

ORDINANCE NO. 2019-2137

AN ORDINANCE OF THE CITY OF LAKE CITY, FLORIDA, AMENDING THE CODE OF THE CITY OF LAKE CITY, FLORIDA BY CREATING ARTICLE VIII FOR CHAPTER 26, CREATING "MOBILE FOOD TRUCKS AND TRAILERS"; PROVIDING REGULATIONS FOR MOBILE FOOD TRUCKS AND TRAILERS OPERATING WITHIN THE CITY OF LAKE CITY; REQUIRING MOBILE FOOD TRUCK AND TRAILER VENDOR PERMITS AND FEES FOR OPERATION OF MOBILE FOOD TRUCKS AND TRAILERS; ESTABLISHING A ZONE FOR OPERATION OF MOBILE FOOD TRUCK AND TRAILER BUSINESSES; ESTABLISHING PROHIBITIONS; ESTABLISHING OPERATING REQUIREMENTS; REQUIRING MOBILE FOOD TRUCK AND TRAILER VENDOR PERMITS FOR OPERATION OF MOBILE FOOD TRUCKS AND TRAILERS WITHIN ALL CITY PARKS AND CITY PARKING LOTS AND FEES; ESTABLISHING PENALTIES FOR VIOLATIONS; AMENDING CHAPTER 26, SECTION 26-31 OF THE CODE TO CREATE DEFINITIONS FOR MOBILE FOOD TRUCKS AND TRAILERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the mobile food truck and trailer industry has expanded over the past five years as consumers have increasingly favored various cuisines at various pricing levels; and

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

WHEREAS, the City Council recognizes the need for reasonable regulations intended to provide economic development and entrepreneurial opportunities for mobile food truck and trailer businesses within the City of Lake City, Florida ("City") while protecting the public health, safety, and welfare, minimizing visual impacts to the public realm, and mitigating fiscal impacts to site-built restaurants and businesses; and

WHEREAS, the City Council has determined that it is in the best interest of the health, safety and welfare of citizens of the City that minimum regulatory standards of conduct be enacted to permit mobile food trucks and trailers to operate within the City.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF LAKE CITY, FLORIDA, AS FOLLOWS:

Section 1. The above recitals are all true and accurate and are hereby incorporated herein and made a part of this ordinance.

Section 2. Section 31 of Article II of Chapter 26 of the Code of the City of Lake City, Florida, is hereby amended to read as follows (words ~~stricken~~ are deletions; words underlined are additions):

Sec. 26-31. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicant means the person who signs an application form requesting an occupational license and pays the fees required.

Business means any person who maintains a permanent business location or branch office within the city for the privilege of engaging in or managing any business within the city; or any person not maintaining a permanent business location or branch office within the city who transacts any business in the city, except a person engaging in those activities upon which an occupational license is prohibited by section 8 of article I of the United States Constitution or by state statutes.

Charitable institutions means only nonprofit corporations operating physical facilities in the state at which are provided charitable services, a substantial percentage of which shall be without cost to those unable to pay.

Chief license inspector means that person appointed by the city council to administer the provisions of this chapter.

Commissary means a food service establishment or any other commercial establishment where food, containers, or supplies are stored, prepared, or packaged, or where utensils are sanitized for transit to, and sale or service at, other locations.

Educational institutions means state tax supported or parochial, church and nonprofit private schools, colleges or universities conducting regular classes and courses of study required for accreditation by or membership in the Southern Association of Colleges and Schools, the

state department of education or the Florida Council of Independent Schools. Nonprofit libraries, art galleries and museums open to the public are defined as educational institutions and are eligible for exemption.

Employee means a person who is hired by another, or by a business or profession to work for wages or a salary under any arrangement whereby the employer of such person is required to provide such person with a W-2 statement which complies with the requirements of the Internal Revenue Code.

Merchandise means any goods, wares or commodities bought or sold in the usual course of trade, wholesale or retail, including necessities, provisions and articles for immediate consumption.

Merchant means any person engaged in the business of selling merchandise at retail or wholesale, including merchandise agencies, merchandise brokers, dealers, distributors, jobbers, buying clubs and all others whose business includes the sale of merchandise; except a manufacturer or processor who creates or fabricates an entirely new or different product or article from inventory and those businesses which pay an additional occupational license fee based upon the number of employees. Vendors of feed or flour, bottling works, processors of bakery and dairy products, stoneworks and other persons who do not create an entirely new or different article shall be deemed merchants for the purposes of this chapter.

Merchant, retail means any merchant who sells to the consumer or for any purpose other than resale.

Merchant, wholesale means any merchant who sells to another for the purpose of resale. Sales to governmental entities shall be considered wholesale sales.

Mobile food truck and trailer means a vehicle which is used to vend food and beverage products which may be temporary or permanent and is classified as one of the following:

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 and trailers.

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.

Occupation means any person who maintains a permanent business location or branch office within the city for the privilege of engaging in or managing any occupation within the city; or any person not maintaining a permanent business location or branch office within the city who engages in any occupation in the city, except a person engaging in those activities upon which an occupational license fee is prohibited by section 8 of article I of the United States Constitution or by state statutes.

Person means any individual, firm, partnership, joint adventure, syndicate or other group or combination acting as a unit, association, corporation, estate, trust, business trust, trustee, executor, administrator, receiver or other fiduciary, or other legal entity.

Place of business or business premises means any place, store, location, or other establishment which supplies or furnishes, or offers to supply or furnish, merchandise, goods, services or entertainment to the general public.

Profession means any person who maintains a permanent business location or branch office within the city for the purpose of engaging in, managing, or practicing any profession which is regulated by the state department of business and professional regulation, the state supreme court, or any other state agency including, but not limited to, medical and healing art practitioners, pharmacists, engineers, surveyors, accountants, contractors in the building trades, and attorneys at law, within the city; or any person not maintaining a permanent business location or branch office within the city who engages in any profession in the city, except a person engaging in those activities upon which an occupational license fee is prohibited by section 8 of article I of the United State Constitution or by state statutes.

Religious institutions means church and ecclesiastical or denominational organizations or established physical places for worship in this state at which nonprofit religious services and activities are regularly conducted and carried on, and also means church cemeteries.

Section 3. That the Code of the City of Lake City, Florida, is hereby amended by adding an article to be numbered VIII, which article reads as follows:

ARTICLE VIII. - MOBILE FOOD TRUCKS AND TRAILERS

Section 26-301. - Mobile Food Truck and Trailer Vendor Permit Requirements.

(1) Any person engaged in the selling, preparation or dispensing of food from a mobile truck or trailer must purchase a mobile food truck and trailer vendor permit in accordance with this chapter in addition to the City of Lake City Business Tax Receipt.

(2) An applicant for a Class I mobile food truck and trailer vendor permit shall make their mobile food truck and trailer available for inspection by the City of Lake City Fire Department at a location determined by the Fire Department. The City of Lake City Fire Department shall ensure compliance with all applicable federal, state and local fire safety statutes, regulations, ordinances and codes.

(3) Subsequently, every Class I mobile food truck and trailer must undergo an inspection by the City of Lake City Fire Department annually.

(4) All mobile food truck and trailer vendors must display the mobile food truck and trailer vendor permit issued by the City in a prominent and visible manner.

Section 26-302 - Permit Application & Administrative Rules and Regulations.

Applications for a mobile food truck and trailer vendor permit may be obtained from the Growth Management Department and must include the following information:

(1) The name, address, telephone number, and email address of applicant.

(2) Address of proposed location to store the mobile food truck and trailer when not in use.

(3) A description of the type of food and beverages to be sold.

(4) Color photographs of the mobile food truck and trailer showing the condition and layout of the mobile food truck and trailer.

(5) A copy of all permits and business licenses required by the State of Florida, Columbia County, Florida, and the City of the Lake City.

(6) A notarized commissary agreement confirming the mobile food truck and trailer vendor is operating in conjunction with a licensed commissary in accordance with Florida Statutes, where applicable. All commissaries must be pre-approved by the City prior to issuance of mobile food truck and trailer vendor permit.

(7) 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 (where applicable).

(8) A notarized statement by each property owner indicating that the applicant has permission to operate on the site. The statement 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 truck and trailer vendor access to solid waste collection on the subject property.

b. The property owner shall require that the mobile food truck and trailer vendor meets all applicable federal, state and local statutes, regulation, laws, ordinances, rules and codes; including but not limited to permitting requirements regarding the specific business.

c. The property owner shall acknowledge that he or she understands the regulations regarding mobile food truck and trailer vendors and operation of mobile food trucks and trailers and will be held responsible, along with the mobile food truck and trailer vendor for any code violations.

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

a. Total square footage of the property.

b. Location and square footage of the existing principal and accessory use(s), where applicable.

c. Proposed location for the mobile food truck and trailer.

d. Location of ingress/egress to the site.

e. Table demonstrating the minimum setbacks in compliance with the underlying zoning district.

f. For multiple locations during the course of your license, a separate site plan shall be required to be submitted for each site for approval.

(10) Proof of business insurance, issued by an insurance company that is licensed to do business in the State of Florida, protecting the applicant, and city, from all claims for damages to property and bodily injury including, but not limited to, death, which may arise from operations under or in connection with mobile food truck and trailer vending. Such insurance shall name the City of Lake City as an

additional insured and shall meet the following minimum limitations of coverages:

a. Workers compensation and employer's liability – Coverage applicable to all employees at statutory limits in compliance with applicable state and federal laws; and

b. Commercial General Liability – Coverage must be afforded under a per occurrence form policy for limits not less than \$1,000,000 General Aggregate, \$1,000,000 Products, \$1,000,000 each Occurrence, \$1,000,000 Fire Damage Liability, and \$1,000,000 Medical Expense; and

c. Automobile Liability - Coverage must be afforded including coverage for Bodily Injury and Property Damage of not less than \$1,000,000 combined single limit each accident.

(11) Fees:

a. Standard application fees to be paid by all mobile food trucks and trailers:

i. \$75.00 for first year;

ii. \$50.00 annual renewal fee

b. Special permit fees for operating within City parks and City parking lots. This additional fee shall include the set-up location, electrical connection and water connection:

i. 20-amp electrical service - \$15.00 per day

ii. 30-amp electrical service - \$25.00 per day

iii. 50-amp electrical service - \$30.00 per day

c. City Business License Fees – in addition to any other fee an annual City business license fee of \$30.00, shall be required for all mobile food trucks and trailers.

(12) All mobile food truck and trailer locations in City parks and City parking lots are on a reservation system that opens the first of each month for the following month. No mobile food truck and trailer shall reserve more than one location at the same time.

Section 26-303 - Permitted Zoning Districts for Operation.

Unless authorized by Special Retail Use Permit or exempted by this Ordinance, mobile food trucks and trailers may only be permitted to operate within 300 feet of the center line of any road, or street within the following zoning districts:

Commercial, Central Business District (C-CBD)

General (CG)

Commercial Intensive (CI)

Commercial Highway Interchange (CHI)

Industrial, Light and Warehousing (ILH)

Industrial (I)

Section 26-304 – Prohibitions.

Mobile food truck and trailer vendors are prohibited from the following:

- (1) Selling or distributing alcoholic beverages;
- (2) Operating in a public right-of-way, municipal cemetery, or residentially zoned neighborhoods;
- (3) Operating outside of the permitted zoning districts listed in Section 26-303, above, unless operating pursuant to a temporary Special Retail Use Permit or as otherwise excepted by this Ordinance;
- (4) Operating on unimproved surfaces, vacant lots, and abandoned business locations.
- (5) Operating or allowing a dining area, including but not limited to tables, chairs, booths, barstools, benches, standup counters, shade canopies, umbrellas, tents unless restrooms are provided;
- (6) Selling or dispensing food to customers in a moving vehicle or otherwise engaging in drive up sales;
- (7) Parking a mobile food truck and trailer within twenty (20) feet of a crosswalk or within seventy-five (75) feet of a brick and mortar restaurant.
- (8) A mobile food truck and trailer shall not be placed closer than fifteen (15) feet to any permanent structure located on the same lot or adjacent lot.

Section 26-305 - General Regulations.

- (1) Mobile food truck and trailer vendors shall remove all waste and trash at the end of each day.
- (2) Under no circumstances shall grease be released into the City's sanitary sewer system. No liquid waste or grease shall be disposed of in the City's sanitary sewer system. A signed contract shall be provided if a sanitary

holding tank is to be emptied on site by a service company. No liquid waste or grease is to be disposed of on the ground, the sidewalks, streets, or other spaces.

(3) 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 and trailers. Each mobile food truck and trailer 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 the City.

(4) Mobile food truck and trailer 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.

(5) All food service equipment utilized by the mobile food truck and trailer vendor shall be maintained in good repair and in clean condition.

(6) A mobile food truck and trailer 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.

(7) 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 26-306 - Operating Requirements

(1) Mobile food trucks and trailers shall be permitted to operate between 6:00 a.m. and 10:00 pm each day of the week to include the necessary time for setup and takedown.

(2) A mobile food truck and trailer may operate at a single location up to a maximum of three (3) days per week but no more than two (2) consecutive days unless special permission has been granted by the City Manager.

(3) Mobile food trucks and trailers shall not exceed ten feet (10') in width, including a side extension of awnings, and twenty-four feet (24') in length, including the length of any trailer hitch, the trailer, or other extensions.

(4) Mobile food trucks and trailers must be self-contained when operating (including all utilities) unless during a special event or approved by the City Manager (power, water, cooking fuel sources), except for the required trash and recycling receptacles, which must be attached to the mobile food truck and trailer, and shall not impede free movement of automobiles or pedestrians. The mobile food truck and trailer vendor shall keep all areas surrounding the mobile food and trailer truck clean of grease, trash, paper, cups or cans associated with the vending operation.

(5) No more than one mobile food truck and trailer shall operate on any single property at any one time, except as may be permitted by a Special Use Permit issued by the City.

(6) Mobile food trucks and trailers operating at a site for a duration of more than three (3) hours shall have a written agreement, available upon request, which confirms that during the hours of operation the employees have access to either a flushable permanent restroom within one hundred fifty (150) feet of the vending location, or a portable toilet and handwashing facilities.

(7) Mobile food trucks and trailers shall be operated only by the mobile food truck and trailer vendor permittee or by an authorized employee of such permittee.

(8) Mobile food trucks and trailers may be allowed to operate for longer periods of time at one location with special permission from the City Manager and a site plan review.

Section 26-307 - Refrigeration and Heating Equipment.

All mobile food trucks and trailers, requiring cold food or drink, shall have adequate mechanical refrigeration equipment that is capable of maintaining food or drink at a temperature of forty (40) degrees Fahrenheit or less. All mobile food trucks and trailers, requiring hot food or drink, shall have adequate mechanical heating equipment that is capable of maintaining food or drink at a temperature of one hundred forty (140) degrees Fahrenheit or more. If food or drink is required to be heated, the mobile food truck and trailer shall have adequate mechanical heating equipment that is capable of heating food or drink to a temperature of one hundred sixty-five (165) degrees Fahrenheit or more. All mechanical refrigeration and heating equipment shall be equipped with a thermometer.

Section 26-308. Food Service Provided to Persons Engaged in Construction.

Class II mobile food trucks and trailers that are being used to provide food and drink to persons engaged in construction on a permitted construction site, within the City, are exempt from the provisions of Section 26-306, provided such vehicles are parked for not more than sixty (60) minutes.

Section 26-309 - Penalty.

(1) A Code Enforcement Officer may initiate a code enforcement case or a Law Enforcement Officer may issue a civil citation for a violation of this Chapter. Any person or entity who shall fail to comply with the provisions of this article shall be subject to penalties as provided for in Chapter 1, Section 1-11 of the City Code. Upon a mobile food truck and trailer vendor's third offense within a twelve-month period, the mobile food truck and trailer vendor permit may be revoked.

(2) For the purposes of this section the term "offense" means a violation of a provision of the Code as found through a Special Magistrate or any other quasi-judicial or judicial process. 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.

(3) If at any time the Florida Department of Business and Professional Regulation revokes or suspends the mobile food truck and trailer vendor's license, the City's mobile food truck and trailer vendor permit shall be deemed to have been simultaneously revoked or suspended.

Section 4. 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 force and effect.

Section 5. Conflict. All ordinances or portions of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 6. Codification. It is the intention of the City Council of the City of Lake, City, Florida, that the provisions of this ordinance shall become and be made part of the Code of the City of Lake City, Florida

Section 7. Effective Date. This ordinance shall become effective upon adoption.

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3rd *als*
2nd *February 2020*
PASSED AND ADOPTED this day of ~~December~~, ~~2019~~ by the City
Council of the City of Lake City, Florida.

CITY OF LAKE CITY, FLORIDA

By: *[Signature]*
Stephen M. Witt, Mayor

ATTEST:

APPROVED AS TO FORM AND
LEGALITY:

By: *Audrey E. Sikes*
Audrey E. Sikes, City Clerk

By: *F. L. Koberlein, Jr.*
Frederick L. Koberlein, Jr.,
City Attorney

The Lake City Reporter
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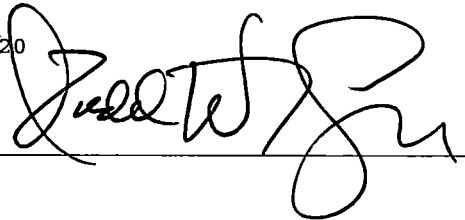
AFFIDAVIT OF PUBLICATION

Legal Reference: NOTICE OF PUBLIC HEARING

STATE OF FLORIDA
COUNTY OF COLUMBIA

Before the undersigned notary public personally appeared Todd L. Wilson, who on oath says that (s)he is Publisher of the Lake City Reporter, a newspaper published at Lake City, Columbia County, Florida; confirms that the attached legal advertisement was published in the Lake City Reporter on the following date(s):

01/19/2020



Affiant

Sworn to and subscribed before me this 24th day of January, 2020



Kathleen A. Riotto

My commission expires August 20, 2022



KATHLEEN A RIOTTO
Commission # GG 229945
Expires August 20, 2022
Bonded Thru Budget Notary Services

NOTICE OF PUBLIC HEARING ON ENACTMENT OF ORDINANCE BY THE CITY COUNCIL OF THE CITY OF LAKE CITY, FLORIDA

NOTICE IS HEREBY GIVEN that City Council Ordinance No. 2019-2133 and City Council Ordinance No. 2019-2137 which titles hereinafter appears, will be considered for enactment on second and final reading by the City Council of the City of Lake City, Florida, at public hearing on Monday, February 3, 2020, at 6:00 p.m., or as soon thereafter as the matters can be heard in the City Council Meeting Room, City Hall, located at 205 North Marion Avenue, Lake City, Florida 32055. Copy of said ordinances may be inspected by any member of the public at the Office of the City Clerk, City Hall, located at 205 North Marion Avenue, Lake City, Florida 32055, during regular business hours. On the date, time and place first above mentioned, all interested persons may appear and be heard with respect to the ordinance.

CITY COUNCIL ORDINANCE NO. 2019-2133

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE CITY, FLORIDA, ESTABLISHING PROCEDURES RELATING TO ACCESS TO AND DISCLOSURES BY PUBLIC OFFICIALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

CITY COUNCIL ORDINANCE NO. 2019-2137

AN ORDINANCE OF THE CITY OF LAKE CITY, FLORIDA, AMENDING THE CODE OF THE CITY OF LAKE CITY, FLORIDA BY CREATING ARTICLE VIII FOR CHAPTER 26, CREATING MOBILE FOOD TRUCKS AND TRAILERS; PROVIDING REGULATIONS FOR MOBILE FOOD TRUCKS AND TRAILERS OPERATING WITHIN THE CITY OF LAKE CITY; REQUIRING MOBILE FOOD TRUCK AND TRAILER VENDOR PERMITS AND FEES FOR OPERATION OF MOBILE FOOD TRUCKS AND TRAILERS; ESTABLISHING A ZONE FOR OPERATION OF MOBILE FOOD TRUCK AND TRAILER BUSINESSES; ESTABLISHING PROHIBITIONS; ESTABLISHING OPERATING REQUIREMENTS; REQUIRING MOBILE FOOD TRUCK

AND TRAILER VENDOR PERMITS FOR OPERATION OF MOBILE FOOD TRUCKS AND TRAILERS WITHIN ALL CITY PARKS AND CITY PARKING LOTS AND FEES; ESTABLISHING PENALTIES FOR VIOLATIONS; AMENDING CHAPTER 26, SECTION 26-31 OF THE CODE TO CREATE DEFINITIONS FOR MOBILE FOOD TRUCKS AND TRAILERS.

ERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

The public hearing may be continued to one or more future dates. Any interested party shall be advised that the date, time and place of any continuation of the public hearing shall be announced during the public hearing and that no further notice concerning the matter will be published.

All persons are advised that, if they decide to appeal any decision made at the public hearing, they will need a record of the proceedings and, for such purpose, they may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. In accordance with the Americans with Disabilities Act, if any accommodations are needed for persons with disabilities, please contact Joyce Bruner, Office of City Manager, 1-386-719-5768. AUDREY E. SIKES, MMC
City Clerk

558106

January 19, 2020