



Legislation Text

File #: 16-040, Version: 1

TO: Mayor and Commissioners
FROM: Michael Coleman, Director, Community Improvement
THROUGH: Donald B. Cooper, City Manager
DATE: January 5, 2016

ORDINANCE NO. 04-16: CONSIDERATION TO APPROVE AMENDING TITLE XI, "BUSINESS REGULATIONS" OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, BY CREATING CHAPTER 120, "OPERATION AND SALE OF FOOD FROM MOBILE FOOD TRUCKS (FIRST READING)

Recommended Action:

Motion to Approve an amendment to Title XI, "Business Regulations", of the Code of Ordinances of the City of Delray Beach by creating Chapter 120, "Operation and Sale of Food From Mobile Food Trucks". If passed, a public hearing will be held on January 19, 2016.

Background:

The City Commission authorized a pilot program regulating mobile food trucks for a six- month time period that commenced in September 2014 and was extended twice and expires on February 28, 2016. Food Truck Vendors have been issued a temporary permit to operate under the pilot program. Ordinance No. 04-16 will amend the Business Regulations of the Code of Ordinances by creating a Chapter that sets minimum regulatory standards of conduct for the "Operation and Sale of Food from Mobile Food Trucks".

The pilot program regulations were discussed at the June 9, 2015 City Commission Workshop meeting and there was consensus by the Commissioners to move forward with the following recommendations: 1) expand the zoning districts where mobile food trucks can operate to include General Commercial (GC) and Planned Commercial (PC); 2) extend the hours of operation to midnight; and 3) decrease the processing fee and increase the penalty fees. These recommendations have been incorporated into the proposed Ordinance.

One regulation that was not discussed during the pilot program was "Canteen Trucks" better known as "lunch trucks". Currently, lunch trucks are observed roaming the City but they are not regulated. Given the magnitude of construction activity in the City, Canteen Trucks have been added as a permitted use under this Ordinance. They will only be allowed to sell pre-packaged foods (see definition Section 120.01(A)(1)(b) in Ordinance No. 04-16)) and vend food to persons engaged on construction sites. As construction occurs throughout the City and is not limited to certain zoning districts, Canteen Trucks will be exempt from *Section D: Permitted Zoning Districts for Operation of a Mobile Food Truck*, thus allowing them to vend food in residential neighborhoods and in the CBD

zoning districts. However, they have a 15-minute parking limitation.

Administrative Rules and Regulations have been added to Ordinance No. 04-16 and will cover the Mobile Food Vendor permit application requirements, permit fees and the permit renewal procedure, which may be modified from time-to-time.

The “Penalty Section” allows a Code Enforcement Officer or Law Enforcement Officer to issue a civil citation for a violation of this Chapter. If multiple violations occur within a one-year time frame, the following fines will be imposed: the first offense is a maximum fine of \$325.00, second offense a maximum fine of \$500 (if contested) and upon the third offense, the Mobile Food Vendor permit may be revoked. Ordinance No. 05-16 will amend Section 37.45(Q), “Supplemental Code Enforcement Procedures” of the Code of Ordinances to include the associated civil penalties for violations which is being considered under a separate action item.

City Attorney Review:

Approved as to form and legal sufficiency.

Finance Department Review:

Finance recommends approval. Finance will work with implementing departments to establish proper accounting and permit issuance and payment procedures.

Funding Source:

There are no costs associated with this request.

Timing of Request:

In order for this Ordinance to be approved prior to the expiration date of the pilot program on February 28, 2016, action on this item is somewhat time-sensitive.