

**ORDINANCE NO. 2019-23**

**AN ORDINANCE OF THE CITY OF ST. PETE BEACH, AMENDING THE LAND DEVELOPMENT CODE, DIVISION 6 – SUPPLEMENTAL REGULATIONS, SECTION 6.25 – MOBILE FOOD ESTABLISHMENT; AND AMENDING APPENDIX “A” OF THE CODE OF ORDINANCES TO REDUCE THE COST OF A MOBILE FOOD ESTABLISHMENT PERMIT, PROVIDING FOR CODIFICATION, PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission recognizes that mobile food vending is a specialized use with a specialized market; and

**WHEREAS**, the City Commission of the City of St. Pete Beach periodically finds sections in its Land Development Code which require clarification, updating and/or amending; and

**WHEREAS**, the City’s Land Development Code also serves to maintain an environment conducive to the health, safety, welfare of the City’s residents, and preserves and enhances property values within the City; and

**WHEREAS**, on October 21, 2019, the City’s Planning Board sitting as the Local Planning Agency held a public hearing to consider the proposed Land Development Code changes and provided recommendations to the City Commission; and

**WHEREAS**, the City Commission has found this ordinance to be in the best interest, safety and welfare of the citizens of the City and

**WHEREAS**, notice of this ordinance has been provided in accordance with applicable law.

**NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH FLORIDA, HEREBY ORDAINS:**

SECTION 1. Recitals. The above recitals (“Whereas” clauses) are hereby adopted as legislative findings, purpose and intent of the City Commission.

SECTION 2. The provisions in this Section pertaining to the City’s Land Development Code are amended as follows:

**Division 6, Sec. 6.25 (Mobile food establishment) shall be amended as follows:**

It is a violation to vend any product from a mobile food truck at any location except in compliance with the requirements of this section.

- (a) *Vehicle requirements.* A mobile food truck shall not be used for vending a product unless the vehicle has been designed and constructed specifically for such purpose. The mobile food truck shall be licensed in accordance with the rules and regulations

of any local, state and federal agency having jurisdiction over the mobile food truck or products sold therein.

- (b) *Special event permits.* Mobile food trucks may be permitted in public rights-of-way, or on public property, in conjunction with a special event permit as regulated in this section. Operation of mobile food trucks on public property or within public rights-of-way for special events is permitted, subject to approval of the City Commission.
- (c) *Insurance requirements.*
- (1) *Operating in rights-of-way.* The permittee, owner or operator shall at all times maintain any insurance which the city determines to be necessary, which may include but is not limited to, general liability insurance, commercial automobile liability insurance, worker's compensation insurance, and environmental liability insurance, issued by an insurance company licensed to do business in the State of Florida, in the amounts established by the city which shall be reasonable, based on industry standards and the risk determined to exist. The insurance policy shall be in occurrence form and the City of St. Pete Beach shall be named as an additional insured on the certificate of insurance. The permittee, owner or operator shall furnish the city with a certificate of insurance which shall be accepted by the city only after approval by the city commission. The permittee, owner or operator shall notify the city within three (3) business days of any changes in the insurance coverage. Upon the cancellation or lapse of any policy of insurance as required by this section, the permit shall be immediately revoked unless, prior to the expiration or cancellation date of the insurance policy, another insurance policy meeting all the requirements of the city is obtained and a new certificate of insurance is provided to the city.
  - (2) *Operating in all other locations, not in rights-of-way.* A mobile food truck shall obtain at a minimum, the insurance as required by any local, state or federal laws and regulations.
  - (3) *City issued permit (as defined herein).* In addition to the insurance requirements set forth in this section, a mobile food truck shall obtain any additional insurance which may be required to obtain a city issued permit (as defined herein).
- (d) *Open flame cooking.* Open flame cooking is prohibited; except that such activity may take place if permitted by the city fire marshal.
- (e) *Noise limitations.* Amplified music shall be prohibited; any other sounds from any mobile food truck shall comply with the noise requirements of the city.
- (f) *Waste collection.* The operator shall provide a waste receptacle for public use within 100 feet of the truck. The area shall be kept neat and orderly at all times and garbage or trash shall be removed daily.
- (g) *Improved surface.* Food trucks shall only operate from and be located on an improved surface at least 5 feet off the public right-of-way.

- (h) *Signage*. All signage must comply with the sign section of the Land Development Code. In no case shall "A-frame" signs be permitted.
- (i) *Alcohol sales*. Mobile food trucks are prohibited from selling alcoholic beverages, except as may be specifically allowed by a city issued permit in conjunction with a special event.
- (j) *Business tax receipt*. A mobile food establishment permit is issued concurrent with the business tax receipt (BTR) confirmation. If an applicant is a resident of the City of St. Pete Beach, they will be required to obtain a BTR from the city.
- (k) *Restroom facility*. Mobile food trucks operating at a site for a duration of more than three (3) hours shall have a written agreement, available upon request by the city, which confirms that employees have access to a flushable restroom within 150 feet of the vending location during the hours of operation.
- (l) *Grease disposal*. Mobile food trucks shall have a current written agreement for the proper disposal of grease, available upon request by the city.
- (m) *Location*. The vending of products from a mobile food truck on public rights-of-way shall be prohibited unless in conjunction with a special event permit. The vending of products from a mobile food truck on private lands shall be subject to the following conditions:
  - (1) *Private property*. The vending of products from a mobile food truck on private property, in conjunction with an established business is permitted only as a conditional use in zoning districts of the city as outlined herein.
  - (2) *Vacant property*. Operation of a mobile food truck is prohibited on vacant and unimproved property.
  - (3) *Permission*. A mobile food truck shall have the written permission of the owner of the property on which it is located. Such written permission shall accompany application for the mobile food truck permit.
  - (4) *Frequency*. Except as may be allowed as part of a special event permit, mobile food trucks are permitted on each property, a maximum of no more than three (3) days per calendar week. mobile food trucks may operate at different locations as allowed herein.
  - (5) *Maximum number of mobile food trucks*. No more than two (2) mobile food trucks shall operate on any property at any one (1) time, except as may be allowed by a special event permit.
  - (6) *Parking*. Mobile food trucks shall not be required to provide additional parking on the principal business site. If a mobile food truck parks in a principal business required off-street provided space(s), then the principal business shall provide evidence, in the form of a site plan indicating that on-street parking exists within 800 feet of the establishment.
  - (7) *Access*. A mobile food truck shall not be placed in any location that impedes the ingress or egress or building entrances or emergency exits.

- (8) *Hours of operation.* mobile food trucks shall be permitted to operate after 7:00 a.m. and before 10 p.m. The request for extended hours must be reviewed and approved by the city subject to the criteria contained in the application.
- (9) *Power.* Power for all mobile food trucks will be evaluated on a case by case basis during the conditional use process but in no case shall a generator be used within 200 feet of a residential district.
- (n) *CUP expiration.* The conditional use permit shall automatically expire if the principal business does not hold a valid business tax receipt from the city.

SECTION 3. "Appendix A" of the Code of Ordinance is hereby amended as illustrated in "Exhibit A," which is attached and made a part of this Ordinance.

SECTION 4. Conflicts. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with the Ordinance.

SECTION 5. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 6. Construction. This Ordinance is to be liberally construed to accomplish its objectives.

SECTION 7. Publication. This Ordinance shall be published in accordance with the requirements of law.

SECTION 8. Effective Date. This ordinance shall take effect immediately upon adoption.

**FIRST READING: 12/10/2019**  
**PUBLISHED: 01/17/2020**  
**SECOND READING: 01/28/2020**  
**PUBLIC HEARING: 01/28/2020**



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Alan Johnson, Mayor

I, Rebecca C. Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this 28<sup>th</sup> day of January 2020.



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Rebecca C. Haynes, City Clerk

APPROVED AS TO LEGAL FORM AND CORRECTNESS:



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City Attorney

Andrew Dickman, Esq.

## "Exhibit A"

## APPENDIX A - FEE SCHEDULE

This appendix includes fees and charges that do not appear in other sections of the Code of Ordinances.

Description	Amount
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<b>Chapter 118. Planning and Development</b>	
Mobile Food Establishment Permit Class I – Mobile kitchens Class II – Canteen trucks Class III – Ice cream trucks	 85.00 35.00 35.00
Renewal of Mobile Food Permit Class I – Mobile kitchens Class II – Canteen trucks Class III – Ice cream trucks	 85.00 35.00 35.00

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