

CHAPTER 120. OPERATION AND SALE OF FOOD FROM MOBILE FOOD TRUCKS

Sec. 120.01. OPERATION AND SALE OF FOOD FROM MOBILE FOOD TRUCKS.

(A) *Definitions.* For the purpose of this Chapter:

- (1) *Mobile food truck.* A vehicle which is used to vend food and beverage products and is classified as one of the following:
 - (a) *Mobile Food Dispensing Vehicles (MFDV).* Any vehicle that is a public food service establishment and that is self-propelled or otherwise movable from place to place and includes self-contained utilities, including, but not limited to, gas, water, electricity, or liquid waste disposal. MFDVs may cook, prepare and assemble food items on or in the unit and serve a full menu. MFDVs are regulated by the Florida Department of Business and Professional Regulation.
 - (b) *Mobile Food Establishment (MFE).* 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 beverages may take place on or in the vehicle; however, the heating of pre-cooked food is permitted. MFEs are regulated by the Florida Department of Agriculture and Consumer Services.
- (2) *Mobile food vendor.* A person who prepares, dispenses, or otherwise sells food from a mobile food truck.

(B) *Locational Restrictions and Prohibitions.* The following restrictions and prohibitions apply to all mobile food trucks.

- (1) Mobile food trucks are allowed to operate in the following zoning districts, subject to the additional zoning district regulations and limitations as set forth in the Land Development Regulations:
 - (a) Automotive Commercial (AC).
 - (b) General Commercial (GC).
 - (c) Planned Commercial (PC).
 - (d) Planned Office Center (POC).
 - (e) Planned Commerce Center (PCC).
 - (f) Mixed Industrial and Commercial (MIC).
 - (g) Planned Office District (POD).
 - (h) Mixed Residential Office and Commercial (MROC).
 - (i) Light Industrial (LI).
 - (j) Industrial (I).
 - (k) Central Business District (CBD). To maintain the historic character, and further support, the restaurant and retail activity of the downtown area, Mobile Food Dispensing Vehicles (MFDVs) may only operate within the portion of the Central Core Sub-district located north of Lake Ida Road. Operation of a MFDV in this area is subject to the following:
 1. MFDVs must comply with the provisions in this Chapter, unless otherwise amended in this subsection.

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2. MFDVs are not subject to duration of stay restrictions in this Chapter and are limited to the hours of operation as the approved principle use(s) on the property.
 3. MFDVs are not subject to the separation requirements from brick and mortar restaurants or outdoor dining areas, as specified in this Chapter.
 4. MFDVs must be parked on an improved surface.
- (2) Mobile food trucks shall not be operated in residential zoning districts.
 - (3) Mobile food trucks shall not be parked in the following locations:
 - (a) Within twenty (20) feet of a crosswalk.
 - (b) Within two hundred (200) feet of any brick and mortar restaurant or outdoor dining area.
 - (c) Within fifteen (15) feet of any fire hydrant or storm drainage structure.
 - (4) Mobile food trucks shall not be operated in any City park, City parking lot, municipal beach, State Road A-1-A, other public rights-of-way, and in municipal cemeteries, unless otherwise approved by a separate agreement with the City.
 - (5) Mobile food trucks shall not be operated on unimproved surfaces, vacant lots, and abandoned business locations, unless otherwise approved by the City Commission.
 - (6) Mobile food vendors are prohibited from selling or distributing alcoholic beverages.
 - (7) Mobile food vendors are prohibited from providing a dining area, including, but not limited to, tables, chairs, booths, bar stools, benches, and standup counters.
 - (8) Mobile food vendors are prohibited from selling or dispensing food to customers in a moving vehicle or otherwise engage in drive-up sales.
- (C) *Mobile Food Establishment.*
- (1) *Administrative Rules and Regulations.* The City Manager shall adopt, enact and amend Administrative Rules and Regulations for Mobile Food Establishments at the direction of the City Commission. Mobile Food Establishments are exempt from the locational limitations of this section, provided such vehicles are only parked for a maximum of fifteen (15) minutes.
 - (2) *Permit Requirements.* Any person engaged in the selling, preparation or dispensing of food from a Mobile Food Establishment must purchase a mobile food vendor permit in accordance with this Chapter and the Administrative Rules and Regulations.
- (D) *General Regulations.*
- (1) Mobile food 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 is to be disposed in tree pits or onto the sidewalks, streets or other public spaces.
 - (3) In accordance with the State 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 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.
 - (4) Mobile food 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.

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- (5) All food service equipment utilized by the mobile food vendor shall be maintained in good repair and a clean condition.
 - (6) A mobile food 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. Vendors are encouraged to use sustainable single-use products, pursuant to guidelines developed by the City. 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.
 - (8) All mobile food trucks must display any State licenses, permits, and registrations, and any permits issued by the City, if required, in a prominent and visible manner.
- (E) *Operating Requirements.*
- (1) Mobile food trucks shall be permitted to operate between 9:00 a.m. and midnight each day of the week.
 - (2) Mobile food trucks shall not be parked at one location for longer than six (6) hours.
 - (3) A mobile food truck may operate at a single location up to a maximum of four (4) days per week but no more than three (3) consecutive days.
 - (4) 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.
 - (5) Mobile food trucks must be self-contained when operating, except for the required trash and/or recycling receptacles, which must be attached to the mobile food truck, and shall not impede free movement of automobiles or pedestrians. The mobile food 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.
 - (6) No more than one mobile food truck shall operate on any property at any one time, except as may be permitted by a special event or special use permit issued by the City.
 - (7) 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 restroom within one hundred fifty (150) feet of the vending location during the hours of operation.
 - (8) Mobile food trucks shall be operated only by the mobile food vendor permittee or by an authorized employee of such permittee.
- (F) *Refrigeration and Heating Equipment.*
- (1) All mobile food trucks shall have adequate mechanical refrigeration equipment that is capable of maintaining food or drink at a temperature of forty (40) degrees Fahrenheit or less, if any food or drink is required to be kept cold.
 - (2) All mobile food trucks 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 any food or drink is required to be kept hot, or capable of heating food or drink to a temperature of one hundred sixty-five (165) degrees Fahrenheit or more, if any food or drink is required to be heated.
 - (3) All mechanical refrigeration and heating equipment shall be equipped with a thermometer.

(G) *Food Service Provided to Persons Engaged in Construction.* MFEs that are being used to provide food and drink to persons engaged in construction in the City are exempt from the provisions of subsection (D) above, provided such vehicles are only parked for a maximum of fifteen (15) minutes.

(H) *Penalty.*

- (1) Any person who violates this section shall be subject to the penalties set forth at Section 10.99 of this Code, Chapter 37 of this Code, F.S. Ch. 162, and/or any other means of enforcement available under state or federal law, inclusive.
- (2) Additionally, the City may initiate a civil action in a court of competent jurisdiction to enjoin any violation of this section.

(Ord. No. 04-16, § 1, passed 1/19/16; Ord. No. 56-20, § 2, passed 12/8/20)