

**ORDINANCE NO. 645**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA, AMENDING SECTION 2.2 OF THE LAND DEVELOPMENT CODE BY ADDING A DEFINITION FOR MOBILE FOOD DISPENSING VEHICLE AND ADDING NEW SECTION 8.7.26 REGULATING THE OPERATION OF FOOD TRUCKS WITHIN THE CITY LIMITS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

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**WHEREAS**, the Governor of the State of Florida signed into law the Occupational Freedom and Opportunity Act (SB474/HB1171) ("Act"), which became effective on July 1, 2020; and

**WHEREAS**, the Act, among other things, created Florida Statutes Section 509.102- mobile food dispensing vehicle ("MFDV") preemption in which a municipality, county or other local governmental entity may not require a separate license, registration or fee from MFDVs and may not prohibit MFDVs from operating within the entirety of the jurisdiction ; and

**WHEREAS**, the City only allows mobile food vendors, which include food tents, hot dog carts and food trucks (MFDV) to operate in conjunction with a special event permit; and

**WHEREAS**, food trucks can provide opportunities for entrepreneurs and small businesses to startup and operate at a relatively low cost. They can add interest, vibrancy and activity to the City. However, without proper regulation they can have potentially negative effects by posing a threat to brick-and-mortar restaurants, blocking the public right-of-way, posing a fire and life safety risk or otherwise creating a nuisance; and

**WHEREAS**, the Planning Commission prepared proposed regulations of MFDVs on August 5, 2020 and November 4, 2020, held a public hearing on March 3, 2021, and thereafter recommended regulation of MFDVs to the City Council for approval; and

**WHEREAS**, the City Council finds that it is in the best interest of the health, safety and welfare of general public to adopt standards for the location and operation of MFDVs within the City in an effort to address and mitigate the potential negative effects as recited above; and

**WHEREAS**, the City of Orange City finds and determines that these amendments to the City's Land Development Code are consistent with all applicable policies of the City's adopted comprehensive plan and not in conflict with the public interest.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA:**

**SECTION 1.** The foregoing whereas clauses are incorporated herein as legislative findings by this reference and made a part hereof for all intents and purposes.

**SECTION 2.** Section 2.2, Land Development Code, is hereby amended by adding a new definition for “Mobile Food Dispensing Vehicles” and inserted in alphabetical order as follows:

...

*Mobile Food Dispensing Vehicles.* Is a vehicle that is a public food service establishment and is self-propelled or otherwise moveable from place to place and includes self-contained utilities, including, but not limited to gas, water electricity, or liquid waste disposal, otherwise known as a food truck, and otherwise regulated by the Department of Business and Professional Regulation (DBPR) requiring a mobile food vendor license subject to F.S. Section 509.102 and in compliance with section 8.7.26, Orange City Land Development Code.

...

**SECTION 3.** Section 8.7- Supplementary regulations, is amended by adding a new Section 8.7.26 to regulate food trucks within the City limits as follows:

...

*8.7.26. Mobile Food Dispensing Vehicles.* This section applies to mobile food vendors operating as food trucks, and does not apply to food tents or hot dog carts. Food tents and hot dog carts are allowed in conjunction with a special event permit issued by the City. Food trucks, defined as Mobile Food Dispensing Vehicles in Florida Statute and herein are allowed to operate in compliance with the following requirements:

- A. Provide a copies of the following documents to the Development Services Department:
  - 1. The Department of Business and Professional Regulation (DBPR) mobile food dispensing vehicle license.
  - 2. A completed inspection report from the City’s Fire Department.
  - 3. A notarized authorization of owner form permitting the operation of a food truck on private property.
- B. Location standards. Food trucks may operate within Orange City if located as follows:
  - 1. On developed, private property.
  - 2. Within the OT, CG-1, CG-2, I-1, I-2, MX-1 or MX-2 zoning districts.
  - 3. Placed on a paved surface and not within any public right-of-way.
  - 4. Not within 150 feet of a brick-and-mortar restaurant, measured from the property line of the parcel containing the restaurant.
- C. Duration. Any one particular food truck may operate from the same property for up to eight days per calendar month. Hours of operation are limited to 8:00 am to 10:00 pm. No more than two food trucks may operate on the same property at the same time and overnight parking is prohibited.
- D. Temporary signs are allowed in accordance with the City’s sign code.

- E. Public nuisance is prohibited and operators must remove food trucks from property immediately upon notice from the City Manager. Public nuisance includes any hazardous or unsafe condition, or activity which otherwise produces noise, vibration, glare, electronic interference, or heat in excess of normal background levels beyond the property line.
- F. Food trucks operating under an approved special event permit are exempt from these requirements.

**SECTION 4.** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 5.** That this Ordinance shall take effect immediately upon its adoption by the City Council of the City of Orange City, Florida.

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**ROLL CALL VOTE AS FOLLOWS (Ordinance No. 645):**

First Reading this 23 day of March, 2021.

<u>yes</u>	Alex Tiamson	Kelli Marks, Vice Mayor	<u>yes</u>
<u>yes</u>	O. William Crippen	Martin E. Harper	<u>yes</u>
<u>yes</u>	Jeff Allebach	Bill O'Connor	<u>yes</u>
<u>yes</u>	Gary A. Blair, Mayor		

**ROLL CALL VOTE AS FOLLOWS (Ordinance No. 645):**

Second Reading this 13 day of April, 2021.

<u>yes</u>	Alex Tiamson	Kelli Marks, Vice Mayor	<u>yes</u>
<u>yes</u>	O. William Crippen	Martin E. Harper	<u>yes</u>
<u>yes</u>	Jeff Allebach	Bill O'Connor,	<u>yes</u>
<u>yes</u>	Gary A. Blair, Mayor		

PASSED and ADOPTED this 13 day of April, 2021.

**ATTEST:**

Melani Beringer  
Melani Beringer, CMC, City Clerk

**AUTHENTICATED:**

Gary A. Blair  
Gary A. Blair, Mayor

Approved as to form and legal sufficiency:

William E. Reischmann, Jr.  
William E. Reischmann, Jr., City Attorney