

Sec. 16-721. - Mobile food dispensing vehicles and mobile vendors.

- (a) No person, natural or corporate, including without limitation mobile vendors, shall conduct any business or otherwise operate from within or on the public rights-of-way within the municipal limits of the city. Specifically prohibited under this section is the sale of food of any kind, goods, wares or merchandise from a vehicle or cart whether motorized or not, regardless of the number of wheels affixed thereto, or on foot.
- (b) Except as authorized in subsection (d), (e) and (f) of this section, mobile vendors are prohibited from operating in any capacity on private or public property in the city. The foregoing prohibition shall not apply to a mobile vendor who has voluntarily executed a vendor agreement with the city for operation in a public area which is incidental to a city special event with the terms and conditions of the vendor agreement governing the operation of the mobile vendor.
- (c) Prior to operating within the city, all mobile food dispensing vehicles must receive an annual city fire department safety inspection at a location determined by the fire department. The fire department safety inspection is for the safety of the general public to ensure the mobile food dispensing vehicle complies with all applicable federal, state, and local fire safety statutes, regulations, ordinances, and codes. There shall be no charge for the safety inspection; however, each mobile food dispensing vehicle must receive a safety inspection on an annual basis from the fire department. Failure to obtain a safety inspection prior to operating a mobile food dispensing vehicle in the city may result in an irreparable code compliance violation, which may result in fine of up to five thousand dollars (\$5,000.00) per violation.
- (d) Mobile food dispensing vehicles, which possess an active license under F.S. § 509.241, and pass the annual city fire department safety inspection, are authorized to operate on all active construction sites within the city on a temporary basis, irrespective of the zoning category, subject to the following requirements:
 - (1) Written permission from the developer or property owner for the mobile food dispensing vehicle to operate on the construction site shall be obtained prior to the mobile food dispensing vehicle commencing operations on the construction site. A copy shall be provided to the city upon request.
 - (2) The mobile food dispensing vehicle's food and beverage service shall only be offered to persons at the construction site who are engaged in the construction project on site.
 - (3) The mobile food dispensing vehicle shall provide for the collection and removal of all waste related to the mobile food dispensing vehicle's operation.
 - (4) The mobile food dispensing vehicle shall be removed from the construction site when not in operation and shall not be permitted to operate on site outside the authorized hours of construction as set forth in section 7-56 of this Code.
 - (5) No operation of the mobile food dispensing vehicle may occur off the property on which the

construction site is located.

- (6) No alcohol may be sold, dispensed or provided by the mobile food dispensing vehicle.
 - (7) The mobile food dispensing vehicle shall be parked in such a way as to avoid parking in the public right-of-way; in a fire lane; blocking fire hydrant(s); blocking or parking in Americans with Disabilities Act (ADA) accessible parking spaces and/or accessible ramps; parking in drive aisles, loading areas or "no parking" zones; and, parking in such a manner that impeded on-site circulation.
 - (8) To be an "active construction site" under this provision, the parcel or property must have an active building permit for the pending construction project.
- (e) Mobile food dispensing vehicles, which possess an active license under F.S. § 509.241, and pass the annual city fire department safety inspection, are authorized to operate in the commercial general (CG) land development (zoning) district and the commercial intensive (CI) development (zoning) district subject to the following requirements:
- (1) Written permission from the property owner for the mobile food dispensing vehicle to operate at the property shall be obtained prior to the mobile food dispensing vehicle commencing operations on the property. A copy shall be provided to the city upon request.
 - (2) Only one (1) mobile food dispensing vehicle shall operate per parcel, including any property consisting of multiple parcels joined under a unity of title or governed by a single city approved site plan, except as may be permitted by a temporary use permit obtained by the property owner and issued by the city.
 - (3) Mobile food dispensing vehicles shall not operate earlier or later than those of the principal business operation on the property; however, in no event shall a mobile food dispensing vehicle be allowed to operate or remain on the property after 9:00 p.m. or before 7:00 a.m.
 - (4) A mobile food dispensing vehicle shall be removed from the property when not in operation. The property where the mobile food dispensing vehicle is located shall be thoroughly cleaned at the time of removal and all waste related to the mobile food dispensing vehicle operation shall be promptly removed from the property.
 - (5) No fluids or toxic pollutants shall be discharged from a mobile food dispensing vehicle at any time.
 - (6) Public restrooms shall be available on the property for customers of mobile food dispensing vehicle.
 - (7) On-site parking requirements shall be maintained for the principal use of the property, as well as for customers of the mobile food dispensing vehicle. The mobile food dispensing vehicle shall not be parked in a fire lane or blocking fire hydrants; in Americans with

- Disabilities Act (ADA) accessible parking spaces and/or accessible ramps; on an unimproved surface (e.g., dirt, sand, vacant lot, etc.); or, in any driveway aisles, "no parking" zones, or loading-only areas.
- (8) No mobile food dispensing vehicle shall operate within five hundred (500) feet of the grounds of any childcare center/preschool facility or elementary, middle or high school between one (1) hour prior to the start of the school day and one (1) hour after dismissal at the end of the school day.
 - (9) No mobile food dispensing vehicle shall operate in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant; create or become a public nuisance; increase traffic congestion or delay or constitute a hazard to traffic; constitute a hazard to life or property; or, obstruct adequate access by fire/medic, police or sanitation vehicles.
 - (10) Mobile food dispensing vehicles shall not display its products off of the mobile food dispensing vehicle.
 - (11) Mobile food dispensing vehicles shall not provide or make use of tables, seats, umbrellas or similar furnishings for customers, with exception of waste receptacles.
 - (12) All mobile food dispensing vehicles must provide for their own waste collection and removal such that no waste remains on the property upon which the vehicle operated. Mobile food dispensing vehicles are prohibited from utilizing city-owned receptacles for collection or disposal of waste.
 - (13) Mobile food dispensing vehicles shall not post or utilize any advertising, except that the prices, product descriptions and name of the mobile food dispensing vehicle may be posted on the vehicle. Mobile food dispensing vehicles shall not post or utilize any freestanding advertisements, flags, balloons, streamers, flashing lights, banners, or other similar attraction devices or utilize a person(s) to advertise the mobile food dispensing vehicle. Mobile food dispensing vehicles shall not use a public address system(s) or amplified music.
 - (14) Mobile food dispensing vehicles shall not sell or dispense food to customers in a moving vehicle or otherwise engaging in drive-up sales.
 - (15) No alcohol may be sold, dispensed or provided by the mobile food dispensing vehicle.
- (f) Mobile vendors, who do not utilize a mobile food dispensing vehicle, may operate within the city upon obtaining a temporary use permit pursuant to section 16-718 from the city; however, the mobile vendor shall be subject to the same requirements set forth in subsection (c) above for mobile food dispensing vehicles (as applicable) and any other terms and conditions of the temporary use permit.

(Ord. No. 2020-07, § 3, 9-10-20)

