

ORDINANCE NO. 18-1616

AN ORDINANCE OF THE CITY OF HAINES CITY, FLORIDA; AMENDING CHAPTER 15 OF THE CODE OF ORDINANCES BY ADDING ARTICLE IV TO PERMIT AND PROVIDE REGULATIONS FOR OPERATIONS OF MOBILE FOOD VENDORS; PROVIDING FOR APPROVAL OF AMENDMENTS; PROVIDING FOR FINDINGS; PROVIDING FOR CODIFICATION; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF HAINES CITY, FLORIDA:

Section 1. Approving the Amendment to the Code of Ordinances of the City of Haines City, Florida. The City Commission of Haines City (the “City Commission”) hereby approves the addition of Article IV to Chapter 15 of the Code of Ordinances to read as shown in “Exhibit A”.

Section 2. Findings. In adopting this Ordinance, the City Commission hereby makes and expresses the following findings, purposes, and intent:

- (1) Chapter 15 of the Haines City Code of Ordinances does not provide regulations for mobile food vendors.
- (2) The purpose of this Ordinance is to recognize this specialized market segment, classify types of permitted mobile food vendors, and establish appropriate standards allowing for the typical range of activities while mitigating any associated, undesirable impacts.

(3) The City Commission hereby determines that it is in the best interest of the City to allow and to regulate mobile food vendors and that it will serve community needs and promote economic viability.

(4) In an exercise of its authority, the City Commission hereby determines it necessary and desirable to amend Chapter 15 of the Code of Ordinances of the City of Haines City, Florida.

Section 3. Codification. It is the intention of the City Commission and it is hereby provided that the provisions of this Ordinance shall be made a part of the Code of Ordinances of the City of Haines City; and that the sections of this Ordinance may be numbered, renumbered or re-lettered to accomplish such intention; and that the word “ordinance” may be changed to “section”, “article”, or other appropriate designation, all as may be necessary or useful to ensure proper codification.

Section 4. Repeal of Ordinances in Conflict. All other ordinances of Haines City or portions thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 5. Severability. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full effect.

Section 6. Effective Date. This Ordinance shall become effective immediately upon its passage and approval as a non-emergency ordinance at two regular meetings of the City Commission.

INTRODUCED AND PASSED on first reading in regular session of the City Commission of the City of Haines City, this 20th day of September 2018.

ATTEST:

APPROVED:

Linda Bourgeois, BAS, MMC, City Clerk

Morris West, Mayor-Commissioner

APPROVED AS TO FORM AND CORRECTNESS:

Fred Reilly, City Attorney

PASSED on second and final reading by the City Commission of the City of Haines City, Florida, at regular session this 4th day of October 2018.

ATTEST:

APPROVED:

Linda Bourgeois, BAS, MMC, City Clerk

Morris West, Mayor-Commissioner

APPROVED AS TO FORM AND CORRECTNESS:

Fred Reilly, City Attorney

“Exhibit A”

Article IV. Mobile Food Vendors.

Section 15-60 - Purpose.

Mobile food vending units have existed in various forms over several centuries, distinguished as much by their physical characteristics as their operational requirements. The purpose of this section is to:

- (1) Recognize this specialized market segment;
- (2) Classify the types of permitted mobile food trucks; and
- (3) Establish appropriate standards allowing for the typical range of activities while mitigating any associated, undesirable impacts.

Section 15 -61 - Applicability.

Definitions.

City issued permit in this section is limited to mean a permit issued by the city for special events, city co-sponsored events or other events, such as a food truck rally, or for parking Class I Mobile Kitchen and Class II Canteen Trucks.

Mobile food truck means a vehicle/trailer which is used to vend food and beverage products and is classified as one of the following:

Class I - Mobile Kitchens. In addition to the vending of products allowed for Class II mobile food trucks, these vehicles/trailers may cook, prepare and assemble food items on or in the unit and serve a full menu. Customers may be notified of the vehicle’s location by social media or other forms of advertising.

Class II - Canteen Trucks. These vehicles/trailers vend fruits, vegetables, hot dogs, pre-cooked foods, pre-packaged foods, pre-packaged drinks, pre-packaged frozen dairy and frozen water-based food products, soft serve, and hand-dipped frozen dairy and water-based products. No preparation or assembly of foods or beverages may take place on or in the vehicle, however, the heating of pre-cooked foods is allowed. A cooking apparatus or grill top for the heating of pre-cooked foods is permitted so long as it complies with state regulations. These vehicles are limited to providing catering services to employees at a specific location and do not advertise for customers, except as may be allowed by a city issued permit.

Mobile service base is a place for food storage, the cleaning of the equipment, the filling of water tanks and proper disposal of waste water and grease and does not include the use of a private home as a mobile service base.

Vehicle means a motorized vehicle, including a trailer or other portable unit, which is attached to a motorized vehicle that is intended for use in vending.

Vend means to sell or offer to sell products from a mobile food truck.

Section 15-62 - Generally.

A. This section shall not apply to pushcart vending, roadside vending markets, or vending on city park property.

B. It is a violation to vend any product from a mobile food truck at any location except in compliance with the requirements of this section.

C. This section excludes a contractual or other private arrangement between a mobile food truck and an individual or group that wishes to have food catered to a specific location and which is not open to the public.

Section 15-63 - Standards and Criteria.

Generally.

A. Business Tax Receipt Requirements. A Business Tax Receipt is required for all Class I and II mobile vendors. A mobile food truck shall comply with all state, county and local business tax regulation.

B. Vehicle Requirements. A mobile food truck shall not be used for vending a product unless the vehicle has been designed and constructed specifically for such purpose. The mobile food truck shall be licensed in accordance with the rules and regulations of any local, state and federal agency having jurisdiction over the mobile food truck or products sold therein.

C. Open Flame Cooking. Open flame cooking is prohibited; except that such activity may take place if permitted by the fire department.

D. Noise Limitations. Amplified music or other sounds from any mobile food truck shall comply with the noise requirements in Chapter 13 of this code.

E. Waste Collection. The operator shall provide a waste receptacle for public use. The area shall be kept neat and orderly at all times and garbage or trash shall be removed daily.

F. Alcohol sales. Mobile food trucks shall not sell alcoholic beverages, except as may be specifically allowed by a city issued permit.

G. Special Events. Mobile food trucks may participate in special events, subject to the requirements and conditions of the applicable permit. A business tax receipt is not required for City sponsored events.

H. Location. Mobile food vendors shall be at least 150 feet away from the same type of permanent food or restaurant establishment.

Section 15-64 - Class I - Mobile Kitchen.

(1) Generally.

A. Disposal. Class I mobile food trucks shall have a current written agreement, with a state licensed facility, for the proper disposal of grease and graywater.

(2) Locations.

A. Rights-of-way. The vending of products from a Class I Mobile Kitchen on rights-of-way shall be subject to the following conditions:

1. Locations. The vending of products from a Class I mobile food truck on rights-of-way is permitted in all non-residential zoning districts and subject to the conditions in this section.

2. Parking. At locations where Class I mobile food trucks are allowed to operate, a Class I mobile food truck may stop, stand or park in any area of the right-of-way not provided for vehicular travel (e.g. parking areas, loading zones) subject to the conditions of this section.

B. Private property. The vending of products from a Class I mobile food truck on private property within all non-residential zoning districts allowing retail uses or restaurants and bars shall be allowed subject to the following conditions:

1. Vacant Properties. Operation of a Class I mobile food truck is prohibited on vacant and undeveloped property, except when approval is given from an administrative official.

2. Permission. A Class I mobile food truck shall have the written permission of the owner of the property on which it is located. Such written permission shall be maintained in the mobile food truck and made available upon request by the representative of any regulating agency. Such written permission shall be completed with the appropriate city-prepared form.

3. Existing Parking Spaces. Mobile food trucks shall not require use of more than twenty-five percent (25 %) of existing parking spaces.

4. Access. A Class I mobile food truck shall not be placed in any location that impedes the ingress or egress of other businesses or building entrances or emergency exits.

Section 15-65 - Class II - Canteen Trucks

Locations.

A. Rights-of-way. The vending of products from a Class II Canteen Truck on rights-of-way shall be subject to the following conditions:

1. Locations. The vending of products from a Class II mobile food truck on rights-of-way is permitted in all zoning districts and subject to the conditions in this section.

2. Parking. At locations where Class II mobile food trucks are allowed to operate, Class II mobile food truck which is stopped, standing or parked in the right-of-way shall be responsible for complying with all parking and traffic regulations. No Class II mobile food

truck shall stop, stand or park for more than 10 minutes, unless there are customers waiting in line to buy products.

3. Permission. A Business Tax Receipt shall be maintained in the mobile food truck and made available upon request by the representative of any regulating agency. Such written permission shall be completed with the appropriate city-prepared form.

B. Private property. The vending of products from a Class II mobile food truck on private property within all non-residential zoning districts allowing retail uses or restaurants and bars shall be allowed subject to the following conditions:

1. Vacant Properties. Operation of a Class II mobile food truck is prohibited on vacant and undeveloped property, except when approval is given from an administrative official.

2. Permission. A Class II mobile food truck shall have the written permission of the owner of the property on which it is located. Such written permission shall be maintained in the mobile food truck and made available upon request by the representative of any regulating agency. Such written permission shall be completed with the appropriate city-prepared form.

3. Existing Parking Spaces. Mobile food trucks shall not require use of more than twenty-five percent (25 %) of existing parking spaces.

4. Access. A Class II mobile food truck shall not be placed in any location that impedes the ingress or egress of other businesses or building entrances or emergency exits.