

ORDINANCE NO. 2014-09

AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, AMENDING CHAPTER 34, "LICENSES AND BUSINESS REGULATIONS," CREATING ARTICLE VI "MOBILE FOOD SERVICE OPERATIONS" IN THE CITY OF EDGEWOOD CODE OF ORDINANCES; REQUIRING PERMITS AND PROVIDING REGULATIONS APPLICABLE TO MOBILE FOOD SALES AND SERVICE OPERATIONS; PROHIBITING MOBILE FOOD SALES AND SERVICE OPERATIONS FROM PARKING, STOPPING OR STANDING ON RIGHTS OF WAY FOR THE PURPOSE OF CONDUCTING SALES; PROVIDING EXCEPTIONS; PROVIDING FOR CODIFICATION, SEVERABILITY, AND REPEAL OF CONFLICTING ORDINANCES, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Edgewood hereby finds that mobile food service operations and mobile sales operations present unique challenges; and

WHEREAS, the City Council finds that mobile food service operations and mobile sales operations that park or stop on or adjacent to rights-of-way, can create threats to vehicular and pedestrian safety; and

WHEREAS, the City Council finds that mobile food service operations and mobile sales operations that utilize private property can create disruptions to traffic flow, parking and pedestrian safety; and

WHEREAS, the City Council finds that by regulating certain aspects of mobile food service operations and requiring permits, the City can most effectively address the unique challenges presented by such operations and best protect the public health, safety and welfare.

(NOTE: underline text denotes additions, ~~striketrough~~ text denotes deletions and asterisks "*" * *" denote sections of the existing Ordinance which remain unaltered and not reprinted herein).

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EDGEWOOD, FLORIDA:

SECTION 1. Legislative findings and intent. The findings set forth in the recitals above are hereby adopted as legislative findings pertaining to this Ordinance.

SECTION 2. Chapter 34, "Sales", Article VI, "Mobile Food Service Operations" is hereby created as follows:

Sec. 34-140. Definitions.

For the purposes of this article, the following terms, phrases, words, and their derivations shall have the meanings given in this section. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

Calendar Quarter shall mean the division of the calendar year into four equal parts consisting of: 1) January through March, 2) April through June, 3) July through September, and 4) October through December.

Mobile Food Preparation and Service Operation shall mean the sale or service of food for profit from a portable stand, vehicle or trailer; provided when such food has been cooked or prepared within or upon such portable stand, vehicle or trailer. Each such stand, vehicle or trailer shall be considered a mobile food preparation and service operation. As defined herein, Mobile Food Preparation and Service Operation shall not include any operation conducted not-for-profit, including recreational or charitable stands. The City may request documentation of not-for-profit status prior to issuing any permit hereunder.

Mobile Prepackaged Food Sales Operation shall mean the sale of prepackaged food for profit that requires no additional cooking or preparation from a portable stand, vehicle or trailer. Each such stand, vehicle or trailer shall be considered a mobile prepackaged food service operation. As defined herein, Mobile Prepackaged Food Sales Operation shall not include any operation conducted not-for-profit, including recreational. The City may request documentation of not-for-profit status prior to issuing any permit hereunder.

Mobile Food Service Operations shall mean mobile food preparation and service operations and mobile prepackaged food sales operations, collectively.

Sec. 31-141. Permit Required, Application

a) No person shall operate a mobile food service operation nor permit a mobile food service operation to be operated on private property within the City without first obtaining a permit from the City.

b) Applications for mobile food service operations shall be made on a form provided by the City executed by the owner of the mobile food service operation and the owner or tenant of the property upon which the mobile food service will be operated. The application shall include at a minimum:

1) A copy of the driver's license for each person authorized to operate a vehicle or trailer used in connection with the mobile food service operation;

2) A copy of all licenses required for the operation of the mobile food service operation; and

3) A map or survey of the property on which the mobile food service operation will be conducted showing the location of any proposed stand, vehicle or trailer used by the mobile food service operation as well as all parking spaces, vehicular traffic aisles and pedestrian sidewalks.

c) The applicant for a mobile food service operation permit shall pay a non-refundable application fee to the City in an amount established by resolution of the City Council.

d) Permits for mobile food service operations shall be valid for a period of thirty days from the date of issuance.

e) No more than one permit per calendar quarter will be issued to any single mobile food service operation. The date of issuance of the permit, not the term of the permit, shall be the determining factor in calculating maximum permits per quarter.

f) No more than one permit per calendar quarter will be issued for a mobile food service operation to be conducted at any business location. The date of issuance of the permit, not the term of the permit, shall be the determining factor in calculating maximum permits per quarter.

Sec. 31-142. Operation upon Private Property.

Mobile food service operations shall be allowed to operate on private property within the City subject to the following conditions and regulations:

1) Mobile food service operations shall only be allowed to operate upon developed private property located with C1, C2, C3, Industrial or Commercial PD zoning designations upon which is located a business that has been issued a business tax receipt by the City.

2) The operator of the mobile food service operation shall maintain a copy of the mobile food service operation permit at the stand, vehicle or trailer at all times during operation.

3) No more than one mobile food service operation shall be located at any business location at any one time. In the event that the City observes more than one mobile food service operations at a business location at the same time, the City shall require all mobile food service operations at such business location to cease until only one mobile food service operation is located at the business location.

4) Mobile food service operations shall not be located in any driveway aisles, no-parking zones, handicapped parking spaces, landscaped area, loading areas, or parking lanes, nor may mobile food service operations impede the on-site circulation of motor vehicles or pedestrians.

5) The utilization of any off-street parking spaces by a mobile food service operation must not cause the site to become deficient in the number of required off-street parking spaces.

6) No mobile food service operation shall sell or offer products or services for sale on private property before 9:00 a.m. or after 9:00 p.m.

Sec. 31-143. Operation upon Public Property.

a) Subject to the following exceptions, no mobile food service operation shall be allowed to park, stop or stand for the purpose of selling or offering for sale any products or services upon any public property, including rights-of-way, within the City.

1) A mobile prepackaged food service operation shall be allowed to stop or stand on public rights-of-way for the purpose of selling or offering for sale prepackaged food. Such mobile prepackaged food service operation shall not stop or stand in a single location for more than five minutes in any sixty minute period while selling or offering for sale products or services.

2) A mobile food service operation shall be allowed to park, stop or stand on public property when such mobile food service operation is invited and authorized to operate at an event conducted or sponsored by the City of Edgewood or when such mobile food service operation is included in the permit for a special event for which a special event permit has been issued by the City of Edgewood pursuant to Chapter 49 of the Code of Ordinances.

b) Notwithstanding the foregoing, no mobile food service operation shall under any circumstances stop, park or stand on the right-of-way or adjacent to the right-of-way of S.R. 527 for the purpose of selling or offering for sale any products or services.

Sec. 31-144. Enforcement.

The City of Edgewood may enforce the provisions of this article through any legal means including prosecuting violations of this article pursuant to F.S. Ch. 162, issuance of civil citations, or instituting legal action.

SECTION 3. Codification. It is the intent of the City Council of the City of Edgewood that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal authority in codifying the provisions of this Ordinance and renumbering subsections consistent with this Ordinance.

SECTION 4. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by a Court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

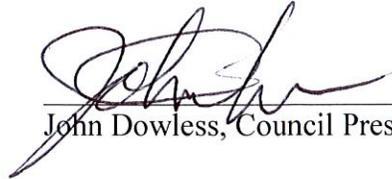
SECTION 5. Repeal of conflicting ordinances. In any case where a provision of this Ordinance is found to be in conflict with provisions of any other ordinance of this City, the conflicting provisions of the previous ordinance shall be repealed by this Ordinance.

SECTION 6. Effective date. This Ordinance shall take effect immediately upon adoption as provided by the Charter of the City of Edgewood.

PASSED ON FIRST READING THIS 18th DAY OF November, 2014.

PASSED AND ADOPTED THIS 16th DAY OF December, 2014.

CITY OF EDGEWOOD, FLORIDA



John Dowless, Council President

ATTEST:



Bea Meeks, City Clerk