

ORDINANCE NO. 1094

AN ORDINANCE OF THE CITY COMMISSION OF LYNN HAVEN, FLORIDA, CREATING A NEW CHAPTER ENTITLED MOBILE FOOD TRUCKS OPERATING WITHIN THE CITY; PROVIDING DEFINITIONS AND REGULATIONS FOR MOBILE FOOD TRUCKS; REQUIRING MOBILE FOOD TRUCK VENDOR PERMITS; ESTABLISHING REGULATIONS AND PROHIBITIONS; PROVIDING FOR ENFORCEMENT, APPEALS, AND PENALTIES; PROVIDING FOR REPEALER, CODIFICATION, AND SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, there has been an increasing number of Mobile Food Trucks in the City of Lynn Haven; and

WHEREAS, currently, the City of Lynn Haven does not have general provisions or regulations governing Mobile Food Trucks within the City of Lynn Haven; and

WHEREAS, individuals have a right to and should be ensured that food purchased from Mobile Food Trucks are safe for consumption; and

WHEREAS, the adoption of an ordinance is reasonable and necessary to protect the public health, safety and welfare of the residents of the City of Lynn Haven and that minimum regulatory standards of conduct be enacted to permit Mobile Food Trucks to operate within the City of Lynn Haven.

NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF LYNN HAVEN, FLORIDA THAT:

SECTION 1. "Mobile Food Trucks Operating within the City of Lynn Haven" of the Code of Ordinances is hereby created as follows:

MOBILE FOOD TRUCKS

Section 1. Definitions.

- a) City Sponsored Special Event means a pre-planned event held on public property, including but not limited to, parks, streets, and/or sidewalks or any City-owned property.
- b) Commissary means a duly licensed food establishment that provides support services for specific required functions of a mobile food truck operation. 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 the 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 three compartment sinks for washing, rinsing, and sanitation of equipment in addition to hand washing and restroom facilities. A private residence may not be used as a commissary.

- c) Mobile Food Truck means a vehicle which is used to vend food and/or beverage products and is classified as one of the following:
 - 1. *Mobile Kitchens*. These vehicles may cook, prepare and assemble food items and serve a full menu. These vehicles may also vend the products permitted for Canteen Trucks.
 - 2. *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; except for heating the pre-cooked food.
- d) Mobile Food Truck Vendor means a person who prepares, dispenses or otherwise sells food from a Mobile Food Truck.

Section 2. Mobile Food Truck Permit Requirements.

- a) an applicant seeking to operate in the City of Lynn Haven must purchase an annual permit in accordance with this Chapter.
- b) an applicant shall provide a copy of all permits and business licenses required by the State of Florida, Bay County and the City of Lynn Haven.
- c) an applicant shall provide 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 or bodily injury, including death, which may arise from operations under or in connection with mobile food truck vending.
- d) If applicant is seeking a permit at a City Sponsored Special Event or will otherwise be operating a Food Truck on property owned by the City of Lynn Haven, the applicant shall name the City of Lynn Haven as an additional insured party and shall be in at least the amount of \$500,000 per occurrence for injury and \$200,000 per person. The permittee, owner or operator shall notify the City of Lynn Haven of any changes in the insurance coverage 24-hours prior to the City Sponsored Special Event. The City of Lynn Haven has the power to deny Mobile Food Truck Vendor from operating at the City Sponsored Special Event if not properly insured.

- e) An applicant shall make their Mobile Food Truck available for inspection by the City of Lynn Haven's Fire Department at the location determined by the City. The Lynn Haven's Fire Department shall ensure that the applicant is in compliance with all applicable federal, state and local fire safety statutes, regulations, ordinances and codes.
- f) an applicant shall at all times have written permission, in their possession, from the private property owner at which the applicant desires to locate their Mobile Food Truck.
- g) an applicant shall to pay an annual permit fee of \$150.00. Payment is accepted only in the form of money order, credit card, debit card or cashier's check.

Section 3. Geographic Areas for Mobile Food Truck Operations.

- a) Unless otherwise authorized by the City, in writing, Mobile Food Trucks shall only operate in the following areas;
 - 1) commercial or industrial zones
 - 2) Private events where the Mobile Food Truck is exclusively serving the participants of the private event and not the public at large.
- b) The City Commission may, from time to time, define areas, in the interest of preserving public health and safety or avoiding traffic congestion, in which no Mobile Food Truck Vendor may prepare or dispense food.

Section 4. General Regulations for Mobile Food Trucks.

- a) A separate permit is required for each Mobile Food Truck.
- b) Every Mobile Food Truck Vendor shall post the permit in a conspicuous place in that part of the vehicle to which the public has access by sight.
- c) Every Mobile Food Truck Vendor shall be in compliance with the laws and administrative regulations of the State of Florida at all times.
- 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 all Mobile Food Trucks. All garbage and rubbish shall be stored, removed, and disposed of properly.
- e) All food service equipment utilized by the Mobile Food Truck Vendor shall be maintained in good repair and clean condition.

- f) Mobile Food Truck Vendors shall remove all waste and trash at the end of each day.
- g) Mobile Food Truck Vendors are liable for all damages and repairs to streets, sidewalks, trees and vegetation, or other public amenities that relate to its operation.
- h) 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 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.
- i) Mobile Food Trucks must be self-contained when operating (including all utilities: power, water, cooking fuel sources) and shall not impede 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.
- j) Mobile Food Trucks shall be operated only by the Mobile Food Truck Vendor permittee or by an authorized employee of such permittee.
- k) The City of Lynn Haven may refuse a permit if the City determines that issuing the permit is detrimental to the general public's health and safety.
- l) The City of Lynn Haven may refuse a permit to anyone seeking a Mobile Food Vendor Permit if the entity has a poor record of conformance with permit requirements.
- m) No permit shall be issued until the permit fee has been paid in full.
- n) Overnight parking is not allowed unless specifically authorized herein or by the City in writing.

Section 5. Permits for City Sponsored Special Events.

- a) In addition to the general rules and regulations,
 - i. City Sponsored Special Event permits shall be issued to qualified applicants on a first come, first serve basis.
 - ii. The number of Mobile Food Truck Vendors at a City Sponsored Special Event will be determined by the City of Lynn Haven's Fire Chief and/or City

of Lynn Haven's Chief of Police based upon the size of the venue, duration of the event, and if alcohol will be sold at the event.

- iii. Mobile Food Truck Vendors who wish to participate in City Sponsored Special Events must pay an additional fee of \$50.00 per City Sponsored Special Event.
- iv. The City, in the City's sole discretion, may allow for Mobile Food Truck Vendors to remain in one location up to three (3) consecutive days when that Mobile Food Truck Vendor is participating in a City Sponsored Special Event.

Section 6. Prohibitions.

- a) Mobile Food Truck Vendors are prohibited from the following:
 - i. Selling or distributing alcoholic beverages.
 - ii. Allowing light to disrupt residential areas or traffic flow.
 - iii. Providing or allowing a dining area, including but not limited to tables, chairs, booths, bar stools, benches, standup counters, shade canopies (not attached to the mobile food truck), umbrellas and tents.
 - iv. Creating amplified sounds in violation of the noise limitation requirements of the City of Lynn Haven's noise ordinance.
 - v. Parking a Mobile Food Truck within fifteen (15) feet of any fire hydrant or storm drainage structure or in an area that functions as an emergency entrance or exit without the written approval of the City.
 - vi. Releasing grease, cooking oil or any liquid waste into the City's sanitary sewer system or disposing of same in tree pits or onto sidewalks, streets or other public spaces.
 - vii. Selling or dispensing food to customers in a moving vehicle or otherwise engaging in drive up sales.

Section 7. Penalty.

- a) The City of Lynn Haven may enforce the provisions of this article by any means of code enforcement as may be permitted under controlling law.
- b) All Mobile Food Truck vending must be performed in compliance with said ordinance. A Code Enforcement Officer or a Law Enforcement Officer may issue

a fine for failure to abide by said ordinance resulting in the following: 1) A fine not exceeding \$150.00 for a first violation. 2) A fine not exceeding \$250.00 for a second violation within one year of any prior violation. 3) A fine not exceeding \$500.00 for a third or more violation within one year of the first. Violation of this article may result in the suspension or revocation of any City permit or license issued to the owner or operator of the Mobile Food Truck. All fines collected shall go to the City of Lynn Haven's general fund. Failure to pay said fines within fifteen (15) days shall result in the automatic revocation of a Mobile Food Truck Vendor's permit.

SECTION 2. Permit Fees. Permit fees and fees for City Sponsored Special Events can be increased or decreased by Resolution.

SECTION 3. Appeal. Any Mobile Food Truck Vendor aggrieved by a determination made by the City, Code Enforcement or Law Enforcement pursuant to this Ordinance, may appeal said determination by filing a petition with the City Commission. Application for appeal from the determination shall be filed within thirty (30) days of rendition of the determination.

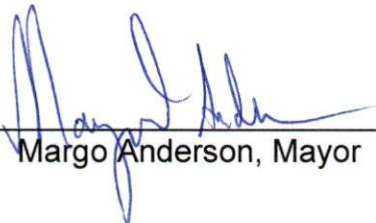
SECTION 4. Severability. If any phrase or portion of this Ordinance is held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion.

SECTION 5. Codification. It is the intention of the City Commission of the City that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City; and that sections of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "chapter," "section," "article," or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Code is accomplished, sections of this Ordinance may be renumbered or re-lettered and the correction of typographical errors which do not affect the intent may be authorized by the City Manager, without need of public hearing, by filing a corrected or re-codified copy of same within the public records of the City of Lynn Haven.

SECTION 6. Effective Date. This Ordinance shall take effect immediately upon adoption by the City of Lynn Haven, Florida.

Passed, Approved and Adopted this 21st day of April, 2020.

CITY OF LYNN HAVEN, FLORIDA

By: 
Margo Anderson, Mayor

Attest:


Vickie Gainer, City Manager/Clerk

First Reading: March 24, 2020

Second Reading: April 21, 2020