

MOBILE FOOD VENDING PERMIT APPLICATION PACKET



CONTENTS:

- 1. Mobile Food Vending Information & Guidelines**
- 2. Mobile Food Vending Permit Application**
- 3. Mobile Food Vendor Property Owner Authorization Affidavit**
- 4. Ordinance #2014-8041 – Mobile Food Vending Requirements**



MOBILE FOOD VENDING INFORMATION & GUIDELINES

DEFINITIONS:

- a. *Commissary* means an approved facility that provides support services for specific required functions of a mobile food vendor. Any food establishment permitted or licensed by a regulatory agency, such as a catering operation, restaurant, grocery store, or similar establishment, or any other approved facility where food, containers, or supplies are kept, handled, prepared, packaged, or stored can be considered for approval as a commissary. A private residence may not be used as a commissary.
- b. *Mobile food vending vehicle* means a vehicle-mounted public food service establishment that is either self-propelled or otherwise movable from place to place. A mobile food vending vehicle is further defined as having, as part of the vehicle, a three-compartment sink for washing, rinsing and sanitizing equipment and utensils; a separate hand wash sink; adequate refrigeration and storage capacity; full provision of power utilities including electrical, LP-gas, or a portable power generation unit; a potable water holding tank; and a means for liquid waste containment and disposal.
- c. *Mobile food vendor* means any person or business selling food from a mobile food vending vehicle from which food items are sold to the general public.

LOCATION, PERMITS AND SEPARATION REQUIREMENTS:

- a. Mobile food vendors may be located on a lot in a C-1, C-2, CS, or CBD zoning district* having 6,000 square feet or more of area, and containing a principal building or use. The maximum number of mobile food vendors per lot is limited as follows:
 - i. Maximum of one (1) mobile food vendor on lots having 6,000 to 43,559 square feet of area;
 - ii. Maximum of two (2) mobile food vendors on lots having 43,560 or more square feet of area.*and also in certain PUD and RD zoning districts
- b. Mobile food vending permits, unless sooner suspended or revoked, shall be valid for an initial period that coincides with the expiration date established for this Section.
- c. Approved permits must be attached to the mobile food vending vehicle where they are readily visible and shall include the name, mailing address, and valid phone number of the mobile food vending vehicle owner and shall list the addresses and parcel identification numbers where the permit is valid.
- d. Routine inspections may be conducted by code enforcement inspectors, building code inspectors, fire inspectors, or police officers on each mobile food vending vehicle at any time and at any frequency deemed appropriate by the City.
- e. Mobile food vending vehicles must be located at least one-hundred (100) feet from the main entrance to any eating establishment or similar food service business and one-hundred (100) feet from any outdoor dining area. This separation requirement shall apply only during the normal hours of operation of the eating establishment or similar food service business or outdoor dining area.
- f. Mobile food vending vehicles are not allowed to be located within a required sight visibility triangle at the intersection of a driveway, alleyway, or public street with another public street as set forth in Chapter 34 of this Code of Ordinances; or within five (5) feet of a public sidewalk, utility box or vault, handicapped ramp, building entrance, or exit or emergency access/exit way; and must not locate within any area of the lot that impedes, endangers, or interferes with pedestrian or vehicular traffic. Mobile food vending vehicles must be located a minimum distance of fifteen (15) feet in all directions away from a fire hydrant.
- g. Mobile food vending vehicles may not occupy or prevent access to any handicap accessible parking space.

SIGNAGE AND NOISE:

One (1) free-standing sandwich board or A-frame type sign is permitted on private property for each mobile food vendor. The total size of the sign may not exceed forty-two (42) inches in height or thirty-six (36) inches in width. No audio amplification is permitted as part of a mobile food vending operation.



MOBILE FOOD VENDING INFORMATION & GUIDELINES

(CONTINUED)

HOURS OF OPERATION:

- a. Hours of operation are limited to the hours between 7:00 a.m. and 3:00 a.m. unless the designated location on the lot accommodating the mobile food vending vehicle is located within one-hundred and fifty (150) feet of the property line of a dwelling unit in a residential zoning district, in which case the hours of operation are limited to the hours between 7:00 a.m. and 10:00 p.m.
- b. The mobile food vending operator or his or her designee must be present at all times.
- c. The mobile food vending vehicle and any associated outdoor seating must be removed from its permitted locations during impermissible hours of operation; and must not be stored, parked, or left overnight on any public street or sidewalk.

WASTE MANAGEMENT:

- a. The mobile food vendor is responsible for the proper disposal of waste and trash associated with the permitted operation. City trash receptacles shall not be used for this purpose. At a minimum, vendors must remove all waste and trash from their approved location at the end of each day or as needed to maintain the health and safety of the public. Vendors must keep all areas within twenty-five (25) feet of the vehicles and any associated seating areas clean of grease, trash, paper, cups or cans associated with the vending operation.
- b. Liquid waste or grease shall be disposed of at an approved location (for example, an approved commissary) and shall not be placed in tree pits, storm drains, or onto any sidewalk, street, or any other public space. Under no circumstances shall grease be released or disposed of in the City's sanitary or storm sewer systems. If at any time evidence of the improper disposal of liquid waste or grease is discovered, the responsible mobile food vending business will be required to cease operation immediately, clean up the improperly disposed material to the satisfaction of the City, and shall not resume operation until an alternate method of disposal has been approved by the Public Works Department.
- c. With the exception of allowable outdoor seating areas, all equipment required for the operation must be contained within, attached to or within three (3) feet of the mobile food vending vehicle; and all food preparation, storage, and sales/distribution shall be in compliance with all applicable sanitary regulations.

LICENSES AND PERMITS REQUIRED:

For each location, a City of Jacksonville Beach business tax receipt for the mobile food vending business must be obtained; and all required State of Florida, Duval County, and City of Jacksonville Beach permits, licenses, and business tax receipt must be clearly displayed on the mobile food vending unit. Prior to the issuance of a City of Jacksonville Beach mobile food vending business tax receipt, the vendor shall provide evidence of having obtained all applicable State of Florida and Duval County licenses and permits, and obtained approval from the City of Jacksonville Beach Public Works Department for the method for the disposal of grease within an approved grease disposal facility. A mobile food vending business tax receipt shall be renewed annually.

ENFORCEMENT PROCEDURES:

- a. *Revocation.* If at any time, the State of Florida or Duval County revokes or suspends the issued mobile food vending permit, the City of Jacksonville Beach business tax receipt for the mobile food vending business will be simultaneously revoked or suspended. A mobile food vendor who has his or her permit declared null and void or revoked for any of the reasons set forth in this section shall not be allowed to reapply for a mobile food vending permit for a period of ninety (90) days after the effective date of such action.
- b. *Other violations.* If at any time evidence is provided that a mobile food vending business is being operated in a way that does not comply with these regulations, a notice of violation shall be issued to the lot owner and mobile food vendor and the violation shall be referred to the Special Magistrate for a hearing and disposition in accordance with the provisions of Article VI Code Enforcement of Chapter 2 Administration of this Code of Ordinances.



MOBILE FOOD VENDING APPLICATION

APPLICATION NUMBER _____

This form is intended for use in requesting a mobile food vending permit to sell food to the general public from a mobile food vending vehicle, located on private property, containing a principal building or use.

APPLICANT INFORMATION

Applicant Name _____

Applicant Mailing Address (*Street*) _____

City _____ County _____ State _____ Zip Code _____

Telephone _____ E-Mail _____

Vehicle Owner (If different than the applicant) _____

Vehicle Owner Mailing Address (*Street*) _____

City _____ County _____ State _____ Zip Code _____

Telephone _____ E-Mail _____

PROPERTY OWNER INFORMATION

Property Owner Name _____

Property Owner Address (*Street*) _____

City _____ County _____ State _____ Zip Code _____

Telephone _____ E-Mail _____

Emergency (24/7) Telephone _____

Name of the Principal Business located on the property (where applicable) _____

PROPOSED VENDING INFORMATION

Proposed Site Address (*Street*) and Real Estate Number _____

Vending Business Name _____ Proposed Hours of Operation _____

Description of the type of food and/or beverages to be sold _____

Address where vehicle will be stored when not in use (*Street*) _____

City _____ County _____ State _____ Zip Code _____

REQUIRED DOCUMENTATION

Attached? **

Yes No N/A

1. Copies of all applicable State of Florida and Duval County licenses and permits;			
2. Copy of approval from the City of Jacksonville Beach Public Works Department for grease disposal within an approved grease disposal facility (if commissary is located in Jacksonville Beach);			
3. Color photograph of the mobile food vending vehicle depicting the current condition of the unit;			
4. Site plan for each vending site, drawn to scale, depicting: a) total square footage of the property; b) Location and square footage of the existing principal and accessory uses(s), where applicable; c) Proposed location of the mobile food vending vehicle; and d) Location of ingress/egress to the site.			



MOBILE FOOD VENDING APPLICATION

APPLICATION NUMBER _____

<u>REQUIRED DOCUMENTATION CONTINUED</u>	Attached? **		
	Yes	No	N/A
5. Notarized commissary agreement confirming the mobile food vendor is operating in conjunction with a licensed commissary in accordance with Florida Statutes, where applicable. All commissaries must be pre-approved by the City prior to issuance of a mobile food vending permit.			
6. Notarized affidavit signed by each property owner indicating that the vendor has permission to vend on his or her property.			
7. Proof of business insurance, issued by an insurance company that is licensed to do business in the State of Florida, and which protects the applicant from all claims for damages to property and bodily injury, including death, which may arise from operations under or in connection with a mobile food vendor.			

Any required document marked as "NO" or "N/A" will require a written explanation.

I certify the information contained herein is true and correct to the best of my knowledge, and I have received a copy of Ordinance No. 2014-8041. I understand that any false or misleading information on this application or failure to comply with City of Jacksonville Beach Ordinance 2014-8041, Mobile Food Vending, may be cause for referral to the Special Magistrate for disposition. Permits are not transferrable upon the sale/transfer of ownership of the mobile vending business.

Applicant Signature

Print Name

Date

DO NOT WRITE BELOW THIS LINE: OFFICE USE ONLY

Reviewed By:

Approved Approved with Conditions Disapproved Reviewer Initials/Date _____

Comments: _____



MOBILE FOOD VENDOR

APPLICATION NUMBER _____

PROPERTY OWNER AUTHORIZATION AFFIDAVIT

I, _____, being the owner of the property located at
Property Owner Name

_____, Jacksonville Beach, Florida, hereby
Property Address of Proposed Vending Site

authorize _____ to operate a mobile food vending business on the
property listed above.

Furthermore as the property owner, I:

1. Will comply with all ordinances regarding solid waste disposal, and I will provide the vendor access to solid waste collection on the subject property;
2. As the property owner, I will require that the vendor meets all applicable federal, state and local statutes, regulations, laws, ordinances, rules and codes; including but not limited to permitting requirements regarding his or her specific business;
3. I understand the regulations governing mobile food vendors and that I will be held responsible, along with the vendor, for any code violations; and,
4. I understand that, as the property owner, I will ensure that the property is continuously maintained in a neat, clean, and orderly manner.

By signing this document, I hereby acknowledge that I have read and understand the responsibilities regarding Mobile Food Vending, pursuant to Ordinance No. 2014-8041, on this _____ Day of _____, 20_____.

Property Owner Signature

Print Name

Mailing Address

STATE OF FLORIDA, COUNTY OF DUVAL:

The foregoing instrument was acknowledged before me this _____ day of _____, 20_____, by
_____ herein by himself/herself.

NOTARY PUBLIC, STATE OF FLORIDA

Print Name: _____

Personally Known/ Identification: _____

(Affix Notary Seal Above)

Introduced By: Councilman Tom Taylor
1st Reading: January 21, 2014
2nd Reading: February 3, 2014
Amended: December 15, 2014

ORDINANCE NO. 2014-8041 AS AMENDED BY ORDINANCE NO. 2014-8061

AN ORDINANCE AMENDING CHAPTER 12, “FOOD AND FOOD PRODUCTS”, OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, BY ADDING A SECTION 12-33, “MOBILE FOOD VENDING” ESTABLISHING DEFINITIONS; LOCATION, PERMIT, AND SEPARATION REQUIREMENTS; SIGNAGE AND NOISE, HOURS OF OPERATION, WASTE MANAGEMENT, LICENSING AND PERMITS REQUIRED, APPLICATION SUBMITTAL REQUIREMENTS, AND ENFORCEMENT PROCEDURES FOR THE OPERATION OF MOBILE FOOD VENDING BUSINESSES IN THE CITY OF JACKSONVILLE BEACH; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF JACKSONVILLE BEACH, FLORIDA:

SECTION 1. That Chapter 12 of the Code of Ordinances of the City of Jacksonville Beach, Florida is amended by adding a new Section 12-33 *Mobile Food Vending* which shall read as follows:

Sec. 12-33. Mobile food vending. Where allowed under the permitted use provisions in certain zoning districts as set forth in Division 2 of Article VII of Chapter 34 of the Jacksonville Beach Code of Ordinances, mobile food vendors shall conform to the following conditions:

(1) Definitions.

- a. **Commissary** means an approved facility that provides support services for specific required functions of a mobile food vendor. Any food establishment permitted or licensed by a regulatory agency, such as a catering operation, restaurant, grocery store, or similar establishment, or any other approved facility where food, containers, or supplies are kept, handled, prepared, packaged, or stored can be considered for approval as a commissary. A private residence may not be used as a commissary.
- b. **Mobile food vending vehicle** means a vehicle-mounted public food service establishment that is either self-propelled or otherwise movable from place to place. A mobile food vending vehicle is further defined as having, as part of the vehicle, a three-compartment sink for washing, rinsing and sanitizing equipment and utensils; a separate hand wash sink; adequate refrigeration and storage capacity; full provision of power utilities including electrical, LP-gas, or a portable power generation unit; a potable water holding tank; and a means for liquid waste containment and disposal.

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- c. **Mobile food vendor** means any person or business selling food from a mobile food vending vehicle from which food items are sold to the general public.

(2) Location, permit, and separation requirements.

- a. Mobile food vendors may be located on a lot having 6,000 square feet or more of area, and containing a principal building or use. The maximum number of mobile food vendors per lot is limited as follows:
 - i. Maximum of one (1) mobile food vendor on lots having 6,000 to 43,559 square feet of area;
 - ii. Maximum of two (2) mobile food vendors on lots having 43,560 or more square feet of area.
- b. Mobile food vending permits, unless sooner suspended or revoked, shall be valid for an initial period that coincides with the expiration date established for this Section.
- c. Approved permits must be attached to the mobile food vending vehicle where they are readily visible and shall include the name, mailing address, and valid phone number of the mobile food vending vehicle owner and shall list the addresses and parcel identification numbers where the permit is valid.
- d. Routine inspections may be conducted by code enforcement inspectors, building code inspectors, fire inspectors, or police officers on each mobile food vending vehicle at any time and at any frequency deemed appropriate by the City.
- e. Mobile food vending vehicles must be located at least one-hundred (100) feet from the main entrance to any eating establishment or similar food service business and one-hundred (100) feet from any outdoor dining area. This separation requirement shall apply only during the normal hours of operation of the eating establishment or similar food service business or outdoor dining area.
- f. Mobile food vending vehicles are not allowed to be located within a required sight visibility triangle at the intersection of a driveway, alleyway, or public street with another public street as set forth in Chapter 34 of this Code of Ordinances; or within five (5) feet of a public sidewalk, utility box or vault, handicapped ramp, building entrance, or exit or emergency access/exit way; and must not locate within any area of the lot that impedes, endangers, or interferes with pedestrian or vehicular traffic. Mobile food vending vehicles must be located a minimum distance of fifteen (15) feet in all directions away from a fire hydrant.
- g. Mobile food vending vehicles may not occupy or prevent access to any handicap accessible parking space.

- (3) Signage and noise.** One (1) free-standing sandwich board or A-frame type sign is permitted on private property for each mobile food vendor. The total size of the sign may not exceed forty-two (42") inches in height or thirty-six (36") inches in width. No audio amplification is permitted as part of a mobile food vending operation.

(4) **Hours of operation.**

- a. Hours of operation are limited to the hours between 7:00 a.m. and 3:00 a.m. unless the designated location on the lot accommodating the mobile food vending vehicle is located within one-hundred and fifty (150) feet of the property line of a dwelling unit in a residential zoning district, in which case the hours of operation are limited to the hours between 7:00 a.m. and 10:00 p.m.
- b. The mobile food vending operator or his or her designee must be present at all times.
- c. The mobile food vending vehicle and any associated outdoor seating must be removed from its permitted locations during impermissible hours of operation; and must not be stored, parked, or left overnight on any public street or sidewalk.

(5) **Waste management.**

- a. The mobile food vendor is responsible for the proper disposal of waste and trash associated with the permitted operation. City trash receptacles shall not be used for this purpose. At a minimum, vendors must remove all waste and trash from their approved location at the end of each day or as needed to maintain the health and safety of the public. Vendors must keep all areas within twenty-five (25) feet of the vehicles and any associated seating areas clean of grease, trash, paper, cups or cans associated with the vending operation.
- b. Liquid waste or grease shall be disposed of at an approved location (for example, an approved commissary) and shall not be placed in tree pits, storm drains, or onto any sidewalk, street, or any other public space. Under no circumstances shall grease be released or disposed of in the City's sanitary or storm sewer systems. If at any time evidence of the improper disposal of liquid waste or grease is discovered, the responsible mobile food vending business will be required to cease operation immediately, clean up the improperly disposed material to the satisfaction of the City, and shall not resume operation until an alternate method of disposal has been approved by the Public Works Department.
- c. With the exception of allowable outdoor seating areas, all equipment required for the operation must be contained within, attached to or within three (3) feet of the mobile food vending vehicle; and all food preparation, storage, and sales/distribution shall be in compliance with all applicable sanitary regulations.

- (6) **Licenses and permits required.** For each location, a City of Jacksonville Beach business tax receipt for the mobile food vending business must be obtained; and all required State of Florida, Duval County, and City of Jacksonville Beach permits, licenses, and business tax receipt must be clearly displayed on the mobile food vending unit. Prior to the issuance of a City of Jacksonville Beach mobile food vending business tax receipt, the vendor shall provide evidence of having obtained all applicable State of Florida and Duval County licenses and permits, and obtained approval from the City of Jacksonville Beach Public Works Department for the method for the disposal of grease within an approved grease disposal facility. A mobile food vending business tax receipt shall be renewed annually.

- (7) **Application submittal requirements.** Applications for mobile food vendor permits must include the following information:
- a. Name, address, telephone number, and email address of the applicant and the owner of the vehicle if not the same as the applicant.
 - b. Description of the type of food and/or beverages to be sold.
 - c. Color photograph of the mobile food vending vehicle depicting the current condition of the unit.
 - d. Address of proposed vending site(s), including the property address, property owner's name and telephone number, and the name of the principal business located on the property where applicable.
 - e. Site plan for each proposed vending site, drawn to scale, depicting the following information:
 - i. Total square footage of the property;
 - ii. Location and square footage of the existing principal and accessory use(s), where applicable;
 - iii. Proposed location for the mobile food vending vehicle; and
 - iv. Location of ingress/egress to the site.
 - f. Address of proposed location to store the mobile food vending vehicle when not in use.
 - g. Copies of all permits and business licenses required by the State of Florida and Duval County.
 - h. Notarized commissary agreement confirming the mobile food vendor is operating in conjunction with a licensed commissary in accordance with Florida Statutes, where applicable. All commissaries must be pre-approved by the City prior to issuance of a mobile food vendor permit.
 - i. Notarized affidavit signed by each property owner indicating that the vendor has permission to vend on his or her property. The affidavit must also indicate that the property owner acknowledges the following requirements:
 - i. The property owner shall comply with all ordinances regarding solid waste disposal, and shall provide the vendor access to solid waste collection on the subject property.
 - ii. The property owner shall require that the vendors meet all applicable federal, state and local statutes, regulations, laws, ordinances, rules and codes; including but not limited to permitting requirements regarding his or her specific business:
 - iii. The property owner shall acknowledge that she/he understands the regulations governing mobile food vendors and shall be held responsible, along with the vendor, for any code violations; and,
 - iv. The property owner shall ensure that the property is continuously maintained in a neat, clean, and orderly manner.
 - j. Proof of business insurance, issued by an insurance company that is licensed to do business in the State of Florida, and which protects the applicant from all claims for damages to property and bodily injury, including death, which may arise from operations under or in connection with mobile food vendor.

(8) **Enforcement procedure.**

- a. Revocation.** If at any time, the State of Florida or Duval County revokes or suspends the issued mobile food vending permit, the City of Jacksonville Beach business tax receipt for the mobile food vending business will be simultaneously revoked or suspended. A mobile food vendor who has his or her permit declared null and void or revoked for any of the reasons set forth in this section shall not be allowed to reapply for a mobile food vending permit for a period of ninety (90) days after the effective date of such action.
- b. Other violations.** If at any time evidence is provided that a mobile food vending business is being operated in a way that does not comply with these regulations, a notice of violation shall be issued to the lot owner and mobile food vendor and the violation shall be referred to the Special Magistrate for a hearing and disposition in accordance with the provisions of Article VI *Code Enforcement* of Chapter 2 *Administration* of this Code of Ordinances.

- (9) **Expiration (“Sunset”) date.** This Section shall expire on April 30, 2015 unless the City Council of the City of Jacksonville Beach amends this Section by extending the expiration or repealing this paragraph in its entirety.

SECTION 2. If any provision of this Ordinance or the particular application of this Ordinance shall be held invalid by any Court, administrative agency or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses or phrases shall remain in effect.

SECTION 3. That all other ordinances or parts of ordinances in conflict with this ordinance are, to the extent the same may be in conflict, repealed.

SECTION 4. Codification of this ordinance in the Code of Ordinances of the City of Jacksonville Beach is hereby authorized and directed.

SECTION 5. This ordinance shall take effect upon its adoption in accordance with the law.

AUTHENTICATED THIS 3rd DAY OF February, 2014.



William C. Latham, Mayor



Judy L. Bullock, City Clerk