ORDINANCE 17, 2017

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA, AMENDING CHAPTER 78. LAND DEVELOPMENT BY ADOPTING NEW SECTION 78-196. TO BE ENTITLED "OPERATION AND SALE OF FOOD FROM MOBILE FOOD TRUCKS." IN ORDER TO ADOPT REGULATIONS RELATING TO MOBILE FOOD TRUCKS; FURTHER AMENDING CHAPTER 78. AT SECTION 78-751. DEFINITIONS. BY ADOPTING NEW DEFINITIONS FOR "MOBILE FOOD TRUCK" AND "MOBILE FOOD VENDOR"; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 78. LAND DEVELOPMENT SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City has seen an increasing request for Mobile Food Trucks for lunch options and special events; and

WHEREAS, this Ordinance was reviewed by the Planning, Zoning, and Appeals Board at a public hearing on July 11, 2017, and the Board recommended approval by a vote of 7 to 0; and

WHEREAS, the City Council deems approval of this Ordinance to be in the best interest of the health, safety, and welfare of the residents and citizens of the City of Palm Beach Gardens and the public at large.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA, that:

SECTION 1. Chapter 78. Land Development of the Code of Ordinances of the City of Palm Beach Gardens, Florida, is hereby amended by adopting new Section 78-196. to be entitled "Operation and sale of food from Mobile Food Trucks."; providing that Section 78-196. shall hereafter read as follows:
Subpart B

LAND DEVELOPMENT REGULATIONS

Chapter 78

LAND DEVELOPMENT

Article V. SUPPLEMENTARY DISTRICT REGULATIONS

Sec. 78-196—78-220. Reserved.

Sec. 78-196. Operation and sale of food from mobile food trucks.

(a) Definitions. (for the purpose of this Chapter):

(1) Mobile Food Truck means a vehicle, including trailers and other conveyances regardless of the means of propulsion, that is used to vend food and/or beverage products and is classified as one of the following:

a. Class I – Mobile Kitchens. These vehicles may cook, prepare, and assemble food items on or in the unit and serve a full menu. These vehicles may also vend the products permitted for Class II Canteen Trucks.

b. Class II – Canteen Trucks. These vehicles vend pre-cooked foods, pre-packaged foods, pre-packaged drinks, and incidental sales of pre-packaged frozen dairy or frozen water-based food products, fruits, and vegetables. No preparation or assembly of food or beverage may take place on or in the vehicle; however, the heating of pre-cooked food is permitted. (Open flame and/or grease laden vapor is strictly prohibited.)

(2) Mobile Food Vendor means a person who prepares, dispenses, or otherwise sells food from a Mobile Food Truck.

(b) Administrative Rules and Regulations. The City shall enact and amend Standard Operating Procedures (SOP) to cover the Mobile Food Truck permit application requirements, permit fees, and the permit renewal procedure. A copy of the most recent SOP shall be kept on file with the city clerk and shall be available for public inspection during normal working hours.

(c) Exemptions. Mobile Food Truck – Class II – Canteen Trucks, provided such vehicles are only parked for a maximum of 15 minutes or less, are exempt from the provisions of this section.
(d) Permit Requirements.

(1) The Mobile Food Vendor shall have the consent of the property owner(s) prior to applying for the location for the Mobile Food Truck permit.

(2) Any person engaged in the selling, preparation, or dispensing of food from a Class I – Mobile Kitchens shall obtain a Mobile Food Truck permit in accordance with this Section and the Standard Operating Procedures promulgated by the City.

(3) The Mobile Food Vendor shall provide copies of all applicable approvals and licenses from the State of Florida Department of Business and Professional Regulations (DBPR), Florida Department of Health, and Florida Department of Agriculture and Consumer Services.

(4) The Mobile Food Vendor shall make the Mobile Food Truck available for inspection by the City of Palm Beach Gardens Fire Department at a location determined by the Fire Department. The Fire Department shall ensure compliance with all applicable federal, state, and local fire safety statutes, regulations, ordinances, and codes. Subsequently, every Class I – Mobile Kitchens shall undergo an annual inspection by the City of Palm Beach Gardens Fire Department.

(5) All Mobile Food Vendors shall display the Mobile Food Truck permit issued by the City in a prominent and visible manner.

(e) Prohibitions. Class I – Mobile Kitchens are prohibited from the following:

(1) Selling or distributing alcoholic beverages;

(2) Operating in a City park or City parking lots and public rights-of-way, except as may be permitted by a special event permit issued by the City;

(3) Operating in a residentially zoned and/or the residential portion of Mixed Use zoning neighborhoods, except as may be permitted by a special event permit issued by the City;

(4) Operating on unimproved surfaces and abandoned business locations or as otherwise approved;

(5) Using any sound amplification regardless of the intended purposes;

(6) Using balloons, banners, streamers, large flashing lights, or other similar devices to attract customers;
(7) Selling or dispensing food to customers in a moving vehicle or otherwise engaging in drive-up sales;

(8) Parking a Mobile Food Truck:
   a. on the public right-of-way, in a fire lane or blocking fire hydrants, or Americans with Disabilities Act (ADA) accessible parking spaces and/or accessible ramps;
   b. in any driveway aisles, no parking zones, loading areas; and
   c. mobile operation may not impede the on-site circulation of motion of vehicles.

(f) Class I – Mobile Kitchens – General Regulations.

(1) Mobile Food Vendors shall remove all waste and trash prior to vacating their location.

(2) Under no circumstances shall grease or any waste materials be released into the stormwater system, tree pits, sidewalks, streets, parking lots, or private/public property. Mobile Food Vendors shall be responsible to properly discard any waste material in accordance with federal, state, county, municipal, or any laws, rules, regulations, orders, or permits.

(3) In accordance with the Florida Department of Business and Professional Regulation guidelines, all necessary control measures shall be used to effectively minimize, or eliminate when possible, the presence of rodents, roaches, and other vermin and insects on the premises of all Mobile Food Trucks. Each Mobile Food Vendor shall maintain a log containing a written record of the control measures performed by exterminators or other pest control businesses on the Mobile Food Truck. This log shall be open to inspection by the City.

(4) Mobile Food Vendors shall not engage in food preparation if the vehicle does not provide water and waste systems as required by the Florida Department of Business and Professional Regulation or otherwise fails to meet sanitation and safety requirements.

(5) All food service equipment utilized by the Mobile Food Vendor shall be maintained in good repair and a clean condition.

(6) Routine inspections may be conducted by code enforcement inspectors, building code inspectors, fire inspectors, or police officers on each Mobile Food Truck at any time and at any frequency deemed appropriate by the City.
(7) In accordance with the City's Code Section 78-285, one A-frame or "sandwich" menu board is permitted to be placed by or within the immediate vending area of the Mobile Food Truck. The sign can only be displayed during the hours of operation. Menu signs are also permitted to be affixed to the Mobile Food Truck.

(g) Operating Requirements.

(1) Mobile Food Trucks shall be self-contained when operating, except for the required trash and/or recycling receptacles that shall be attached to the Mobile Food Truck and shall not impede free movement of automobiles or pedestrians.

(2) No more than two Mobile Food Trucks shall operate on any property at any one time, except as may be permitted by a special event permit issued by the City.

(3) Mobile Food Trucks shall be operated only by the Mobile Food Vendor or by an authorized employee of the vendor.

(4) If at any time the Florida Department of Business and Professional Regulation revokes or suspends the Mobile Food Vendor's license, the City's Mobile Food Truck permit shall be deemed to have been simultaneously revoked or suspended.

Sec. 78-197 – 78-220. Reserved.

SECTION 2. Chapter 78. Land Development of the Code of Ordinances of the City of Palm Beach Gardens, Florida, is hereby amended at Section 78-751. Definitions. by adopting new definitions for "Mobile Food Truck" and "Mobile Food Vendor"; providing that these definitions shall be placed within Section 78-751. in alphabetical order and shall hereafter read as follows:

Sec. 78-751. Definitions.

_Mobile Food Truck_ means a vehicle, including trailers and other conveyances regardless of the means of propulsion, that is used to vend food and/or beverage products and is classified as one of the following:

(1) _Class I – Mobile Kitchens_. These vehicles may cook, prepare, and assemble food items on or in the unit and serve a full menu. These vehicles may also vend the products permitted for _Class II – Canteen Trucks_.

(2) _Class II – Canteen Trucks_. These vehicles vend pre-cooked foods, pre-packaged foods, pre-packaged drinks, and incidental sales of pre-packaged frozen dairy or frozen water-based food products, fruits, and vegetables. No preparation or assembly of food or beverage may take place on or in the vehicle; however, the heating of pre-cooked food is permitted. (Open flame and/or grease laden vapor is strictly prohibited.)
Mobile Food Vendor means a person who prepares, dispenses, or otherwise sells food from a Mobile Food Truck.

SECTION 3. The fees and charges associated with Mobile Food Trucks as set forth in Resolution 48, 2017 shall take effect immediately upon adoption of this Ordinance.

SECTION 4. All ordinances or parts of ordinances in conflict be and the same are hereby repealed.

SECTION 5. Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

SECTION 6. Specific authority is hereby granted to codify this Ordinance.

SECTION 7. This Ordinance shall become effective immediately upon adoption.

(The remainder of this page intentionally blank)
PASSED this 3rd day of AUGUST, 2017, upon first reading.

PASSED AND ADOPTED this 7th day of September, 2017, upon second and final reading.

CITY OF PALM BEACH GARDENS

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BY: Maria G. Marino, Mayor

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BY: Mark T. Marciano, Vice Mayor

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BY: Carl Woods, Councilmember

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BY: Matthew Jay Lane, Councilmember

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BY: Rachelle A. Litt, Councilmember

ATTEST:

BY: Patricia Snider, CMC, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

BY: R. Max Lehman, City Attorney

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