

## ARTICLE IX. - MOBILE FOOD DISPENSING VEHICLES

*Footnotes:*

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**Editor's note**— Ord. No. 2020-12-610, § 1, adopted December 1, 2020, repealed the former Art. IX., §§ 10-190—10-199, and enacted a new Art. IX as set out herein. The former Art. IX pertained to mobile food trucks and derived from Ord. No. 2018-08-583, § 1, August 7, 2018. Formerly, Article IX was entitled "Mobile Food Trucks".

### Sec. 10-190. - Definitions.

- (a) *Commissary* means a support service location for a mobile food dispensing vehicle business, that meets all applicable requirements of Chapter 500, F.S., and Chapter 5K-4, F.A.C. A private residence may not be used as a commissary.
- (b) *Mobile food dispensing vehicle* means any vehicle, cart, and/or trailer that is a 'public food service establishment' as defined by Chapter 509, Florida Statutes and that is self-propelled or otherwise movable from place to place and includes self-contained utilities, including, but not limited to, gas, water, electricity, or liquid waste disposal.
- (c) *Mobile food vendor* means a person who prepares, dispenses or otherwise sells food from a mobile food dispensing vehicle.

(Ord. No. 2020-12-610, § 1, 12-1-20)

### Sec. 10-191. - Administrative rules and regulations.

Mobile food vendors must keep the following documents on site at all times while operating:

- (1) A copy of all permits and business licenses required by the state.
- (2) A notarized commissary agreement confirming the mobile food vendor is operating in conjunction with a licensed commissary in accordance with Florida Law, where applicable.
- (3) A notarized affidavit by each property owner indicating that the mobile food vendor has permission to operate on the site. The affidavit must also indicate that the property owner acknowledges the following requirements:
  - a. The property owner shall comply with all ordinances regarding solid waste disposal and must provide the mobile food vendor access to solid waste collection on the subject property.
  - b. The property owner shall require that the mobile food vendor meets all applicable federal, state and local statutes, regulations, laws, ordinances, rules and codes; including but not limited to permitting requirements regarding the specific business.
  - c. The property owner shall acknowledge that he/she understands the regulations regarding mobile food vendors and operation of mobile food dispensing vehicles and will be held responsible, along with the mobile food vendor for any code violations.
- (4) Proof of business insurance, issued by an insurance company that is licensed to do business in the state, protecting the applicant from all claims for damages to property and bodily injury, including death, which may arise from operations under or in connection with mobile food truck vending. Such insurance shall

name the city as an additional insured party and shall be in at least the amount of five hundred thousand dollars (\$500,000.00) for occurrence for injury and two hundred thousand dollars (\$200,000.00) per person.

(Ord. No. 2020-12-610, § 1, 12-1-20)

Sec. 10-192. - Permitted zoning districts for operation of a mobile food dispensing vehicle.

Unless authorized by special retail use permit or exempted by this article, mobile food dispensing vehicles may only be permitted to operate within three hundred (300) feet of the center line of State Road 50 in the following zoning districts:

- (1) Planned unit development community mixed use (PUD-CM).
- (2) Planned unit development downtown mixed use (PUD-DM).
- (3) Community commercial (CC).
- (4) Light industrial (LI).
- (5) Heavy industrial (HI).

(Ord. No. 2020-12-610, § 1, 12-1-20)

Sec. 10-193. - Prohibitions.

Mobile food vendors are prohibited from the following while operating mobile food dispensing vehicles:

- (1) Selling or distributing alcoholic beverages;
- (2) Operating in city parking lots, public rights-of-way, or municipal cemetery;
- (3) Operating in a city park, residentially zoned neighborhood, or outside of the permitted zoning districts listed in section 10-193 above unless operating pursuant to a temporary special retail use permit or as otherwise excepted by this article;
- (4) Operating on unimproved surfaces, vacant lots and abandoned business locations;
- (5) Providing or allowing a dining area, including but not limited to tables, chairs, booths, bar stools, benches, standup counters, free-standing shade canopies (Note: shade canopies and/or awnings permanently attached as fixtures to the mobile food dispensing vehicle are expressly exempt from this prohibition), umbrellas, tents;
- (6) Selling or dispensing food to customers in a moving vehicle or otherwise engaging in drive up sales;
- (7) Parking a mobile food dispensing vehicle:
  - a. Within twenty (20) feet of a crosswalk.
  - b. Within four hundred (400) feet of any brick and mortar restaurant or outdoor dining area.
  - c. Within fifteen (15) feet of any fire hydrant or storm drainage structure.

(Ord. No. 2020-12-610, § 1, 12-1-20)

Sec. 10-194. - Food truck general regulations.

- (a) Mobile food vendors shall remove all waste and trash at the end of each day.
- (b)

Under no circumstances shall grease be released into the city's stormwater and/or sanitary sewer system. No liquid waste or grease is to be disposed in tree pits or onto the sidewalks, streets or other public spaces.

- (c) In accordance with the state department of business and professional regulation guidelines, all necessary control measures shall be used to effectively minimize, or eliminate when possible, the presence of rodents, roaches and other vermin and insects on the premises of all mobile food dispensing vehicles. Each mobile food vendor shall maintain a log containing a written record of the control measures performed by exterminators or other pest control businesses on the mobile food dispensing vehicle. This log shall be open to inspection by city code enforcement officers.
- (d) Mobile food vendors must not engage in food preparation if the vehicle does not provide water and waste systems as required by the state department of business and professional regulation or otherwise fails to meet sanitation and safety requirements.
- (e) All food service equipment utilized by the mobile food vendor shall be maintained in good repair and a clean condition.
- (f) A mobile food vendor shall use only single-service food utensils. All single-service food utensils such as cups, straws, knives, forks, spoons and stirrers shall be individually wrapped, kept in a clean place, properly handled and shall be used only once. All cups and containers for bulk drinks shall be stored in closed cartons and served from dispensers which protect their rims from contamination by customers, dust, dirt or flies.
- (g) All pre-packaged food must be individually wrapped and must comply with the labeling requirements provided in 21 CFR Part 101, as amended. No person shall keep or offer for sale individual portions of perishable food products which have been rewrapped or repackaged or portions of which the identifying date on the wrapper has been altered, disfigured or changed in any manner.

(Ord. No. 2020-12-610, § 1, 12-1-20)

Sec. 10-195. - Operating requirements.

- (a) Mobile food dispensing vehicles shall be permitted to operate between 6:00 a.m. and 10:00 p.m. Sunday through Thursday and 6:00 am to 11:59 p.m. Friday and Saturday, including set up and takedown.
- (b) Mobile food dispensing vehicles shall not be parked at any operating location overnight.
- (c) Mobile food dispensing vehicles shall not exceed ten (10) feet in width, twenty-four (24) feet in length, including the length of any trailer hitch, the trailer or other extensions.
- (d) Mobile food dispensing vehicles must be self-contained when operating (including all utilities: power, water, cooking fuel sources), except for the required trash and/or recycling receptacles, which must be attached to the mobile food dispensing vehicle, and shall not impede free movement of automobiles or pedestrians. The mobile food vendor shall keep all areas within five (5) feet of the mobile food dispensing vehicle clean of grease, trash, paper, cups or cans associated with the vending operation.
- (e) No more than one (1) mobile food dispensing vehicle shall operate on any property at any one (1) time, except as may be permitted by a special retail use permit issued by the city.
- (f) Mobile food dispensing vehicles operating at a site for a duration of more than three (3) hours shall have a written agreement, available upon request, which confirms that employees have access to a flushable permanent restroom within one hundred fifty (150) feet of the vending location during the hours of operation.

(Ord. No. 2020-12-610, § 1, 12-1-20)

Sec 10-196. - Penalty.

A code enforcement officer or a law enforcement officer may issue a civil citation for a violation of this chapter pursuant to the procedures and amounts listed in chapter 12 of this Code. Each violation shall constitute a separate instance for which a separate penalty may be imposed in accordance with the penalties listed in chapter 12 for class III violations.

(Ord. No. 2020-12-610, § 1, 12-1-20)