

SPECIAL MEETNG (WORKSHOP)
PLANNING & ZONING
CITY OF APALACHICOLA, FLORIDA
MONDAY, JULY 1, 2019 – 6:00 PM
APALACHICOLA COMMUNITY CENTER
#1 BAY AVENUE
APALACHICOLA, FLORIDA

AGENDA

I. Call to Order

II. Topic of Discussion: Mobile Food Trucks

Consideration of request to modify Ordinance 2019-03 (Food Truck Ordinance)

- Consider allowing use of operation up to 6 days per week.
- Consider allowing food truck to remain on site when not in operation
- Consider No requirement for single service food utensils
- Consider Allowing tables and signage
- Consider not allowing Food trucks in Commercial 2 zoning district
- Consider allowing Mobile Food Truck Court on both Public and Private Property

III. Public Comment

IV. Adjournment

No action will be taken at this workshop.

**CITY OF APALACHICOLA, FLORIDA
ORDINANCE 2019-03 "MOBILE FOOD TRUCKS"**

AN ORDINANCE OF THE CITY OF APALACHICOLA, FLORIDA, AMENDING THE APALACHICOLA LAND DEVELOPMENT CODE OF ORDINANCES BY CREATING CHAPTER XI, MOBILE FOOD TRUCKS; PROVIDING REGULATIONS FOR MOBILE FOOD TRUCKS OPERATING WITHIN THE CITY; REQUIRING MOBILE FOOD TRUCK VENDOR PERMITS FOR OPERATION OF MOBILE FOOD TRUCKS; ESTABLISHING A ZONE FOR OPERATION OF MOBILE FOOD TRUCK BUSINESSES; ESTABLISHING PROHIBITIONS; ESTABLISHING OPERATING REQUIREMENTS; ESTABLISHING PENALTIES FOR VIOLATIONS; AMENDING CHAPTER II OF THE LAND DEVELOPMENT CODE TO CREATE DEFINITIONS FOR MOBILE FOOD TRUCKS; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the mobile food truck industry has expanded and provides the service of convenient and diverse food choices; and

WHEREAS, the people have a right to and should be ensured that food purchased from mobile food trucks is safe for consumption; and

WHEREAS, the City Commission recognizes the need for reasonable regulations intended to provide economic development and entrepreneurial opportunities for mobile food truck businesses while protecting public health, safety, and welfare, minimizing visual impacts to the public realm; and

WHEREAS, the City Commission has determined that it is in the best interest of the residents of Apalachicola that minimum regulatory standards of conduct be enacted to permit Mobile Food Trucks to operate within the City of Apalachicola.

NOW THEREFORE BE IT ENACTED BY THE PEOPLE OF THE CITY OF APALACHICOLA, FLORIDA, THE FOLLOWING ORDINANCE PROVISIONS FOR THE CITY OF APALACHICOLA:

SECTION 1. Chapter XI, "Mobile Food Trucks," of the Code of Ordinances is hereby created as follows:

CHAPTER XI - MOBILE FOOD TRUCKS

Section 1. Definitions.

- (a) *Commissary* means an approved facility that provides support services for specific required functions of a mobile food truck business. Any food establishment permitted or licensed by a regulatory agency, such as a catering operation, restaurant, grocery store or similar establishment or any otherwise approved facility by Florida Department of Agriculture and Consumer Services in which food, containers, or supplies are kept, handled, prepared, packaged, or stored can be considered for approval as a commissary. When not required at the mobile food truck operation, commissaries may provide a three compartment sink for washing, rinsing, and sanitation of equipment in addition to hand wash and restroom facilities. A private residence may not be used as a commissary.
- (b) *Mobile Food Truck* means a vehicle which is used to vend food and beverage products and is classified as one of the following:

1. *Class I – Mobile Kitchens.* These vehicles may cook, prepare and assemble food items on or in the unit and serve a full menu. These vehicles may also vend the products permitted for Class II Mobile Food Trucks.
 2. *Class II – Canteen Trucks.* These vehicles vend pre-cooked foods, pre-packaged foods, pre-packaged drinks and incidental sales of pre-packaged frozen dairy or frozen water-based food products, fruits and vegetables. No preparation or assembly of food or beverage may take place on or in the vehicle; however, the heating of pre-cooked food is permitted.
- (c) *Mobile Food Vendor* means a person who prepares, dispenses or otherwise sells food from a mobile food truck.

Section 2. Mobile Food Truck Vendor Permit Requirements.

- (a) Any person engaged in the selling, preparation or dispensing of food from a mobile food truck must purchase an annual mobile food truck vendor permit in accordance with this Chapter.
- (b) An applicant for a Class I Mobile Food Truck Vendor Permit shall make their mobile food truck available for inspection by the City of Apalachicola Volunteer Fire Department at a location determined by the City. The City of Apalachicola Volunteer Fire Department shall ensure compliance with all applicable federal, state and local fire safety statutes, regulations, ordinances and codes. Subsequently, every Class I Mobile Food Truck must undergo an inspection by the City of Apalachicola Volunteer Fire Department annually.
- (c) All mobile food truck vendors must display the mobile food truck vendor permit issued by the City in a prominent and visible manner.

Section 3. Permit Application and Administrative Rules and Regulations.

Applications for mobile food truck vendor permits must include the following information:

- (a) The name, address, telephone number, and email address of the applicant.
- (b) Address of proposed location to store the mobile food truck when not in use.
- (c) A description or menu of the type of food and/or beverages to be sold.
- (d) Color photograph of the mobile food truck depicting its current condition.
- (e) A copy of all permits and business licenses required by the State of Florida, Franklin County and the City of Apalachicola.
- (f) A notarized commissary agreement confirming the mobile food truck vendor is operating in conjunction with a licensed commissary in accordance with Florida Statutes, where applicable.
- (g) Address of proposed operation site(s), including the property address, property owner's name and telephone number, and the name of the principal business located on the property.

(h) A notarized statement by each property owner indicating that the applicant has permission to operate on the site. The affidavit must also indicate that the property owner acknowledges the following requirements:

1. The property owner shall comply with all ordinances regarding solid waste disposal and must provide the mobile food truck vendor access to solid waste collection on the subject property.
2. The property owner shall require that the mobile food truck 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.
3. The property owner shall acknowledge that they understand the regulations regarding mobile food truck vendors and operation of mobile food trucks and will be held responsible, along with the mobile food truck vendor for any code violations.

(i) A site plan for each proposed operation site, drawn to scale, depicting the following information:

1. Total square footage of the property.
2. Location and square footage of the existing principal and accessory use(s).
3. Proposed location for the mobile food truck.
4. Location of ingress/egress to the site.
5. Table demonstrating the minimum setbacks in compliance with the underlying zoning district.
6. Information demonstrating compliance with the 80% maximum impervious lot coverage requirements.

(j) Proof of business insurance, issued by an insurance company that is licensed to do business in the State of Florida, 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 of Apalachicola as an additional insured party and shall be in at least the amount of \$500,000 for occurrence for injury and \$200,000 per person. The permittee, owner or operator shall notify the City within three (3) business days of any changes in the insurance coverage. Upon the cancellation or lapse of any policy of insurance as required by this Section, the permit shall be immediately revoked unless, prior to the expiration or cancellation date of the insurance policy, another insurance policy meeting all the requirements of this Section is obtained and a new certificate of insurance is provided to the City.

(k) Application fee as outlined in the City of Apalachicola adopted fee schedule.

Section 4. Permitted Zoning Districts for Operation of a Mobile Food Truck.

Unless authorized or exempted by this Ordinance, mobile food trucks may only be permitted to operate within the following zoning districts.

- (a) C-1 – General Commercial
- (b) C-2 – Neighborhood Commercial
- (c) C-3 – Highway Commercial

- (d) C-4 – Riverfront Commercial
- (e) RF – Riverfront

Section 5. Prohibitions:

Mobile food truck vendors are prohibited from the following:

- (a) Selling or distributing alcoholic beverages.
- (b) Operating in a City park or City parking lots, public rights-of-way, municipal cemetery or residentially zoned neighborhoods except in compliance with Section 8 and Section 10.
- (c) Operating outside of the permitted zoning districts listed in Section 4 or in any location except in compliance with the requirements of this Chapter.
- (d) Operating on unimproved surfaces, vacant lots and abandoned business locations.
- (e) Providing or allowing a dining area, including but not limited to tables, chairs, booths, bar stools, benches, standup counters, shade canopies, umbrellas, and tents.
- (f) Creating amplified sounds in violation of the noise limitation requirements of the City of Apalachicola.
- (g) Installing signage in violation of the Sign Ordinance requirements of the City of Apalachicola.
- (h) Selling or dispensing food to customers in a moving vehicle or otherwise engaging in drive up sales.
- (i) Parking a mobile food truck: 1) Within twenty (20) feet of a crosswalk; 2) Within fifteen (15) feet of any fire hydrant or storm drainage structure; 3) In an area that impedes the ingress or egress of other businesses, building entrances or driveways; 4) In an area that functions as an emergency entrance or exit.

Section 6. Food Truck General Regulations.

- (a) Mobile food truck vendors shall remove all waste and trash at the end of each day.
- (b) Mobile food truck vendors are liable for all damages and repairs to the streetscape, trees and vegetation, sidewalks, streets, or other public amenities that relate to its operation.
- (c) Under no circumstances shall grease be released into the City's sanitary sewer system. No liquid waste or grease is to be disposed in tree pits or onto sidewalks, streets or other public spaces.
- (d) In accordance with the Florida 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 trucks. Each mobile food truck 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 truck. This log shall be open to inspection by City Code Enforcement Officers.

- (e) Mobile food truck vendors must not engage in food preparation if the vehicle does not provide water and waste systems as required by the Florida Department of Business and Professional Regulation or otherwise fails to meet sanitation and safety requirements.
- (f) All food service equipment utilized by the mobile food truck vendor shall be maintained in good repair and a clean condition.
- (g) A mobile food truck vendor shall use only single-service food utensils. All single-service food utensils such as cups, straws, knives, forks, spoons and stirrer 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.
- (h) 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.

Section 7. Operating Requirements.

- (a) Mobile food trucks shall be permitted to operate between 6:00 a.m. and 11:00 p.m. Sunday through Thursday and between 6:00 a.m. and 12:00 midnight on Friday and Saturday, including set up and takedown.
- (b) A mobile food truck may operate at a single location up to a maximum of three (3) days per week. For the remainder of the week, the mobile food truck must be removed from the site. If the mobile food truck is engaged in a Special Event as identified in Section 11, it shall not count toward the three (3) day per week allocation for a particular property.
- (c) Mobile food trucks shall not exceed ten (10) feet in width, including any side extensions of awnings, twenty-four (24) feet in length, including the length of any trailer hitch, the trailer or other extensions.
- (d) Mobile food trucks 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 truck, and shall not impeded free movement of automobiles or pedestrians. The mobile food truck vendor shall keep all areas within five (5) feet of the mobile food truck clean of grease, trash, paper, cups or cans associated with the vending operation.
- (e) No more than one mobile food truck shall operate on any property at any one time. A request for allowing more than one mobile food truck per lot shall be treated as a Special Exception pursuant to the Land Development Code.
- (f) Mobile food trucks 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 during the hours of operation.
- (g) Mobile food trucks shall be operated only by the mobile food truck vendor permittee or by an authorized employee of such permittee.

Section 8. Food Service Provided to Persons Engaged in Construction

Class II Mobile Food Trucks that are being used to provide food and drink to persons engaged in construction in the City of Apalachicola are exempt from the provisions of Section 4 above, provided such vehicles are only parked for a maximum of thirty (30) minutes.

Section 9. Permanent Food Trucks.

If a food truck, trailer, or other such installation wishes to permanently remain on a property, it shall do so as an "Eating and Drinking Establishment" or "Restaurant" use, only permitted in those zoning districts where such uses are allowed. All requirements (i.e. parking, building restrictions, setbacks, storm-water, signage, floodplain management) of the Land Development Code and Florida Building Code construction requirements shall apply.

Section 10. Special Events.

The City of Apalachicola may authorize food trucks in the public right-of-way, park, parking lots, or residentially zoned neighborhoods as part of a special event. The City may also authorize mobile food vendors at special events for schools, religious institutions and nonprofit organizations.

Section 11. Penalty.

- (a) 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 3 of the City's Code of Ordinances. Each violation shall constitute a separate instance for which a separate penalty may be imposed. Furthermore, this Ordinance may be enforced by the City of Apalachicola as a civil infraction under Apalachicola Ordinance No. 2017-02 as additional and supplemental means of enforcing this Ordinance. Upon a mobile food truck vendor's second offense within a twelve month period, the mobile food truck vendor permit may be revoked.
- (b) For the purposes of this Section, "offense" shall mean a finding of violation by the Court or payment of the non-contested civil penalty in Section 3 of the City's Code of Ordinances. An offense shall be deemed to have occurred on the date the violation occurred. An offense occurring twelve (12) months after the last offense shall be treated as a first offense for purposes of incurring new fines and penalties.
- (c) If, at any time, the Florida Department of Business and Professional Regulation revokes or suspends the mobile food truck vendor's license, the City's mobile food truck vendor permit shall be deemed to have been simultaneously revoked or suspended.

SECTION 2. Severability.

If any portion of this Ordinance is declared invalid or unenforceable, then to the extent it is possible to do so without destroying the overall intent and effect of this Ordinance, the portion deemed invalid or unenforceable shall be severed here from, and the remainder of this Ordinance shall continue in full force and effect as if it were enacted without including the portion found to be invalid or unenforceable.

SECTION 3. Conflicts.

All Ordinances or parts of Ordinances in conflict herewith, to the extent of such conflict, are hereby repealed.

SECTION 4. Codification.

It is the intent of the City Commission of the City of Apalachicola that the provisions of this Ordinance shall become and made a part of the City of Apalachicola Code.

SECTION 5. Effective Date.

This Ordinance shall take effect immediately upon adoption by the City of Apalachicola, Florida. This Ordinance was first read in open session on the 2nd day of April, 2019. This Ordinance was read for the second time and full adopted in open session after Public Hearing on the 7th day of May, 2019. The final adoption and motion were made by Commissioner Grove, and seconded by Commissioner Bartley.


Voting Aye: 4

Voting Nay: 0

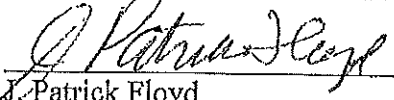
**FOR THE CITY COMMISSION OF THE
CITY OF APALACHICOLA**

BY: 
Van W. Johnson Sr., Mayor

ATTEST:


Deborah Guillotte
City Clerk

APPROVED AS TO FORM:


Patrick Floyd
City Attorney

Mobile Food Vending Research

City	Where are the trucks allowed? Are there buffers?	What are the days and hours trucks are allowed?	Permits: what is required? Are they limited? What is the application process like?	What are the operational requirements or restrictions?	How are these regulations enforced?	Concerns
Jacksonville, FL	Only where zoning is commercial or industrial, and must be located in the City right-of-way. Buffers include: 300' from property line of an established business selling a similar product, 10' from any driveway, 15' from crosswalk or building exit, 20' from a bus stop, 75' from another vendor, 10' from a fire hydrant	Vending is allowed between 11PM and 3PM downtown, and must be approved with application otherwise	A Non-Specified Vending Area Permit is needed to vend anywhere in the City; Applicants must submit: a vending location; a menu; days and hours of operation; a site plan; current zoning of the proposed lot; proof of Drivers Insurance; an Occupational License; a Health License; General Liability Insurance (\$200,000)	The cart must be self-contained; the vendor is responsible for all litter and trash within 15' of the cart; no more than 2 accessory containers are allowed and they must be placed within 3' of the cart; no selling merchandise to a vehicle occupant; no obstructing more than half the width of the City sidewalk	Citations will be issued by the Downtown Development Authority to vendors who do not comply with the ordinance	The City is not clear on legislation and rules concerning food trucks, and enforcement is erratic
Tallahassee, FL	The City designates public property sites and streets that can accommodate food trucks; not more than 2 vendors of similar food products will be permitted in close proximity	Applications for permit will indicate the requested hours of operation, and must be approved; the vendor is not permitted at the same location for more than 60 consecutive days	Permits are issued on a first-come, first-served basis; applicants must submit: a list of requested vending locations in order of preference; proposed days and hours of operation; a copy of current Business/Occupational License; a copy of a State Business License; a photograph of the vending unit/vehicle; a copy of insurance (minimum \$1 million); applications are reviewed by the Downtown Development Authority and Parks and Recreation	The vendor is responsible for the daily management of waste; operation during a special event requires a special event permit; the area of usage will be determined at the time the permit is issued; the use of generators are not permitted; the vehicles will be moved overnight; there will be no selling of alcohol, nor use of an amplified speaker	Operating without a proper permit or in violation of the ordinance may result in fines; the City Manager may revoke a permit of an operation that does not serve the public's best interest, if the vendor does not pay fees, or if the vendor fails to comply with policy requirements	Restaurant owners like that there are restrictions on where food truck parking is allowed, and it provides for less encroachment upon brick and mortar establishments

Mobile Food Vending Research

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Panama City Beach, FL	Privately-owned, non-residential properties with permission of the property owner	Trucks are allowed during Special Events only	Need a Special Events permit and a Portable Food Vending license; must submit a site plan showing setbacks and sanitary facilities; must have a consent letter from the property owner; must have proof of Business Tax Receipt; must submit a sanitation plan	There must be a restroom available on site; all non-permanent structures must be removed 7 days after the event ends; permits must be visibly displayed; the vendor cannot take up any required parking of the existing use	Special Events are the responsibility of the Chief of Police, the Fire Chief, and the Director of Medical Services	Not specified
Pensacola, FL (ordinance is under construction)	Trucks can park anywhere on public property as long as they are legally parked and not obstructing traffic; trucks can park on vacant private lots that are adjacent to an existing brick and mortar	Not specified	Vendors must have a business license, a Seller's permit, a Tax ID, and a Health Certificate; there is no application as of yet	Private lots – units shall be connected to the sewer system and have a grease trap, permanent restrooms will be provided via the adjacent property; 1 customer seat is allowed per foot of mobile unit; there is a maximum of 4 units per site, all of which must have the same design and color consistency; generators are not allowed; the units shall not occupy more than 25% of the lot	Inspections by Code Enforcement	Private lots are being used by the adjacent brick and mortar to expand their businesses in a more cost-efficient manner
Largo, FL (proposed)	Private, non-residential property; no more than 2 vendors are allowed per lot	Daily hours of operation are 6AM-3AM, and the trucks must move when business hours are over	15 permits are issued annually and with annual renewal; applicants must submit a site plan, required licenses, and permission from the property owner to allow patrons to use the restrooms	Permits must be attached to the vehicle; the vendor shall adhere to principal setbacks; waste shall be disposed of properly; the vendor will not take up required parking for the existing use; no alcoholic beverages, no amplified noise	Permits will be revoked if a health violation has not been corrected by the next inspection	The ordinance was put on hold, with concerns that food trucks are a trend, that 15 permits is too many, that the hours of business are too relaxed, that permit fees are not enough, that food trucks have an unfair advantage over brick and mortar

Mobile Food Vending Research

City	Where are the trucks allowed? Are there buffers?	What are the days and hours trucks are allowed?	Permits: what is required? Are they limited? What is the application process like?	What are the operational requirements or restrictions?	How are these regulations enforced?	Concerns
Fort Lauderdale, FL	Private, non-residential property; must be 500' from any school or church within 1 hour of school/church opening and within 1 hour of church/school closing, and 25' from any intersection	Not specified	Need mobile vendor license, health department certificate; applicants must submit: permission from the property owner; a site plan; public restroom availability; on-site parking availability; proof of insurance coverage (\$300,000); a menu; photographs of any equipment to be used	Licenses must be displayed at all times; must have a litter receptacle and dispose of all trash; no advertising except the name of the vendor and a menu; no vending in metered spaces; can't sell anything that is not licensed; can't increase the selling or display capacity of the vehicle; no motioning to vehicles on the street	The Planning, Zoning and Building Department is responsible for enforcement	Residents are happy with the current food truck trend, although they are mostly experienced through special events
Miami, FL	Private non-residential property, shall be located 20' from property line of a residential use	Weekdays 7AM-10PM; Weekends 7AM-11PM; Operations may be open until 1AM where there is no residential area within 1000'	A Certificate of Use (CU) must be obtained for each MOFSE (special event) site on an annual basis. Applicants must submit: a copy of the required State license for Food Service Establishments; sign off from Miami PD; site plan; signature of approval from 80% of residents within 1000' of the location	Vendor must provide consent letter of property owner; no alcohol; no sound amplification; signs must be fixed to the vehicle; special events are limited to 1 per week in the same location; no traveling mobile operation may be permitted on each site that contains a minimum of 10,000 sq. ft.	Violations are mostly complaint-driven; trucks operating outside of a special event may only stop to make a sale, violation results in \$500 fine; the Special Events Director has the authority to revoke the permit if it is found that a truck is operating in a manner not consistent with the representation made in the application package	Food truck regulations have only recently been put into legislation, due to setbacks from brick and mortar restaurants, who for the most part do not back food trucks

Mobile Food Vending Research

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Marathon, FL	Developed non-residential private property, and City right-of-way	Private lots-not to exceed 2 consecutive hours in a 24-hour period, and cannot remain in the right-of-way for more than 10 minutes	The vendor shall obtain all necessary permits, licenses and inspections are required by the City; must have written consent of a property owner for permit applications	The unit must be removed from the site at the end of every business day; vendor shall provide trash receptacles; shall leave the site in a clean state at the end of each business day; when located on private property, must be of a legally operating permanent business; shall not damage landscaped areas or block sight distances for drivers	Not specified	Residents and mobile vendors have expressed concern that new vending time restraints are extreme
State of Florida	Not specified	Not specified	Permit approval is contingent upon the verification of an approved commissary facility	Must be capable of visiting the commissary each day of operation; single-service articles for use only; food products and supplies must be stored at commissaries; waste must be disposed of properly; cannot provide seating for customers; no homemade food items shall be provided	Not specified	Not specified

Mobile Food Vending Research

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Los Angeles, CA	Allowed in public parking, but vendors have to follow parking rules and pay the meter	Not specified	Operators need a Public Health License; a parking permit is required. Applicants must submit: a Business License; food service wastewater report; site plans; health inspection approval; Commissary agreement	Certification sticker must be fixed to unit; must have a certified Food Handler on staff; there must be a restroom within 200' if parked for more than 1 hour; commissary is required in order to buy food and supplies; both the commissary and the food truck will receive letter grades, and those below 70% will be shut down	Street Vending Compliance Program: a team of 10 inspectors who investigate public complaints concerning food trucks	The proposition will build upon the public's current understanding of the restaurant grading program and will provide a means of distinguishing between permitted and non-permitted MFF
Portland, OR	Located mostly in pods, which are surface parking lots of former vacant lots that provide space for multiple carts in the Business District; Trucks and carts must be at least 100' away from an established restaurant or fruit and vegetable market	Vending is permitted from 6AM to 10PM	Operator must have a Food Vendors License. Applicants must submit: a certificate of insurance; 2 photos of the vending mobile; base operation location; a menu; proof of insurance (\$1,000,000)	All items must be vended from a regulation size cart; services shall involve a short transaction period; items must be easily carried by pedestrians; must receive approval from the County Health Department; vehicles and carts must be mobile, but there is no requirement for them to move; vendors must display permit on vehicle; vendors must pick up all litter within 25' of conducting business; services shall not lead to or cause pedestrian traffic; shall not cause undue noise or offensive odors	Enforcement is complaint-driven; the City offered a 30 day time-out during which any unpermitted structures could be brought up to code or taken down without citation; the City Engineer may revoke/suspend permit if: (1) Vendor has violated or failed to meet any of the ordinance provisions; (2) If the cart has become detrimental to surrounding businesses and/or the public; (3) If any required permit has been suspended, revoked, or cancelled; (4) Or if the permitted does not have a currently effective insurance policy	Food carts/trucks are seen as an easy business opportunity; food carts/trucks can also be a community asset to neighborhoods by providing fresh and local produce; this has led to other pop-ups that are not just food related, such as vintage clothing, bike repair, and tailoring

Mobile Food Vending Research

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Raleigh, NC	Conditional use allowed within commercial districts; must be 100' away from an established restaurant; 50' from another vendor; 5' from driveway, sidewalk, or emergency access; 15' from fire hydrant	6AM to 3AM; limited to 7AM to 10PM if located 150' away from any residential dwelling	Permits are required from both the truck owner and the property owner, and must be renewed annually The vendor applicant must submit: Business License; commissary location; County Food Vending Permit; Sales and Use certificate; copy of vehicle registration; location of grease disposal facility. The property owner applicant must submit: Business license; total acres of parcel and site plan; number of food trucks requested	Will not be left overnight; the vendor is responsible for waste disposal and trash; all equipment required shall be within 3' of the truck; all permits and licenses shall be clearly displayed on the food truck; the operator must be present at all times, except in case of an emergency; no free-standing signage; no audio amplification; outdoor seating permitted only on lots greater than 2 acres; shall not occupy required parking for the existing use	If the Wake County Environmental Services revokes or suspends the issued Food Vending Permit, the permit from the City is revoked simultaneously; if there is evidence of improper disposal of waste, the permit will be revoked; penalties for violating the ordinance- first offense: \$100; second offense: \$300; revoked after the 3rd offense	Mixed results: food truck operators welcome the ordinance, while restaurant owners are worried about their business, and would prefer for food trucks to not set up downtown. The City Council will review the results of the ordinance in 6 months
Asheville, NC (proposed ordinance)	Food sales must occur from a private permitted parcel, 10' spacing is required between mobile vendors	Closed between 2:30AM and 6AM	Permits must be obtained for both the parcel and the vendor; the vendor permit must be linked with an existing restaurant or commissary; the number of permits for vendors is limited downtown. Parcel applicants must submit a site plan for the parcel. Vendor applicants must submit compliance with Health Department regulations	The unit must leave the site each day for cleaning and storage; up to 5 mobile units are allowed on a single parcel; permits must be displayed on the vehicle; no roaming and vending is permitted; signage is allowed, but not unlimited; if more than 1 site is requested in the application, then a separate permit is required	Not specified	Vocal and politically connected restaurants are trying to push back the ordinance; tourism officials say truck vendors will cheapen the "Foodtopia" brand that has been built around local brick and mortar establishments

Mobile Food Vending Research

City	Where are the trucks allowed? Are there buffers?	What are the days and hours trucks are allowed?	Permits: what is required? Are they limited? What is the application process like?	What are the operational requirements or restrictions?	How are these regulations enforced?	Concerns
Houston, TX	Only allowed on privately-owned non-residential property	Vendors may designate a site for 24 hour use	The Mobile Food Unit must first be inspected by a health officer; vendors must also have a Food Dealer's Permit. Applicants must submit: address of the location at which the unit is stationed when not in use; business name and address of the commissary; description of Mobile Food Unit (make, model, registration)	The business name must be permanently affixed on 2 sides of the unit; a garbage can must be provided for patron use, to be attached to the unit; hand washing sink is required; a lighting plan is required; the Mobile Unit Operator must give written notice within 24 hours of adding a location to his/her route; single service article use only; menu changes must be submitted to the Health Department; cannot display the selling capacity of the vehicle; cannot provide a dining area	The Director of Health and Human Services Department may suspend a permit (with hearing) if the operation is a public health hazard; a medallion to operate a Mobile Food Unit may be revoked for up to 180 days if: (1) The permit holder interferes with health inspections; (2) If there are serious and/or repeated violations; (3) If the permit holder has not reported an accident within 24 hours	Unity between mobile food vendors and the Houston Restaurant Association is needed for food trucks to survive
San Francisco, CA	Allowed within the public right-of-way, out of residential districts. Vending within 1500' of any public middle school or high school during school hours is prohibited. Vendors cannot sell product/merchandise similar to a previously established business within 200'	Vending is prohibited between 3AM and 6AM daily	Separate permits are required from the Public Works Director, the Health Department, and the Fire Marshal, all with annual renewal. Applicants must submit: address of where the vehicle is stored during non-operational hours; description of the vehicle; picture of the permit applicant; a menu; specific locations of activity; proposed hours and days of operation. In no case may a single vendor have more than 7 Mobile Food Facility Permits	Any permits issued are not final until the vendor has obtained a Certificate of Sanitation and approval from the Fire Marshal within 3 months; proper storage and disposal of debris/garbage shall be provided; noise/odors shall be contained within the immediate area so as not to be a nuisance; employees of the Mobile Food Facility shall pick up trash left over 30 minutes after closing, within a 100' radius.	Permit may be suspended/revoked by the Director of Public Works if: (1) The Mobile Food Facility is selling product similar to a previously established business within 200'; (2) if the Mobile Food Facility has not operated in location for 6 months; (3) If the Mobile Food Facility is a public nuisance. Any person who shall violate any of the provisions of the ordinance shall be guilty of an infraction at each location where such violation occurs. First violation: \$100; second violation: \$200; third violation: \$500	Legislation is in the works to decrease the allowable distance from schools; there are issues concerning healthy food options and obese children; brick and mortar restaurants want to protect their profitability

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San Antonio, TX (pilot program)	Allowed on 3 designated sites that are located Downtown. Parking is prohibited within 50' of an intersection	HemisFair Park: Weekdays 11AM to 2PM. Historic Civic Center Annex: Weekdays 11AM to 2PM. Maverick Park: Thursdays 6PM to 9PM. Other locations and times must be approved by the City	Vendors must obtain a Downtown Mobile Food Truck Permit from the Downtown Operations Department; vendors must have all the required San Antonio Metro Health permits for a food establishment. Applicants must submit: Sales and Use Tax Permit ID number; a menu; color photos of the truck and its dimensions; completed criminal background investigation; must notify downtown operations of all employees; location of the approved site; location of available restrooms. Participants are selected based on food redundancy	All trucks will remain at the fixed location on the approved day and times as per the permit; vendors must remove their supplies, food truck, and equipment from the Downtown area at the end of each business day; waste and litter shall be disposed of safely and properly by the vendor; the vendor shall comply with any corrective actions asked by a Health Officer; the vendor shall make the truck available for inspection any time the unit is on public property; no alcoholic beverages; liability insurance must be purchased after application is approved (\$500,000); no loud speakers or amplified noise	The Committee that selects participants is made up of representatives of the Center City Development Office, Downtown Operations Department, the City Manager's Office, San Antonio Police Department, Metro Health, and the San Antonio Restaurant Association; the permit will not be given if the applicant is a registered sex offender; the permit will be revoked if the vendor transfers their permit rights; the San Antonio Police and Park Police will enforce codes in the CBD; Violations include not adhering to sound restrictions, solicitation, queuing and hawking laws and regulations	Food truck operators believe that the City and restaurant owners were previously working together to push food trucks out of downtown
Austin, TX	Restricted from City property unless authorized by a rental agreement and written permission of the Parks and Recreation Director is obtained. Parking is prohibited within 50' away from dwelling	Operation is prohibited between 3AM and 6AM	Permits are approved by the Health Authority. Applicants must submit: license number and type of vehicle; proof of sales/tax use; schedule; statement of use of central preparation facility	Must follow noise ordinance; Fire and Explosion Safety Standards; must use single service utensils; vehicle must be readily movable; if at a location for more than 2 hours, there must be restroom facilities within 150'. No non-food items, or not described in the permit; no seating for patrons is to be provided; alterations, removals, attachments, placement, or change that reduces mobility is prohibited	The Health Authority may suspend a permit if: (1) There is false information on the application; (2) If an employee is infected with or carries a communicable disease; (3) If the continuation of the establishment is a threat to public health; (4) If the Mobile Food Establishment violates a Health Authority code	Operators welcome more regulations so that competition is fair and the City can rise above problems and prevent accidents. Issues between truck vendors, and concern is to balance safety/health concerns and the ability of the vendors to provide services

Mobile Food Vending Research

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New Orleans, LA	Not allowed in CBD or French Quarter. Parking is prohibited within 600' from an established restaurant; trucks cannot stop at one site for more than 30 minutes	Vending is prohibited from 7PM to 7AM daily	Orleans Parish allocates 100 mobile vending permits annually. Applicants must submit: Business application; must pass fire and health inspection	The permit must be conspicuously displayed at all times; cannot impede vehicular or pedestrian traffic; all vendors must comply with City and State health laws and shall make Sales Tax return reports. During Mardi Gras, it shall be unlawful for a food vendor to sell in front of an existing brick and mortar establishment, cafeteria, or public school. No sales shall be permitted at any other location other than that determined by the Department of Street	Rules and regulations will be enforced by the 8th District of the New Orleans Police Department under the supervision of the Downtown Development District (DDD); DDD will make quarterly reports to the City Council regarding enforcement activities; the DDD shall also report infractions to the Director of Finance, who shall take appropriate action as authorized under the terms of the ordinance	Vendors want to help rewrite the ordinance. They want: CBD access, a 300' distance from an established restaurant, expansion of hours of operation, more time allowed in one location, and an increase in the number of permits
Dallas, TX	May be located on public or private property in the Downtown CBD; may also be located on private property outside the CBD	Not specified	Operators must receive a permit provided by the Restaurant and Bar Inspection Division. Applicants must submit: license and proof of insurance; a signed commissary form; a registered food service manager certificate; An itinerary consisting of stops and schedules that are accurate within 30 minutes; a menu; provide restrooms where stopped for vending; agreement from property owners of vending locations	The cab must be physically separated from the food prep area; must be equipped with a built in hose to wash the interior of the vehicle; ventilation systems must meet Fire Department requirements; adequate lighting must be provided for and properly shielded; owners must have a commissary form. Cooking will not be conducted while the vehicle is in motion; must park only on improved surfaces; only fast-cooked food items may be prepared on the vehicle; fryers will be covered while the vehicle is in motion	Enforced by the Restaurant and Bar Inspection Division, the Director of which may impose additional restrictions to protect against public health hazards	Concerns that the Downtown Core is not concentrated enough to make it profitable. The public thinks trucks will be good for the late-night bar scene

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Boston, MA	Routes of operation have been developed throughout the City, in which the food truck operators must apply for a route. Trucks must be parked within 500' of restrooms and hand washing facilities.	A route with hours of operation at each stopped location must be approved in order to receive the required permits	Permits are required, numbers are limited by the Committee, made up of Public Works, Transportation, Inspection Services, Police, Fire, Director of Food Initiatives, and Assisting Department. Applicants must submit: proposed business plan; proposed service route and hours of operation; certification that the vehicle has passed fire and inspection requirements; proof that the truck will be serviced by a commissary; certification of Insurance, in which permits will be issued for only the effective insurance dates	Must use single-service utensils and articles; must provide a waste container for public use, to be emptied at the operator's expense; an accurate log of service trips to the commissary must be kept (at least twice daily); must have a permanent GPS located in the vehicle; permits are not transferrable. No operator of a mobile food truck shall park, stand, or move where unauthorized; no permit holder can keep their permit for a truck that is out of operation for more than 14 days (without approval); no dining area is allowed unless approved; no excessive noise; the truck cannot be parked on the street overnight; no more than 10% of the total permits distributed or 5 permits, whichever is greater, may be issued to a single person or business entity	Any truck being operated without a valid Mobile Food Truck Permit shall be deemed a public safety hazard and may be ticketed/impounded; a truck operating outside of an approved route/unauthorized location/beyond hours is subject to enforcement; a permit holder operating in violation of any rule or regulation is subject to a fine of \$300 per day. Each violation shall be a separate offense; a permit can be suspended for a maximum of 3 days without notice or hearing if it is in violation of public safety and health; enforced jointly by the Police and Transportation Department	Concerns with delays in getting licenses
Chicago, IL	Prohibited in certain districts in the Downtown Core. The unit must be at a 200' distance of any establishment that offers similar service; a 100' distance from any food establishment without owner consent	Must provide a sample route map for 5 business days, complete with times and length of stay at each stop, to be approved by the City	Applicants must submit: a plan of Mobile Food Facility; Health department approval; Name/address of commissary	Must be operated from a licensed commissary, and must be cleaned and serviced twice daily, as well as stored there; single service utensils only shall be used; hand washing sink and running hot water is required; all licenses must be posted conspicuous place. No food that is sold or served can be stored in a residential home; no seating for customers	The Board of Health has the authority to enact rules and regulations for the effective implementation; any person who violates provisions shall be fined; Fines range from \$50-\$500 for each offense	The proposed bill is stuck, as the area's brick and mortar establishments believe that trucks have an unfair advantage, that they hurt the City's celebrated restaurant scene, and have voiced health concerns.

Mobile Food Vending Research

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Virginia Beach, VA	No person shall peddle food from a cart, wagon, truck, automobile, basket, or tray within 300 ft. of 2 or more retail businesses	Operation between 9AM and 9PM is prohibited	Required Service Manager's Certificate and Food Service Establishment Permit. Applicants must submit: commissary location; location of stops; a menu; liability insurance of at least \$100,000 for personal injuries	Holder of a valid Service Manager's Certificate must be present a minimum of 8 hours per operating day; certification must be displayed; the vendor must notify the Health Department if there are any changes to the menu, hours of operation The vehicle operator shall not stop the vehicle to dispense food items on any street above with speed limits above 25 mph	The Director of Public Health is responsible for enforcement; any violations are considered a misdemeanor and are subject to a \$1,000 fine; each day a violation exists shall constitute a separate offense	Not specified
Washington, D.C. (zone proposal)	Vending locations are approved by the DOT Director that meet the standards of locations on streets, sidewalks, and other public spaces. Zones include: the Central Vending Zone, Neighborhood Vending Zones, the Old Georgetown Vending Zone, and the Nationals Park Vending Zone. The trucks can pay the parking meter and must leave when the meter runs out	Sunday-Thursday: 5AM to 10PM. Friday: 5AM to 1AM. Cannot operate past 10PM in residential communities	Vending Business Licenses; approved site permits; Health Inspection certificates; Food Protection Manager Certificate. Applicants must submit: plan review with Health Department (equipment and food); submit vending application and depot letter to the Health Department; DCRA license	The vendor will obey all posted traffic and parking signs; must have a fire extinguisher on board at all times; permits shall be openly posted on the vehicle; at least 1 employee must be vendor certified; vendors are responsible for their own waste disposal, and must provide a garbage receptacle for their patrons. Truck size must conform to 18.5' long, 10.5' tall, and 8' wide; no advertising is to be utilized, other than the name of the business and the menu; no vendor shall park where not assigned nor impede the pedestrian pathway	A person violating any provision of the ordinance may be issued a civil infraction. Any fines issued may be in addition to the revocation or suspension of a vendor's Business License or Site Permit. District of Columbia Public Works has created a team to crack down on vehicles that exceed the 2 hour meter limits	The zone proposal could reduce oversaturation of vendors in certain areas, although this does not address time limit issues.

Mobile Food Vending Research

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Chapel Hill, NC	Privately owned non-residential property, allowed on streets and sidewalks; permitted for special events. Must be 100' away from an established restaurant during the restaurant's hours of operation; must be located 15' away from any fire hydrant, driveway entrances, landscaping, site triangles, alleys, handicap accesses, and tree trunks	The hours of operation are to be approved in each individual application	Operators must have a valid Chapel Hill Business License; if operating on private property, the property owner must acquire a Zoning Compliance Permit. Applicants must submit: vending location; current principle use of the property; operation days/hours of the existing business and proposed vending; location of commissary restaurant; site plan; Fire department sign-off; other plans (lighting, noise, signage)	Grease will be disposed of properly at the commissary location; must have a fire extinguisher on board; the noise level must comply with noise ordinances; a trash receptacle shall be provided for customers; vendors shall comply with all Retail Sales Tax regulations, including Food and Beverage Tax. No temporary potable water connections are allowed; no taking up parking spaces of existing use; a food truck vendor shall not operate the food truck as a drive-in window; no signage is allowed	Permit may be revoked if the vendor violates any provisions in the article; the Town Manager may revoke the permit if they determine the vendor operations are causing parking, traffic congestion, or litter problems. Any violations constitute a civil violation (\$50 fine), each day that a violation continues constitutes as a separate violation. Enforcement by a code enforcement officer	The high cost of permits will keep vendors away. The costs also give the impression that food trucks are not welcome in Chapel Hill
Nashville, TN (pilot program)	Permitted only in specific zones, designated by signs; also allowed on private property with landowner permission. Buffer from 150' of brick and masonry; 20' from any structure built of combustible materials; 15' from any fire hydrant, fire escape, bus stop, intersection, driveway, or doorway. Parking is prohibited within a block of a school during school hours	Operation within the public right-of-way is prohibited between 3:30AM and 6AM	Operators must have a Mobile Food Vendor Permit. Applicants must submit: vehicle registration and photographs; a menu, site and unit plans; hours of operation; health permit; equipment list and proof of wastewater discharge; fire department check and approval; consent of the property owner; Business license copy, tax ID; solid waste/recycling plan	Must display permit on the vehicle; must obey noise and nuisance laws; must supply sufficient trash and recycling, and dispose of it themselves; must move vehicle outside of posted times; must park in the same direction as traffic and feed parking meters. The truck shall not obstruct sight distance for drivers; it cannot be fixed or drilled into place; there will be no dining area; food and beverage for sale only; for the program purposes, vending in the right-of-way is permitted only in specific zones that are identified by signs	Enforced by the Metropolitan Traffic and Parking Commission. Permit will be suspended/revoked if: (1) Misrepresentation in the permit application and in the course of conducting business; (2) Conducting business contrary to permit conditions; (3) Public nuisance; (4) If Health Department doesn't give authorization. Fines- first offense: \$250; second offense: \$350; third offense: \$500; fourth offense: \$500	The program is helpful to designate where and when food trucks can park

Food Truck Notes as prepared by Mark Tarmey – Tallahassee Architect and Historic Preservation Expert

February 28, 2019

Key Messages

- Many cities utilize mobile vending regulations in order to encourage entrepreneurs and energize a community's food scene while also taking action to make sure they fit in to overall city planning.
- To best manage and protect the people and places in our historic district the community should consider regulations for mobile food vending.
- Here are some of the items regulations should consider:
 - Define mobile food vending uses – is it just for food? Alcohol? Other items sold?
 - Determining where in the community such uses should be permitted – taking into consideration safety of pedestrians and motorists
 - Determine what times such uses should be permitted
 - Determine how long a vendor should be able to stay in one location
 - Determine the permissions necessary for vendor to park on a property
 - How are visitor parking and circulation accommodated?
 - How are sites hosting mobile vending lit for safety?
 - Can public parks be utilized for mobile vending, if so which ones?
 - Determine the responsibility of the food trucks vendor(s) to maintain the property they are parked on (i.e. litter clean up)

Other Florida Cities

Orlando highlights:

[Article with overview.](#)

- Orlando regulations prohibit the sale of food and merchandise on city streets and sidewalks, except where specifically approved by City Council (Sec 54.27-1).
- Orlando regulations prohibit the sale of food and drink within public parks, recreation areas and facilities, except under a current concession agreement approved by the city (Sec. 43.44).
- Orlando regulations prohibit parking on any public or private street, public parking lot or any other public property for the purpose of advertising or selling merchandise (Sec. 39.22).
- If operating on private property, Vendor obtains notarized letter from private property owner granting permission to operate on that owner's property

- Vendor acknowledges: “You are prohibited from conducting business on any public streets, sidewalks, rights-of-way or in any public parks.” This restriction includes any sites that are partially located on the right-of-way, or require their customers to be upon the right-of-way to be served.
- If wishing to operate within the public right-of-way or property, vendors must be ancillary to an 18A special event, obtain a concession agreement on all other public property (e.g. parks), or is a vendor participating under a right-of
- In Orlando’s Florida Main Street Districts a food truck can operate within the district one day a week, or if there is a special event it won’t count towards the one-day-a-week-limit. However, the Food Truck must operate location only in Main Street areas within a zoning district that allows Eating & Drinking Establishments
- All mobile food vendors must locate on a property that has a legal principal use, and an improved surface (e.g. parking lot).

St. Petersburg highlights:

- In Downtown Center zoning districts mobile food truck vending in the street is prohibited (see attached map for downtown location restrictions).
- Outside of Downtown Center zoning districts, vending may occur in the public right-of-way in a legal parking space, or on private property with the property owner’s consent on properties located within zoning districts allowing retail use.
- On private property mobile food trucks can operate a maximum of two days per calendar week. A food truck may operate 7 days a week at different locations, but one location may only host a food truck up to two days per week.
- Mobile vending is not allowed on city park land (except as part of an approved special event).
- No more than two mobile food trucks shall operate on any property at any one time, except as may be allowed by a City issued permit (such as a Food Truck Rally permit).
- Food trucks may not block travel lanes.

Jacksonville highlights:

- Hours of operation for a Mobile Food Dispensing Vendor shall cease at 3:00 a.m. eastern time, and shall resume its hours of operation no earlier than 6:00 a.m. eastern time, unless it has a Special Events Permit.
- Mobile food vendors in the downtown area are not permitted to locate:
 - Within 15 feet of any Sidewalk Vendor as defined in Section 250.301 of the Ordinance Code.

- Within 50 feet of a permanent establishment selling food for on-premises consumption, as measured from a primary entrance of the permanent establishment to the Mobile Food Dispensing Vendor.
- Within 50 feet of a residential unit, unless that residential unit is development part of a vertically mixed-use structure with ground floor non-residential, as measured from the front door of that residential unit to the Mobile Food Dispensing Vendor.
- On any City Right-of-Way or metered parking space.
- On any divided road which does not have curbs and sidewalks alongside such road; on or in any median in any road; within any area which would block the view of traffic or traffic signals or traffic signs
- Within 15 feet of any crosswalk; any building entrance or exit or any walk which leads directly from a building entrance or exit;
- Within 20 feet of any bus stop;
- Within 25 feet of any intersection of a public street, right-of-way, driveway or alleyway;
- Within 75 feet of any Sidewalk Vendor who has been granted an assigned location permit pursuant to Section 250.301 of the Ordinance Code;
- Within 15 feet in all directions of any fire hydrant;
- Within 50 feet from a brick and mortar business or on any property on which is located any established permanent business which sells the same types of products or services as requested to be sold by the Mobile Food Dispensing Vendor, unless the property owner or business owner of the established permanent business provides written consent to allow the Mobile Food Dispensing Vendor to locate and operate on the established permanent business.