective once Burien restaurants can operate at 100% occupancy according to the Governor's COVID-19 public health-related orders. The pilot program shall be in effect for 12 months unless the Burien City Council extends the program. Extension or adoption of the program will be based on an assessment and results gathered by the City of Burien. The City of Burien reserves the right to change, modify, or terminate the Burien Food Truck Pilot Program regulations at any time. The applicant will be notified of any changes, modifications, or termination to the program and must comply with the then-current Burien Food Truck Pilot Program guidelines when operating within the City of Burien under this program.

#### 4. Prohibitions and Violations

Prohibitions: Food Truck Vendors operating in the public street right-of-way shall not utilize audio amplification, chairs, or tables in conjunction with the food truck. All equipment shall be contained within the food truck or on the food truck vendor's person, and the Food Truck Vendor must provide a trash receptacle and follow all waste disposal and spill prevention regulations.

Violations: If a Food Truck Vendor is found to violate the *City of Burien Food Truck Pilot Program* regulations, a written warning will be issued for the first offense. A second offense will result in the revocation of the vendor's Food Truck Pilot Program Permit. Other regulations and associated violations of the Burien Municipal Code may still be enforced, in addition to the Burien Food Truck Pilot Program regulations.

#### 5. Insurance Requirements

##### *Indemnification / Hold Harmless*

The Food Truck Vendor shall defend, indemnify, and hold the City of Burien, its agents, boards, commissions, council, council, directors, employees, officers, officials, representatives, and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorneys' fees, court costs, and expenses arising out of or in connection with activities or operations performed by the Food Truck Vendor or on the Food Truck Vendor's behalf out of issuance of this Permit, except for injuries and damages caused by the Burien's sole negligence.

However, should a court of competent jurisdiction determine that RCW 4.24.115 applies to this Permit, then the Permittee agrees to defend, indemnify and hold Burien, its agents, boards, commissions, council, council, directors, employees, officers, officials, representatives, and volunteers harmless to the maximum extent permitted thereunder. It is further specifically and expressly understood that the indemnification provided herein constitutes the Permittee's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for this indemnification. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this Agreement.

- A. Insurance Term - The Food Truck Vendor shall procure and maintain for the duration of the Permit, insurance against claims for injuries to persons or damage to property which may arise from or in connection with operations or activities performed by or on the Permittee's behalf with the issuance of this Permit.
- B. No Limitation – The Food Truck Vendor's maintenance of insurance as required by the Permit shall not be construed to limit the liability of the Food Truck Vendor to the coverage provided by such insurance, or otherwise limit Burien's recourse to any remedy available at law or in equity.
- C. Minimum Scope of Insurance – The Food Truck Vendor shall obtain insurance of the types and coverage described below:
  1. Commercial General Liability insurance shall be at least as broad as Insurance Services Office (ISO) occurrence form CG 00 01 and shall cover liability arising from operations, products-completed operations, and stop-gap liability. There shall be no exclusion for liability arising from the explosion, collapse, or underground property damage. Burien shall be named as an additional insured under the Food Truck Vendor's Commercial General Liability insurance policy using ISO Additional Insured-State or Political Subdivisions-Permits CG 20 12 or a substitute endorsement providing at least as broad coverage.

2. Automobile Liability insurance covering all owned, non-owned, hired and leased vehicles. Coverage shall be at least as broad as Insurance Services Office (ISO) form CA 00 01.
- D. Minimum Amounts of Insurance - The Permittee shall maintain the following insurance limits:
    1. Commercial General Liability insurance shall be written with limits no less than \$2,000,000 each occurrence, \$2,000,000 general aggregate, and \$2,000,000 products – completed operations aggregate limit.
    2. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident.
  - E. Other Insurance Provision - The Food Truck Vendor’s Commercial General Liability insurance policy or policies are to contain, or be endorsed to contain that they shall be primary insurance as respect Burien. Any insurance, self-insurance, or self-insured pool coverage maintained by Burien shall be in excess of the Food Truck Vendor’s insurance and shall not contribute with it.
  - F. Acceptability of Insurers - Insurance is to be placed with insurers with a current A.M. Best rating of not less than A: VII.
  - G. Verification of Coverage - The Food Truck Vendor shall furnish Burien with original certificates and a copy of the amendatory endorsements, including the additional insured endorsement, evidencing the insurance requirements of the Food Truck Vendor before issuance of the Permit.
  - H. Notice of Cancellation - The Food Truck Vendor shall provide Burien with written notice of any policy cancellation, within two (2) business days of their receipt of such notice.
  - I. Failure to Maintain Insurance - Failure on the part of the Food Truck Vendor to maintain the insurance as required shall constitute a material breach of the Permit, upon which the Burien shall, after giving five business days’ notice to the Permittee to correct the breach, immediately terminate the Permit or, at its discretion, procure or renew such insurance and pay any and all premiums in connection therewith, with any sums so expended to be repaid to Burien on demand.
  - J. Burien Full Availability of Permittee Limits - If the Food Truck Vendor maintains higher insurance limits than the minimums shown above, Burien shall be insured for the full available limits of Commercial General and Excess or Umbrella liability maintained by the Food Truck Vendor, irrespective of whether such limits maintained by the Food Truck Vendor are greater than those required by this Permit or whether any certificate of insurance furnished to Burien evidences limits of liability lower than those maintained by the Food Truck Vendor.

## 6. Parking Regulations

Food Truck Vendors shall comply with all parking regulations, time limits, and location limitations, including sight distance, established in Burien Municipal Code, including but not limited to the below:

### 10.15.045 Parking, standing, or stopping prohibited in specified places.

(1) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person shall:

(a) Park, stand, or stop a vehicle:

- (i) On the roadway side of any vehicle stopped or parked at the edge or curb of a street except while angle parking;
- (ii) On a sidewalk or street planting strip;
- (iii) Within an intersection;
- (iv) On a crosswalk;

- (v) Upon any bridge or other elevated structure upon a street or within a highway tunnel;
- (vi) In front of, adjacent to, or in such proximity to any mailbox, postal drop box, or other similar postal receptacle so as to interfere with delivery of mail by the United States Postal Service;
- (vii) At any place for longer than the designated time limit; or
- (vii) At any time or place where official signs prohibit stopping.

(b) Park or stand a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

- (i) In front of a public or private driveway or within five feet of the end of the curb radius leading thereto;
- (ii) Within 15 feet of a fire hydrant;
- (iii) Within 20 feet of a crosswalk;
- (iv) Within 30 feet upon the approach to any flashing signal, stop sign, yield sign, or traffic control signal located at the side of a roadway;
- (v) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance when properly signposted;
- (vi) In a bus stop, except authorized buses in a zone established for such specific use and taxicabs in a taxicab stand when any such stop or stand has been officially designated and appropriately signed;
- (vii) Directly adjacent to a curbside, next to clearly visible residential mailboxes between 9:00 a.m. and 6:00 p.m. on any day of scheduled mail delivery by the United States Postal Service; or
- (viii) At any time or place where official signs prohibit parking, standing, or stopping a vehicle.

(2) Parking or standing shall be permitted in the manner provided by law at all other places except as otherwise restricted by city ordinance.

(3) No person shall move a vehicle not lawfully under his or her control into any such prohibited area or away from a curb such a distance as is unlawful.

(4) It shall be unlawful for any person to reserve or attempt to reserve any portion of a street for the purpose of parking, standing, or stopping to the exclusion of any other like person, nor shall any person be granted such right.

**10.15.050 Parking, standing, or stopping vehicle in freight curb loading zone.**

(1) No person shall park, stand, or stop a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a freight curb loading zone during hours when the provisions applicable to such zone are in effect. In no case shall the stop for loading and unloading of materials exceed 30 minutes.

(2) The operator of a passenger vehicle may stop temporarily at a place marked as a freight curb loading zone, for the purpose of receiving or discharging passengers, when such stopping does not interfere with any motor vehicle used for the transportation of materials which is waiting to enter, or about to enter, such a zone.

**10.15.060 Parking trucks on street or in right-of-way prohibited.**

No truck, motor truck, truck tractor, tractor trailer or tractor exceeding 6,000 pounds empty scale weight may be parked on a public street or in the public right-of-way. This section shall not apply to recreational vehicles.

**10.15.070 Obstructing traffic/pedestrians.**

No person shall park, stand, or stop any vehicle upon any street or sidewalk in a manner which obstructs or otherwise interferes with traffic upon the traveled portion of the roadway, or obstructs or interferes with the movement of pedestrians on sidewalks.

**10.15.075 Obstructing fire lanes prohibited.**

(1) The obstruction of a designated fire lane by a parked vehicle or any other object is prohibited and shall be considered a traffic hazard as defined in state law and an immediate hazard to life and property.

(2) Violation. Any person who owns, manages, or is in control of commercial property and fails to mark or maintain the marking of a designated fire lane as prescribed in this chapter, or who parks a vehicle in, allows the parking of a vehicle in, obstructs, or allows the obstruction of a designated fire lane commits a civil infraction to which BMC [1.15.090](#) shall apply. The penalty for failing to mark or maintain the marking of a designated fire lane shall be \$150.00. The penalty for parking a vehicle in, allowing the parking of a vehicle in, obstructing, or allowing the obstruction of, a designated fire lane shall be \$50.00.

**10.15.080 Parking over 24 hours prohibited.**

No person shall park or stand any vehicle upon any street or public right-of-way for a period exceeding 24 hours, regardless of any other regulation then in effect. When any vehicle is parked or stands for a period exceeding 24 hours, the vehicle shall be deemed to constitute a hazard or obstruction to traffic or an abandoned vehicle and may be impounded.

**10.15.085 Additional parking regulations.**

(1) Except as otherwise provided by city ordinance, every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within 12 inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.

(2) Except when otherwise provided by ordinance, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within 12 inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder, or with its left-hand wheels within 12 inches of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder.

**10.15.090 Parking in alleys.**

No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than eight feet of the width of the roadway for the free movement of vehicular traffic. No person shall stop, stand, or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property.

**7. Front-in Angle Parking Regulations**

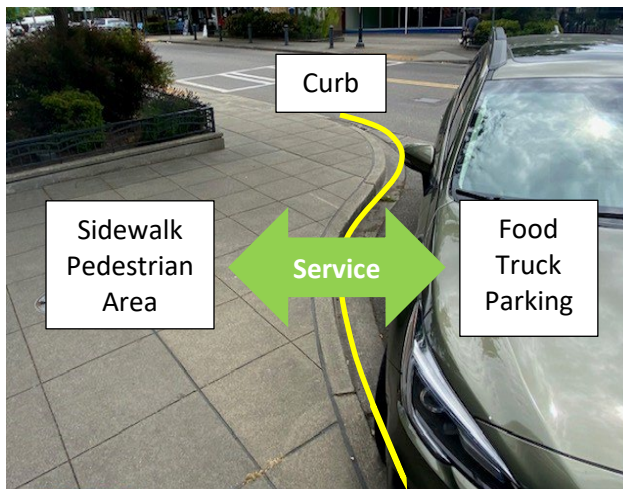
To minimize possible conflicts between pedestrian and vehicular traffic, and be consistent with regulations in Burien Municipal Code 10.15, food trucks are not allowed to operate in front-in angle parking spaces unless the parking space is at the end of the street block directly adjacent to a curbed sidewalk, the space is not designated as a disabled parking spot, and *customers are able to remain on the sidewalk at all times* while patronizing the food truck. Food trucks may not create a hazard or obstruction to pedestrian or vehicular traffic.

**Example 1 below** illustrates a front-in angle parking spot where a food truck may be able to operate (assuming that there are no other considerations to consider). This parking space is directly adjacent to a curbed sidewalk (identified in yellow) where pedestrians are able to patronize the food truck without stepping off of the sidewalk pedestrian area.

**In Example 2 below**, food truck parking **would not** be allowed to operate. In this example pedestrians would need to step off of the curbed (identified in yellow) sidewalk area and into the roadway parking area to patronize the food truck which reduces sightlines and creates potential conflict between pedestrians and vehicles.

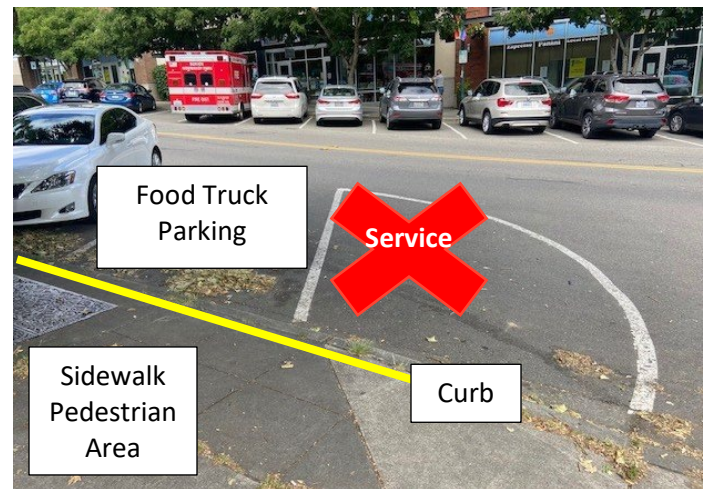
**Example 1: Food truck parking may be allowed.**

The customer can stay on the sidewalk while patronizing the food truck.



**Example 2: Food truck parking is not allowed.**

The pedestrian would be required to step off of the sidewalk and onto the road area for service.



## 8. Sight Distance Requirements

### 19.17.240 Sight distance requirements.

Except for utility poles and traffic control [signs](#), the following sight distance provisions shall apply to all intersections and [site](#) access points:

1. A sight distance triangle area as determined by subsection (2) of this section shall contain no [fence](#), berm, [vegetation](#), on-site vehicle parking area, [signs](#) or other physical obstruction between 42 inches and eight feet above the existing street grade (see Figure 19.17.240-1);

Note: The area of a sight distance triangle between 42 inches and eight feet above the existing street grade shall remain open.

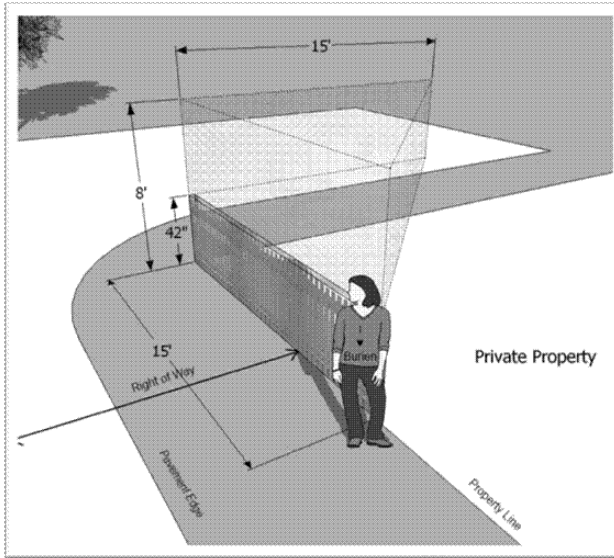
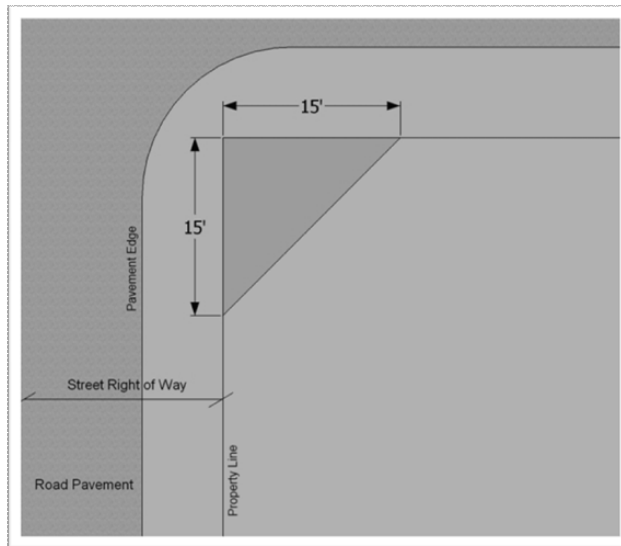


Figure 19.17.240-1



2. The sight distance triangle at:

- A. A street intersection shall be determined by measuring 15 feet along both front property lines beginning at their point of intersection. The third side of the triangle shall be a line connecting the endpoints of the first two sides of the triangle; or
- B. A site access point shall be determined by measuring 15 feet along the front property lines and 15 feet along the edges of the driveway beginning at the respective points of intersection. The third side of each triangle shall be a line connecting the endpoints of the first two sides of each triangle; and

3. The director may require modification or removal of structures or landscaping located in required front setbacks, if:

- A. Such improvements prevent adequate sight distance to drivers entering or leaving a driveway, and
- B. No reasonable driveway relocation alternative for an adjoining lot is feasible.