

# Regulating Food Trucks

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**American Planning Association**

*Making Great Communities Happen*

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## Foreword

The rise in popularity of specialty or gourmet food trucks (where at least some preparation is done in the vehicle) has led to recent code revisions in communities eager to acknowledge this business model but cautious about food safety, traffic, and neighborhood compatibility. While the trend has been most visible in a select number of large cities, it is spreading rapidly through many large and small metropolitan areas across the country.

Mobile food vending is increasingly being recognized as a community economic development tool. Food trucks, trailers, and carts (collectively known as mobile food units) provide opportunities for entrepreneurs and small businesses; add interest, vibrancy, and activity to streetscapes and sites; and expand food access in areas underserved by traditional restaurants. Balanced regulations and permitting procedures can help ensure that food trucks have ample vending opportunities within a jurisdiction without posing a threat to brick-and-mortar restaurants, blocking the public right-of-way, or creating a nuisance.

Localities often adopt ordinances that address mobile food vending on both public and private property. Sometimes this distinction between public and private locations results in zoning standards for food trucks on private property, while standards for vending on public rights-of-way are addressed in the business licensing, streets, or public health sections of local codes.

Most localities limit food trucks to nonresidential districts, and it is common to establish distancing requirements from existing restaurants, residential districts, or other vendors. Most also enact operational standards such as limitations on hours of operation, mandatory access to restrooms, or noise or sanitation requirements to minimize potential negative impacts. Some ordinances also provide for food truck courts, where multiple food trucks gather at one site to provide more of a destination experience.

While not addressed in this packet, it is also important to note that all mobile food unit operators must also comply with local public health department regulations for food service establishments, whether specific to mobile food vendors or generally applicable to all food service.

The first section of this packet includes a short article from APA's *Zoning Practice* and links to two other key reports offering regulatory recommendations for food trucks. The following section provides examples of municipal guides to help potential mobile food vendors navigate local zoning regulations. The packet also includes several staff reports discussing proposed zoning or licensing amendments for food trucks. Finally, the packet showcases the wide range of ways in which local communities are regulating food trucks with examples of both local zoning provisions as well as sample licensing provisions for mobile food units and vendors on both public and private properties.

### Articles and Reports — APA Resource

Arroyo, Rodney and Jill Bahm. 2013. "Food Truck Feeding Frenzy: Making Sense of Mobile Food Vending." *Zoning Practice*, September.

- Discusses the increasing popularity of mobile food units and how communities can address them through zoning, including definitions, location, duration, type of goods for sale, clustering, waste disposal, and numerous other topics.

### Articles and Reports — Online Resources

National League of Cities. 2013. *Food on Wheels: Mobile Food Vending Goes Mainstream*. Washington, D.C.: National League of Cities.

[www.nlc.org/Documents/FoodTruckReport.pdf](http://www.nlc.org/Documents/FoodTruckReport.pdf)

- Analyzes regulatory trends and recommends specific regulatory approaches for mobile food units and vendors.

Frommer, Robert, and Bert Gall. 2012. *Food Truck Freedom: How to Build Better Food Truck Laws in Your City*. Arlington, Va.: Institute for Justice.

[www.ij.org/food-truck-freedom](http://www.ij.org/food-truck-freedom)

- Recommends a regulatory approach for mobile food units and vendors that focuses on public health and safety.

### Municipal Guides

Denver (Colorado), City and County of. 2012. "Food Truck Guide: A Multi-Department Guide."

- Guide to help potential operators understand applicable licensing and zoning standards for mobile food vending.

Georgetown (Texas), City of, Planning Department. 2013. "Customer Bulletin # 104 – Mobile Food Establishments." May 17.

- Memorandum to customers explaining existing city code provisions allowing for a mobile food establishment as a temporary use within the city limits, as well as county and state requirements.

Raleigh (North Carolina) Planning & Development, City of. 2011. "Food Truck—Quick Reference Guide."

- A user-friendly guide to assist in explaining the permitting process and regulatory framework around the use of food trucks.

San Diego (California), City of, Department of Development Services. 2014. "How to Obtain a Permit for a Mobile Food Truck." Information Bulletin 148.

- Summarizes the approval process and submittal requirements for mobile food trucks.

San Francisco (California), City and County of. 2011. "Frequently Asked Questions — Street Food: Regulations for Mobile Food Facilities."

- Guide to help potential operators understand the permitting process for mobile food facilities on private property.

## Staff Reports

Louisville (Colorado), City of. 2014. "Agenda Item 8B: Ordinance No. 1665, Series 2014—An Ordinance Amending Title 17 of the Louisville Municipal Code to Define Food Trucks, Food Carts, and Mobile Retail Food Establishments and Adopt Regulations Addressing Their Allowed Operations Within Louisville." Staff Report, May 20.

- Staff report discussing regulatory amendments to sanction and control mobile food units on public and private property.

San Diego (California), City of. 2014. "Amendments to the Municipal Code and Local Coastal Program Related to Food Trucks." Report to the Planning Commission, January 9.

- Staff report discussing regulatory amendments to sanction and control a wider range of mobile food units on public and private property.

St. Petersburg (Florida), City of, Development Review Commission. 2014. "LDR 2013-05: Text Amendment to Formally Recognize, Classify and Regulate Mobile Food Trucks Within the City Code." May 7. Also: Planning and Economic Development Department. 2013. "City File LDR 2013-05: Amendment to the Land Development Regulations ("LDRs"), Chapter 16, City Code of Ordinances." Staff Report to Development Review Commission, December 4.

- Staff reports discussing regulatory amendments to sanction and control mobile food units on public and private property.

## Zoning Standards\*

Aurora (Colorado), City of. 2014. *Ordinance No. 2014-20: A Bill For An Ordinance to Add Section 146-1254 and Amend Section 26-347 of the City Code of the City of Aurora, Colorado, Relating to Mobile Food Trucks.*

- 2014 ordinance establishes a pilot program temporarily suspending restrictions on mobile food vendors in certain areas of the city to allow review of impacts before permanent code changes. Allows for operation on private and public property; establishes distancing requirements from brick and mortar restaurants and residential districts.
- See city webpage, "Mobile Food Vendor Toolkit," at <https://www.auroragov.org/DoingBusiness/SmallBusinessResources/NewBusinessVentures/MobileFoodVendorToolkit/index.htm>.

Austin (Texas), City of. 2015. *Code of Ordinances*. Title 25, Land Development; Chapter 25-2, Zoning; Subchapter C, Use and Development Regulations; Article 4, Additional Requirements for Certain Uses; Division 2, Commercial Uses; Section 25-2-812, Mobile Food Establishments. Tallahassee, Fla.: Municipal Code Corporation.

- Defines *mobile food establishment* and provides standards addressing location and operations for establishments on private property. Allowed in most commercial and industrial districts; establishes distancing requirements from residential and restaurant uses. Authorizes neighborhood associations to petition for additional locational restrictions.
- See next section for licensing requirements.
- See city webpage, "Mobile Food Establishments," at <http://www.austintexas.gov/department/mobile-food-establishments>.

Boulder (Colorado), City of. 2015. *Revised Code*. Title 9, Land Use Regulation; Chapter 9-6, Use Standards; Section 9-6-1, Schedule of Permitted Land Uses. Section 9-6-5, Temporary Lodging, Dining, Entertainment, and Cultural Uses; Subsection 9-6-5.d, Mobile Food Vehicle Sales. Chapter 9-16, Definitions. Also see Title 4, Licenses and Permits; Chapter 4-10, Fees; Section 4-20-66, Mobile Food Vehicle Sales. Tallahassee, Fla.: Municipal Code Corporation.

- Defines *mobile food vehicle* and provides standards addressing location and operations restrictions for vehicles on public and private property. Establishes distancing requirements

from other mobile food vehicles when vending in the public right-of-way, residential districts, and restaurants.

- See city webpage, "Mobile Food Vehicles," at <https://bouldercolorado.gov/tax-license/mobile-food-vehicles>.

Columbia (South Carolina), City of. 2015. *Code of Ordinances*. Chapter 17, Planning, Land Development and Zoning; Article III, Zoning; Division 1, Generally; Section 17-55, Definitions. Division 8, District Descriptions, Use and Dimensional Regulations; Section 17-258, Table of Permitted Uses; part 7(j). Tallahassee, Fla.: Municipal Code Corporation.

- Defines *food truck* and allows food trucks as temporary vendors on private property subject to location and operations restrictions, including distancing requirements from restaurants.

Fairburn (Georgia), City of. 2015. *Code of Ordinances*. Part II, Land Development and Related Regulations; Chapter 80, Zoning; Article I, In General; Section 80-4, Definitions. Article IV, Administrative Permits and Use Permits; Section 80-237, Mobile Food Truck. Tallahassee, Fla.: Municipal Code Corporation.

- 2013 ordinance defines *mobile food truck* and provides standards restricting location, size, signage, and operations for trucks on private property.

Fayetteville (Arkansas), City of. 2015. *Code of Ordinances*. Title XV, Unified Development Code; Chapter 178, Outdoor Vendors; Section 178.05, Food Truck and Food Trailer Limited Time Permits.

- 2014 ordinance defines *food trucks* and *food trailers* and allows them to locate for a limited time on public and private property. Establishes lottery systems for a limited number of permits allowing food trucks to locate in designated public parking spaces and public property; also establishes permit process for locating on private property. Provides standards addressing location, operations, and fees.

Fort Worth (Texas), City of. 2015. *Code of Ordinances*. Appendix A, Zoning Regulations; Chapter 4, District Regulations; Article 8, Nonresidential District Use Table. Chapter 5, Supplemental Use Standards; Article 4, Temporary Uses; Section 5.406, Mobile Vendors. Chapter 9, Definitions; Section 9.101, Defined Terms. Cincinnati: American Legal Publishing Corporation.

- 2012 and 2013 ordinances defines *mobile vending unit* and *mobile vendor food court* and provides standards addressing location, parking, signage, and operations for units and courts on private property.
- See city webpage, "Mobile Food Vendor," at <http://fortworthtexas.gov/health/MobileVendors/>.

Huntsville (Alabama), City of. 2015. *Code of Ordinances*. Appendix A, Zoning Ordinance; Article 3, Definitions; Section 3.1, Interpretation. Article 73, Supplementary Regulations and Modifications; Section 73.23.1, Mobile Food Vending. Tallahassee, Fla.: Municipal Code Corporation.

- 2013 ordinance amended in 2015 defines *mobile food vending unit* and *mobile food vending site*, permits mobile food vending in multiple commercial, industrial, and research park districts. Provides standards addressing location and operations for units and sites on private property.

Manor (Texas), City of. 2013. *Ordinance No. 185-N: To Add Food Court Establishments in Commercial and Industrial Districts as a Conditional Use*.

- Defines *mobile food unit* and *food court establishment* and permits food court establishments as conditional uses in commercial and industrial districts, subject to standards addressing location (including proximity to other food courts and residential districts) as well as site design/parking.

Miami-Dade (Florida), County of. 2015. *Code of Ordinances*. Chapter 33, Zoning; Article I, In General; Section 33-1, Definitions. Section 33-14.1, Mobile Sales and Mobile Food Service Operations. Tallahassee, Fla.: Municipal Code Corporation.

- 2011 and 2013 ordinances defines *mobile food service operation* and allow for mobile operations on private property in several urban nonresidential districts, as well as institutional uses in residential districts. Provides standards addressing location, site area, parking, signage, and operations.
- See city webpage, "Mobile Sales and Mobile Food Service Operations Requirements and Guidelines," at [www.miamidade.gov/permits/mobile-sales.asp](http://www.miamidade.gov/permits/mobile-sales.asp).

Raleigh (North Carolina), City of. 2015. *Unified Development Ordinance*. Chapter 6, Use Regulations; Article 6.1, Allowed Uses; Section 6.1.4, Allowed Principal Use Table. Article 6.4, Commercial Uses; Section 6.4.10, Restaurant/Bar; part D, Food Trucks. Chapter 7, General Development Standards; Article 7.1, Parking; Section 7.1.2, Required Parking.

- Defines *food truck* as a facility within the restaurant/bar use category and provides standards addressing location, parking, signage, and operations for trucks on private property.
- See city webpage, "Food Trucks: Licensed, Motorized Vehicles or Mobile Food Units," at [www.raleighnc.gov/business/content/PlanDev/Articles/Zoning/FoodTrucks.html](http://www.raleighnc.gov/business/content/PlanDev/Articles/Zoning/FoodTrucks.html).

St. Petersburg (Florida), City of. 2015. *Code of Ordinances*. Chapter 16, Land Development Regulations; Section 16.50.440, Vending, Mobile Food Trucks. Tallahassee, Fla.: Municipal Code Corporation.

- 2014 ordinances defines *mobile food truck* and establishes three classes of these vehicles (*mobile kitchens, canteen trucks, and ice cream trucks*); also defines *food truck rally*. Provides location and operational standards for each class of mobile food truck on public property and on private property in all zoning districts allowing retail uses or restaurants/bars.

Salt Lake City (Utah), City of. 2015. *City Code*. Title 21A, Zoning; Chapter 21A.36, General Provisions; Section 21A.36.160, Mobile Businesses. Section 21A.36.161, Mobile Food Courts. Chapter 21A.62, Definitions; Section 21A.62.040, Definitions of Terms. Coeur d'Alene, Id.: Sterling Codifiers.

- 2012 ordinance defines *mobile food business, mobile food court, mobile food trailer, and mobile food truck* and provides standards addressing location, parking, signage, and operations for mobile food units on public and private property in mixed use and nonresidential districts and standards addressing location, parking, and operations for mobile food courts in manufacturing and downtown districts.
- See city webpage, "Business Licensing – Mobile Food Business" at [www.slccgov.com/business-licensing/business-licensing-mobile-food-business](http://www.slccgov.com/business-licensing/business-licensing-mobile-food-business).

San Antonio (Texas), City of. 2015. *Unified Development Ordinance*. Article III, Zoning; Division 2, Base Zoning Districts; Section 35-311, Use Regulations; Table 311-2, Nonresidential Use Matrix. Division 7, Supplemental Use Regulations; Section 35-399, Mobile Food Courts. Appendix A, Definitions and Rules of Interpretation; Section 35-A101, Definitions and Rules of Interpretation; part b, Definitions. Tallahassee, Fla.: Municipal Code Corporation.

- 2012 ordinance defines *mobile food court* and *mobile food establishment*. Allows mobile food courts in multiple nonresidential districts subject to standards addressing location, site design, signage, and operations.
- See next section for licensing requirements.
- See city webpages, "Downtown Mobile Food Truck Vending," at [www.sanantonio.gov/CCDO/vending/mobilefoodtruckvending.aspx](http://www.sanantonio.gov/CCDO/vending/mobilefoodtruckvending.aspx), and "Mobile Vending," at [www.sanantonio.gov/Health/FoodLicensing/Mobile/MobileVending.aspx#8958226-requirements-by-type-of-operation](http://www.sanantonio.gov/Health/FoodLicensing/Mobile/MobileVending.aspx#8958226-requirements-by-type-of-operation).

Watauga (Texas), City of. 2015. *Code of Ordinances*. Subpart B, Land Development; Chapter 115, Zoning; Article I, In General; Section 115-6, Permitted Principal, Accessory

and Specific Use Permit Uses. Article III, Zoning Districts Established; Zoning Map; District Regulations; Section 115-63, Supplemental Regulations; part (14), Mobile Food Vendor Courts. Article IV, Table of Uses. Tallahassee, Fla.: Municipal Code Corporation.

- 2014 ordinance defines *mobile food vendor court* and provides standards addressing location, operations, site design, parking, and signage requirements for this use.
- See next section for licensing requirements.

### Licensing Standards\*

Austin (Texas), City of. 2015. *Code of Ordinances*. Title 10, Public Health Services and Sanitation; Chapter 10-3, Food and Food Handlers; Article 1, General Provisions; Section 10-3-1, Definitions. Article 4, Mobile Food Establishments. Tallahassee, Fla.: Municipal Code Corporation.

- The public health title of the code defines *mobile food establishment* and provides health permit requirements and sanitary standards for mobile food establishment units.

Bedford (Texas), City of. 2015. *Code of Ordinances*. Chapter 66, Health and Sanitation; Article II, Food and Food Establishments; Section 66-33, Definitions. Section 66-44, Mobile Food Units. Tallahassee, Fla.: Municipal Code Corporation.

- 2013 provisions in the health and sanitation code of this suburban community allow mobile food units to vend on commercially zoned private property (e.g., shopping center parking lots); provides location and operations requirements.

District of Columbia. 2013. *Notice of Final Rulemaking: Adoption of a new Chapter 5 (Vendors) of Title 24 (Public Space and Safety) of the District of Columbia Municipal Regulations (DCMR), and amendments to Chapter 5 (Basic Business License Schedule of Fees) of DCMR Title 17 (Business, Occupations and Professions), and to Chapter 33 (Department of Consumer & Regulatory Affairs (DCRA) Infractions) of DCMR Title 16 (Consumers, Commercial Practices, and Civil Infractions)*.

- 2013 amendment to the public space title of the code establishes Mobile Roadway Vending locations for mobile food trucks and allows them to vend from public parking spaces with payment of parking meter fees. Vendors participate in a monthly lottery for assigned daily spaces in MRV locations. Includes design and operational standards for vending vehicles.
- See city webpage, "Mobile Food Truck Licensing Information," at <http://dcra.dc.gov/service/mobile-food-truck-licensing-information>.

Evanston (Illinois), City of. 2015. *Code of Ordinances*. Title 8, Health and Sanitation; Chapter 23, Mobile Food Vehicle Vendors. Tallahassee, Fla.: Municipal Code Corporation.

- 2010 provisions in the health title of the code amended in 2012 define *mobile food vehicle*, describe permit requirements, and provide locational and operational standards.
- See city webpage, "Mobile Food Vendor Permit," at [www.cityofevanston.org/business/permits-licenses/mobile-food-vendor/](http://www.cityofevanston.org/business/permits-licenses/mobile-food-vendor/).

Hoboken (New Jersey), City of. 2014. *Municipal Code*. Part II, General Legislation; Chapter 147, Mobile Retail Food Vendors. Rochester, N.Y.: General Code.

- 2012 ordinance defines *mobile retail motorized food vendor*, *mobile retail nonmotorized food vendor*, and *mobile retail pre-packaged food vendor*. Includes purpose statement, provides location and operations standards, details health license and certificate requirements, and describes parking permit requirements.



Huntsville (Alabama), City of. 2015. *Code of Ordinances*. Chapter 18, Peddlers and Solicitors; Article II, Central City Area; Section 18-36, Sidewalk Cafes, Vendors, and Mobile Food Vendors. Tallahassee, Fla.: Municipal Code Corporation.

- The peddling title of the code defines *mobile food vending unit* and *mobile food vending site*, allows mobile food vending in public spaces within the city center. Lists permit requirements, provides location and operations standards.

Jackson (Mississippi), City of. 2015. *Code of Ordinances*. Chapter 66, Health and Sanitation; Article III, Mobile Food Vending. Tallahassee, Fla.: Municipal Code Corporation.

- 2011 provisions in the health and sanitation title, amended in 2015, define *mobile food vendor* and *mobile food preparation vehicle*. Allows for mobile vending in designated locations on public property with a permit. Lists permit application requirements and provides location, operations, and design standards for mobile food vehicles.

Minneapolis (Minnesota), City of. 2015. *Code of Ordinances*. Title 10, Food Code; Chapter 186, In General; Section 186.50, Definitions. Chapter 188, Administration and Licensing; Article III, License Holder Requirements; Section 188.485, Mobile food vendors. Tallahassee, Fla.: Municipal Code Corporation.

- 2010 provisions in the food code, amended in 2013, define *mobile food vehicle vendor* and provides for mobile food vending from designated locations on public property and streets with a license. Describes licensing requirements, provides location and operations standards.

New Orleans (Louisiana), City of. 2015. *Code of Ordinances*. Chapter 110, Peddlers, Solicitors, and Itinerant Vendors; Article II, Peddlers and Itinerant Vendors; Division 5, Food—Mobile Vending. Tallahassee, Fla.: Municipal Code Corporation.

- 2013 provisions in the peddling code, amended in 2014, define *mobile food truck* and *mobile vendor*, and allows for mobile food vending from the public right-of-way and public places with a permit. Lists permit requirements, provides location and operations standards.
- See city webpage, "Food Truck Permit," at [www.nola.gov/onestop/business/food-alcohol/food-truck-permit/](http://www.nola.gov/onestop/business/food-alcohol/food-truck-permit/).

Northampton (Massachusetts), City of. 2015. *Municipal Code*. Chapter 285, Streets, Sidewalks, and Public Property; Article I, General Street and Sidewalk Regulations; Section 285-4, Permit to Display Merchandise on Streets Required; Mobile Food Vehicles; part C, Mobile Food Vehicles. Rochester, N.Y.: General Code.

- 2013 provisions in the streets, sidewalks, and public property chapter of the code defines *mobile food vehicle* and allows them to vend from public parking spaces with a permit, but prohibits their operation within the central business district. Provides location and operational standards.

Portland (Maine), City of. 2015. *Code of Ordinances*. Chapter 19, Peddlers and Solicitors; Section 19-23, Rules Promulgated by City Manager. Also, "City of Portland Food Truck Rules and Regulations."

- 2013 provisions in the peddling code provide that city manager may establish regulations governing food trucks. Rules and regulations list permitted public and private locations and districts for food truck operations as well as design and operations requirements; night vending permitted.

San Antonio (Texas), City of. 2015. *Code of Ordinances*. Chapter 13, Food and Food Handlers; Article I, In General; Section 13-3, Definitions. Article IV, Mobile Food Courts and Mobile Food Establishments. Tallahassee, Fla.: Municipal Code Corporation.

- 2008 provisions in the food code, amended through 2014, define *mobile food court* and allow for mobile food vending on public and private property with permit. Provides location, operations, and sanitation standards.

Seattle (Washington), City of. 2015. *Municipal Code*. Title 15, Street and Sidewalk Use; Subtitle I, Street Use Ordinance; Chapter 15.17, Vending; Section 15.17.120, Food Vending From a Curb Space. Tallahassee, Fla.: Municipal Code Corporation.

- 2011 provisions in the streets and sidewalks title require mobile food vehicles to obtain permits from the Department of Transportation before vending in curbside spaces or designated food-vehicle zones. Provides location and operations standards.
- See city webpages, "Street-Food Vending," at [www.seattle.gov/economicdevelopment/business-owners/street-food-vending](http://www.seattle.gov/economicdevelopment/business-owners/street-food-vending), and "Street Food Carts or Trucks," at [www.seattle.gov/dpd/permits/commonprojects/streetfoodcarts/default.htm](http://www.seattle.gov/dpd/permits/commonprojects/streetfoodcarts/default.htm).

Traverse City (Michigan), City of. 2015. *Code of Ordinances*. Part 8, Business Regulations; Chapter 865, Mobile Food Vending.

- 2013 licensing provisions, amended in 2015, define *mobile food vending unit*, allows for vending in city-controlled parking spaces and private property with a permit. Provides location and operations requirements.

Watauga (Texas), City of. 2015. *Code of Ordinances*. Chapter 22, Licenses, Permits, and Business Regulations; Article XIV, Mobile Food Vendor Units. Tallahassee, Fla.: Municipal Code Corporation.

- 2014 licensing provisions define *mobile food vendor unit* and provide permitting, location, and operations requirements for mobile food vendors.

*\*The code excerpts contained in this Essential Info Packet are current as of November 2015, but do not reflect any amendments made after this date. Please visit municipal websites or websites of the code publishers for access to the most current versions of local codes.*

## Articles and Reports

- Arroyo, Rodney and Jill Bahm. 2013. "Food Truck Feeding Frenzy: Making Sense of Mobile Food Vending." *Zoning Practice*, September.

### Additional Online Resources

- National League of Cities. 2013. *Food on Wheels: Mobile Food Vending Goes Mainstream*. Washington, D.C.: National League of Cities.  
[www.nlc.org/Documents/FoodTruckReport.pdf](http://www.nlc.org/Documents/FoodTruckReport.pdf)
- Frommer, Robert, and Bert Gall. 2012. *Food Truck Freedom: How to Build Better Food Truck Laws in Your City*. Arlington, Va.: Institute for Justice.  
[www.ij.org/food-truck-freedom](http://www.ij.org/food-truck-freedom)

# Food Truck Feeding Frenzy: Making Sense of Mobile Food Vending

By Rodney Arroyo, AICP, and Jill Bahm, AICP

Recent economic and cultural trends show an explosion in the popularity of food trucks, or mobile vendors, over the past several years.



➦ One of the hallmarks of the current food truck boom is an increased focus on “in-truck” preparation over preparation at a central commissary.

According to research done by Emergent for the National Restaurant Association, the growth of mobile food trucks will soar in the next five years, generating up to \$2.7 billion in revenue nationally by 2017—up from \$650 million in 2012 (Emergent Research 2012). All across the country, cities, small towns, and suburbs are seeing food trucks popping up, some in unexpected places like office and industrial parks, where zoning ordinances typically preclude res-

taurants. Amplifying the push for food trucks are the twin trends of “buying local” and “food as entertainment” that are enhanced by programs such as the *Great Food Truck Race* on the Food Network. While ice cream trucks and job-site lunch wagons haven’t disappeared, they are increasingly being joined by gourmet trucks and trucks specializing in ethnic offerings.

All across the United States, people are exploring how mobile food vending might

make a difference in their lives and their communities. More resources are starting to become available for potential business owners. Networks for mobile food vendors are growing; the Southern California Mobile Food Vendors Association was formed in 2010 as one of the first associations dedicated to helping vendors break down barriers to business ([www.socalmfva.com](http://www.socalmfva.com)). And this fall, Roam—a first-ever industry conference for mobile food

## ASK THE AUTHOR JOIN US ONLINE!

Go online during the month of September to participate in our “Ask the Author” forum, an interactive feature of Zoning Practice. Rodney Arroyo, AICP, and Jill Bahm, AICP, will be available to answer questions about this article. Go to the APA website at [www.planning.org](http://www.planning.org) and follow the links to the Ask the Author section. From there, just submit your questions about the article using the e-mail link. The authors will reply, and Zoning Practice will post the answers cumulatively on the website for the benefit of all subscribers. This feature will be available for selected issues of Zoning Practice at announced times. After each online discussion is closed, the answers will be saved in an online archive available through the APA Zoning Practice web pages.

### About the Authors

Rodney Arroyo, AICP, is president of Clearzoning, Inc. He holds a Master of City Planning degree from Georgia Tech and has more than 30 years’ expertise in planning and transportation. His experience includes master plans, zoning ordinances, form-based codes, corridor studies, and access management plans. Arroyo also serves as an expert witness in planning and zoning issues, is a national and state planning award winner, and serves as an adjunct professor for Wayne State University’s graduate urban planning program.

Jill Bahm, AICP, is a principal planner with Clearzoning, Inc. She holds a Master of Urban and Regional Planning degree and has worked in both the public and private sectors as a downtown development authority director, city planner, and real estate marketing professional. Bahm’s professional interests include economic development, recreation planning, historic preservation, community participation, and organizational development.

suppliers and owners—will take place in Portland, Oregon.

On the worldwide stage, the World Street Food Congress is the first of its kind to connect and open up fresh ideas and thought leadership in the massive and growing street-food culture and industry throughout the world. This 10-day street-food festival was hosted in Singapore in January 2013 and featured well-known leaders in the food industry ([www.wsfcongress.com](http://www.wsfcongress.com)).

Faced with inquiries from food vendors, many communities turn to their zoning codes, only to discover that mobile food vending isn’t really defined and may not be permitted in the way vendors might like. With the approach to regulating mobile vending varying widely in communities, it can be hard to know where to begin when considering if and how to accommodate food trucks.

### WHAT IS MOBILE FOOD VENDING?

Regulatory codes for many communities recognize transient merchants—those goods and services provided by a traveling vendor. The typical ice cream truck would be a good example of a transient merchant who is mobile most of the time, stopping only when requested for a few short minutes. Many operators of today’s food trucks or carts, however, are seeking more than a few minutes on the street, sidewalk, or parking lot, staying in place for a few hours to serve breakfast, lunch, or dinner. In fact, when they are located on private property, some food trucks may be in one location for days, weeks, or even months. It is important to make a dis-

inction between the food vendors that are more transient in nature, like an ice cream truck, and those that seek to move about less frequently. Both types of uses can offer benefits to the community, and they will each have different potential issues to regulate.

Many mobile food vendors utilize self-driven vehicles that permit easy relocation throughout the community. However, mobile food vending also includes trailers, food kiosks, and food carts. Food kiosks are temporary stands or booths that are typically intended to sell prepared foods, including ice cream, pretzels, and the like. Food kiosks may be found inside a large office building or shopping mall, but may also be secured for outside use. Some communities, like Maui County, Hawaii, allow a variety of products to be sold at a kiosk, provided certain standards are met (\$30.08.030). While temporary in structure, food kiosks are often stationary with a defined location. Food carts allow the vendor to sell from outside the moveable unit and are often used to sell fresh fruits and vegetables. Typically, the food in kiosks and carts is prepared elsewhere and kept cold or hot in the unit. The city of New York encourages “green carts” that offer fresh produce in certain areas of the city and has special regulations for these uses ([www.nyc.gov/greencarts](http://www.nyc.gov/greencarts)).

In communities across the U.S., mobile food vendors are seeking permits to start these innovative businesses. They often run into roadblocks at city hall, because while many zoning ordinances include provisions for temporary

uses, most do not contain current definitions for mobile food vending nor do they include any standards that specifically relate to vending and the issues that may arise. The net result in many communities, intentional or unintentional, is a prohibition on mobile food vending.

### THE PROS AND CONS OF MOBILE FOOD VENDING

Over the past few years, most of the economy has been struggling and the workforce has been challenged to adapt. With laid-off workers trying to reinvent themselves and new immigrants looking for opportunities, the number of people starting new businesses is rising. Mobile food vending seems, for some, like a low-cost way to wade into the pool of business ownership. There are a number of reasons why communities may elect to sanction mobile food vending:

- **It provides an opportunity to increase jobs and businesses.** The cost of starting a food truck business can start at \$25,000, where a traditional bricks-and-mortar establishment may start at \$300,000, according to the National Restaurant Association (Emergent Research 2012).
- **It offers opportunities to provide food choices where zoning precludes restaurants.** Traditional zoning codes tend to restrict the uses permitted in office and industrial districts, only allowing uses that narrowly meet the intent of those districts. Office and industrial parks, in particular, are often isolated from the rest of the community, requiring employees to drive to retail and restaurant areas. In addition, some communities may not have access to variety of



healthy, fresh foods, and therefore decide to encourage such food vendors in certain neighborhoods by relaxing requirements. New York's green carts initiative allows additional permits to be issued over the city's defined limit to mobile food vendors that offer fresh produce in underserved neighborhoods, and Kansas City, Missouri, offers reduced permit fees for mobile food vendors in city parks that meet certain nutritional standards (Parks and Recreation Vending Policy 4.7.08).

- **It can increase activity in struggling business districts** by creating a dynamic environment where people gather around the availability of new and fresh food. The economy has taken a toll on businesses over the past several years. Those that are hanging on in some areas find that their neighboring buildings or businesses are vacant. Food trucks can be a way to enliven an area, generating traffic for existing businesses and possibly spinning off new business activity. The restaurant industry is evolving to meet the demands of patrons who are looking for locally grown, sustainable, healthy, and fast options for dining. When food trucks use social media to communicate about their location schedules, it can build up a certain level of excitement and anticipation that can make a positive social impact. In addition, the rising trend of "cart pods" and "food truck rallies" brings multiple mobile food vendors to one location, creating a festive atmosphere in an area for a short time.

- **They signal to other potential businesses that the community is adapting to the evolving economy and supporting entrepreneurship.** Mobile food trucks are a new way of doing business; in these early years, communities that anticipate the demand from businesses and consumers may also find that this flexibility signals receptivity to new business models.

- **They are a way for restaurateurs to test the local market for future bricks-and-mortar facilities.** Mobile food trucks offer opportunities to interact with a potential market, to test recipes and pricing, and see if the restaurant fits with the community. All across the United States there are examples of food truck businesses evolving into permanent establishments, including El Camion ("the truck") in northwest Seattle that has recently opened a restaurant and bar in the Ballard neighborhood after several years of experience with its two mobile food units. Torchy's Tacos in Austin, Texas, started with a food truck and now has eight bricks-and-mortar restaurants in Austin, Dallas, Fort Worth, and Hous-

ton—and two more opening this year. The Lunch Room in Ann Arbor, Michigan, plans to open its bricks-and-mortar location soon, using social media to solicit fans of its existing "Mark's Carts" to become investors in the restaurant.

Along with these potential benefits can come community impacts and possible conflicts. Some of the challenges associated with

went through an extensive research and public input process, surveying their local chamber of commerce and meeting with prospective mobile food vendors, residents groups, and restaurant owners. Their resulting ordinance language responds to the needs and concerns of the community (Longmont 2011).

## ADDRESSING AREAS OF CONCERN THROUGH ZONING

Many communities are updating their codes to accommodate or regulate mobile vending. In June 2012 Grand Rapids, Michigan, included the following statement of intent in a new set of mobile food vending provisions:

Employment and small business growth in the city can occur while providing a broad range of food choices to the public through careful allowances for temporary concession sales. The provisions of this section are intended to prevent predatory practices on bricks-and-mortar restaurants while allowing for new food vending opportunities that can add vitality to vacant parking lots and underutilized sites . . . (§5.9.32.K).

Other cities, including Phoenix, Arizona (§624.D.87); Chapel Hill, North Carolina (§§10-66–74); and Fort Worth, Texas (§5.406)—just to name a few—adopted regulations in 2012 to allow mobile vending or food trucks. Chapel Hill's

provisions note that allowing food trucks will "promote diversification of the town's economy and employment opportunities and support the incubation and growth of entrepreneurial/start-up businesses" but also that food trucks pose "unique regulation challenges."

While specific approaches vary from place to place, communities interested in adding or updating regulations for mobile food vending should start by defining the uses and then consider each of the following questions:

- Where in the community should such uses be permitted?
- How long should a food truck be permitted to stay in one location?



Russ Herschler

- ➔ Food truck gatherings are increasingly common in communities with extensive food truck offerings.

mobile food trucks might include problems with maintenance, trash, parking, noise, and vehicular and pedestrian circulation. In addition, some restaurateurs may be threatened by this new competition and try to prevent mobile food vending. Food trucks also have their own operational challenges, including dealing with unpredictable weather and maintaining an appropriate inventory despite limited storage.

The best way to understand and manage the pros and cons of food trucks in individual communities is to solicit public input and dialogue about the needs and wants of the community. For example, Longmont, Colorado,

- Are these mobile units just for food sales, or can other goods be sold as well?
- Does the community want to increase activity?
- How can the zoning ordinance address upkeep and maintenance?
- When can food trucks operate?
- How are visitor parking and circulation accommodated?
- How are these uses reviewed and permitted?
- What do vendors and their customers want or need?
- How is signage for the mobile unit regulated?
- How is the site lit to ensure safety?

### Location

It is common to allow mobile food vending in commercial districts, but some communities add industrial districts or specify mixed use districts. Start with the community's comprehensive plan—is there a need or desire to increase activities in specific parts of the community? Are there concerns about the impact of single-purpose districts (especially office and industrial) on connectivity, traffic congestion, and business

In consideration for existing facilities, some communities decide that there should be a minimum distance between mobile units and bricks-and-mortar restaurants. Some communities try to limit the impact on adjacent residential uses through a distance requirement or by restrictions on hours of operation. Planners should test these locational restrictions to ensure that realistic business opportunities exist. El Paso, Texas, repealed its locational requirement of 1,000 feet from bricks-and-mortar establishments following a 2011 lawsuit to provide sufficient opportunities for mobile food vendors (Berk and Leib 2012). Attorneys Robert Frommer and Bert Gall argue that separation from other establishments is not necessary and that food truck regulations should be narrowly tailored to legitimate health, safety, and welfare concerns, not regulate competition (2012).

The American Heart Association has also looked at location issues related to mobile food vending. They report that several communities across the country prohibit mobile food vending within a certain distance of schools (or

nity and often is related to where mobile food vending is permitted. Some communities allow food trucks on public property but prohibit overnight parking. Where on-street parking is at a premium, communities may consider allowing food trucks to utilize public parking spaces for the same duration as other parked vehicles. Chicago requires food trucks to follow posted meter time restrictions, with no more than two hours in one location. In addition, the city also limits mobile food vending to two hours on private property (§4-8).

In contrast, some communities allow food trucks on private property for up to 30 days or more at one location. For example, Grand Rapids allows concession sales for up to 200 consecutive days over 12 calendar months (§5.9.32.K.6).

Regulations like this may impact vendors in terms of the types of food that can be sold and the manner in which they are prepared, especially when preparation is done on-site. Communities may wish to consider whether the allowed duration is reasonable for food vendors as well as adjacent property owners.



➡ This food truck rally in Royal Oak, Michigan, illustrates how a gathering of food trucks can activate an otherwise underutilized space.

retention and recruitment? Are there any areas in the community where the population is underserved by food choices? Planners can take these concerns to the community and invite residents and business owners to share their thoughts on where mobile food vending might be appropriate and desirable.

Some communities make a distinction between vending on public property, which often requires a license but is not regulated by zoning, and private property, which often requires a temporary use permit and is regulated by the zoning ordinance. When permitted on private property, zoning standards should require evidence of property owner approval.

at school release times) to limit the sometimes nutritionally challenged food choices available (2012). Woodland, California, prohibits mobile food vending within 300 feet of a public or private school, but will allow them on school property when approved by the school (§14-15). It a different twist, the Minneapolis Public School System introduced a food truck program this year to offer free nutritious meals to students during the summer months at four different sites in Minneapolis (Martinson 2013).

### Duration

The length of time food trucks are permitted to stay in one place varies widely by commu-

### Goods Available for Sale

Some communities, like College Station, Texas, are very specific that the goods sold from mobile vending to be food related (§4-20). This is often borne of a desire to start with mobile vending on a limited basis to gauge its impact. As mobile food trucks become more prevalent, surely people will explore the ideas of starting other types of businesses in this format. Communities may wish to consider the questions raised earlier about location and assess whether or not it makes sense to allow other goods in addition to food to be sold in designated areas. For example, Ferndale, Michigan, allows a variety of wares to be sold by a mobile

vendor, including apparel, jewelry, household goods, and furnishings (§§7-73–82). That might be just the place for book publisher Penguin Group (USA) to take its recently introduced first mobile bookstore, which aims to make books accessible where big box retailers aren't located (Edsall 2013).

### Number of Units in One Location

Some communities that are getting on board with mobile food vending have started allowing them to congregate for certain events and activities. For example, Royal Oak, Michigan, started a food truck “rally” at their indoor farmers market during colder months. It is a good way to utilize the facility as well as provide entertaining food options for city residents. It has now become a great family event every month year-round, with musical entertainment, bouncy houses, and face painting. The city limits the rally to no more than 10 different trucks with a variety of cuisine for the whole family.

units to function on private property as a single business. To address potential negative impacts, each mobile food court must have its own on-site manager, who is responsible for the maintenance of the area (§5.406).

### Trash

The type of standards for trash removal and upkeep will vary depending on the location and duration of the vending. Most communities require waste receptacles for every mobile food vending unit and some further require waste to be removed from a site daily. Keep in mind that where communities allow seating along with the mobile food unit, people will generate more trash on-site than in situations where there is no seating provided and people take their food (and trash) to go.

### Hours of Operation

Some communities limit hours of operation to around lunchtime (e.g., 10:30 a.m. until 3:30

trucks on private property, communities typically require the vendor to ensure that there is sufficient parking available for its use and any other uses on the site, including the space taken up by the unit itself. Some cities allow public parking areas to be utilized for food trucks, and may even allow metered parking spaces to be used provided the related meter fees are paid. For example, Minneapolis allows a mobile vendor to park at no more than two metered spaces, as long as they are not short-term spaces and are not located within 100 feet of an existing restaurant or sidewalk cafe—unless the restaurant owner gives consent (§188.485.c.7).

### Licenses and Permits

Most communities require permits or licenses regardless of whether the trucks operate on public or private property. It is also common for the community to reference compliance with other codes, particularly state or local health codes. These other codes can impact how trucks operate. For example, California's

Health and Safety Code requires trucks to have hand-washing stations if food is prepared in the truck, but does not require them on trucks selling only prepackaged foods like frozen desserts (§114311).

Some communities cap the number of licenses available for food trucks to limit their impact, but many others do not. Grand Rapids

requires a temporary use permit, subject to planning commission approval, and gives standards for consideration (§5.9.32.K.18), including an assessment asking “[w]ill the proposed stand, trailer, wagon or vehicle contribute to the general aesthetic of the business district and include high quality materials and finishes?”

### Site Amenities

Some communities specify that no tables or chairs are permitted, or if they are, then sanitary facilities are also required. There may be flexibility in the permitted arrangements for such facilities (for example, having permission to use such facilities within a reasonable distance of the mobile unit). Frisco, Texas, prohibits connections to po-



Site amenities like tables and chairs are often easier to accommodate on private property than in a public right-of-way.

According to Market Master Shelly Mazur, “It’s nice to be able to offer a family-friendly event in a climate-controlled building with renovated bathrooms and seating.”

On the other hand, in its 2010 ordinance, the city of Zillah, Washington, banned mobile food vending altogether, declaring it a “nuisance,” and finding that “when mobile vendors congregate in the same area, the heightened intensity of use negatively impacts the surrounding area, particularly by increased trash” (§8.32). Fort Worth tackled this issue head-on, defining a group of food trucks as a “mobile food court” when two or more mobile vending units congregate. They allow these

p.m.), and others allow sales from early in the morning to late in the evening (e.g., 7 a.m. until 10 p.m.). Some communities place no time limits on these operations in the zoning regulations. Again, consider where these units will be permitted and the potential conflicts with adjacent uses.

### Parking and Circulation

Given the mobility of these vendors, they by necessity are typically located in parking areas. Whether in public spaces or a private parking lot, it is important to ensure sufficient parking for existing uses to prevent an undue burden on bricks-and-mortar establishments. For food



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table water, requiring mobile food vendors to store their water in an internal tank. The city also requires vendors to be located within 50 feet of an entrance of a primary building, and drive-through service is expressly prohibited (§3.02.01.A(20)). King County, Washington, requires that all mobile food vending in the county be located within 200 feet of a usable restroom (§5.34).

### Signage

Some communities use their existing sign regulations, but others tailor standards for mobile units. In Michigan, both Grand Blanc Township (§7.4.9.F) and Kalamazoo (§§25-63–68) allow one sign on the mobile vending unit itself, but do not allow any other signage. This is fairly common. In many cases, the truck itself essentially functions as one big sign with colorful graphics. Additionally, many mobile food vendors now use social media to get out the word regarding the time and place they will set up shop, potentially reducing the need for additional signage beyond that on the unit itself.

### Lighting

Lighting is not as commonly addressed as other issues, especially if a mobile food vending unit is located in an existing developed area, but it is likely presumed that other applicable lighting requirements appropriate to the location are to be followed. Consider adjacent uses and the impact of light trespass and glare. For example, Grand Blanc Township requires mobile food vending units to be lit with available site lighting. No additional exterior lighting is allowed unless permitted by the zoning board of appeals upon finding that proposed exterior lighting mounted to the mobile vending unit will not spill over on to adjacent residential uses as measured at the property line (§7.4.9.F.10).

### TESTING, FOLLOW-UP, AND ENFORCEMENT

One of the nice things about mobile food vending is that it is really easy for a community to put a toe in the water and test the impact of regulations on mobile food vendors, other community businesses, and the public, and to adjust the regulations

as appropriate. The Metropolitan Government of Nashville-Davidson County, Tennessee, initiated a test phase beginning April 2012 that will provide evaluative data for a successful mobile food vendor program. The program will initially be operated under a temporary permit issued by the Metro Public Works Permit Office for two specified zones, the downtown core and outside of it. Oakland, California, has a pilot program for "Food Vending Group Sites," defined as "the stationary operation of three (3) or more 'mobile food vendors' clustered together on a single private property site, public property site, or within a specific section of public right-of-way" (§5.51).

Before embarking on extensive zoning rewrites, review the suggested considerations with the community to anticipate and plan for appropriate ways to incorporate this use in a reasonable way. Mobile food vending is on the rise all over the country, from urban sites to the suburbs. When regulated appropriately, mobile food vending can bring real benefits to a community, including jobs, new businesses, fresh food, and vitality.

Cover image by Rodney Arroyo; design concept by Lisa Barton

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## **Municipal Guides**

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# Food Truck Guide

A Multi-Departmental Guide

## Food Truck Businesses

Updated 06.21.2012

### What is a Food Truck?

A Food Truck, or Mobile Retail Food Vendor/Establishment is a readily movable, motorized wheeled vehicle, or a towed wheeled vehicle, designed and equipped to serve food.

### Where can I place a Food Truck and what do I need before operating a Food Truck?

	Parked on the street	Parked on private property	As part of a larger public event	Parked in a public park
Allowed?	■	■	■	See page 2
Business License Required?	■	■	■	■
Permit Required?	Permit may be required, see page 2	■ Two exceptions	■	■
Conditions on location and operations	See page 2	See page 3	See <a href="http://www.denvergov.org/artsandvenues">www.denvergov.org/artsandvenues</a>	In association with an event (see page 2)

### ALL FOOD TRUCKS - Business License

To operate a Food Truck, a business license is required under the class of "Retail Food Establishments, Restaurant Mobile." The Denver Environmental Health Dept. requires that all Food Trucks, or mobile units, operate in conjunction with a commissary kitchen or other licensed kitchen. Commissary shall mean an approved catering establishment, restaurant, or other approved place in which food, containers or supplies are kept, handled, prepared, packaged or stored.

#### What you need to get approved...

- Pass required inspections:
  - Denver Environmental Health
  - Denver Fire Department (If propane used on truck)
- A completed Affidavit of Commissary form. Applicants need to contract with a local commissary, or may use their own approved commercial kitchen if they have one.
- Zoning use permit for where vehicle will be stored, if in the City and County of Denver.

#### How to get approved...

- Apply in person at Denver Excise and Licenses
- Submit required documents:
  - Need valid Colorado identification
  - Complete general business questionnaire
- Pay fees:
  - Application fee: \$200.00
  - License fee (per year): \$125.00
- Schedule a licensing inspection with the Denver Department of Environmental Health (DEH). Licensing inspections are conducted between 9 a.m. - 11 a.m. every Wednesday.
- Upon completion of a satisfactory inspection, DEH shall approve the affidavit and the applicant shall return the signed documents to Excise and Licenses to receive a license.

#### More info...

Denver Excise and Licenses  
[www.denvergov.org/exciseandlicenses](http://www.denvergov.org/exciseandlicenses)  
201 West Colfax Ave  
Room 2.H.9  
Denver, CO 80202

Denver Environmental Health  
[www.denvergov.org/phi](http://www.denvergov.org/phi)  
201 West 14th Ave  
Suite 200  
Denver, CO 80204

#### References:

Denver Revised Municipal Code:  
Definitions: Section 23-2 (23)  
Regulations: Section 23-51  
Fees: Section 32-106.5

## FOOD TRUCK PARKED ON THE STREET - Department of Public Works

### You can park for vending on any street, with the following exceptions:

- Within 20' of an intersection when making a sale or attempting to make a sale
- Any street, alley or public right-of-way within the central business district defined by ordinance (see map below)
- Food Trucks are prohibited from parking within 300' of a public park or parkway unless permission has been granted as part of, or in association with, a festival or contracted event that is permitted by the Denver Department of Parks and Recreation.

### What rules apply...

- All parking rules must be followed. For example, you cannot double park or park at a meter without paying the required fee. If a parking meter is bagged for a special event, you can only park there if authorized by the event
- If selling ice cream as more than 10% of the gross income from the food truck, you cannot sell on any arterial street, collector street or laned highway. (See street types at [www.denvergov.org/LUTP/FunctionalClassification/tabid/390275/Default.aspx](http://www.denvergov.org/LUTP/FunctionalClassification/tabid/390275/Default.aspx))
- Cannot sell to any person who is standing in the street
- Cannot place anything, including chairs, tables, and signs on a public sidewalk or in the street

### More info...

Denver Public Works  
[www.denvergov.org/publicworks](http://www.denvergov.org/publicworks)  
 201 West Colfax Ave  
 Dept. #507  
 Denver, CO 80202

### References:

Denver Revised Municipal Code  
 Chapter 54, Article XII, Section 54-675

Food Trucks are not allowed in the area below:



## FOOD TRUCK IN A PUBLIC PARK - Permit from Denver Parks and Recreation

Food trucks are not allowed within a park or within 300' of a park or parkway unless associated with a festival or special event. If associated with a festival or special event, food trucks must obtain permission from festival or special event organizers and obtain a permit from Denver Parks and Recreation.

### More info...

Denver Parks and Recreation  
[www.denvergov.org/parksandrecreation](http://www.denvergov.org/parksandrecreation)  
 201 West Colfax Ave  
 2nd Floor  
 Denver, CO 80202

## FOOD TRUCK ON PRIVATE PROPERTY - Zoning Permit from Denver Development Services

Zoning allows licensed Food Trucks as summarized below:

If operating for more than 30 minutes at a location...

### Where they are allowed...

- All S-CC, S-MX, E-RX, E-CC, E-MX, C-MX, Industrial and OS-B zone districts ([www.denvergov.org/zoning](http://www.denvergov.org/zoning)).
- Allowed in all Downtown zone districts except Golden Triangle, Arapahoe Square and Civic zone districts (D-GT, D-AS, D-CV)
- Not allowed in Residential zone districts

### What you need to get approved...

- A zoning permit is required. The use type is "Retail Food Establishment, Mobile"

### What rules apply...

- Hours:
  - May only operate up to 4 consecutive hours each day per zone lot
  - May operate between 8 a.m. and 9 p.m. only
- Location:
  - Operations are prohibited on undeveloped zone lots and zone lots with unoccupied structures or unpaved surfaces.
  - Only 1 allowed per zone lot
  - Must be 200' from any eating and drinking establishment
  - Must be 200' from any other food truck
  - Must be at least 50' from any Residential zone district
- Other siting, signage and waste disposal standards apply

### How to get approved...

- Apply in person
- Pay fees:
  - Permit (good for 1 year): \$50
  - Annual renewal: \$50

If a special event, such as a group of food trucks at one location...

### Where they are allowed...

- Most zone districts ([www.denvergov.org/zoning](http://www.denvergov.org/zoning))

### What you need to get approved...

- Zoning permit is required. The use type is "Bazaar, Carnival, Circus or Special Event"

### What rules apply...

- Days:
  - Max of 12 consecutive days
  - At least 90 days between events at same location
- Hours: 9 a.m. to 11 p.m.
- If in a Residential zone district, must be a nonprofit or governmental entity only

### How to get approved...

- Apply in person
- Pay fees:
  - Permit: \$10 per event

If operating for less than 30 minutes at a location...

### Where they are allowed...

- All zone districts

### What you need to get approved...

- No zoning permit is required

If providing catering services, and no general sales to the public, as part of a private party...

### Where they are allowed...

- Allowed as an accessory use in all zone districts

### What you need to get approved...

- No zoning permit is required

### More info...

Denver Development Services  
Email: [development.services@denvergov.org](mailto:development.services@denvergov.org)  
201 West Colfax Ave  
Dept. #203  
Denver, CO 80202

### References:

Denver Zoning Code  
[www.denvergov.org/zoning](http://www.denvergov.org/zoning)  
Article 11, Section 11.11.14, Retail Food Establishment, Mobile  
Definition: Article 13, Section 13.3





**TO:** Planning Department customers

**SUBJECT:** Customer Bulletin #104 – Mobile Food Establishments

**DATE:** February 11, 2013, *last revised May 17, 2013 – adding section 4 to the document*

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The purpose of this Customer Bulletin is to inform customers of existing City Code provisions allowing for a mobile food establishment as a temporary use within the City Limits and related County and State requirements for this type of business. These policies shall be used on an interim basis until such time that the Unified Development Code (UDC) is amended to further specify this use.

On May 11, 2010 the UDC was amended to include a temporary use provision for “Mobile or Outdoor Food Vendor.” Another city code section addresses itinerant merchants. An itinerant merchant, by definition in Section 6.50.010, last amended in 2005, does not include a use permitted by as a temporary use in the UDC and therefore does not apply to mobile food vending.

*Itinerant merchant means any person who exhibits, displays, sells or offers for sale any “Commodity” from a “Stand” located on public or private property or on the “Streets” of the City of Georgetown. This definition does not include:*

- (i) A door-to-door “peddler” or “solicitor” as defined in Subsections [CHAPTER 6.16. - PEDDLERS AND SOLICITORS](#) (A) or (B) of the City Code of Ordinances,
- (ii) Activities authorized by an “Event Permit” issued pursuant to [CHAPTER 12.24. - EVENTS AND CELEBRATIONS](#) of the City’s Code of Ordinances; or
- (iii) “Temporary uses” permitted pursuant to <https://udc.georgetown.org/files/2008/10/UDC-122011-Chapter-5-Zoning-Use-Regulations1.pdf> of the City’s Unified Development Code.

### **1. Unified Development Code provisions**

As provided in UDC Sections 3.11 and 5.08, the City may permit mobile or outdoor food vending within the City Limits in the C3, BP, IN, PF, MUDT and MU zoning districts. To determine the zoning on a particular piece of property you may use the online zoning district map at <http://maps.georgetown.org/interactive-maps/>. As you identify a viable location, please note that commercial business activities are prohibited within city parks with the exception of those approved through exclusive contracts for concessionaires and youth groups at athletic facilities.

UDC Section 16.02 provides the following definition: “Mobile or Outdoor Food Vendor. A vehicle-mounted food service establishment that is designed to be readily movable, including push

*carts, mobile kitchens, hot dog carts, pretzel wagons, etc. Foods are limited to prepackaged or commissary prepared food unless the unit is equipped and approved by the County Health District (WCCHD) to handle food preparation. Any unit that requires direct hand contact with food shall have a hand washing sink."*

The UDC provides several general criteria to evaluate the appropriateness of a request for any Temporary Use:

- Land use compatibility.
- Compliance with other regulations, such as fire code, plumbing code, electric code and similar public safety standards.
- Duration – the request should indicate the proposed time period. The duration period shall not exceed 90 days as indicated in subsection 3.11.030 (C), however a request may be renewed after 90 days for a site without unresolved code violations.
- Traffic circulation.
- Off-street parking.
- Public conveniences and litter control – including access to restroom facilities for both employees and customers, disposal of waste and cooking by-products.
- Appearances and nuisances.
- Signs.
- Any additional conditions to minimize potential impacts.

Minimum items specifically related to mobile food establishment that must be addressed include:

- Location.
- Days/hours of operation.
- Access to a permitted commissary for food storage, preparation and disposal.
- On-site waste management, including City Code Section 8.12 available online at: [CHAPTER 8.12. - FOOD SANITATION](#)
- Parking and placement – include in the conceptual site plan the location of all-weather surfaces compliant with Texas Commission on Environmental Quality (TCEQ) standards for the food vendor and customer parking as well as ADA compliant access. Any outdoor deep fryers, grills or smokers shall be placed on an all weather surface. Shared parking may be considered pursuant to the procedures outlined in Customer Bulletin #105 <https://planning.georgetown.org/files/2013/04/Bulletin-105-Shared-Parking-Agreements.pdf>
- Utilities – conceptual site plan shall indicate a locations of electric, gas, water, and sewer sizing (indicate capacity) and paths of any cooking-grade hoses.
- Fire Safety:
  - \* Fire hydrant locations must be included on the conceptual site plan.
  - \* A fire inspection shall be required for each food service vehicle/trailer.
  - \* See also attachment 1 titled Mobile Vendor Fire Safety Guidelines.
- Lighting locations must be marked on the conceptual site plan.
- Signage.
  - \* Additional sign limitations may apply in the downtown and historic districts.

- Restroom access – locations to be shown on the conceptual site plan; if unable to provide restrooms, an applicant may enter into an agreement with another property owner to provide restroom access for employees and customers.
- Property owner(s) authorization for temporary use.
- Insurance/indemnification.

A mobile food court that is a congregation of two or more mobile food establishments should include the following additional items within the conceptual site plan:

- Fire separations: a minimum of 20 foot separation between any permanent structure and the mobile food service vehicle/trailer and a 10 foot separation between each mobile food service vehicle/trailer.
- Fire lanes and apparatus routes.
- Hand washing stations (not just hand sanitizer).
- Food truck/trailer wastewater disposal – routes for any service vehicles.
- Wastewater disposal plan – note: cooking wastewater is not considered gray water and must be emptied daily in accordance with County and State law.
- Information on any proposed live entertainment, such as bands, DJs, music amplification, outdoor dancers and performers, singing wait staff and similar activities that might occur outdoors. A separate noise waiver permit may be required.
- Historic district appropriateness, if applicable.
- Location of any outside fryers, grills or smokers, which require an all-weather surface and therefore are included in impervious cover calculations.
- Location and dimensions of ADA compliant publically accessible routes of ingress/egress to each mobile vending unit.

The above listed items are provided as a courtesy. Each individual mobile food site must be reviewed by the City's Planning staff to ensure land use compatibility, public safety and mitigation of potential adverse impacts in the spirit of the current, adopted Unified Development Code and the 2030 Comprehensive Plan.

## **2. Temporary Use Procedures:**

- The Temporary Use Permit Application for a mobile food establishment shall be submitted to the Planning Department in conformance with the provisions in the Development Process Manual, which is available online at <https://udc.georgetown.org/files/2008/10/Application-Checklists-Subdiv-thru-Z-Jan-2013.pdf> . As indicated in the Manual this includes a Conceptual Site Plan prepared to scale.
- A separate Temporary Use Permit Application is required for each and every location of a mobile food establishment. A congregation of multiple mobile food establishments in a "mobile food court" may be permitted on one property pursuant to a Temporary Use Permit, provided that each individual mobile food establishment fulfills the permit requirements described in Section 3 of this Bulletin (below) and a site layout scheme is



submitted demonstrating conformity to the requirements outlined in this Customer Bulletin.

- Parking for a temporary use shall comply with Section 5.08 of the Unified Development Code, which includes a site plan. The application process for Site Plan approval may be found in the Development Process Manual available online at <https://udc.georgetown.org/files/2008/10/Application-Checklists-R-thru-Stormwater-Jan-2013.pdf>
- Authorization of use by the property owner(s) must be submitted in writing. The process to request permission to encroach into City property or City right of way is provided in the Development Process Manual <https://udc.georgetown.org/files/2008/10/Application-Checklists-A-thru-Q-Jan-2013.pdf>
- The current fee for a Temporary Use Permit is \$110 per request. The fee must be submitted at the time of the application. Any renewals are subject to the \$110 fee.
- Once submitted, the Temporary Use Permit will be routed to the appropriate staff for review in the City's Planning Department and Inspections Department (including fire, electric, engineering, plumbing, and utilities). After staff review, you will be notified that your request is approved, approved upon satisfaction of additional requirements/conditions, or that the request has been denied. Any resubmittals to address staff comments should be done comprehensively – specifically with corrections to plans to address deficiencies, notation changes and similar response comments. Partial submittals that piecemeal the comments to be addressed will not be accepted.
- If a request for Temporary Use is denied, an appeal may be filed with the Zoning Board of Adjustment subject to the UDC appeals procedures in Section 3.14 of the UDC.
- For additional information please contact [planning@georgetown.org](mailto:planning@georgetown.org) or call (512) 930-3575.

### 3. **Other Permitting Requirements:**

- a. **Trade Permits:** Please note that the Temporary Use Permit is specific to allowing the mobile food establishment at the location provided in the application, subject to the operating conditions in the approval. Such authorization of use should not be interpreted as approval of any improvements on the site. Any requests for buildings, fences, signs, electric connection, plumbing and related trade permits shall be submitted and reviewed by the city's Inspection Department in accordance with the existing permitting processes. For more information see <http://inspections.georgetown.org/> For additional information on required permits please contact [inspection@georgetown.org](mailto:inspection@georgetown.org) or call (512) 930-2550.

#### **Bathroom Requirement**

*The City of Georgetown has adopted the International Plumbing Code. Section 403.1 of the Plumbing Code establishes the minimum number of fixtures required for varying types of occupancy.*

- b. As referenced above, any paving of a site is subject to the Planning Department's site plan process.
- c. County Requirements: Pursuant to UDC Section 3.11.010 (H), a mobile or outdoor food establishment is also subject to City Code Section 8.12 which is available online at [CHAPTER 8.12. - FOOD SANITATION](#)

Specifically the City of Georgetown Code of Ordinances requires obtainment of all permits and operational requirements of the Williamson County and Cities Health District (WCCHD). The Williamson County application form for a Mobile Food Establishment (MFE) is available at:

[http://www.wcchd.org/docs/Mobile\\_Food\\_App\\_Procedure\\_070512.pdf](http://www.wcchd.org/docs/Mobile_Food_App_Procedure_070512.pdf) Please note the WCCD requirement that a permitted Central Preparation Facility (also known as a "Commissary") is required for food handling conducted by a MFE as well as a restroom facility requirement as well as compliance with all "local plumbing codes." The County's permitting guidelines are available online at [http://www.wcchd.org/docs/Unrestricted\\_Mobile\\_070512.pdf](http://www.wcchd.org/docs/Unrestricted_Mobile_070512.pdf). For more information on the WCCHD requirements please call (512) 943-3620.

Numerous mobile food commissaries operate in the Greater Austin metropolitan area that provide cold or dry storage, ovens, stoves, mixers, refrigerators, freezers and preparation areas as well as facilities to dispose of gray water, grease and other waste. Commissaries are privately operated business enterprises and therefore the City of Georgetown cannot exercise any favoritism to recommend one facility over another.

- d. State requirements: As provided in the WCCHD requirements, MFEs shall also comply with Texas Administrative Code Title 25, Part 1, Chapter 229, Subchapter K, Rule 229.169 which may be viewed online at <http://bit.ly/Sosstate>. Subsection (b) of this rule further specifies the commissary requirements of mobile food vending.
- e. Alcohol sales: Alcohol sales affidavits must be routed through the City Secretary's Office using existing Texas Alcoholic Beverage Commission (TABC) procedures. With the exception of alcohol sales permitted for special events, in accordance with TABC Title E, Chapter 11, alcohol sales may only be permitted at buildings at permanent locations. Among the various State requirements is a requirement that licensed alcohol sales establishments comply with the Americans with Disabilities Act (ADA). Due to the various State provisions, alcohol sales cannot be permitted as a temporary use with a mobile food establishment however, an interested party may pursue building permits to establish a restaurant or bar through existing avenues. For more information on State alcohol sales requirements you may contact the local TABC office at (512) 451-0231.

#### **4. Exceptions:**

The Planning Department's Temporary Use Permit procedures described in Sections 1 and 2 above of this Customer Bulletin shall not apply to the situations described in subsection a, b

or c below, however, the provisions of section 3 above titled "Other Permitting Requirements" shall still apply:

- a. Food vendors associated with special events. See [CHAPTER 12.24. - EVENTS AND CELEBRATIONS](#) of the City's Code of Ordinances
- b. Seasonal product sales, such as Snow Cone vendors, as defined in Chapter 16 of the Unified Development Code provided that all licenses and permits are obtained from the Williamson County Health District. Seasonal uses are permitted as Temporary Use Permits by the City of Georgetown Inspections Department.
- c. Mobile vendors that operate exclusively within public rights of way that do not park or stand at one location, such as an Ice Cream Truck, provided that the vehicle is properly licensed and inspected and all licenses and permits are obtained from the Williamson County Health District, the State of Texas and further provided that the vehicle is operated and maintained in accordance with all applicable motor vehicle and transportation codes.

#### **5. Summary:**

This Customer Bulletin has been prepared as a courtesy for Department customers to describe existing code provisions and permitting requirements for mobile food establishments. This bulletin will periodically be reviewed and updated to reflect changes to the permitting requirements, new technologies and will be superseded at such time that a new ordinance is adopted relative to mobile food establishments. This informational Bulletin in no way replaces or supersedes any ordinance, order or regulation adopted by the City of Georgetown, Williamson County or the State of Texas.

## **MOBILE VENDOR FIRE SAFETY GUIDELINES**

### **LPG, PROPANE**

Food Truck – Maximum of 200 gallons LPG located in an ASME motor fuel cylinder within a vented compartment and located in front of the rear axle and behind the front axle.

Food Trailer – Maximum of 200 gallons LPG located outside but mounted upon the trailer.

- LPG cylinders shall not exceed 100 pounds.
- LPG cylinders shall have an approved label and listed shut-off valve.

(All LPG requirements follow the requirements as provided for by the Texas Railroad Commission)

### **COOKING**

- Food trucks/trailers which perform cooking operations which produce grease laden vapors shall be provided a Type 1 kitchen hood with ventilation.
- Type 1 kitchen hoods shall be protected by a UL300 or UL300A fixed fire extinguishing system. Fixed fire extinguishing systems shall be currently inspected by a Texas licensed fire extinguisher company.
- All cooking appliances shall be of an approved type, listed and labeled for the use intended.
- Appliances shall be installed in accordance with the manufacturer's installation instructions.
- Coleman stoves or equivalent are prohibited.
- Cooking appliances shall have an approved, labeled and listed on-off valve.
- LPG piping shall be of an approved, labeled and listed type for use with the cooking appliances. Rubber type hoses shall not be allowed. All piping shall be in accordance with NFPA 58 and shall be protected against physical damage.
- Hot water tanks or water heaters shall be installed in accordance with the International Plumbing Code and manufacturer's installation instructions and shall include venting of the tank.
- All LPG cylinders shall be protected from damage and secured upright.
- There may be no storage of LPG cylinders inside trucks and/or trailers.
- All valves must be turned off when appliances/cylinders are not in use.
- Prior to initial use, all connections must be tested (may be done with a soapy solution).
- Solid fuel cooking is prohibited.

### **FIRE PROTECTION**

- At least one portable fire extinguisher with a minimum of 18 pounds of dry chemical of the ABC rating shall be provided for the protection of the LPG. The extinguisher shall be accessible and shall be inspected yearly by a Texas licensed fire extinguisher company.
- At least one portable fire extinguisher of the 2A10B:C rating shall be accessible to the interior of the food truck/trailer. The extinguisher shall be inspected yearly by a Texas licensed fire extinguisher company.
- Fixed fire extinguishing systems shall be accompanied by a compatible Class K portable fire extinguisher. The Class K portable fire extinguisher shall be inspected yearly by a Texas licensed fire extinguisher company.

#### **ELECTRICAL**

- Extension cords shall not be utilized. Appliances shall be plugged directly into electrical outlets.
- All electrical outlets with 6 feet of a wet location shall be ground fault circuit interrupter (GFCI) protected. All exterior outlets shall be GFCI protected.

#### **HOUSEKEEPING**

- Trash containers should be emptied regularly.
- Clean all cooking surfaces regularly to prevent the build-up of grease.

#### **ADDITIONAL SAFETY TIPS**

Know where the fire extinguisher is located and how to use it.

Don't leave food cooking unattended.

Don't wear loose-fitting clothing when cooking.

In case of an emergency, call 9-1-1.

For more information on Fire Safety requirements please contact Don Jansen, Fire Code Plans Examiner for City of Georgetown, (512) 930-8453.



# Planning & Development

October 2011

## Food Truck - Quick Reference Guide



Mobile food trucks are permitted on private property in the City of Raleigh provided certain standards are met. Proper zoning must be in place, certain development standards must be met, and appropriate permits must be issued. This is a user-friendly guide to assist in explaining the permitting process and regulatory framework around the use of food trucks. For a complete process description, please go to [www.raleighnc.gov](http://www.raleighnc.gov) and use the key word search "Food Trucks".

### Food Truck Description

A food truck is a licensed, motorized vehicle or mobile food unit which is temporarily stored on a privately-owned lot where food items are sold to the general public. Food trucks are permitted in several zoning districts:

1. Shopping Center
2. Neighborhood Business
3. Business
4. Thoroughfare District
5. Industrial-1
6. Industrial-2

To locate on a property in one of these zoning districts, the property must have a primary use. An example of a primary use would be a building with an active use, or an improved stand-alone parking lot. An unimproved grass or dirt lot is not a primary use. Food trucks may not conduct sales while parked on a public street. The only exception to this is when the City Council has approved a temporary street closing for a City-sponsored or neighborhood event.

### Required Permits and Licenses:

**1. Zoning Permit:** Provides specific information regarding the location of the food truck. The zoning permit must be signed by the property owner, and completed and submitted along with a site plan or plot plan. If a property owner has a property large enough to accommodate more than one food truck, only one zoning permit is required to be submitted showing the location of all food trucks.

**2. Food Truck Permit:** Allows operation of food truck in the City. Food truck permits must be submitted

with proof of a City business license, NC sales and use certificate, Wake County vending permit, and may require the approval of a City home occupation permit.

**3. Business License:** Allows vendor to operate a business in the City of Raleigh.

Copies of food truck permit, the zoning permit and site or plot plan for all sites of which the food truck has received owner approval for vending must be kept on the food truck at all times. Each of these permits must be renewed annually on July 1st.

### Maximum Number of Trucks per Property:

- For parcels less than a ½ acre in size, only one food truck is allowed on the property at the same time. Properties between ½ and 1 acre in size may have two food trucks at the same time.
- For parcels over 1 acre in size, a maximum of three food trucks are allowed on the property at the same time.
- Outdoor seating associated with a food truck is only permitted on lots at least two acres in size or greater.



## Food Truck Locations:

- 100 feet from the front door of any restaurant and/or outdoor dining area
- 50 feet from any permitted mobile food vending cart location
- 15 feet from any fire hydrant
- 5 feet away from any driveway, sidewalk, utility box or vault, handicapped ramp, building entrance or exit or emergency call box.

## Parking of Food Trucks:

The approved location for the parking trucks, as shown on the zoning permit, must be physically marked. The food truck parking space can be marked with paint, tape or any other easily identifiable material. Food trucks may not be parked in an approved location after hours of operation. (See below)

## Hours of Operation:

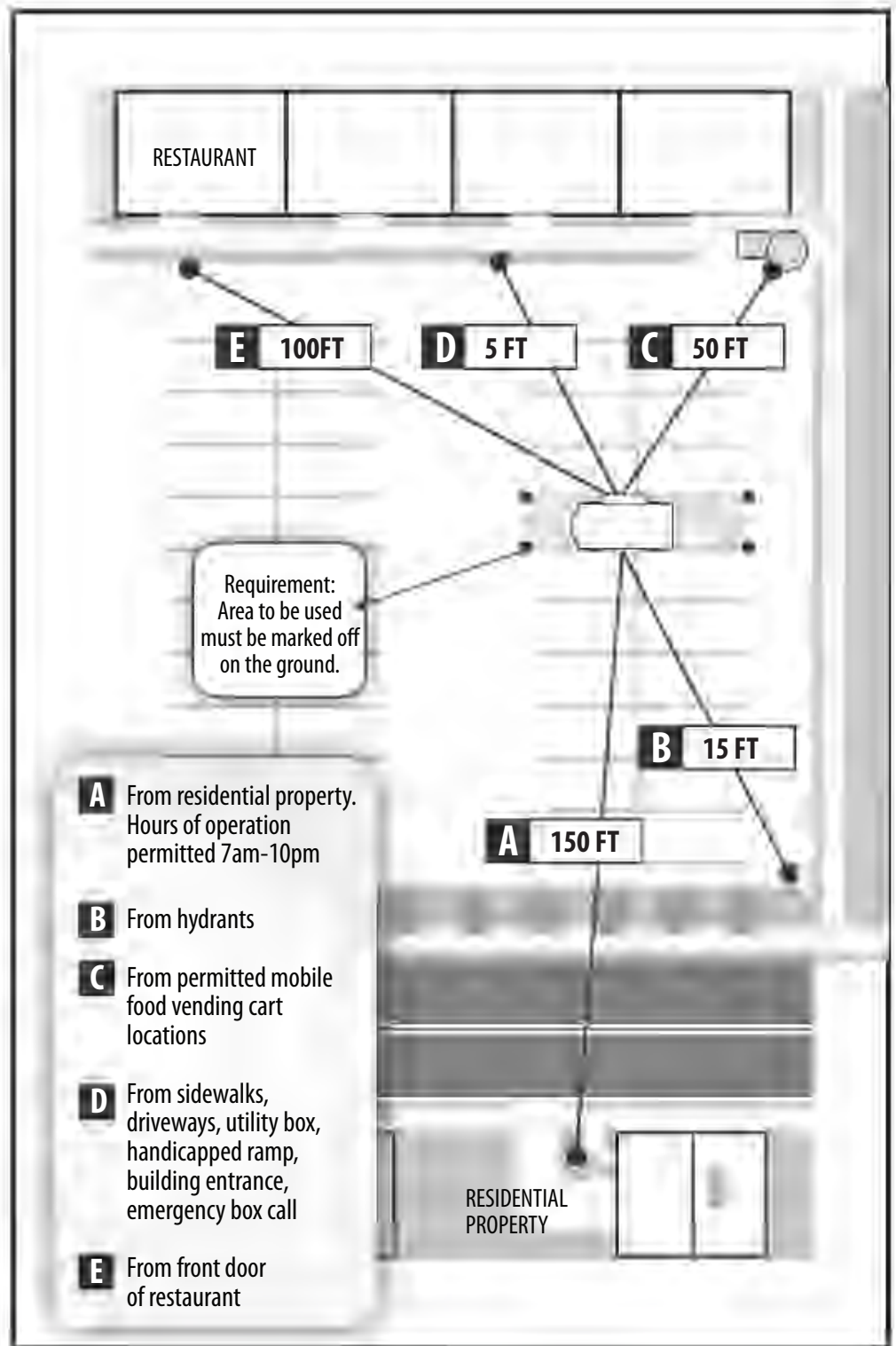
- 6 a.m. and 3 a.m. for food trucks in commercial locations
- 7 a.m. and 10 p.m. for food trucks located within 150' of a residential dwelling

## Prohibitions:

- No audio amplification
- No free standing signage
- City trash receptacles may not be used to dispose trash or waste
- All areas within 5 feet of the food truck must be kept clean
- Grease and liquid waste may not be disposed in tree pits, storm drains, the sanitary sewer system or public streets.
- Food trucks are all subject to the city-wide noise ordinance. Sound absorbing devices may be used to contain or deflect the noise from external generators.

## Violation of Zoning Ordinance:

- 1st offense - \$100 fine
- 2nd offense - \$300 fine
- 3rd violation will result in loss of permit



## Contact Information

Permit Issuance - City of Raleigh Development Services Division 919.516.2495  
Business License - City of Raleigh Revenue Services Division 919.996.3200  
Wake County Vending Permit – Wake County 919.856.5999  
North Carolina Sales Tax – North Carolina Revenue Department 1.877.252.3052



# Planning & Development



THE CITY OF SAN DIEGO

## HOW TO OBTAIN A PERMIT FOR A

# Mobile Food Truck

CITY OF SAN DIEGO DEVELOPMENT SERVICES  
1222 FIRST AVENUE, MS 301 SAN DIEGO, CA 92101-4101

INFORMATION  
BULLETIN

# 148

SEPTEMBER 2014

This information bulletin describes the approval process and submittal requirements for Mobile Food Trucks.

## I. MOBILE FOOD TRUCKS

Mobile food trucks are motorized vehicles from which food or drink (prepared on-site or pre-packaged) is sold or served to the general public, whether consumed on-site or elsewhere. They are retail food facilities and health regulated businesses subject to San Diego Municipal Code Chapter 4, Article 2, Division 1 and Land Development Code (LDC) Section 141.0612.

Other types of commercial service or vending from vehicles are not provided for by citywide zoning and are subject to the prohibitions and regulations in Chapter 5, Article 4, Division 1.

## II. APPROVALS REQUIRED

**A.** Mobile food truck operators shall obtain a Health Permit from the County of San Diego (San Diego County Code - Title 6, Division 1).

**B.** Mobile food truck operators shall maintain a valid business tax certificate issued by the City Treasurer. (Non-profits are exempt).

**C.** Most operations are exempt from a City permit. However, property owner authorization is required for any mobile food truck activity on private property, regardless of whether or not a permit is required. In accordance with SDMC Section 141.0612(f), no City permit is required for the following:

1. Operations within the public right-of-way in accordance with SDMC Section 141.0612.
2. Operations in industrial zones or commercial office zones.
3. Operations on the property of a school, university, hospital, or religious facility with the written consent of the property owner or authorized school official.
4. Operations in RM-3, RM-4, and RM-5 zones in association with a multiple unit development with 16 or more dwelling units with the written consent of property owner or authorized leasing office.
5. Operations serving an active construction site.
6. Catering of a private event as an offsite delivery service or in accordance with the limitations in SDMC Section 141.0612(d).

**D.** A Mobile Food Truck Permit issued by the Development Services Department (DSD) is

## Documents Referenced in this Information Bulletin

- San Diego Municipal Code, ([SDMC](#))
- [Information Bulletin 122](#), How to Prepare a Site Plan and Vicinity Map
- Mobile Food Truck Permit Application, [DS-210](#)

required for mobile food truck operations on private property in certain areas with high pedestrian and vehicle activity, except where the mobile food truck operations are exempt from a City permit by SDMC Section 141.0612(f). One permit can cover multiple trucks on a single property.

**E.** A Special Events Permit issued by the Special Events Director is required for any mobile food truck operations that would result in the assembly of 75 people or more on public property. (See SDMC Section 22.4004).

**F.** Additional permit options:

1. A Temporary Use Permit may be requested for a seasonal or limited time event (maximum of two events per year) in a location the use would not be permitted per the underlying zone.
2. A Neighborhood Use Permit may be requested for approval to deviate from the requirements in SDMC Section 141.0612.

## III. LOCATIONS

**A. DOWNTOWN.** Mobile food trucks are permitted in a majority of downtown.

1. Approval from Civic San Diego is required to operate on private property (i.e. surface parking lots). Please contact Civic San Diego at (619) 235-2200 to obtain an approval stamp on the site plan prior to submitting a Mobile Food Truck Permit Application to DSD.
2. On-street mobile food truck operations are exempt from the requirement for a permit.
3. Daily operations are not permitted in the following special character areas, unless authorized as part of a special event:
  - a. Gaslamp Quarter Planned District.** The boundary is approximately 8 blocks located along 5th Avenue;
  - b. Little Italy Neighborhood NC Zone.** The boundary is approximately 6 blocks located along India Street;
  - c.** See Centre City PDO Figure 2 for the map.



**B. PARKING IMPACT OVERLAY ZONE.** Mobile food trucks must operate off-street in accordance with the underlying base zone. Refer to the City's Official Zoning Map to identify the base zone for a specified location. Locations where the PIOZ applies:

1. **Beach impact area (Map C-731).** The boundary is generally defined by the first 2-3 blocks adjacent to all coastal beaches.
2. **Campus impact area (Map C-795).** The boundary is generally defined by the areas immediately surrounding San Diego State University, University of San Diego, and University of California San Diego.

**C. PLANNED DISTRICTS.** In accordance with SDMC Section 151.0401, mobile food trucks may be approved in accordance with the City wide zone (SDMC Chapter 13) that most closely meets the purpose and intent of the applicable planned district zone in terms of permitted uses and intensity of those uses.

**D. AIRPORT LAND USE COMPATIBILITY OVERLAY ZONE.** Mobile food truck operations cannot exceed established limits on the number of people in a safety zone. See SDMC Chapter 13, Article 2, Division 15.

#### IV. SUBMITTAL REQUIREMENTS

This section identifies the documents and plans that are required:

##### A. Application

Provide one copy of the Mobile Food Truck Permit Application (DS-210).

##### B. Site Plan

Site Plan must be fully dimensioned, drawn to scale, and at least 11"x17" size. Provide one copy.

##### 1. Development Summary

Provide, in a table format, the following development summary information:

- a. The maximum number of mobile trucks being requested for approval.
- b. Legal description and Assessor Parcel Number(s) for the property on which the mobile food truck is proposed.
- c. Owner's name and address.
- d. The applicable zoning designation and all overlay zone designations.

##### 2. Site Plan

A dimensioned site plan drawing showing the general layout of the proposed mobile food truck area. See Information Bulletin 122 for example.

- a. The general layout and dimensions of the mobile food truck area.
- b. Street, curb, sidewalk, property lines.
- c. Building(s) footprint with tenant spaces labeled with square footage/use type.
- d. Sufficient detail to demonstrate that the vehicle and pedestrian circulation within parking areas are not blocked, dimin-

ished or in any way altered as a result of the mobile food truck operation area.

- e. Sufficient detail to identify a level, paved area of a minimum dimension of 35 feet by 15 feet for each mobile food truck that is proposed to operate at the same time on the property. The area shall not include any parking spaces that are reserved, encumbered, or designated to satisfy the off-street parking requirement of a business or activity that would operate at the same time as the mobile food truck.

##### C. Notice of Violation, (NOV).

Provide one copy of any NOVs issued at the property address.

#### V. SIGNAGE

No signage other than that exhibited on or inside of the mobile food truck may displayed.

Mobile food trucks are required to post the County certification sticker and a notice stating "*To report a violation, call City of San Diego Code Enforcement at (619) 236-5500*". (Three (3) inch font minimum).

#### VI. ELECTRICAL CONNECTION

A mobile food truck operating on private property may utilize an electrical connection to maintain power as needed to maintain food storage in accordance with the California Retail Food Code health standards. However, the connection shall be made in a manner that does not create a trip hazard or other public safety hazard.

#### VII. OPERATIONS MUST BE SELF CONTAINED IN THE VEHICLE

Outside tables, seating or shade canopies may not be placed in the public right-of-way. Such development may only be permitted by operating in a location on private property where no Mobile Food Truck Permit is required (i.e. industrial zones or on school property), or by obtaining a Neighborhood Development Permit that specifically provides for such development.

#### VIII. ALCOHOLIC BEVERAGE

No sales or service of alcohol shall be allowed by mobile food trucks.

#### IX. MOBILE FOOD TRUCK PERMIT FEE

The fee for a Mobile Food Truck Permit will vary based on the complexity of the site context and the time necessary for staff review. All fees are based on the adopted fee schedule as it currently exists or as may be amended. Existing rates:

General Plan Maintenance Fee.....	\$275.00
Mapping Fee.....	\$10.00
Plan Check (4-hr. max).....	\$125.00/hour
Records.....	\$20.00
Issuance.....	\$39.00



SAN FRANCISCO  
PLANNING  
DEPARTMENT

# FREQUENTLY ASKED QUESTIONS

## STREET FOOD

### Regulations for Mobile Food Facilities

Trucks, carts, and other similar vehicles that sell "street food" are considered to be Mobile Food Facilities (MFF's) under the Municipal Code. City regulations relating to MFF's were the subject of a substantial overhaul under Ordinance Number 297-10, which took effect on January 2, 2011. This FAQ is a guide for prospective MFF operators and other interested parties. It does not supersede or interpret the Planning Code or any other part of the Municipal Code.

Date:  
**JANUARY 2011**

This document provides a generalized discussion of the permitting process for MFF's which seek to operate on vacant lots, gas stations, and other unenclosed areas outside of the public right-of-way (i.e. not on streets or sidewalks).

**Inquiries regarding MFF applications on streets and sidewalks should be directed to the Department of Public Works' Bureau of Street Use and Mapping at (415) 554-5810. The Planning Department is not involved in any such applications.**

**Is the Planning Department the only City Agency I need to talk to?**

No. All MFF applications must be reviewed by [1] the Department of Public Health's Mobile Food Facility Program (available by phone at (415) 252-3825) and [2] if the MFF would contain any cooking, the Fire Department (available by phone at (415) 558-3303). Your business must also be registered with the Office of the Treasurer and Tax Collector. Further review may be required by additional agencies depending on the nature of your specific proposal. All required permits must be issued prior to commencing your operations.

**Can I operate on a property that someone else owns?**

Yes. However, in submitting an application to do so you are declaring under penalty of perjury that you have been authorized by the owner of the property to act as his or her agent.

**Do I need to know exactly where I want to operate?**

Yes. The City contains more than 70 different zoning districts, each with different regulations. The geographies of these districts are intricate and can vary from parcel-to-parcel even within a given block. As such, you will need to identify a particular parcel before your application can be reviewed. Additionally, you will need to identify the location of your MFF within the lot so that the Department can review your proximity to residential zoning districts as well as compliance with other Planning Code requirements.

## What rules will apply to me and what can I expect of the approval process?

There are two paths to lawfully establish an MFF. An applicant may select whichever path is more appropriate to his or her proposal.

1. **MFF as a permanent use.** Long-standing Planning Code provisions allow an MFF to be treated as if it were a bricks-and-mortar restaurant subject to conventional Planning Code provisions. These vary from zoning district to zoning district. For example, in mixed-use areas, an MFF may require a public hearing, neighborhood notification, or may be entirely prohibited. On the other hand, in the Downtown or industrial areas an MFF may be approved on an “as-of-right” basis without extensive public process.
2. **MFF as a temporary use.** Established as part of the recent overhaul ordinance, this path treats an MFF as an intermittent, non-permanent activity which can receive a renewable one-year authorization so long as the MFF is:
  - a. not located in residential zoning district,
  - b. not located in a building,
  - c. open for business only within the particular zoning district’s permitted hours of operation, and
  - d. is not physically on the property for more than either 3 days each week or, alternately, 6 days each week for a maximum of 12 hours a day.

Temporary MFF’s are subject to neighborhood notification requirements only if located in a Zoning District with notification requirements and: (1) all MFF’s on the property and their paraphernalia comprise more than 300 square feet, or (2) any part of the MFF or its paraphernalia are located within 50 feet of residential district.

## Which path is right for me?

This depends on the Zoning District in which the MFF is proposed and the nature of your particular proposal. However, many applicants will find it much faster and less burdensome to proceed as a temporary use.

## I want to operate inside a building or operate 7 days a week. What should I do?

If your application does not meet any of the requirements to be considered a temporary use, it can only be authorized as a permanent use.

## I need to go through neighborhood notice. What does this mean?

A site posting is required along with a 30-day mailed notice to owners and occupants of property within 150’ of the proposed location. During the 30-day period, interested parties can ask questions of you and the Department and, should concerns remain, can cause a public hearing to occur. At such hearing, if a concerned member of the public is able to demonstrate to the Planning Commission that extraordinary or unusual circumstances exist, the application may be modified or disapproved. More information is available in the “Section 311/312 Notification Application” on the Department’s web site ([www.sfplanning.org](http://www.sfplanning.org)).

## Where can I get more information? Should I do anything before filing my application?

We urge you contact the Planning Information Center (PIC) via telephone at (415)558-6377 or in person on the ground floor of 1660 Mission Street between Duboce and South Van Ness Avenues to discuss your particular proposal and the property in question. PIC staff will be able to verify zoning and identify any issues prior to the filing of an application.

## I’m ready to seek approval as a temporary use. What do I do first?

Complete and submit an application for a Temporary Use Authorization (TUA) to the PIC. TUA applications are available at the Department’s web site ([www.sfplanning.org](http://www.sfplanning.org)). A check will be required at the time of submittal to cover the application cost (discussed below). If you do not own the property, be sure that you have been authorized by the owner to act on his or her behalf.

## I’m ready to seek approval as a permanent use. What happens next?

If your application does not conform to the standards for a temporary use and/or you wish to seek authorization as a permanent use for other reasons, the permit process will vary depending on the zoning of the proposed location. Contact the PIC for additional information.

### Can I be approved to vend in a City park?

Sometimes. Because the City acts as a de-facto landlord in such cases, you will need to first obtain permission and comply with the rules and regulations of the Recreation and Parks Department (available by phone at (415) 831-2774). As with other applications, the proposal will be subject to review by the Planning Department for consistency with the Planning Code, with the exception that temporary MFF's in large parks are not subject to the same time limits applicable to temporary MFF's elsewhere.

### How do I operate in more than one location?

A separate application is required for each proposed location. Planning Department authorizations are tied to a piece of real property rather than a business or particular MFF.

### How much will the permitting process cost?

Fees for all Planning Department services, including review of TUA applications, can be found in our Fee Schedule which is available at the Department's web site at ([www.sfplanning.org](http://www.sfplanning.org)).

### How long will it take?

Temporary Use Authorizations are often approved over-the-counter. Authorizations for permanent uses, depending on the Zoning District in which the use is located and associated requirements, generally necessitate anywhere from one week to four months or more.

### Do I really need permits?

Absolutely. The Planning Code authorizes penalties of up to \$250 each day that a violation exists. This penalty is supplemented by those authorized under the Health, Building, Fire, and Public Works Codes.



**SAN FRANCISCO  
PLANNING  
DEPARTMENT**

#### **FOR MORE INFORMATION: Call or visit the San Francisco Planning Department**

##### **Central Reception**

1650 Mission Street, Suite 400  
San Francisco CA 94103-2479

TEL: **415.558.6378**  
FAX: **415 558-6409**  
WEB: **<http://www.sfplanning.org>**

##### **Planning Information Center (PIC)**

1660 Mission Street, First Floor  
San Francisco CA 94103-2479

TEL: **415.558.6377**

*Planning staff are available by phone and at the PIC counter.  
No appointment is necessary.*

## **Staff Reports**

- Louisville (Colorado), City of. 2014. "Agenda Item 8B: Ordinance No. 1665, Series 2014—An Ordinance Amending Title 17 of the Louisville Municipal Code to Define Food Trucks, Food Carts, and Mobile Retail Food Establishments and Adopt Regulations Addressing Their Allowed Operations Within Louisville." Staff Report, May 20.
- San Diego (California), County of. 2014. "Amendments to the Municipal Code and Local Coastal Program Related to Food Trucks." Report to the Planning Commission, January 9.
- St. Petersburg (Florida), City of, Development Review Commission. 2014. "LDR 2013-05: Text Amendment to Formally Recognize, Classify and Regulate Mobile Food Trucks Within the City Code." May 7. Also: Planning and Economic Development Department. 2013. "City File LDR 2013-05: Amendment to the Land Development Regulations ("LDRs"), Chapter 16, City Code of Ordinances." Staff Report to Development Review Commission, December 4.

**SUBJECT:**           **ORDINANCE NO. 1665, SERIES 2014 – AN ORDINANCE  
AMENDING TITLE 17 OF THE LOUISVILLE MUNICIPAL CODE  
TO DEFINE FOOD TRUCKS, FOOD CARTS, AND MOBILE  
RETAIL FOOD ESTABLISHMENTS AND ADOPT REGULATIONS  
ADDRESSING THEIR ALLOWED OPERATIONS WITHIN  
LOUISVILLE – 2<sup>ND</sup> Reading – Public Hearing (advertised *Daily  
Camera* 05/11/2014)**

**DATE:**               **MAY 20, 2014**

**PRESENTED BY:** **TROY RUSS, AICP, PLANNING AND BUILDING SAFETY**

**SUMMARY:**

This proposed Ordinance would amend Title 17 of the Louisville Municipal Code to define food trucks, food carts, and mobile retail food establishments; identify the zoning districts in the City in which such mobile food vendors could operate (all non-residential zone districts—except agricultural and open space zone districts—and the mixed use residential zone district); modify the City’s temporary use (special event) allowances to permit, under specified conditions, mobile food vendors in public parks and street right-of-ways; and allow ice cream vendors, food trucks contracted for private catered events, and food trucks associated with events reserved inside the Louisville Art Center in Memory Square Park to operate on public rights-of-way and public parks in residential districts.

**BACKGROUND:**

The popularity of food trucks, food carts, and mobile retail food establishments in Louisville has increased over the years. Historically, food truck and other mobile retailers’ requests have been limited to unique large scale special events, like Street Faire and the Taste of Louisville. However, the mobile food industry has evolved and many food truck operators have developed successful products and business models that are now attractive to many property owners and business operators in Louisville.

Land use permits and business license applications for food trucks increased significantly in 2013. Activity requests range from food trucks participating in familiar large scale special events, (like Street Faire and Movies in the Park), to food trucks serving small onetime events in residential areas (block parties) and commercial areas (special events), to daily operation of food trucks in the Colorado Technology Center (CTC).

The Louisville Municipal Code (LMC) provides staff with useful tools to ensure the safe and efficient operations of mobile food vendors. However, the LMC does not specifically recognize food trucks and other mobile retail food establishments nor does it recognize their unique operating characteristics. Staff believes some improvements to the LMC are necessary.

**CURRENT APPROACH**

Staff has historically classified these land use requests within Section 17.12.030 of the LMC as Use Group #35 - *Sales and repair of motor vehicles, outdoor sales and repair (appliances, retail goods, eating and drinking establishments, etc.), rental facilities.* The following requirements regulate Use Group #35 in the City of Louisville zoning districts:

<b>Zoning District</b>		<b>Yes</b>	<b>No</b>	<b>SRU</b>
Residential	All Categories		X	
Commercial Neighborhood	CN		X	
Commercial Community	CC			X
Commercial Business	CB			X
Mixed Use	R & CC		X	
Industrial	I			X
PCZD	Industrial			X
PCZD	Commercial	X		
PCZD	Residential		X	
Agriculture			X	

The use of a public park or street right-of-way for a food truck is possible through a temporary use (special event) permit. However, the current temporary use permits cannot be issued in the zoning districts which do not allow food trucks.

Special Review Use (SRU) permit requests are processed two ways in Louisville:

- 1) Administratively, by staff, if the use is less than 200 square feet and not adjacent to residential units; or,
- 2) Through public hearings before Planning Commission and City Council.

The following criteria must be met to receive a special review use permit (note: the first two criteria in **bold** are additional criteria necessary for administrative approval):

**LMC: Sec. 17.40.100 - Criteria and conditions for approval**

1. **The property upon which the proposed use is located is not contiguous to any residentially zoned property. Public right-of-way and private streets or alleys will not be considered when determining contiguity;**
2. **New building construction associated with the proposed special review use, whether for a new building or an addition to or expansion of an existing building, does not exceed 200 square feet;**
3. That the proposed use/development is consistent in all respects with the spirit and intent of the comprehensive plan and of this chapter, and that it would not be contrary to the general welfare and economic prosperity of the city or the immediate neighborhood;



4. That such use/development will lend economic stability, compatible with the character of any surrounding established areas;
5. That the use/development is adequate for internal efficiency of the proposal, considering the functions of residents, recreation, public access, safety and such factors including storm drainage facilities, sewage and water facilities, grades, dust control and such other factors directly related to public health and convenience;
6. That external effects of the proposal are controlled, considering compatibility of land use; movement or congestion of traffic; services, including arrangement of signs and lighting devices as to prevent the occurrence of nuisances; landscaping and other similar features to prevent the littering or accumulation of trash, together with other factors deemed to effect public health, welfare, safety and convenience;
7. That an adequate amount and proper location of pedestrian walks, malls and landscaped spaces to prevent pedestrian use of vehicular ways and parking spaces and to separate pedestrian walks, malls and public transportation loading places from general vehicular circulation facilities.

## RESEARCH

Staff researched three local ordinances: Boulder, Longmont, and Fort Collins. The food truck use allowances in those ordinances are summarized below:

Zone District	Boulder		Longmont		Fort Collins	
	On Private Property	In Public ROW	On Private Property	In Public ROW	On Private Property	In Public ROW
Residential	Not allowed	Allowed with City Manager Approval	Not allowed	Not allowed	Not allowed	Not allowed
Office	Not allowed	Yes – with a Permit	Allowed	Yes – with a Permit	Allowed	Yes – with a Permit
Retail	Allowed if certain Conditions met	Yes – with a Permit	Allowed	Yes – with a Permit	Allowed	Yes – with a Permit
Mixed Use	Allowed if certain Conditions met	Yes – with a Permit	Allowed	Yes – with a Permit	Allowed	Yes – with a Permit
Industrial	Allowed if certain Conditions met	Yes – with a Permit	Allowed	Yes – with a Permit	Allowed	Yes – with a Permit
Agriculture	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed
Park	Yes – with a Permit	N/A	Yes – with a Permit	N/A	Yes – with a Permit	N/A



Each of these cities also has specific performance standards that must be followed with each land use application. A complete list of performance criteria is included as an attachment to this report. In summary, the performance standards relate to the following categories:

1. Business licensure
2. Health and public safety
3. Site design criteria (parking, circulation, site lines, etc...)
4. Spatial relationships with established restaurants and other food vendors (Longmont – 250'-500'; Boulder 150', Fort Collins – no distance)
5. Operational characteristics (hours, noise, advertising, etc...)

**STAFF ASSESSMENT:**

Staff believes the City's current special use criteria provide City Council powerful tools to ensure a special use permit for a food truck or outdoor food sales operation would work within any specific zone district. Four of the five criteria provide staff and potential applicants clear understanding of the City's performance expectations. However, staff believes the LMC should be amended to clarify the City's expectations related to the second SRU criterion:

*"That such use/development will lend economic stability, compatible with the character of any surrounding established areas:*

This criterion may be met in certain locations, but may not necessarily be met in others. For example, food trucks may lend economic stability in an area that is void of food options, but they may disrupt economic stability in an area with existing eating options. At the present time the determination of economic stability is made on a case-by-case basis. This case-by-case review does not provide a land owner, or business operator certainty as to whether or not they will be able to operate a food truck on a certain property, or whether or not a food truck could operate next door to their business.

Staff recommends developing more formal location criteria for food trucks and outdoor mobile food sales operations. Updates to the LMC are necessary to meet the new realities of the mobile food industry. Staff believes the use of clear spatial relationships and operational guidelines, along with public input, will provide City Council the tools necessary to distinguish between probable economic benefit and liability with the surrounding businesses.

**PROPOSED AMENDMENTS TO TITLE 17**

The attached proposed Ordinance would amend Title 17 of the LMC to define food trucks, food carts, and mobile retail food establishments and modify their allowed operation within Louisville.

In summary, staff added definitions of alternative mobile food retailers and created a new *Use Group #35a - Mobile retail food establishments, mobile food vehicles and mobile vending carts*. These definitions and use classifications identify the zoning districts in the City in which mobile food vendors could operate. With the exception of the agricultural and open space zone districts, staff recommends all non-residential zone districts and the mixed use residential zone district allow mobile food vendors.

Additionally, the ordinance modifies the City's temporary use (special event) allowances to permit mobile food vendors in public parks and street right-of-ways. Such requests would require a special event / temporary use permit application and the operation would only be allowed to occur up to 30-days a year, with no more than 5 consecutive days at any one time. With the exception of the open space zone district, the proposed ordinance would allow mobile food vendors on public right-of-way to occur in all non-residential zone districts, including the agricultural zone district, and the mixed use residential zone district. The proposed ordinance would also allow ice cream vendors, food trucks contracted for private catered events, and food trucks associated with events reserved inside the Louisville Art Center in Memory Square Park to operate on public rights-of-way and public parks in residential districts.

The ordinance also includes specific performance criteria for mobile food vending in the public right-of-way and on private property. The performance standards include:

- a. *Special Events Sales/Use Tax License is required.* Applicant shall complete a *Special Events* sales/use tax license application and include other required attachments listed on the checklist of required documents, and include application fee.
- b. *Boulder County Public Health Certificate is required.* Applicant shall obtain Boulder County Public Health Certificate.
- c. *Location Requirements.* The use shall be located at least: one hundred fifty feet (150') from any existing restaurant, unless approved by the City Manager, or consent from all restaurant owners within 150-feet is provided.
- d. *Operating Requirements.* No person who operates any mobile retail food establishment, mobile food vehicle or mobile vending cart shall:
  1. Sell anything other than food and non-alcoholic beverages, unless a special events liquor license is approved by the local licensing authority;
  2. Operate more than 30 days per calendar year or more than 5 days consecutively;
  3. Operate before 7:00 a.m. or after 9:00 p.m.;
  4. Set-up within any designated sight triangle / vehicle clear-zone;
  5. Impede safe movement of vehicular and pedestrian traffic, parking lot circulation or access to any public alley or sidewalk;

6. Provide amplified music;
7. Place signs/banners in or alongside the public right-of-way or across roadways. Signs must be permanently affixed to or painted on the mobile food vehicle or mobile vending cart, or in the case of a mobile retail food establishment, attached directly to the table, awning, canopy or similar item upon or under which sales are directly made;
8. Fail to have the vehicle/cart attended at all times;
9. Fail to permanently display to the public in the food handling area of the mobile food vehicle/cart the permit authorizing such use;
10. Fail to provide separate and clearly marked receptacles for trash, recycling and compost and properly separate and dispose of all trash, refuse, compost, recycling and garbage that is generated by the use; or
11. Cause any liquid wastes used in the operation to be discharged from the mobile food vehicle.

Distances for food vending in the public right-of-way will be measured from the vendor to the property line. Distance for food vending on private property will be measured from property line to property line.

Finally, the proposed ordinance provides the City Manager authority to deny a request if the City Manager concludes that is necessary to avoid traffic congestion or preserve the public health, safety and welfare.

#### **FISCAL IMPACT**

The fiscal impact of amending the LMC to define food trucks and to modify their allowed operation throughout Louisville will have a negligible impact on the City's fiscal performance. The attached analysis of food truck events in Community Park summarizes: "The seven nights of the Food Truck Event generated almost \$800 in sales tax revenue for the City. All costs to run the event were covered by the organizers. The Parks Department collected \$1500 in special event fees for the rental of the pavilion and park."

#### **PLANNING COMMISSION ACTION**

The Planning Commission held a public hearing March 13<sup>th</sup> and continued it April 10<sup>th</sup>. Discussions focused on the following items:

- 1) ***Distance from existing "brick and mortar" restaurants*** – staff provided four buffer options along with maps for consideration, including: 150', 300', 500' and 750'. Planning Commission ultimately recommended a 150' buffer to increase areas of the City eligible for food truck service. They noted the 150' buffer virtually eliminated the potential for competition with brick and mortar restaurants in Downtown Louisville and Centennial Valley along McCaslin, but ultimately provided the most area available for food trucks.

- 2) ***Exemptions in residential areas*** – staff’s initial draft ordinance only allowed ice cream vendors selling “prepackaged” ice cream to operate on streets right-of-way in residential zoned districts. After a lengthy discussion, the Planning Commission recommended to eliminate the word “prepackaged” to expand the pool of potential vendors to operate on street right-of-way in residential zone districts to include custom made ice cream vendors.
- 3) ***Louisville Arts Center / Memory Square Park*** – Planning staff’s initial draft ordinance eliminated mobile food establishments from operating at public events in the Arts Center and Memory Square Park because they are located in a residential zone district.

Initial requests from the public at the planning commission hearing asked if the Louisville Cultural Council could receive an exemption because the Louisville Arts Center does not have a kitchen and the facility was at a competitive disadvantage when compared to other facilities. They stated, “a food truck associated with a particular event would increase the feasibility of the Art Center hosting a successful fund raising event.”

Planning staff opposed granting that request because it would provide preferential treatment to an individual interest group. Staff cited inequities associated with the request and difficulties the City would experience when variances or waivers to the single exemption would come before the City, or the Board of Adjustment.

Ultimately, the Planning Commission and staff agreed on a solution that singled out special events held inside Louisville Arts Center and not by an individual organization. This slight modification would allow any organization to operate a food truck at Memory Square Park as long as it was associated with an event held inside the Arts Center.

The Planning Commission voted unanimously (6-0) to recommend the modified ordinance be forwarded to City Council for consideration. Chairman Pritchard recused himself from the hearing.

### **RECOMMENDATIONS**

Staff recommends City Council approve Ordinance 1665, Series 2014, an ordinance amending Title 17 of the Louisville Municipal Code to define food trucks, food carts, and mobile retail food establishments and adopt regulations addressing their allowed operations within Louisville.

### **ATTACHMENTS:**

1. Ordinance No. 1665, Series 2014;
2. Food Truck Ordinance Research Summaries: Boulder, Longmont, and Fort Collins
3. Presentation

**ORDINANCE NO. 1665,  
SERIES 2014**

**AN ORDINANCE AMENDING TITLE 17 OF THE LOUISVILLE MUNICIPAL CODE TO  
DEFINE FOOD TRUCKS, FOOD CARTS, AND MOBILE RETAIL FOOD  
ESTABLISHMENTS AND ADOPT REGULATIONS ADDRESSING THEIR ALLOWED  
OPERATIONS WITHIN LOUISVILLE.**

**WHEREAS**, the City of Louisville is a Colorado home rule municipal corporation duly organized and existing under laws of the State of Colorado and the City Charter; and

**WHEREAS**, the popularity of food trucks, food carts and mobile retail food establishments have increased significantly in recent years; and

**WHEREAS**, the zoning ordinances within the Louisville Municipal Code (LMC) do not specifically recognize food trucks, food carts and mobile retail food establishments nor their unique operating characteristics; and

**WHEREAS**, the City Council desires to clearly define food trucks, food carts and mobile retail food establishment and adopt regulations addressing their allowed operations within Louisville; and

**WHEREAS**, a core value of the City in the 2013 Comprehensive Plan promotes: *“A Healthy, Vibrant, and Sustainable Economy . . . where the City understands and appreciates the trust our residents, property owners, and business owners place in it when they invest in Louisville, and where the City is committed to a strong and supportive business climate which fosters a healthy and vibrant local and regional economy for today and for the future”*;

**WHEREAS**, the City Council finds that defining food trucks, food carts and mobile retail food establishments and their allowed operations within Louisville will serve to clarify permissible uses and activities associated with the mobile food industry and promote a balance of uses among mobile food industry uses and established “brick and mortar” restaurants; and

**WHEREAS**, a second core value of the City in the 2013 Comprehensive Plan promotes: *Unique Commercial Areas and Distinctive Neighborhoods . . . where the City is committed to recognizing the diversity of Louisville’s commercial areas and neighborhoods by establishing customized policies and tools to ensure that each maintains its individual character, economic vitality, and livable structure”*; and

**WHEREAS**, the City Council finds it is necessary and appropriate that any new regulations regarding food trucks, food carts and mobile retail food establishments contain nuisance mitigation measures to ensure each neighborhood commercial area maintains their unique character and livable structure; and

**WHEREAS**, after a duly noticed public hearing held March 13 and April 10, 2014, where evidence and testimony were entered into the record, including the findings in the White Paper and Louisville Planning Commission Staff Report dated March 13, 2014, the Louisville Planning Commission has recommended the City Council adopt the amendments to the Louisville Municipal Code set forth in this ordinance; and

**WHEREAS**, City Council has provided notice of a public hearing on said ordinance by publication as provided by law and held a public hearing as provided in said notice;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOUISVILLE, COLORADO, THAT:**

**Section 1.** Chapter 17.08 of the Louisville Municipal Code is hereby amended by the addition of new Sections 17.08.323, 17.08.332, and 17.08.333, to read as follows:

**Sec. 17.08.242. Ice Cream Vendor.**

*Ice Cream Vendor* means a person or business selling or offering for sale ice cream or frozen dairy products on the streets, alleys or other public places.

**Sec. 17.08.332. Mobile Food Vehicle.**

*Mobile Food Vehicle* means a readily movable, motorized-wheeled vehicle or a towed vehicle designed and equipped to store, prepare, or serve, and sell food, but which does not include mobile vending carts as defined in Section 17.08.333.

**Sec. 17.08.333. Mobile Retail Food Establishment**

*Mobile Retail Food Establishment* means a retail food establishment that reports to and operates from a commissary and is readily moveable and equipped to serve food but which does not include mobile vending food vehicles as defined in Section 17.08.323 and mobile vending carts as defined by Section 17.08.333.

**Sec. 17.08.333. Mobile Vending Cart.**

*Mobile Vending Cart* means a readily movable cart equipped to prepare, store or serve, and sell food and not exceeding a size of four feet in width by ten feet in length, excluding roof overhangs and wheels, by eight feet in height.

**Section 2.** Section 17.12.030 of the Louisville Municipal Code is hereby amended by the addition of a new use group 35a to read as follows:



**Sec. 17.12.030. Use groups.**

		Districts																	
Use Groups		A	A-O	B-O	A-OT	R-RR	SF-R	SF-E	R-R R-E R-L	SF-LD SF-MD SF-HD	R-M	R-H	C-N	C-C	C-B	I	PCZD	MU R / CC	OS
35a	Mobile retail food establishments, mobile food vehicles, and mobile vending carts.	N	Y	Y	Y	N	N	N	N	N	N	N	N	Y	Y	Y		Y	N

**Section 3.** Section 17.16.180 of the Louisville Municipal Code is hereby amended by the addition of a new subsection 17.16.180.A.7 regarding mobile retail food establishments, mobile food vehicles and mobile vending carts, to read as follows:

**Sec. 17.16.180. Temporary uses.**

A. *Permitted uses.* The following uses of land are permitted in specific locations in the designated zoning districts subject to the applicable regulations of the district in which the use is located, and subject to the following regulations:

7. Mobile Retail Food Establishments, mobile food vehicles and mobile vending carts:

a. *Districts permitted:* Only public rights-of-way and public parks within non-residential zone districts by temporary use permit, except that ice cream vendors, food trucks contracted for private catered events, and food trucks associated with events reserved inside the Louisville Art Center in Memory Square Park are allowed to operate on public rights-of-way and public parks in residential districts.

b. *Special Events Sales/Use Tax License is required.* Applicant shall complete a *Special Events* sales/use tax license application and include other required attachments listed on the checklist of required documents, and include application fee. Mail to:

City of Louisville  
Sales Tax and Licensing Division

749 Main Street  
Louisville, CO 80027

- c. *Boulder County Public Health Certificate is required.* Applicant shall obtain Boulder County Public Health Certificate.
- d. *Location Requirements.* The use shall be located at least one hundred fifty feet (150') from any existing restaurant unless approved by the City Manager, or consent from all restaurant owners within 150-feet is provided.
- e. *Operating Requirements.* No person who operates any mobile retail food establishment, mobile food vehicle or mobile vending cart shall:
  - 1. Sell anything other than food and non-alcoholic beverages, unless a special events liquor license is approved by the local licensing authority;
  - 2. Operate more than 30 days per calendar year or more than 5 days consecutively;
  - 3. Operate before 7:00 a.m. or after 9:00 p.m.;
  - 4. Set-up within any designated sight triangle / vehicle clear-zone;
  - 5. Impede safe movement of vehicular and pedestrian traffic, parking lot circulation or access to any public alley or sidewalk;
  - 6. Provide amplified music;
  - 7. Place signs/banners in or alongside the public right-of-way or across roadways. Signs must be permanently affixed to or painted on the mobile food vehicle or mobile vending cart, or in the case of a mobile retail food establishment, attached directly to the table, awning, canopy or similar item upon or under which sales are directly made;
  - 8. Fail to have the vehicle/cart attended at all times;
  - 9. Fail to permanently display to the public in the food handling area of the mobile food vehicle/cart the permit authorizing such use;
  - 10. Fail to provide separate and clearly marked receptacles for trash, recycling and compost and properly separate and dispose of all trash, refuse, compost, recycling and garbage that is generated by the use; or
  - 11. Cause any liquid wastes used in the operation to be discharged from the mobile food vehicle.

Notes: Distances shall be measured by the City on official maps as the radius from the closest points on the perimeter of the applicant's

mobile retail food establishment, mobile food vehicle or mobile vending cart to the closest point of the designated residential zone or property of the restaurant. With regard to measurement between two or more mobile food vehicles in the public right-of-way, measurement shall be in the form of standard measuring devices including and not limited to a tape measure.

The city manager may from time to time prohibit the issuance of additional temporary permits and licenses in specified areas of the City in the interest of avoiding traffic congestion or preserving the public health, safety and welfare.

**Section 4.** Chapter 17.16 of the Louisville Municipal Code is hereby amended by the addition of a new Section 17.16.310 to read as follows:

**Sec. 17.16.310. Mobile retail food establishments, mobile food vehicles and mobile vending carts.**

A mobile retail food establishment, mobile food vehicle and mobile vending cart may be permitted as an accessory use subject to the applicable regulations of the district in which the use is located and the following requirements:

1. Mobile retail food establishments, mobile food vehicles and mobile vending carts are permitted in all non-residential zone districts, except the agricultural zone district, and the mixed use residential zone district, upon approval by the Planning and Building Safety Department's review of the request submitted with the sales tax / use license application. Note: private catered events are permitted in residential districts.
2. *Sales/Use Tax License is required.* Applicant shall complete a sales/use tax license application and include other required attachments listed on the checklist of required documents, and include application fee. Mail to:

City of Louisville  
Sales Tax and Licensing Division  
749 Main Street  
Louisville, CO 80027

3. *Boulder County Public Health Certificate is required.* Applicant shall obtain Boulder County Public Health Certificate.

4. *Location Requirements.* The use shall be located at least one hundred fifty feet (150') from any existing restaurant.
5. *Operating Requirements.* No person who operates any mobile retail food establishment, mobile food vehicle or mobile vending cart shall:
  - a. Fail to provide documentation confirming private property owner's permission upon application;
  - b. Sell anything other than food and non-alcoholic beverages;
  - c. Operate before 7:00 a.m. or after 9:00 p.m.;
  - d. Set-up within any designated sight triangle / vehicle clear-zone;
  - e. Impede safe movement of vehicular and pedestrian traffic, parking lot circulation or access to any public alley or sidewalk;
  - f. Provide amplified music;
  - g. Place signs/banners in or alongside the public right-of-way or across roadways. Signs must be permanently affixed to or painted on the mobile food vehicle or mobile vending cart, or in the case of a mobile retail food establishment, attached directly to the table, awning, canopy or similar item upon or under which sales are directly made;
  - h. Fail to have the vehicle/cart attended at all times;
  - i. Fail to permanently display to the public in the food handling area of the mobile food vehicle/cart the permit authorizing such use;
  - j. Fail to provide separate and clearly marked receptacles for trash, recycling and compost and properly separate and dispose of all trash, refuse, compost, recycling and garbage that is generated by the use; or
  - k. Cause any liquid wastes used in the operation to be discharged from the mobile food vehicle.

Notes: Distances shall be measured by the City on official maps as the radius from the closest points of the property perimeter in which the mobile retail food establishment, mobile food vehicle, or mobile vending cart are located to the closest point of the designated property perimeter of the restaurant.

The city manager may from time to time prohibit the issuance of additional temporary permits and licenses in specified areas of the City in the interest of avoiding traffic congestion or preserving the public health, safety and welfare.

**Section 5.** Section 17.14.050 of the Louisville Municipal Code is hereby amended by the addition of mobile retail food establishments, mobile food vehicles, and mobile vending carts as a Commercial Use Group in Table 1 to read as follows:

**Sec. 17.14.050. Permitted uses and district specific regulations.**

Table1: PRINCIPAL USES ALLOWED IN THE MIXED USE ZONE DISTRICTS		
YES = Permitted By-Right	No = Not Permitted	
R = Permitted Subject to Special Review		
PRINCIPAL USES	CC	MU-R
Commercial Use Group		
Mobile retail food establishments, mobile food vehicles, and mobile vending carts	Yes	Yes

**Section 6.** Section 17.72.090.B of the Louisville Municipal Code is hereby amended by the addition of a new subsection 17.72.090.B.22 to read as follows (words added are underlined):

**Sec. 17.72.090. Commercial and office.**

B. *Uses permitted.* The following commercial and noncommercial uses may be permitted within any planning area designated "commercial" on the adopted planned community development general plan:

22. Mobile retail food establishments, mobile food vehicles and mobile vending carts subject to prescribed performance and development standards outlined in Section 17.16.310.

**Section 7.** Section 17.72.100 of the Louisville Municipal Code is hereby amended by the addition of a new subsection 17.72.100.E to read as follows (words added are underlined):

**Sec. 17.72.100. Industrial uses permitted.**

The following industrial and nonindustrial uses may be permitted within any planning area designated "industrial" on the adopted planned community development general plan:

E. Mobile retail food establishments, mobile food vehicles and mobile vending carts subject to prescribed performance and development standards outlined in Section 17.16.310.

**Section 8.** If any portion of this ordinance is held to be invalid for any reason such decisions shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

**Section 9.** The repeal or modification of any provision of the Municipal Code of the City of Louisville by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

**Section 10.** All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portions hereof are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED, READ, PASSED ON FIRST READING, AND ORDERED  
PUBLISHED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Robert P. Muckle, Mayor

ATTEST:

\_\_\_\_\_  
Nancy Varra, City Clerk



APPROVED AS TO FORM:

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Light, Kelly, P.C.  
City Attorney

PASSED AND ADOPTED ON SECOND AND FINAL READING this \_\_\_\_ day of  
\_\_\_\_\_, 2014.

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Robert P. Muckle, Mayor

ATTEST:

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Nancy Varra, City Clerk

## **BOULDER, COLORADO**

**DEFINITION: Mobile Food Vehicle** - means a readily movable, motorized-wheeled vehicle or a towed vehicle designed and equipped to prepare, or serve, and sell food, but which does not include mobile vending carts as defined in section 4-18-4, "University Hill Mobile Vending Cart Permit," and section 4-11-12, "Mobile Vending Cart Permit," B.R.C. 1981.

### **USE ALLOWANCE:**

1. Residential – Not allowed (all Categories) – (ROW okay w/ City Manager approval)
2. Mixed Use – Conditional (all Categories, including ROW (w/ Special use permit))
3. Business - Conditional (all Categories, including ROW (w/ Special use permit))
4. Downtown - Conditional (all Categories, including ROW (w/ Special use permit))
5. Industrial – Conditional (all Categories, including ROW (w/ Special use permit))
6. Public – Yes (w/ Special use permit)
7. Agriculture – No Allowed

### **CONDITIONAL USE STANDARDS / CRITERIA:**

1. Standards: The city manager will permit mobile food vehicle sales on private property, public property, or in the public right of way if the use is permitted in the applicable zoning district and meets the following standards and conditions:
  - a. The use shall be located at least:
    - i. one hundred fifty feet from any residential zone districts, except as provided in subsection (d)(1)(C) below;
    - ii. one hundred fifty feet from any existing restaurant; and
    - iii. two hundred feet from any other mobile food vehicle with regard to public right of way sales, no more than two mobile food vehicles per private property in the M1, M2, M3, B1, B2, B3, B4, B5, D1, D2, D3 zone districts, and no limitation on the number of mobile food vehicles per private property with owner's permission in the industrial zone district.
2. Operating Requirements: No person who operates any mobile food vehicle on public property or private property shall:
  - a. operate before 7:00 a.m. or after 9:00 p.m. and for more than a maximum of four hours at any one approved location;
  - b. set up any structures, canopies, tables or chairs;
  - c. sell anything other than food and non-alcoholic beverages;
  - d. provide amplified music;
  - e. place signs/banners in or alongside the public right of way or across roadways. Signs must be permanently affixed to or painted on the mobile food vehicle;
  - f. fail to have the vehicle attended at all times;
  - g. fail to permanently display to the public in the food handling area of the mobile food vehicle the permit authorizing such use;
  - h. to provide at least three separate and clearly marked receptacles for trash, recycling and compost and properly separate and dispose of all trash, refuse, compost, recycling and garbage that is generated by the use;
  - i. cause any liquid wastes used in the operation to be discharged from the mobile food vehicle;

Notes: a. Distances shall be measured by the City on official maps as the radius from the closest points on the perimeter of the applicant's mobile food vehicle to the closest point of the designated residential zone or property of the restaurant. For purposes of this section, the term "restaurant" shall include "eating places" and "retail bakeries" as defined by the Standard Industrial Classification Manual, the edition of which shall be determined by the city manager. With regard to measurement between two or more mobile food vehicles in the public right of way, measurement shall be in the form of standard measuring devices including and not limited to a tape measure.

b. The city manager may from time to time prohibit the issuance of additional licenses in specified areas of the City in the interest of avoiding traffic congestion or preserving the public health, safety and welfare.

### **FORT COLLINS, COLORADO**

**DEFINITION: Mobile Food Truck** - A motorized wheeled vehicle, or towed wheeled vehicle designed and equipped to serve food. Shall include both "hot trucks" upon which food is cooked and prepared for vending, and "cold trucks" from which only commissary - prepared, ready - to eat or packaged foods in individual servings are handled.

### **USE ALLOWANCE:**

1. Residential – No Allowed (all Categories)
2. Mixed Use – Allowed (all Categories, including ROW)
3. Business - Allowed (all Categories, including ROW)
4. Downtown - Allowed (all Categories, including ROW) Conditional Use Standards / Criteria:
5. Mobile Food Vehicle Sales. The following criteria apply to any mobile food vehicle sales use:

### **CRITERIA / STANDARDS:**

1. May vend only on lots in non-neighborhood zone districts or on streets in locations in non-neighborhood zone districts where parallel parking is allowed.
2. May not stop to vend within two hundred (200) feet of the property boundary of any public or private school for students within the grade range of kindergarten through twelfth (12th) grade.
3. May vend only food and non-alcoholic beverages.
4. Permanently affix or paint any signage on the mobile food truck, with no signs/banners in or alongside street right-of-way or across roadway.
5. Vehicle, Structure or device shall not be located in any on-street parking space that is not parallel to the adjacent street.
6. Must comply with all applicable parking regulations or property issued parking permit for said parking space.
7. May not be located on a public sidewalk within the extended boundaries of the crosswalk.
8. May not be within ten (10) feet of the extension of any building entranceway, doorway or driveway.
9. Must not impede safe movement of vehicular and pedestrian traffic, parking lot circulation or access to any public alley or sidewalk.
10. May not operate between the hours of 3 a.m. to 7 a.m.
11. No more than one (1) outdoor vendor of any specified type is allowed to operate on any lot, tract, or parcel of land except with "Special Vending License".

## **LONGMONT, COLORADO**

**DEFINITION:** Mobile Retail Food Establishments: retail food establishment that reports to and operates from a commissary and is readily moveable, is a motorized wheeled vehicle, or a towed wheeled vehicle designed and equipped to serve food.

### **USE ALLOWANCE:**

1. Residential – Not Allowed (all Categories)
2. Mixed Use – Allowed (all Categories, including ROW)
3. Business - Allowed (all Categories, including ROW)
4. Downtown - Allowed (all Categories, including ROW)
5. Industrial – Allowed (all Categories, including ROW)

### **STANDARDS / CRITERIA:**

1. All mobile food vendor applications must be accompanied by a Boulder County Health Department license or Weld County Health Department license;
2. Mobile retail food vending are allowed in all non-residential zoning districts subject to 250 foot separation requirement (500 feet in the CBD zoning district) from restaurants.
3. Mobile food vendors may vend on the public right of way, as long as the unit is parked legally (in a legal parking spot);
4. Mobile vending on the public right of way must occur at the edge of the roadway and the patron must purchase food from the sidewalk side of the road;
5. No separation requirements between trucks are recommended;

Louisville City Council – Public Hearing

## Food Trucks

Amendments to Title 17 of the Louisville Municipal Code

### AN ORDINANCE AMENDING TITLE 17 OF THE LOUISVILLE MUNICIPAL CODE TO DEFINE FOOD TRUCKS, FOOD CARTS, AND MOBILE RETAIL FOOD ESTABLISHMENTS AND ADOPT REGULATIONS ADDRESSING THEIR ALLOWED OPERATIONS WITHIN LOUISVILLE

#### Food Trucks – Background

**Use Group #35** - Sales and repair of motor vehicles, outdoor sales and repair (appliances, retail goods, eating and drinking establishments, etc.), rental facilities.

Zoning District	Yes	No	Yes	No	SRU	SRU
<b>Residential</b>						
Residential All Categories		X				
Neighborhood Commercial Neighborhood				X		
Community Commercial Community				X		X
Commercial Business				X		X
Commercial Business		X		X		X
Industrial				X		
Mixed Use				X		
Industrial				X		X
PCZD						X
PCZD						X
PCZD			X			
PCZD				X		
Agriculture				X		

# Food Trucks – Amendments to Title 17

## New Definitions

- Ice Cream Vender.
- Mobile Food Vehicle.
- Mobile Retail Food Establishment
- Mobile Vending Cart.

# Food Trucks – Amendments to Title 17

## New Use Group: (Private Property)

Use Groups	Districts																	
	RR SFLD																	
	A	A	B	A	R	SF	SF	RE	SFMD	RM	RH	CN	CC	CB	I	PCZD	MUR	OS
35a	O	O	OT	RR	R	E	RL	SFHD									CC	
Mobile retail food establishment, including mobile food vehicle and mobile vending cart.	N	Y	Y	Y	N	N	N	N	N	N	N	N	Y	Y	Y		Y	N



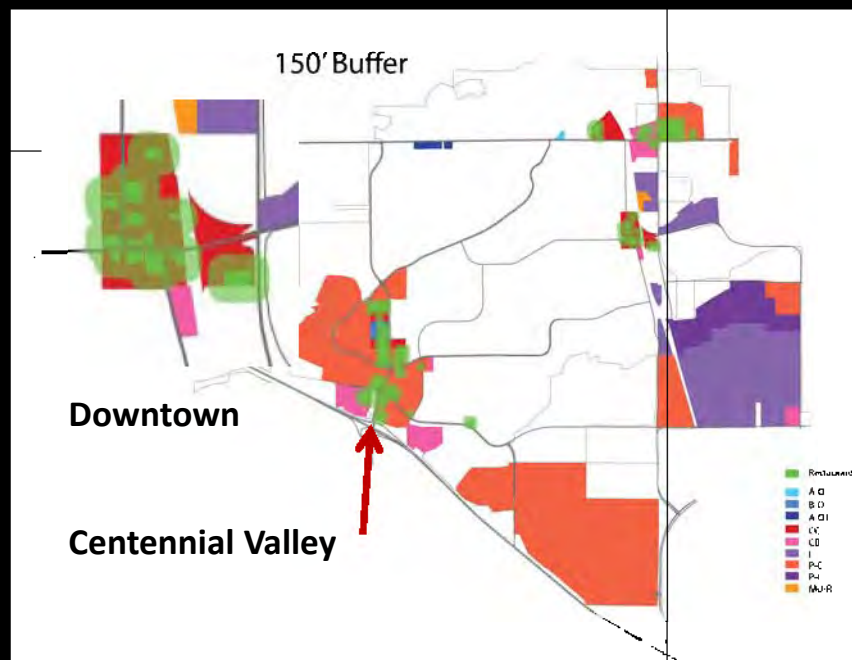
## Food Trucks – Amendments to Title 17

### Temporary Use (Public Parks & ROW) :

#### PERFORMANCE CRITERIA

- a. **Districts permitted:** Only public rights-of-way and public parks within non-residential zone districts by temporary use permit (ice cream vendors and private catered events are permitted in residential districts);
- b. **Special Events Sales/Use Tax License is required.**
- c. **Boulder County Public Health Certificate is required.**
- d. **Location Requirements:**
  1. At-Least one hundred fifty feet (150') from any existing restaurant, unless approved by the City Manager, or consent from all restaurant owners.

## Food Trucks – Amendments to Title 17



## **Food Trucks – Amendments to Title 17**

### **e. Operating requirements (the applicant shall not)**

1. Sell anything other than food and non-alcoholic beverages, unless a special events liquor license is approved by the local licensing authority;
2. Operate more than 30-days per year and no more than 5 days consecutively;
3. Operate before 7:00 a.m. or after 9:00 p.m.;
4. Set-up within any designated sight triangle / vehicle clear-zone;
5. Impede safe movement of vehicular and pedestrian traffic, parking lot circulation or access to any public alley or sidewalk;
6. Provide amplified music;

## **Food Trucks – Amendments to Title 17**

### **e. Operating requirements (the applicant shall not)**

7. Place signs/banners in or alongside the public right-of-way or across roadways. Signs must be permanently affixed to or painted on the mobile food vehicle or mobile vending cart, or in the case of a mobile retail food establishment, attached directly to the table, awning, canopy or similar item upon or under which sales are directly made;
8. Fail to have the vehicle/cart attended at all times;
9. Fail to permanently display to the public in the food handling area of the mobile food vehicle/cart the permit authorizing such use;
10. Fail to provide separate and clearly marked receptacles for trash, recycling and compost and properly separate and dispose of all trash, refuse, compost, recycling and garbage that is generated by the use; or
11. Cause any liquid wastes used in the operation to be discharged from the mobile food vehicle.

## Food Trucks – Amendments to Title 17

### Sales Tax License Performance Criteria (Private Land):

#### PERFORMANCE CRITERIA

1. **Districts permitted:** All non-residential zone districts, except the agricultural zone district, and the mixed use residential zone district, upon approval by the Planning and Building Safety Department's review of the request submitted with the sales tax / use license application. (private catered events are permitted in residential districts).
2. **Sales/Use Tax License is required.**
3. **Boulder County Public Health Certificate is required.**
4. **Location Requirements:**
  - A. At-Least one hundred fifty feet (150') from any existing restaurant.

## Food Trucks – Amendments to Title 17

### 5. Operating requirements (the applicant shall not)

- a. Fail to provide documentation confirming private property owner's permission upon application;
- b. Sell anything other than food and non-alcoholic beverages;
- c. Operate before 7:00 a.m. or after 9:00 p.m.;
- d. Set-up within any designated sight triangle / vehicle clear-zone;
- e. Impede safe movement of vehicular and pedestrian traffic, parking lot circulation or access to any public alley or sidewalk;
- f. Provide amplified music;

## Food Trucks – Amendments to Title 17

### 5. Operating requirements (the applicant shall not) (Continued)

- g. Place signs/banners in or alongside the public right-of-way or across roadways. Signs must be permanently affixed to or painted on the mobile food vehicle or mobile vending cart, or in the case of a mobile retail food establishment, attached directly to the table, awning, canopy or similar item upon or under which sales are directly made;
- h. Fail to have the vehicle/cart attended at all times;
- i. Fail to permanently display to the public in the food handling area of the mobile food vehicle/cart the permit authorizing such use;
- j. Fail to provide separate and clearly marked receptacles for trash, recycling and compost and properly separate and dispose of all trash, refuse, compost, recycling and garbage that is generated by the use; or
- k. Cause any liquid wastes used in the operation to be discharged from the mobile food vehicle.

## Food Trucks – Planning Commission Action

**The Planning Commission voted unanimously (6-0) to recommend approval**

### **DISCUSSION ITEMS**

**1) Distance from existing “brick and mortar” restaurants –150’**

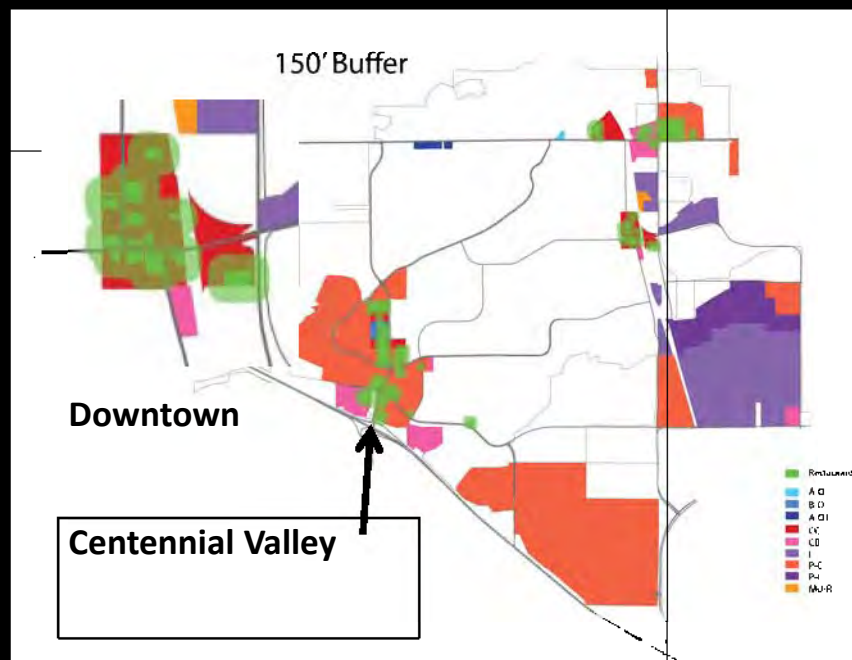
**2) Exemptions in residential areas** – Eliminated the word “prepackaged” to expand the pool of potential vendors operating on street right-of-way in residential zone districts.

**3) Louisville Arts Center / Memory Square Park** – Allow events held inside Louisville Arts Center to operate a food truck within a residential zone district.

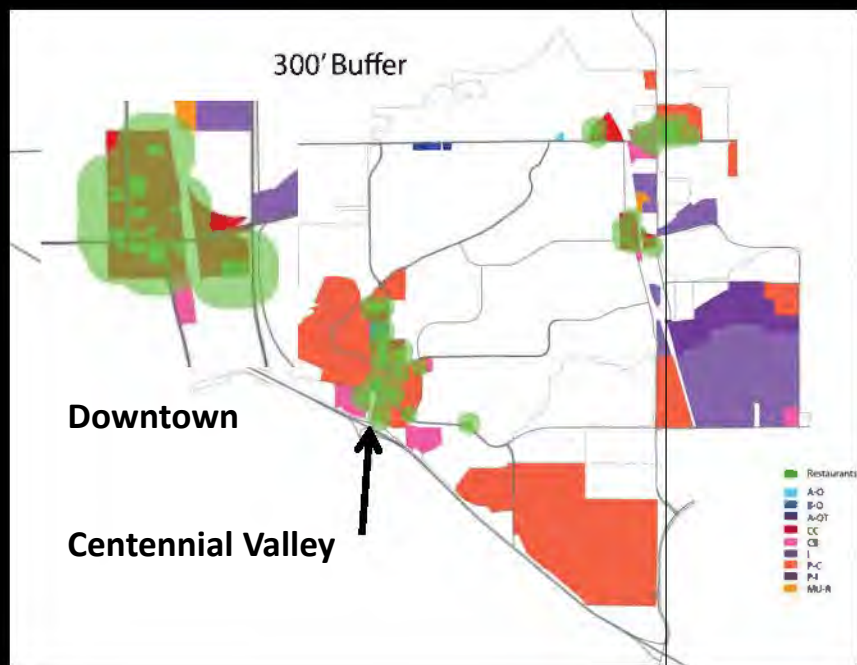
## Food Truck - Recommendation

Staff recommends City Council approve Ordinance No. 1665, Series 2014.

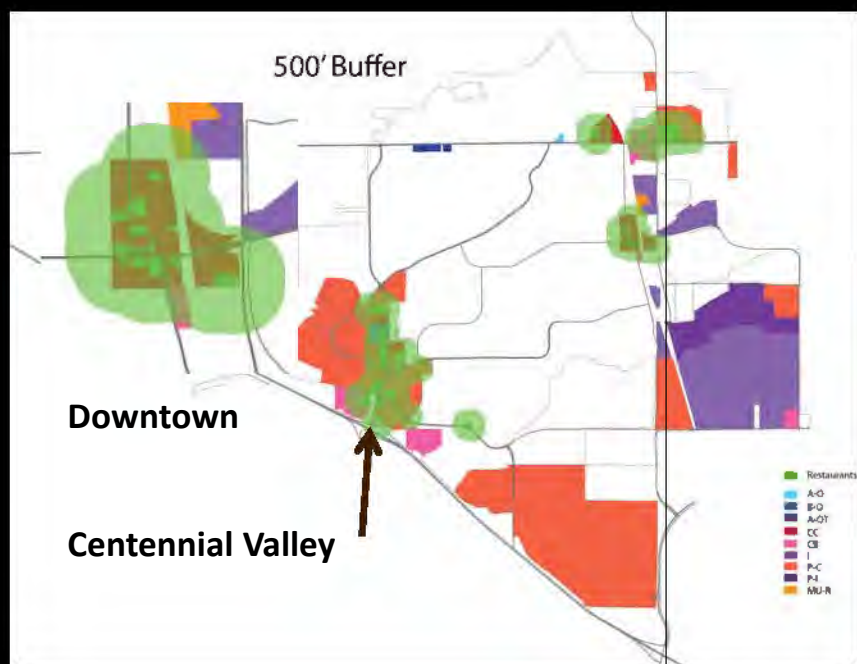
## Food Trucks – Amendments to Title 17



## Food Trucks – Amendments to Title 17

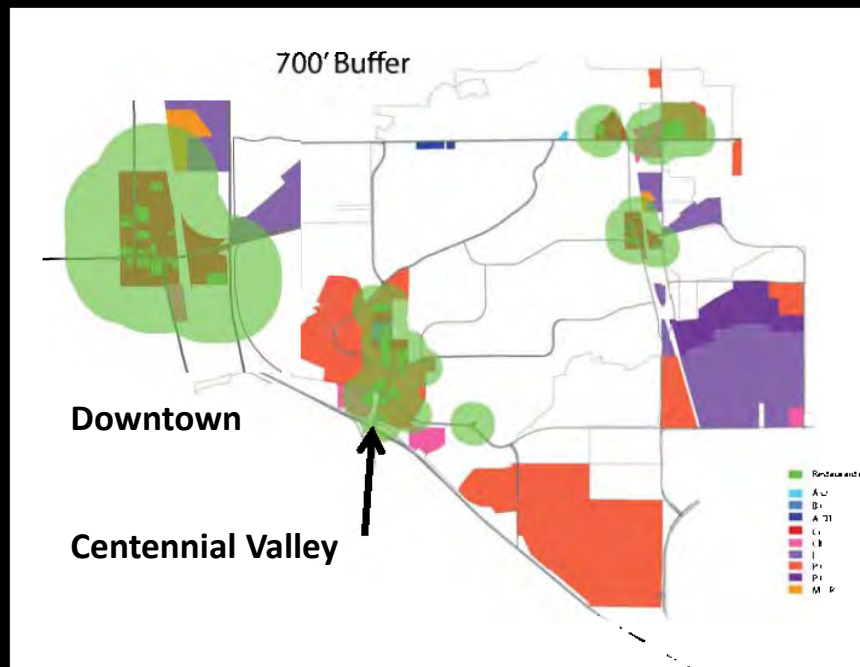


## Food Trucks – Amendments to Title 17





## Food Trucks – Amendments to Title 17





THE CITY OF SAN DIEGO

## REPORT TO THE PLANNING COMMISSION

**DATE ISSUED:** January 9, 2014

**REPORT NO.** PC-14-011

**ATTENTION:** Planning Commission, Agenda of January 30, 2014

**SUBJECT:** AMENDMENTS TO THE MUNICIPAL CODE AND LOCAL COASTAL PROGRAM RELATED TO MOBILE FOOD TRUCKS

### SUMMARY

**Issue(s):** Should the Planning Commission recommend approval to the City Council of the proposed ordinance related to mobile food trucks, including a new ministerial permit type and associated fee?

#### **Staff Recommendation:**

1. **Recommend approval** to the City Council of the Amendments to the Land Development Code and Local Coastal Program including Municipal Code Chapter 5, Article 4; Chapter 12, Article 3; Chapter 13, Article 1; Chapter 14, Article 1; and Chapter 15, Articles 6 and 7.
2. **Recommend approval** to the City Council of a new permit type for mobile food trucks with associated fees charged in accordance with the adopted fee schedule as it currently exists or as may be amended.

**Environmental Review:** This activity is Categorical exempt from CEQA pursuant to State CEQA Guidelines Sections 15301 (Existing Facilities) and 15311(c) (Accessory Structures).

**Fiscal Impact Statement:** Costs associated with implementation of these regulations in the future will be covered by project applicants. The proposed permit fee for a mobile food truck permit would include standard permit costs per the City's adopted fee schedule including flat fees for general plan maintenance, mapping, records and permit issuance) and an hourly plan check fee (currently \$148 per hour for planning review) proposed to be capped at 4 hours maximum for mobile food truck permits. The estimated permit cost (\$491-\$935) is consistent with the cost of mobile food truck permits required by other cities.

**Code Enforcement Impact:** The ordinance will facilitate the legal operation of mobile food trucks within the City on private property and within the public right-of-way. See discussion section of report for additional analysis.

**Housing Impact:** The ordinance will not affect the creation of new dwelling units.

## **BACKGROUND**

Mobile food truck businesses are part of an emerging local industry of creative and cutting edge food cuisine that has helped to create an active and social pedestrian environment in communities throughout the City. Mobile food trucks are motorized vehicles that function as transportable retail food facilities for the sale of food and beverages to the general public. They have relatively low start up costs and provide economic opportunity for entrepreneurial individuals with little capital.

Mobile food trucks are health regulated businesses subject to state and local health standards published in the California Retail Food Code (Health and Safety Code), County Code, and San Diego Municipal Code. Mobile food trucks operating within the City currently must obtain a City business tax certificate and a County health permit, pass health inspections, and display a certification sticker prominently on the mobile food truck. Mobile food trucks that prepare food must also display a County issued letter grade. The County of San Diego estimates there are approximately 500 mobile food vendors with active County health permits in the region.

Licensed food truck operators have recently experienced frustration and confusion upon learning there are no existing code provisions for food trucks to serve the general public on a daily basis (by right) on private property. The City's zoning code provides a regulatory process for approval of pushcarts (non-motorized transportable retail food facilities) on private property and in the public right-of-way, but currently does not provide for mobile food truck vending to occur on private property anywhere, except downtown in the Centre City Planned District where it is conditionally permitted if operators obtain a Conditional Use Permit. It is also problematic that the City's existing public right-of-way limitations on sales from vehicles and mobile food units are not consistent with the current desired mobile food vending business model.

Within the public right-of-way, mobile food vending is protected by state law (California Vehicle Code), and the City is able to adopt additional requirements to regulate the time, place, and manner of mobile food truck operations as needed in the interest of public health and safety. Amendments are proposed to help differentiate the City's mobile food/beverage vending regulations from other public safety regulations that limit the sale or distribution of merchandise and services from vehicles by creating new zoning regulations that accommodate mobile food truck activity in appropriate areas of the City.

On September 19, 2013, Interim Mayor Todd Gloria issued a memorandum requesting regulatory changes to allow food trucks to operate on private property in a manner that best balances safety community character, and economic interests (Attachment 1). A diverse mix of stakeholders have since shown an interest in this issue, which have generally included mobile

food truck operators, competing restaurant and push cart operators, and representatives for various neighborhood and business interests in communities throughout the City. Curbside Bites, representing various gourmet food trucks, and the United Association of Food Trucks San Diego Chapter, representing various Mexican seafood and taco trucks, have been the main participants on behalf of food truck operators. The California Restaurant Association and Business Improvement District representatives have generally represented other business interests during the outreach process.

On October 23, 2013, the Council Committee on Smart Growth and Land Use (formerly Land Use & Housing) held a public meeting to discuss various regulatory options related to a prospective permit approval process, limits on hours and vendor duration of stay, proximity to restaurants and special events, allowable locations, and other regulatory criteria. The general direction provided was to draft an ordinance that is fair to the various stakeholders involved. Staff has since generated a draft ordinance and conducted significant public outreach. The proposed ordinance would amend the municipal code to create a new land use category for mobile food trucks, clarify where mobile food trucks are allowed to operate and what land use regulations apply, and create a reasonable process for approval.

A request for public input was posted on the City webpage and distributed via e-mail (October 31, 2013) to food truck operators, community planning chairs, planning group members, and interested members of the public, including the Business Improvement Districts, the Small Business Advisory Board, the United Association of Food Trucks- San Diego Chapter, the California Restaurant Association, and the Institute for Justice (a legal advocacy group for food trucks). Staff also presented the item to a variety of organizations including the Code Monitoring Team, Community Planners Committee, Technical Advisory Committee, Small Business Advisory Board, and Business Improvement District Council Board. The ordinance has since been revised in consideration of input received throughout the outreach process (Attachment 2). Recommendations have been provided as follows:

**Downtown Community Planning Council:** On November 13, 2013, the Downtown Community Planning Association reviewed the draft ordinance and provided input regarding various provisions in the ordinance, including a request to amend the Centre City Planned District to change the mobile food truck use to apply the citywide separately regulated use criteria and change the use from conditional to a limited use.

**Tierrasanta Community Council:** On November 20, 2013, the Tierrasanta Community Council voted 12-0 to recommend approval.

**Community Planners Committee (CPC):** On November 26, 2013, the Community Planners Committee voted 23-0-1 (chair abstained) to recommend approval of the draft ordinance with two modifications (to remove the 8 foot minimum sidewalk requirement and remove the limit on pay-to-park lots), which have since been reflected in the draft ordinance.

**Technical Advisory Committee (TAC):** On December 11, 2013, the Technical Advisory Committee voted 7-0-3 to recommend approval.

**Code Monitoring Team (CMT):** On October 9, 2013, CMT provided input regarding the potential new land use category and helped staff better define and organize the main policy issues regarding criteria for presentation to the Council Committee on Land Use & Housing on October 23, 2013. On December 11, 2013, the Code Monitoring Team recommended approval of the ordinance by a vote of 7-0 as follows:

- Recommend that staff re-evaluate the threshold for the limit on hours of operation near residential to consider 500 feet instead of 1,000 feet
- Recommend that a prohibition in historic districts only apply based on specific characteristics of that district and not as a universal prohibition in all districts
- Recommend that the ordinance allow food trucks accessory to commercial development and churches in agricultural zones

A second motion passed by a vote of 7-0 to allow food trucks as a limited use with a ministerial permit where accessory to medium and high density multi dwelling units in RM-3-7 and higher residential zones which allow commercial, and to allow property owners to request a Neighborhood Use Permit to host food trucks in RM-2 zones.

**La Jolla Shores Association:** On December 11, 2013, the La Jolla Shores Association voted 8-0-1 to support the proposed regulations including those that prohibit activities in the beach parking impact overlay zone. The Association also supported application of the proposed regulations to food truck sales of pretzels and other pre-packaged food items.

**Ocean Beach Main Street Association:** On December 12, 2013, the Ocean Beach Main Street Association Board directed the Executive Director to submit a letter expressing opposition to the ordinance based on their view that mobile food trucks are temporary businesses without any personal investment in a neighborhood's success, and should not be allowed to operate in commercial districts, except as part of a special event. They cited concerns regarding prospective operations of mobile food trucks in small shopping, dining and entertainment districts that have limited parking availability and the difficulty of enforcement due to the transitory nature of such businesses.

**Business Improvement District (BID) Council Board:** On December 16, 2013, the BID Council Board discussed the proposed ordinance and expressed concerns regarding the potential for mobile food trucks to cause parking impacts to areas with limited parking such as the Old Town Historic District, Little Italy, Ocean Beach, and Pacific Beach (west of Lamont Street); and how code enforcement resources will be allocated to handle complaints. The Board also requested follow up from the City Attorney regarding potential impacts on Business Improvement Districts and Maintenance Assessment Districts related to Proposition 26 (enacted in 2011) if mobile food trucks will be non assessed businesses allowed to operate in geographic areas of defined special benefit.

The BID Council Board recommended approval of the ordinance by a vote of 10-0,

including a request that each food truck post a unique identification number to facilitate enforcement; and a request to remove the limit on days per week in commercial zones to encourage mobile food trucks to operate on private property instead of in the public right-of-way. The Board also suggested prohibiting mobile food trucks in all planned districts.

## **DISCUSSION**

As proposed, a new use category would be created in the City's zoning code to regulate mobile food truck operations that involve sales of food and beverage (pre-packaged or prepared and served from the vehicle or an attached trailer) from a motorized vehicle to the general public for consumption on or off of the premises. Municipal Code Chapters 13 and 15 would identify the allowable zone locations, and regulatory criteria would be identified in Section 141.0612.

### ***Locations***

Mobile food trucks would generally be permitted in citywide industrial, commercial, open space park, agricultural residential, and multiple dwelling unit residential zones in accordance with specified criteria; and would not be permitted in environmentally sensitive lands or in low density open space, agricultural, and residential zones that do not allow commercial development. See table below for applicability to specific zones.

<b>Base Zones- Mobile Food Trucks Permitted by Right:</b>	
<b>Industrial (IL, IP, IH, IS)</b>	Permitted by right; no permit required of property owner to host food trucks in industrial zones
<b>Base Zones- Permitted as Limited Use in accordance with Section 141.0612:</b>	
<b>Commercial (CC, CN, CV, CO, CP)</b>	Permitted as a "limited use" in all commercial zones
<b>Open Space-Park (OP)</b>	Only permitted per an approved park development plan or master plan
<b>Agricultural-Residential (AR)</b>	Only where accessory to commercial development
<b>Residential-Multiple Dwelling Unit (RM-2, RM-3, RM-4, RM-5)</b>	Only where accessory to a development with at least 16 dwelling units (the threshold for requiring a leasing office), and where the food and beverage service is limited to the residents and their guests
<b>Centre City Planned District Zones (Core, Neighborhood Mixed-Use Center, Employment Residential Mixed-Use, Ballpark Mixed-Use, Waterfront Marine, Mixed Commercial, Residential Emphasis, Public/Civic, Public Facilities, and Park/Open Space zones)</b>	The listed CCPDO zones currently allow mobile food trucks via a conditional use permit and would be modified with the proposed ordinance to allow mobile food trucks as a "limited use".
<b>Base Zones- Not Permitted:</b>	
<b>Open Space (OC, OR, OF)</b>	Not permitted within environmentally sensitive

	lands areas (i.e. conservation areas for sensitive biological resources, hillsides, or flood plains)
<b>Agricultural-General (AG)</b>	Not permitted in areas reserved for farmland
<b>Residential (RE, RS, RX, RT, RM-1)</b>	Not permitted in low density residential zones
<b>Centre City Planned District (Industrial, Transportation, Convention Center/Visitor)</b>	Existing zones where the use is explicitly specified as “not permitted”
<b>Gaslamp Quarter Planned District</b>	Not permitted, except via Special Events Permit
<b>Overlay Zones- Not Permitted:</b>	
<b>Beach Parking Impact Overlay Zone (Map C-731)</b>	Not permitted within the public right-of-way within the mapped parking impacted areas typically within the first two to three blocks adjacent to the beach. For example, in Ocean Beach, the existing beach impact area applies from beach inward to Sunset Cliffs Boulevard. It also covers portions of Mission Beach, Pacific Beach, and La Jolla.
<b>Campus Parking Impact Overlay Zone (Map C-795)</b>	Not permitted within the public right-of-way within the mapped parking impacted neighborhoods surrounding San Diego State University, University of California San Diego, and University of San Diego

Consideration was given to protect the public health, safety, and welfare in areas with special characteristics such as the Gaslamp Quarter Planned District and existing parking impacted areas. The Gaslamp Quarter is the City’s historic central business district, which is characterized by vibrant retail and entertainment activity with associated high volumes of street traffic and pedestrian activity on constrained sidewalks. As proposed, mobile food trucks would continue to be “not permitted” within the Gaslamp Quarter Planned District, except via Special Events Permit (SDMC Section 22.4004). The proposed prohibition of mobile food trucks is consistent with the planned district purpose and intent to “protect and enhance the District’s aesthetic and historical attractions to residents, tourists, visitors and others, thereby serving as a stimulus and a support to business and industry” and with the adopted General Plan policy (UD-A.6) to “respect the context of historic streets, landmarks, and areas that give a community a sense of place or history.” Mobile food trucks would also not be permitted to operate within the public right-of-way in the Parking Impact Overlay Zone, including the beach impact area (Map C-731) and the campus impact area (Map C-795) in order to preserve needed on-street parking in identified parking impacted areas.

***Proposed Performance Standards/Regulatory Criteria***

Following is a summary of the proposed regulatory criteria in Section 141.0612:

<b>General Requirements (applicable to all mobile food trucks):</b>	
	Mobile food trucks would be limited to food and beverage sales. (No alcohol or general merchandise sales or other commercial services permitted).



	Equipment and operations must be self contained within the mobile food truck. No furniture, umbrellas, generators, extension cords, objects or structures shall be placed outside of the vehicle (except for required refuse and recycling containers). No signs except for those exhibited on or in the mobile food truck.
	Hours of Operation: Mobile food truck operations would not be permitted between the hours of 10:00 pm and 6:00 a.m. Sunday through Thursday, or between 11:00 p.m. and 6:00 a.m. Friday and Saturday, in any location within 500 feet of a dwelling unit.
	Trash: Mobile food trucks must provide one trash receptacle and one recycling receptacle conveniently located for use by patrons in a location that does not impede pedestrian or vehicular traffic. All litter or debris generated within a 25-foot radius of the food truck would need to be collected and removed by the mobile food truck operator before leaving the premises or changing locations.
	No amplified music or loudspeakers.
	Mobile food truck operations shall not obstruct pedestrian or vehicular traffic.
<i>Note: The City will continue to rely on County requirements for bathroom access within 200 feet for employees (mobile food trucks that operate for more than 60 minutes in one location), and County requirements that dictate when refrigeration systems in mobile food trucks must be upgraded to meet food safety standards without idling the engine for power.</i>	
<b>Requirements applicable to operations in the public right-of-way:</b>	
	Mobile food trucks must be legally parked and comply with all parking and California Vehicle Code provisions that apply to the location, including curb markings and signage.
	Operators are responsible for queuing customers in a manner that maintains a minimum 4 foot width, free and clear for pedestrian passage along the sidewalk.
	Not allowed within 25 feet of a street intersection with a crosswalk, traffic light, stop sign, bus stop or trolley stop.
	Not allowed within 500 hundred feet from any K-12 school, on regular school days between 7:00 a.m. and 4:00 p.m.
	Not allowed within 500 feet of a special event without authorization from the owner or proprietor of the special event or without an approved Special Event Permit.
	In commercial zones, mobile food trucks shall not exceed 30 feet in length or occupy more than two on-street spaces.
<i>Note: The requirement to be adjacent to a minimum 8 foot sidewalk was removed.</i>	

<b>Requirements applicable to operations on private property (industrial zones exempt):</b>	
	Limited to occupying no more than 25 percent of the premises.
	The maximum number of mobile food trucks allowed per site would be determined based on a ratio of paved area (at least 35 feet by 15 feet) per mobile food truck, and such area could not include any off-street parking spaces that are reserved, encumbered, or designated to satisfy the off-street parking requirement of a business or activity that is operating at the same time as the mobile food truck.
<i>Note: The limits within commercial zones to a maximum of 3 days per week and limit on operations within pay-to-park lots were removed.</i>	

### ***Permit process***

Mobile food truck operators would continue to be required to maintain a County Health permit and City issued business tax certificate. As proposed, no City permit would be required of mobile food truck operators unless operations would result in the assembly of 75 people or more on public property, which requires a Special Events Permit (SDMC Section 22.4004).

Property owners would be required to obtain a ministerial permit to host mobile food truck operations on private property, with exceptions provided for operations in industrial zones, catering of a private event, service to an active construction site, or operations on the property of a school, university or hospital. The ministerial permit would be issued by staff for applications that demonstrate compliance with the requirements. Application submittal requirements would be minimal (general application, site plan, "Agreement to Comply" affidavit and permit fees). The cost for the new ministerial permit type would range from \$491-\$935 based on the City's existing fee schedule. The permit would expire annually.

In circumstances where flexibility on the hours of operation or other requirements is desirable and appropriate for a certain location, a Process Two Neighborhood Use Permit (staff decision appealable to the Planning Commission) could be requested via a discretionary permit process. Temporary use permits and special events permits are also a means for applicants to gain approval to operate for limited time events in locations the use may not otherwise be allowed.

### ***Business Improvement Districts***

Business Improvement Districts (Adams Avenue, City Heights, College Area, Diamond, Downtown, East Village, El Cajon Boulevard, Gaslamp Quarter, Hillcrest, La Jolla, Little Italy, Midway, Mission Hills, North Park, Ocean Beach, Old Town, Pacific Beach, and San Ysidro) are City designated geographic areas where business owners are assessed annually to fund activities and improvements to promote the district. The BID Council Board requested the ability to assess mobile food truck operators for operation within business improvement districts and maintenance assessment districts, and that the ordinance provide a 75 foot separation distance from restaurant entrances consistent with the City of San Francisco's existing ordinance. Such provisions have been challenged by the Institute for Justice as unconstitutional (see letter dated December 13, 2013 in Attachment 3). The City Attorney is preparing a memorandum of law to address and respond to questions on this topic.

### **Enforcement**

While enforcement of mobile food truck vending regulations is expected to be more challenging than typical enforcement for fixed locations; concern regarding repeat violators can best be addressed if witnesses document the violation, provide the vehicle license plate and/or health permit certification number, and report the violation to the City's code compliance division or the County as appropriate. Non-health permit related requirements will be enforced by the code enforcement division and police department, and all health permit related requirements will be enforced by the County of San Diego.

The County of San Diego requires that mobile food truck operators that prepare food provide their truck route to facilitate unannounced health inspections as part of the health letter grade rating similar to the County's health inspection system applicable to restaurants. Mobile food trucks must belong to a commissary where the vehicle must be parked and serviced in accordance with the County code when not in operation for mobile vending. Mobile food trucks also must post a County issued certification sticker on the left bumper and right front windshield of the vehicle that displays a unique identification number for each vehicle that can be referenced for potential violation cases. The County's certification sticker system is similar to the Department of Motor Vehicle car registration system where the color of the sticker changes with annual renewal. The stickers are currently about 3 inch by 5 inch size, which County Health staff indicated could be increased in size for future years if requested by the City to facilitate enforcement.


### **Conclusion:**

The proposed code amendments are consistent with the standardized code framework and original goals of the Land Development Code to simplify development regulations, to make regulations more objective, to make the code more adaptable, to eliminate redundancies and contradictions, and to increase predictability in the application of land development regulations.

Respectfully submitted,



**Cathy Winterrowd**  
Deputy Director,  
Development Services Department



**Amanda Lee**  
Senior Planner, Land Development Code  
Development Services Department

WINTERROWD/AJL

### **Attachments:**

1. Memorandum dated September 19, 2013
2. Draft Code language dated December 23, 2013
3. Letter from the Institute for Justice dated December 13, 2013



**OFFICE OF INTERIM MAYOR TODD GLORIA  
CITY OF SAN DIEGO**

**MEMORANDUM**

**DATE:** September 19, 2013

**TO:** Tom Tomlinson, Interim Director, Development Services Department  
Bill Fulton, Director, Planning

**FROM:** Interim Mayor Todd Gloria *Todd Gloria*

**SUBJECT:** Food Truck Regulations

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I request that the Development Services Department prepare amendments to the Municipal Code which would allow for food trucks or mobile food facilities to operate on private property.

The previous administration stopped enforcing the City's current code prohibiting food truck operation on private property. While I understand the inspiration behind this action, it is more appropriate to amend our current code than to simply ignore it.

I request that staff research potential changes to the Municipal Code to legally allow food trucks to operate on private property in a manner that best balances safety, community character, and economic interests of the surrounding areas.

Options should be presented to community planning stakeholders for input, and final recommendations should be presented to the Land Use and Housing Committee.

Thank you for your consideration.

cc: Lorie Zapf, Chair, Land Use and Housing Committee  
Walt Ekard, Chief Operating Officer  
Scott Chadwick, Assistant Chief Operating Officer  
Andrea Tevlin, Independent Budget Analyst

## DRAFT FOOD TRUCK REGULATIONS

### **§54.0122 Prohibitions and Regulations Applicable to the Sale or Distribution of Foods, Beverages, Merchandise or Services from Vehicles and Mobile Food Units**

- (a) Purpose and Intent. The City Council hereby finds and declares that the unrestricted sale or distribution or the offering for sale or distribution of ~~food, beverages,~~ merchandise or services from vehicles, ~~or mobile food units~~ within or upon public streets, sidewalks and rights of way, public property or in the vicinity of school buildings, under certain circumstances, constitutes a danger to public safety because of the likelihood of injury to pedestrians thereby exposed to hazards from other vehicular traffic in the vicinity.

~~The City Council further finds that it is in the interest of the health, safety and welfare of the community that sales of products from mobile food units be limited to food items subject to regulation under the California Retail Food Code. The City Council further finds that the unauthorized use of public property for private commercial activity constitutes a misuse of public property and tax money and that similar activity on private property when not in conformity with health, safety, zoning and land use regulation is contrary to the public welfare.~~

- (b) Definitions.

- (1) The terms “vehicle,” “street” and “highway” are defined by the Vehicle Code of California.
- (2) “Public property” shall mean any real property owned or controlled by or leased or assigned to a governmental entity excluding such property as had been leased out by that entity for nongovernmental purposes. It shall also include unimproved streets and rights of way or similar easements for public access and use over which the public entity has a legal interest or right of control, other than a publicly maintained street or highway.
- ~~(3) The term “mobile food unit” is any non-self propelled or nonmotorized vehicle or similar vending device defined in Section 42.0160 of this Code.~~
- ~~(4) “Public school” shall refer to any public elementary school, middle school, junior high school or high school as defined in the Education Code of California.~~

- (c) Prohibitions. No ~~food, beverage,~~ merchandise or services shall be sold or distributed or offered for sale or distribution from a vehicle on a street or highway unless the vehicle is first lawfully parked, ~~or stopped and then remains for no longer a period of time than is necessary to complete the immediate sale. An operator is considered to be engaged in an “immediate sale” when there are patrons waiting in line for service. Operators of such vehicles shall maintain a minimum clear space of (10) feet both in front of and behind the vehicle to allow for pedestrian safety and safe sight distance for approaching motorists.~~

~~No sales or distribution shall be made when the designated minimum clear space of ten (10) feet does not exist.~~

- ~~(d) — No food or beverage shall be sold or distributed or offered for sale or distribution from a mobile food unit on a street or highway, on public property or upon a sidewalk without a permit from the City Manager or designee authorizing such sale or distribution pursuant to Section 42.0166 of this Code.~~
- ~~(e)(d)~~ No food, ~~beverage~~, merchandise or services shall be sold or distributed or offered for sale or distribution, whether from a vehicle or otherwise, upon public property without the authorization of the public entity.
- ~~(f)(e)~~ No food, ~~beverage~~, merchandise or services shall be sold or distributed or offered for sale or distribution from a vehicle ~~or mobile food unit~~ on private property without the express consent of the owner or lessee of the property and except in conformity with health, safety, zoning and land use regulations or permits pertaining to the site from which the sale or distribution is conducted.
- ~~(g)(f)~~ No food, ~~beverage~~, merchandise or services shall be sold or distributed or offered for sale or distribution from a vehicle in the public right-of-way within five hundred (500) feet from any public K-12 school (as defined by the Education Code including public, private and charter schools) building, measured in a straight line to the nearest point of the school building, between 7:00 a.m. and 4:00 p.m. on regular school days, except in a designated commercial loading zone in conformity with applicable restrictions thereto ~~or except on private property with the express consent of the owner or lessee of the property and in conformity with health, safety, zoning and land use regulations and permits pertaining to the site from which the sale or distribution is conducted.~~
- ~~(h) Mobile food unit operations are limited to the sale of food items regulated under the California Retail Food Code. The sale or distribution of any other items is prohibited.~~
- ~~(i)(g)~~ In addition to enforcing applicable federal, state and local laws, the City intends to strictly enforce any violations of the California Penal Code regarding the sale, distribution, or display of BB devices and Imitation Firearms. Violations ~~of mobile food unit sections~~ may be pursued as both a regulatory and a criminal violation.
- ~~(j)(h)~~ Construction with other laws. Nothing in this section shall be deemed to excuse compliance with any law or regulation pertaining to health, zoning, public safety or land use under applicable state law or the municipal code, including the issuance of any permits thereunder.

**Division 6: “Mobile Food Truck Permit Procedures” of Article 3 “Zoning”, Chapter 12 “Land Development Reviews” is added as follows:**

**§123.0601 Purpose of Mobile Food Truck Permit Procedures**

The purpose of these procedures is to regulate mobile food trucks in a manner that protects the public health safety, and welfare, while also accommodating mobile food truck activity that promotes an active and social pedestrian environment within appropriate areas of the City. This Division describes the permitting procedures for mobile food trucks and is intended to operate in conjunction with Land Development Code Section 141.0612, which sets forth the zoning regulations and operating requirements for mobile food trucks.

**§123.0602 When a Mobile Food Truck Permit Is Required**

- (a) A Mobile Food Truck Permit is required for mobile food truck operations on private property, except where specifically exempted by Section 141.0612.
- (b) Once issued, the Mobile Food Truck Permit will allow the property owner to authorize individual mobile food truck operators to operate on the premises in accordance with the Mobile Food Truck Permit and Section 141.0612.

**§123.0603 How to Apply for a Mobile Food Truck Permit**

- (a) An applicant shall apply for a Mobile Food Truck Permit in accordance with Section 112.0102.
- (b) The application shall include:
  - (1) a site plan including details sufficient to demonstrate compliance with Section 141.0612(c); and
  - (2) a signed affidavit agreeing mobile food truck operations on the premises will comply with Section 141.0612.

**§123.0604 Decision on a Mobile Food Truck Permit**

A decision on an application for a Mobile Food Truck Permit shall be made in accordance with Process One. The City Manager shall approve a Mobile Food Truck Permit if the proposed mobile food truck operations comply with Section 141.0612.

**§123.0605 Issuance of a Mobile Food Truck Permit**

- (a) The City Manager shall issue a Mobile Food Truck Permit when the required fees have been paid and the permit has been approved. The permit shall become effective on the date of issuance.



- (b) A permit shall not be issued for a location where an enforcement action is in process for unlawful activity on the premises until the enforcement action has been concluded.

**§123.0606 Expiration of a Mobile Food Truck Permit**

The City Manager shall set a one year expiration date for each Mobile Food Truck Permit beginning from the date of issuance of the permit.

**§131.0222 Use Regulations Table for Open Space Zones**

The uses allowed in the open space zones are shown in Table 131-02B.

**Table 131-02B  
Use Regulations Table of Open Space Zones**

Use Categories/Subcategories  [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones					
	1st & 2nd >>	OP-		OC-	OR <sup>(1)</sup> -		OF <sup>(11)</sup> -
	3rd >>	1-	2-	1-	1-		1-
	4th >>	1	1	1	1	2	1
Open Space through Retail Sales [No change]							
Commercial Services							
Building Services through Visitor Accommodations [No change]							
Separately Regulated Commercial Services Uses							
Adult Entertainment Establishments through Helicopter Landing Facilities [No change]							
<u>Mobile Food Trucks</u>		<u>L<sup>(2)</sup></u>	<u>L<sup>(2)</sup></u>	=	=	=	
Massage Establishments, Specialized Practice through Zoological Parks [No change]							
Offices through Signs [No change]							

**Footnotes for Table 131-02B [No change]**

2 This use is permitted only if consistent with an approved park general development plan or master plan and is subject to any requirements identified in the plan.

**§131.0322 Use Regulations Table for Agricultural Zones**

The uses allowed in the agricultural zones are shown in Table 131-03B.

**Table 131-03B**  
**Use Regulations Table of Agricultural Zones**

Use Categories/Subcategories  [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones			
	1st & 2nd >>	AG		AR	
	3rd >>	1-		1-	
	4th >>	1	2	1	2
Open Space through Retail Sales [No change]					
Commercial Services					
Building Services through Visitor Accommodations [No change]					
Separately Regulated Commercial Services Uses					
Adult Entertainment Establishments through Helicopter Landing Facilities [No change]					
Mobile Food Trucks		C		L <sup>(12)</sup>	
Massage Establishments, Specialized Practice through Zoological Parks [No change]					
Offices through Signs [No change]					

**Footnotes to Table 131-03B**

**12** This use is permitted only where accessory to commercial *development* and designed and operated in compliance with Section 141.0612.

**§131.0422 Use Regulations Table for Residential Zones**

The uses allowed in the residential zones are shown in the Table 131-04B.

**Table 131-04B**  
**Use Regulations Table of Residential Zones**

Use Categories/ Subcategories  [See Section 131.0112 for an explanation and descriptions of	Zone Designator	Zones			
	1st & 2nd >>	RE-	RS-	RX-	RT-

the Use Categories, Subcategories, and Separately Regulated Uses]	3rd >>	1-			1-											1-		1-					
	4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3
Open Space through Retail Sales [No change]																							
Commercial Services																							
Building Services through Visitor Accommodations [No change]																							
Separately Regulated Commercial Services Uses Adult Entertainment Establishments through Helicopter Landing Facilities [No change]																							
Mobile Food Trucks		:			:											:		:					
Massage Establishments, Specialized Practice through Zoological Parks [No change]																							
Offices through Signs [No change]																							

Use Categories/ Subcategories	Zone Designator	Zones											
	1st & 2nd >>	RM-											
	3rd >>	1-			2-			3-			4-		5-
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12
Open Space through Retail Sales [No change]													
Commercial Services													
Building Services through Visitor Accommodations [No change]													
Separately Regulated Commercial Services Uses Adult Entertainment Establishments through Helicopter													

Use Categories/ Subcategories	Zone Designator	Zones											
	1st & 2nd >>	RM-											
	3rd >>	1-			2-			3-			4-		5-
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12
[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]													
Landing Facilities [No change]													
Mobile Food Trucks		-			N <sup>(37)</sup>			L <sup>(37)</sup>			L <sup>(37)</sup>		L <sup>(37)</sup>
Massage Establishments, Specialized Practice through Zoological Parks [No change]													
Offices through Signs [No change]													

**Footnotes to Table 131-04B**

(37) This use is permitted only in association with a multiple dwelling unit development with at least 16 dwelling units and only if the commercial service is limited to the residents and their guests and the use is designed and operated in compliance with Section 141.0612.

**§131.0522 Use Regulations Table of Commercial Zones**

The uses allowed in the commercial zones are shown in Table 131-05B.

**Table 131-05B**  
**Use Regulations Table for Commercial Zones**

Use Categories/Subcategories	Zone Designator	Zones											
	1st & 2nd >>	CN <sup>(1)</sup> -			CR-		CO-		CV-		CP-		
	3rd >>	1-			1-	2-	1-		1-		1-		
	4th >>	1	2	3	1	1	1	2	1	2	1		
Open Space through Retail Sales [No change]													
Commercial Services													

Use Categories/Subcategories	Zone Designator	Zones									
	1st & 2nd >>	CN <sup>(1)</sup> -			CR-		CO-		CV-		CP-
	3rd >>	1-			1-	2-	1-		1-		1-
	4th >>	1	2	3	1	1	1	2	1	2	1
Building Services through Visitor Accommodations [No change]											
Separately Regulated Commercial Services Uses Adult Entertainment Establishments through Helicopter Landing Facilities [No change]											
Mobile Food Trucks		L			L	L	L	L	L	L	
Massage Establishments, Specialized Practice through Zoological Parks [No change]											
Offices through Signs [No change]											

Use Categories/Subcategories	Zone Designator	Zones																			
	1st & 2nd >>	CC-																			
	3rd >>	1-		2-		3-		4-				5-									
	4th >>	1	2	3	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5		
[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]																					
Open Space through Retail Sales [No change]																					
Building Services through Visitor Accommodations [No change]																					
Separately Regulated Commercial Services Uses Adult Entertainment Establishments through Helicopter Landing Facilities [No change]																					
Mobile Food Trucks		L		L		L		L				L									
Massage Establishments, Specialized Practice through Zoological Parks [No change]																					
Offices through Signs [No change]																					

**§131.0622 Use Regulations Table for Industrial Zones**

The uses allowed in the industrial zones are shown in Table 131-06B.

**Table 131-06B**  
**Use Regulations Table for Industrial Zones**

Use Categories/ Subcategories	Zone Designator	Zones							
	1st & 2nd >	IP-		IL-			IH-		IS-
	3rd >>	1-	2-	1-	2-	3-	1-	2-	1-
	4th >>	1	1	1	1	1	1	1	1
Open Space through Retail Sales [No change]									
Building Services through Visitor Accommodations [No change]									
Separately Regulated Commercial Services Uses Adult Entertainment Establishments through Helicopter Landing Facilities [No change]									
<b><u>Mobile Food Trucks</u></b>		<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
Massage Establishments, Specialized Practice through Zoological Parks [No change]									
Offices through Signs [No change]									

**New Separately Regulated Use Regulations for Mobile Food Trucks:****§141.0612 Mobile Food Trucks**

Mobile food trucks are motorized vehicles that function as transportable retail food and beverage facilities. This use category includes mobile food trucks that provide sales to the general public of food and beverage (pre-packaged or prepared and served from the vehicle or an attached trailer) for consumption on or off of the premises. They are health regulated businesses subject to San Diego Municipal Code Chapter 4, Article 2, Division 1.

Mobile food trucks are permitted as a limited use in the zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

Section 141.0612 does not apply to pushcarts (non-motorized mobile food vending) regulated by Section 141.0619, or to off-site food and beverage delivery services.

(a) General Regulations

- (1) Mobile food truck operators shall maintain a valid business tax certificate to operate within the City of San Diego (San Diego Municipal Code Chapter 3).
- (2) Mobile food truck operators shall obtain a County Health permit and operate in conformance with the following health standards, as currently exist or as may be amended: Municipal Code Sections 41.02, 41.03, 41.0701 through 41.0704, 42.0101 and 42.0102, County Code Title 6, Division 1, and the requirements of Land Development Code Section 141.0612. County issued Health Permit certification stickers shall be posted in public view, without obstruction, on the front right windshield and the back left bumper of the mobile food truck.
- (3) Mobile food truck operations shall be limited to the sale of food and beverage items regulated under the California Retail Food Code (California Health and Safety Code Division 104, Part 7, Section 113700 et. seq.) The sale or distribution of any other items is prohibited.
- (4) Mobile food truck operators shall not verbally solicit business from pedestrians or persons in vehicles and shall not sell to persons in vehicles.
- (5) No amplified music or loudspeakers shall be permitted. The operation shall at all times comply with the provisions of the City's Noise Ordinance.
- (6) No lighting shall be provided, except that localized lighting may be used on or in the mobile food trucks for the purpose of inside food preparation and menu illumination.
- (7) Mobile food trucks shall not display any signs other than those exhibited on or in the mobile food truck.
- (8) No sales or service of alcohol shall be allowed by mobile food trucks.
- (9) The mobile food truck operator shall provide one trash receptacle and one recycling receptacle for use by patrons and in a convenient location that does not impede pedestrian or vehicular traffic. All litter or debris generated within a minimum of a 25-foot radius of the food truck shall be collected and removed by the mobile food truck operator.
- (10) Except as required in accordance with Section 141.0612(a)(9), all associated equipment and operations shall be self contained within the mobile food truck. No furniture, umbrellas, generators, extension cords, objects or structures shall be



placed outside of the vehicle, or attached to any traffic signals or signs, light standards, parking meters, phone booths, newspaper stands, bus stops, trash receptacles, benches, trees, or similar objects.

- (11) Where located within 500 feet of a *dwelling unit*, mobile food trucks may only operate between 6 a.m. and 10 p.m. Sunday through Thursday and between 6 a.m. and 11 p.m. Friday and Saturday.
- (12) The mobile food truck shall not obstruct or interfere with the free flow of pedestrian or vehicular traffic, including but not limited to access to or from any business, public building, or *dwelling unit*, nor shall it restrict sight distance at driveways and intersections.

(b) Mobile food trucks in the *Public Right-of-Way*

Mobile food trucks may be permitted to operate in the *public right-of-way* as a limited use in the zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (1) Mobile food truck operators shall maintain a liability insurance policy of at least \$1,000,000 that names the City as an additional insured. The liability insurance shall be provided in a form acceptable to the City Engineer.
- (2) The mobile food truck shall be legally parked in full compliance with all parking and California Vehicle Code provisions which apply to the location at which it is parked, including any curb marking prohibiting the parking or standing of a vehicle or indicating a parking time limit. Mobile food trucks shall not interfere with the passage of vehicles along the street, obstruct access to parked vehicles, impede the delivery of materials to adjoining property, nor preclude any existing curb space use.
- (3) Mobile food trucks shall not operate in the *public right-of-way* within 500 feet from any K-12 school building, as defined in the Education Code of California, between 7:00 a.m. and 4:00 p.m. on regular school days.
- (4) Mobile food trucks shall not be parked within 25 feet from a street intersection with a crosswalk, traffic light, or stop sign, or within 25 feet from a bus stop or trolley stop.
- (5) The mobile food truck operator shall be responsible for organizing customer queuing in a manner that maintains a path along the sidewalk that is at least 4 feet clear and does not interfere with or obstruct the free passage of pedestrians.
- (6) Food and beverage service shall be limited solely to that side of the mobile food truck facing away from the *street*.

- (7) The mobile food truck operator shall not encroach onto a public sidewalk with any part of the vehicle or any other equipment or furniture related to the operation of its business, except for required refuse and recycling receptacles.
- (8) Mobile food truck operators shall be responsible for controlling smoke and odors caused by food preparation so as to avoid a public nuisance.
- (9) Mobile food trucks are not permitted in the *public right-of-way* within the Parking Impact Overlay Zone as described in Section 132.0802.
- (10) Mobile food trucks greater than 30 feet in length, or that occupy more than two on-street parking spaces, are not permitted to operate in the *public right-of-way* in commercial zones.
- (11) Mobile food trucks shall not operate in the *public right-of-way* within 500 feet of an event on public property that has an approved Special Events Permit without notarized authorization from the owner or proprietor of the special event or without an approved Special Events Permit in accordance with Municipal Code Section 22.4004.

(c) Mobile food trucks on private property

Mobile food trucks may be permitted to operate on private property as a limited use in the zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (1) Mobile food truck operations on private property shall require an approved Mobile Food Truck Permit in accordance with Section 123.0602, except where exempted per Section 141.0612(c)(1)(C).
  - (A) The Mobile Food Truck Permit shall apply only to the location designated on the permit.
  - (B) Prior to commencing operations, a copy of the approved Mobile Food Truck Permit shall be displayed in a prominent and visible place within each mobile food truck together with a notarized letter of permission from the property owner granting the operator the owner's express consent to operate on the site in accordance with the approved permit.
  - (C) A Mobile Food Truck Permit shall not be required for the following:
    - (i) Mobile food truck operations in accordance with Section 141.0612 (d) or (e);
    - (ii) Mobile food truck operations in industrial zones; or

- (iii) Mobile food truck operations on the property of a school, university, or hospital with the express written consent of the property owner or authorized principal, dean, or administrator.
- (2) Mobile food truck operations shall not occupy more than 25 percent of the area of the premises.
- (3) The maximum number of mobile food trucks permitted on a site shall be determined as follows:
  - (A) One mobile food truck may operate on the site for every 525 square foot paved area (at least 35 feet by 15 feet in dimension) available for mobile food truck operations; except that mobile food trucks greater than 30 feet in length require a space at least 70 ft by 15 ft.
  - (B) Mobile food truck operations shall occur within a paved, level parking area, where it can be demonstrated that any off-street parking spaces located in that area are not otherwise reserved, encumbered, or designated to satisfy the off-street parking requirement of a business or activity that is operating at the same time as the mobile food truck.
  - (C) Mobile food trucks may be parked within required parking areas. However, operation of the mobile food truck shall not create a parking impact or impede pedestrian or vehicle ingress or egress through the remainder of the parking area or adjacent public right-of-way. There shall be no reduction in the number of parking spaces required for on-site uses while those uses are in operation.
- (d) Private Catering

Mobile food trucks may operate as a private food and beverage caterer in accordance with Section 141.0612(a) and the following:

  - (1) The mobile food truck shall be parked entirely on private property.
  - (2) Service shall be limited to private guests of the catering event host only. No walk-up customers are permitted.
  - (3) Payment shall occur directly between the catering event host and the mobile food truck operator. No payment transactions shall occur for individual orders.
  - (4) A maximum of one catering event per week is permitted in commercial zones, and a maximum of one catering event per month is permitted in residential zones. More frequent catering activities shall be subject to a Mobile Food Truck Permit and the limited use regulations in Section 141.0612 (c).

**(e) Mobile Food Trucks at Active Construction Sites**

Mobile food trucks that serve a site that is actively under construction pursuant to a valid building permit or grading permit, and do not vend to the general public during their stop, shall be exempt from the requirement to obtain a Mobile Food Truck Permit.

**(f) Special Events**

Approval must be obtained from the City Manager in accordance with Municipal Code Section 22.4004 to conduct a special event with food trucks on public property anticipated to result in the public assembly of 75 or more people.

**(g) Neighborhood Use Permit**

A Process Two Neighborhood Use Permit may be requested in accordance with Section 126.0203 to deviate from the requirements in Section 141.0612.

**Chapter 15: Planned Districts, Article 6, Division 3: The Centre City Planned District****§156.0302 Definitions**

*Mobile Food Facilities* are motorized vehicles from which food or drink (prepared on-site or pre-packaged) is sold or served to the general public, whether consumed on-site or elsewhere. *Mobile Food Facilities* do not include *pushcarts* as defined in Section 141.0619 of the San Diego Municipal Code.

**§156.0308 Base District Use Regulations**

[No change.]

Existing Table 156-0308A identifies that *Mobile Food Facilities* require a Conditional Use Permit in the Core, Neighborhood Mixed-Use Center, Employment Residential Mixed-Use, Ballpark Mixed-Use, Waterfront Marine, Mixed Commercial, Residential Emphasis, Public/Civic, Public Facilities, and Park/Open Space CCPDO zones, and are “not permitted” in the Industrial, Transportation, or Convention Center/Visitor CCPDO zones. Table 156-0308A will be modified to change the use category from a conditional use to a limited use.

**Chapter 15: Planned Districts, Article 7: Gaslamp Planned District****§157.0304 Permitted Uses**

[Intro paragraph through (c) No change]

**(d) Prohibited Uses**

The following uses shall be prohibited in the entire District as both *primary* and *accessory uses*:

- (1) card rooms, defined as any establishment open to the public wherein games of any kind are played with cards for any consideration;
- (2) correctional placement facilities pursuant to Section 141.0406;
- (3) drive-through businesses; ~~and~~
- (4) mobile food trucks; and
- ~~(5)~~ pushcarts in the *public right-of-way*.



## INSTITUTE FOR JUSTICE

December 13, 2013

City of San Diego  
Development Services Department  
202 C Street  
San Diego, CA 92101

Re: Reject proposed food-truck regulations

Development Services Department:

The Institute for Justice ("IJ") is a public interest, civil liberties law firm that advocates in the courts of law and public opinion to vindicate the right to earn an honest living. As part of its National Street Vending Initiative, IJ has challenged laws in El Paso, Texas (which quickly repealed its proximity restriction in response to our lawsuit); Atlanta (which we recently won); Chicago; and Hialeah, Florida, that unconstitutionally restrict vendors' right to economic liberty, which is protected by the U.S. Constitution's 14<sup>th</sup> Amendment. IJ has published extensively on the benefits that street vendors provide, the barriers that too often stand in their way, and how cities can cultivate vibrant food truck scenes.<sup>1</sup> We also work with city councils and food truck operators across the country to reform local laws.

We write to encourage the Development Services Department to reject the proposed land use regulations and permit process for mobile food trucks. The proposal raises serious constitutional concerns and should be rejected in favor of narrowly tailored laws that are limited to protecting the public's health and safety and address only congestion, trash and licensure. Specifically, the Institute opposes the 75-foot proximity restriction (that is, the requirement that food trucks on the public right-of-way not operate within 75 feet of the entrance to a street-level eating establishment without permission), as well as the proposed regulations' prohibition on food trucks operating within the Gaslamp District and on public rights-of-way downtown, for the reasons detailed below.

The California Restaurant Association views the legislative process as a way to protect its members from competition, and is advocating for a ban on food trucks within a certain distance from their restaurants or in high-traffic areas for precisely that reason. However, protectionism is an illegitimate use of government power under the U.S. and California Constitutions. The Ninth Circuit Court of Appeals, whose jurisdiction includes San Diego, held as much in a lawsuit that challenged California's licensing of pest exterminators. In ruling that the government cannot impose protectionist regulations that restrict individuals' right to earn an honest living, the Ninth Circuit ruled **"that mere economic protectionism for the sake of economic protectionism is irrational."**<sup>2</sup> **Indeed, California courts have invoked this principle in striking down a Los Angeles restriction that prohibited food trucks from operating within 100 feet of a restaurant.**<sup>3</sup> The recommended 75-foot proximity restriction is similarly unconstitutional and should be rejected.

<sup>1</sup> See, e.g., *Streets of Dreams: How Cities Can Create Economic Opportunity by Knocking Down Protectionist Barriers to Street Vending*; *Seven Myths and Realities About Food Trucks: Why the Facts Support Food-Truck Freedom*; and *Food Truck Freedom: How to Build Better Food-Truck Laws in Your City*, all available at [www.ij.org/vending](http://www.ij.org/vending).

<sup>2</sup> *Merrifield v. Lockyer*, 547 F.3d 978, 992 n. 15 (9<sup>th</sup> Cir. 2008).

<sup>3</sup> *People v. Ala Carte Catering Co.*, 98 Cal. App. 3d Supp. 1, 9 (Cal. App. Dep't Super. Ct. 1979).

Moreover, the Department should reject the proposed regulations that would prohibit food trucks from operating adjacent to sidewalks that are less than eight feet wide. Original research conducted by the Institute for Justice in Washington, D.C., revealed that food trucks do not have a demonstrable effect on sidewalk congestion.<sup>4</sup> Furthermore, in researching street-vending laws across the country, the Institute has not come across any other city with a eight-foot minimum sidewalk width requirement. Instead, the most common requirement is one that simply tells food trucks not to operate in a way that blocks the sidewalk—a requirement that Section 141.0612(b)(5) of the proposed regulations would accomplish. For more information on how to write constitutional food-truck laws that are clear, narrowly tailored and outcome-based, we refer you to *Food-Truck Freedom: How to Build Better Food-Truck Laws in Your City*. The recommendations are based on the legislative best practices of Los Angeles and other cities that have experience regulating food trucks. You can access the guide at [www.ij.org/food-truck-freedom](http://www.ij.org/food-truck-freedom).

San Diego should seize this exciting opportunity to create a law that will open your streets to the many benefits that food trucks have to offer your residents—and in doing so, lead the country in passing legislation that embraces both the street-food revolution and those aspiring entrepreneurs on the first rung of the economic ladder.

A vibrant food-truck industry benefits everyone. Food trucks put people to work, create opportunities for self-sufficiency, and enrich the communities in which they operate. They provide entry-level opportunities, allowing entrepreneurs to test ideas and accumulate capital needed to climb the economic ladder and realize their next opportunity: a brick-and-mortar restaurant. Vendors also contribute to the city's coffers by paying sales tax and payroll taxes, and can activate underused spaces, bring new life to communities and make them safer, more enjoyable places to live.

Moreover, the presence of food trucks actually boosts local businesses—including restaurants. Food trucks encourage people to come out onto the streets, increasing foot traffic for everyone. They also provide a new way to market and expand brick-and-mortar establishments. Claims that food trucks spell doom for local restaurants are not only unsupported, but are also contradicted by the experience of Los Angeles, which has enthusiastically welcomed mobile-food entrepreneurs and continues to experience growth and improvement in its restaurant industry.

San Diego's entrepreneurs, their employees and families, local businesses, and communities deserve to experience the benefits that food trucks provide. We encourage you to pass legislation that allows food trucks to operate freely, with regulations that are narrowly-tailored and limited to protecting the public's health and safety.

Please do not hesitate to contact me at (703) 682-9320 or [cwalsh@ij.org](mailto:cwalsh@ij.org). We look forward to working with you to ensure that *all* of San Diego's entrepreneurs are allowed the opportunity to thrive. Thank you.

Best,



Christina Walsh  
Director of Activism and Coalitions

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<sup>4</sup> See *Streets of Dreams* pp. 33-34.



## STAFF REPORT | LDR 2013-05

### Staff Report to the St. Petersburg Development Review Commission Prepared by the Planning and Economic Development Department

For Public Hearing on December 4, 2013  
at 2:00 p.m. in the City Council Chambers, City Hall,  
175 Fifth Street North, St. Petersburg, Florida.

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**Subject:** City File LDR 2013-05: Amendment to the Land Development Regulations (“LDRs”), Chapter 16, City Code of Ordinances.

**Request:** It is requested that the Development Review Commission (“DRC”) review and recommend approval of the attached proposed amendments to the LDRs, based on consistency with the Comprehensive Plan. Pursuant to Section 16.80.020.1 of the City Code of Ordinances, the DRC, acting as the Land Development Regulation Commission (“LDRC”), is responsible for reviewing and making a recommendation to the City Council on proposed LDR amendments, excepting those related to historic and archeological preservation.

**Background:** The City of St. Petersburg is committed to identifying, and enabling the establishment of, emerging market segments that provoke entrepreneurial risk, diversify the city’s economic base, increase employment opportunities and generally enrich the overall quality of life for St. Petersburg’s many residents and visitors. The city is also committed to conducting thorough reviews of potential changes to the City Code to ensure that new business trends and endeavors are appropriately regulated to ensure that potential negative impacts are identified and properly addressed.

On October 20, 2011, Council Member Leslie Curran submitted, and the City Council subsequently referred to the Public Service and Infrastructure Committee (“PS&I”), a request to review possible ordinance changes and permitting process adjustments regarding a specific type of mobile food vending unit commonly referred to as a “mobile food truck.” This application pertains to the permitting and regulation of mobile food trucks; however, the action has a consequence on the regulation and enforcement of two (2) other types of mobile food vending units - mobile ice cream trucks and mobile canteen trucks. Staff has carefully considered all potential impacts and included certain considerations related to each.



## **TYPES OF MOBILE FOOD VENDING UNITS**

Distinguished as much by their physical characteristics as their operational requirements, there are generally four (4) types of mobile food vending units:

1. Pushcart



Within the city of St. Petersburg, a pushcart is small in scale, designed for manual operation and restricted to a specific list of items including flowers, plants, fruits, vegetables, beverages, hot dogs and other prepared and prepackaged food including sandwiches, ice cream and snack-type edibles. A pushcart shall not be propelled by an internal combustion engine, electric motor or other similar mechanical device; and when fully loaded with merchandise, shall be movable by a single individual. **Pushcarts are NOT part of this ordinance and were included for your information only.**

2. Mobile Ice Cream Truck



A mobile ice cream truck is a vehicle serving only pre-packaged frozen dairy or frozen water-based food products, soft serve or hand dipped frozen dairy products and pre-packaged beverages. The regulations for mobile ice cream trucks will remain primarily unchanged.

3. Mobile Canteen Truck



A mobile canteen truck is a self-propelled vehicle that typically sells products on private property, to employees of a private client or contracted business. Canteen trucks generally offer a wider selection of food items than pushcarts because the vehicle includes mechanical refrigeration and hot holding equipment. Food sales are conducted from the exterior of the vehicle.

4. Mobile Kitchen, (most commonly referred to as a “food truck”)



A mobile kitchen typically operates on private property with service to the general public; however, where local ordinances allow, a mobile food truck may also operate upon and sell products from within, the public rights-of-way. Mobile kitchens generally include a full-service, commercial kitchen accommodating the production of specialized and gourmet cuisine in large quantities. The food is cooked, prepared and then distributed directly from the vehicle through a side-access window. Unlike an ice-cream truck, which is constantly in motion and responds to customers waiting along the side of a public right-of-way, mobile kitchens are typically stationary through the meal period and advertise their daily location using social networking services, such as Facebook and Twitter.

**CURRENT REGULATIONS**

Currently, the St. Petersburg City Code allows mobile food trucks city-wide, subject to certain conditions. Whereas the current regulations were written primarily for mobile ice cream trucks, they are less than ideal for emerging market segments, such as gourmet mobile food trucks. To date, city staff has been using a combination of Chapter 16, Section 16.50.440, and Chapter 17 pending the results of this LDR text amendment. Depending on the nature of the individual request, Section 16.50.410 titled “Temporary Uses” may apply.

- Section 16.50.440 titled “Vending of Products from Motor Vehicles”

Section 16.50.440 titled “Vending of Products from Motor Vehicles” regulates the vehicle, operator, location, sound, and hours of operation. Under this section of the City Code, a mobile food truck is permitted to operate upon any public road right-of-way, not including the downtown center. In order to operate upon private property, a mobile food truck must comply with the requirements of Section 16.50.410 titled “Temporary Uses.”

- Section 16.50.410 titled “Temporary Uses”

This section of the City Code regulates activities and uses that are not specifically allowed but may be necessary or appropriate on a temporary basis despite whether they are in keeping with the intent and purpose of the zoning district. Pursuant to this section of the City Code, a temporary use permit may be issued for the operation of a mobile food truck(s) subject to a specific duration of time and any other conditions that may be reasonably imposed to ensure that potential impacts are mitigated.

- Special Events, Private and Public Co-Sponsored

A mobile food truck operator may also contract with the operators of an approved special event. For example, a mobile food truck operator may contract with the Saturday Morning Market, Mainsail Arts Festival, Ribfest, Taste of Pinellas, etc. and operate under the blanket approval granted for the special event. This also includes private events not open to the general public.

### **SUMMARY OF OPTIONS UNDER THE CURRENT CITY CODE**

The following is a consolidated list of mobile food truck options under the current City Code. Mobile food truck sales are allowed:

1. Upon the public road rights-of-way, not including the downtown center;
2. Upon private property subject to the issuance of a temporary use permit and the conditions thereof.
3. Upon private property for private events – no City permit is required.

### **Analysis:**

Based on the results of staff's analysis, input from PS&I Committee Members and input from two (2) parties representing the interests of restaurants (St. Petersburg Area Chamber of Commerce) and mobile food trucks (then-known as the Tampa Bay Area Mobile Food Vending Alliance), the following items are presented for consideration:

1. Staff recommends Section 16.50.440 titled "Vending of Products from Motor Vehicles" be amended to distinguish between the regulation of mobile ice cream and canteen trucks, and mobile kitchens;
2. Staff recommends Section 16.50.440 be organized into three main subsections: (a) general regulations that apply to all mobile ice cream and canteen trucks, and mobile kitchens regardless of location; (b) regulations that apply to operation on private property; and (c) regulations that apply to operation on public rights-of-way;

### **GENERAL REQUIREMENTS**

The proposed regulations include general development standards and use restrictions for all mobile ice cream and canteen trucks, and mobile kitchens, regardless of whether they are operating upon private property or public rights-of-way. These general development standards regulate business tax receipts, permit requirements, vehicle and insurance requirements, separation requirements, hours of operation, noise limitations and waste collection.

- 1) Mobile Food Establishment Permit. With the exception of an ice cream truck (peddlers permit) and a canteen truck (unregulated), mobile food truck operators are currently required to obtain a temporary use permit for each occurrence. Based on this hardship, city staff is proposing to create and monitor an annual permitting program. The annual permit will coordinate and allow mobile food trucks to operate on private property in accordance with this section and without the requirement to obtain a

temporary use permit for each occurrence. Staff believes this significant modification will streamline the review process, relieve the regulatory burden that is currently placed upon the operators and allow a timely response to last minute requests for their participation. A permit will not be required for mobile food trucks participating in a city co-sponsored event, an event that is not open to the general public or a special event authorized by issuance of a temporary use permit.

### **PUBLIC RIGHTS-OF-WAY**

Currently, mobile food trucks are qualified to operate on public rights-of-way, excluding the downtown center. The downtown center exclusion has become the primary source of debate, centered on various considerations including separation requirements to bricks-and-mortar facilities, parking impacts and trash debris.

Based on the results of staff's analysis, input from PS&I Committee Members and input from the two (2) interested parties, staff recommends a city-wide prohibition on mobile food truck operation on the public rights-of-way, except as may be allowed by issuance of a temporary use permit or as part of a city co-sponsored event.

Staff makes this recommendation, based on the following:

- Public safety should depend upon consideration of the operational characteristics and potential impacts of the regulated business type. Public safety should not depend upon specific geographic districts (i.e. downtown center) nor should it be influenced by the opinions of competitive market segments.
- A city-wide prohibition from public rights-of-way will eliminate certain legal questions, liabilities and enforcement challenges associated with the current regulations and the mobile characteristics of the subject business type.
- A high volume of customers compressed within a narrow window of time, will create an extraordinary demand on the need for waste removal from public receptacles. This is more properly managed through an organized temporary use permit or city co-sponsored event process.
- The ability to operate on private property is significantly improved by other recommendations included herewith.
- The ability to operate on public rights-of-way in coordination with a temporary use permit or city co-sponsored special event is retained.

### **PRIVATE PROPERTY**

- 1) Location. Shall be a permitted accessory use on private property within all zoning districts allowing retail or restaurants and bars. Whereas the operation of a mobile food truck is generally prohibited on vacant and undeveloped property, the proposed amendments will allow for exceptions by geographic location. Currently, the ordinance includes an exception for property zoned CCT-2 within the Grand Central district. Additional exceptions may be granted as part of this request or a future LDR text amendment.

- 2) Permission. Shall have the written permission of the registered owner of the subject property, which shall be available upon request.
- 3) Frequency. Shall be limited to no more than two (2) consecutive days per calendar week. This limitation shall apply only to mobile food trucks and mobile ice cream trucks, and shall not prohibit the property owner from obtaining a temporary use permit or hosting a city co-sponsored event. Due to their temporary status, mobile food trucks are conferred certain benefits and exclusions, such as minimum parking requirements and site improvements. A limitation on the number of days per calendar week will reinforce the temporary characteristics of the proposed business type. Furthermore, this standard will allow creation of a consistent, weekly schedule upon which both operators and customers can depend.
- 4) Limit. Shall be limited to no more than two (2) mobile food trucks at one (1) time, except as may be allowed in conjunction with a temporary use permit or as part of a city co-sponsored event.

### **SUMMARY OF KEY ELEMENTS**

#### Mobile food trucks:

- Shall be allowed to operate city-wide;
- Shall obtain an annual permit;
- Shall be prohibited on public rights-of-way, except as may be allowed in conjunction with a temporary use permit or as part of a city co-sponsored event;
- Shall be allowed on private property as an accessory use with no separation requirement to existing restaurants and bars;
- On private property, shall be limited to no more than two (2) consecutive days per week and no more than two (2) mobile food trucks at any one time, except as may be allowed in conjunction with a temporary use permit or as part of a city co-sponsored event.
- Shall be allowed on vacant lots with frontage on Central Avenue within the Grand Central District, otherwise mobile food trucks are prohibited on vacant lots unless in conjunction with a temporary use permit or a city co-sponsored event.

#### **Compliance with the Comprehensive Plan:**

The following objectives and policies from the City's Comprehensive Plan are applicable to the attached proposed amendments:

**Objective LU7:** The City will continue to revise and amend the land development regulations, as necessary, to ensure compliance with the requirements of Chapter 163.3202, Florida Statutes [and Chapter 9J-24 F.A.C.]<sup>1</sup>. The City will amend its land development regulations consistent with the requirements of Chapter 163.3202, Florida Statutes [and Chapter 9J-24 F.A.C]. so that future growth and development will continue to be managed through the preparation, adoption, implementation and enforcement of land development regulations that are consistent with the Comprehensive Plan.

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<sup>1</sup> Chapter 9J-24 F.A.C. is no longer a valid reference in State statute. As of this writing, the city's Comprehensive Plan has not been updated to reflect this legislative change.

**Policy LU7.1:** Pursuant to the requirements of Chapter 163.3202 F.S. and Chapter 9J-24 F.A.C. the land development regulations will be amended, as necessary, to ensure consistency with the goals, objectives and policies of the Comprehensive Plan.

**Objective LU20:** The City shall, on an ongoing basis, review and consider for adoption, amendments to existing and/or new innovative land development regulations that can provide additional incentives for the achievement of Comprehensive Plan Objectives.

**Policy LU20.1:** The City shall continue to utilize its innovative development regulations and staff shall continue to examine new innovative techniques by working with the private sector, neighborhood groups, special interest groups and by monitoring regulatory innovations to identify potential solutions to development issues that provide incentives for the achievement of the goals, objectives and policies of the Comprehensive Plan.

**Meetings**  
**And**  
**Public**  
**Engagement:**

**November 3, 2011**

The Planning and Economic Development Department first made a presentation to the PS&I Committee on November 3, 2011. The presentation included an introduction to the various types of mobile food vending units, the recent history of mobile food trucks, and an analysis of the current land development regulations. The PS&I Committee requested that staff report back with specific proposals for consideration.

**February 23, 2012**

A second meeting of the PS&I Committee was held on February 23, 2012. At this meeting, staff presented specific items for consideration and a list of next steps. The PS&I Committee requested coordination of a public workshop and presentation by two parties representing the interests of restaurants (St. Petersburg Area Chamber of Commerce) and mobile food trucks (then-known as the Tampa Bay Area Mobile Food Vending Alliance).

**March 22, 2012**

The requested public workshop was held on March 22, 2012.

**May 3, 2013**

A second public workshop was held on May 3, 2013. The purpose of the second public workshop was to present the proposed amendments and solicit final comments prior to advancing the application to public hearing review by the DRC and City Council.

**May 30, 2013**

On May 30, 2013, city staff presented an update to the PS&I Committee. Subsequent discussion and several recommendations from the Committee are included in the final draft.

**Housing**  
**Affordability**  
**Impact Statement:**

The proposed amendments will have a no impact on housing affordability, availability or accessibility. A Housing Affordability Impact Statement is attached.

**Recommendation:**

The Planning and Economic Development Department has determined that the proposed amendments to the LDRs, Chapter 16, City Code of Ordinances, are consistent with the Comprehensive Plan and recommends **APPROVAL**.

**Process:** The first reading for City Council consideration is tentatively scheduled on January 9, 2013. The second reading and (adoption) public hearing is tentatively scheduled for January 16, 2014.

**Attachments:**

1. Ordinance to Amend the LDRs
2. Housing Affordability Impact Statement

ORDINANCE NO. [XX-XX]

AN ORDINANCE OF THE CITY OF ST. PETERSBURG, FLORIDA AMENDING THE CITY CODE TO REPEAL THE CURRENT SECTION 16.50.440.; ADOPTING A NEW SECTION 16.50.440.; AMENDING 16.70. TO CREATE NEW REGULATIONS FOR MOBILE FOOD ESTABLISHMENT PERMITS; LIMITING HOURS AND LOCATIONS OF OPERATION OF MOBILE FOOD TRUCKS; PROVIDING FOR SUSPENSIONS AND APPEALS; AND PROVIDING FOR AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG, FLORIDA, DOES ORDAIN:

**SECTION 1.** The St. Petersburg City Code is hereby amended by repealing the current Section 16.50.440. and adopting a new Section 16.50.440. titled “Vending, Mobile Food Trucks” to read as follows:

**Section 16.50.440. – Vending, Mobile Food Trucks**

**Sections:**

- 16.50.440.1. Purpose
- 16.50.440.2. Applicability
  - Definitions*
  - Generally*
- 16.50.440.3. Standards and Criteria
  - Generally*
- 16.50.440.4. Class I - Mobile Kitchens
  - Permit Requirements*
  - Generally*
  - Locations*
  - Hours of Operation*
- 16.50.440.5. Class II - Canteen Trucks
  - Permit Requirements*
  - Locations*
  - Hours of Operation*
- 16.50.440.6. Class III - Ice Cream Trucks
  - Permit Requirements*
  - Locations*
  - Hours of Operation*

**16.50.440.1. Purpose**

Mobile food vending units have existed in various forms over several centuries, distinguished as much by their physical characteristics as their operational requirements. The purpose of this section is to: 1) recognize this specialized market segment; 2) classify the types of permitted mobile food trucks; and 3) establish appropriate standards allowing for the typical range of activities while mitigating any associated, undesirable impacts.



## 16.50.440.2. Applicability

### 16.50.440.2.1. Definitions.

*City issued permit in this section is limited to mean a permit issued by the city for special events, city co-sponsored events or other events, such as a food truck rally, or for parking purposes.*

*Mobile food truck means a vehicle which is used to vend food and beverage products and is classified as one of the following:*

*Class I - Mobile Kitchens.* In addition to the vending of products allowed for Class II and Class III mobile food trucks, these vehicles may cook, prepare and assemble food items on or in the unit and serve a full menu. Customers may be notified of the vehicle's location by social media or other forms of advertising.

*Class II - Canteen Trucks.* These vehicles vend fruits, vegetables, hot dogs, pre-cooked foods, pre-packaged foods and pre-packaged drinks. No preparation or assembly of foods or beverages may take place on or in the vehicle, however, the heating of pre-cooked foods is allowed. A cooking apparatus or grill top for the heating of pre-cooked foods is permitted so long as it complies with state regulations. These vehicles are limited to providing catering services to employees at a specific location and do not advertise for customers, except as may be allowed by a city issued permit.

*Class III - Ice Cream Trucks.* These vehicles vend only pre-packaged frozen dairy or frozen water-based food products, soft serve or hand-dipped frozen dairy products or frozen water-based food products and pre-packaged beverages.



Class I – Mobile Kitchen



Class II – Canteen Trucks



Class III – Ice Cream Trucks

*Mobile service base* is a place for food storage, the cleaning of the equipment, the filling of water tanks and proper disposal of waste water and grease and does not include the use of a private home as a mobile service base.

*Vehicle* means a motorized vehicle, including a trailer or other portable unit, which is attached to a motorized vehicle that is intended for use in vending.

*Vend* means to sell or offer to sell products from a mobile food truck.

### 16.50.440.2.2. Generally.

- A. This section shall not apply to pushcart vending, roadside vending markets, or vending on city park property which is subject to other regulations.

- B. 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.
- C. This section excludes a contractual or other private arrangement between a mobile food truck and an individual or group that wishes to have food catered to a specific location and which is not open to the public.

### **16.50.440.3. Standards and Criteria**

#### **16.50.440.3.1. Generally.**

- A. *Business Tax Receipt Requirements.* A mobile food truck shall comply with all state and local business tax regulation.
- B. *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.
- C. *Insurance Requirements.*
  - 1. *Operating in rights-of-way.* The permittee, owner or operator shall at all times maintain any insurance which the POD (currently the Risk Management Department) 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 POD which shall be reasonably based on industry standards and the risk determined to exist. The insurance policy shall be in occurrence form and the City of St. Petersburg 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 POD. 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 POD is obtained and a new certificate of insurance is provided to the POD.
  - 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 permits.* 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.

- D. *Open Flame Cooking.* Open flame cooking is prohibited; except that such activity may take place if permitted by the fire department.
- E. *Noise Limitations.* Amplified music or other sounds from any mobile food truck shall comply with the noise requirements in Chapter 11.
- F. *Waste Collection.* The operator shall provide a waste receptacle for public use. The area shall be kept neat and orderly at all times and garbage or trash shall be removed daily.
- G. *Signage.* All signage must comply with the sign section, except that A-frame signs are not allowed.
- H. *Alcohol sales.* Mobile food trucks shall not sell alcoholic beverages, except as may be specifically allowed by a city issued permit.
- I. *Special Events.* Mobile food trucks may participate in special events, subject to the requirements and conditions of the applicable permit.

#### **16.50.440.4. Class I - Mobile Kitchens**

##### **16.50.440.4.1. Permit Requirements.**

- A. A Mobile Food Establishment Permit is required. The Mobile Food Establishment Permit is issued concurrent with the business tax receipt. A Mobile Food Establishment Permit is not required when participating in an event governed by a city issued permit.
  - 1. *Customer sales in rights-of-way.* Regardless of an operator's status as an independent contractor, self-employed, employer or employee of a business, any operator of a Class I mobile food truck selling product in the public rights-of-way shall have individually registered as a peddler pursuant to Chapter 17 and obtained a certificate or permit of such registration. This requirement shall apply notwithstanding the exceptions in Section 17-152.

##### **16.50.440.4.2. Generally.**

- A. *Restroom Facility.* Class I mobile food trucks operating at a site for a duration of more than three (3) hours shall have a written agreement, available upon request, which confirms that employees have access to a flushable restroom within 150 feet of the vending location during the hours of operation.
- B. *Disposal.* Class I mobile food trucks shall have a current written agreement, with a state licensed facility, for the proper disposal of grease and graywater.

#### **16.50.440.4.3. Locations.**

A. *Rights-of-way.* The vending of products from a Class I mobile food truck on rights-of-way shall be subject to the following conditions:

1. *Locations.*

a. *Downtown Center Zoning Districts.* For property zoned Downtown Center, the vending of products from a Class I mobile food truck on rights-of-way is prohibited except as allowed by a city issued permit.

b. *Other Areas, Not Including Downtown Center Zoning Districts.* The vending of products from a Class I mobile food truck on rights-of-way is allowed subject to the conditions of this section.

2. *Parking.* At locations where Class I mobile food trucks are allowed to operate, a Class I mobile food truck may stop, stand or park in any area of the right-of-way not provided for vehicular travel (e.g. parking areas, loading zones) subject to the conditions of this section.

B. *Private property.* The vending of products from a Class I mobile food truck on private property within all zoning districts allowing retail uses or restaurants and bars shall be allowed subject to the following conditions:

1. *Vacant Properties.* Operation of a Class I mobile food truck is prohibited on vacant and undeveloped property, except:

- a. When allowed by a city issued permit; or
- b. When located in a CCT-2 district.

2. *District Prohibition.* Operation of a Class I mobile food truck shall be prohibited within the DC-C (Downtown Center – Core), DC-3 (Downtown Center – Waterfront) and DC-P (Downtown Center - Parks) zoning districts, except in conjunction with a city issued permit.

3. *Permission.* A Class I mobile food truck shall have the written permission of the owner of the property on which it is located. Such written permission shall be available upon request by the representative of any regulating agency.

4. *Frequency.* Except as may be allowed as part of a city issued permit, mobile food trucks are permitted on each property, a maximum of no more than two (2) days per calendar week. Class I mobile food trucks may operate at different locations throughout the city subject to the conditions of this section.

4. *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 city issued permit.

5. *Existing Parking Spaces.* Mobile food trucks shall not require use of more than twenty-five percent (25 %) of existing parking spaces.
6. *Access.* A Class I mobile food truck shall not be placed in any location that impedes the ingress or egress of other businesses or building entrances or emergency exits.

#### **16.50.440.4.4. Hours of Operation.**

- A. *Downtown Center Districts.* Class I mobile food trucks shall be allowed to operate after 7:00 a.m. and before 9:00 p.m. in the Downtown Center Districts unless allowed by a city issued permit.
  1. *Extended hours.* At locations where mobile food trucks are allowed to operate, an owner of a valid Mobile Food Establishment Permit may request to extend the hours of operation from 9:00 p.m. until 1:00 a.m. The request for extended hours shall be reviewed by the POD, subject to the criteria contained in the Applications and Procedures section.
- B. *Other Areas, Not Including Downtown Center Districts.* Class I mobile food trucks shall be allowed to operate after 7:00 a.m. and before 9:00 p.m.

#### **16.50.440.5. Class II - Canteen Trucks**

##### **16.50.440.5.1. Permit Requirements.**

A Mobile Food Establishment Permit is required. The Mobile Food Establishment Permit is issued concurrent with the business tax receipt. A Mobile Food Establishment Permit is not required when participating in an event governed by a city issued permit.

##### **16.50.440.5.2. Locations.**

- A. *Rights-of-way.* The vending of products from a Class II mobile food truck on rights-of-way shall be subject to the following conditions:
  1. *Locations.* The vending of products from a Class II mobile food truck on rights-of-way is prohibited except to provide catering to employees on-site at locations within the clearly delineated boundaries of the site. Boundaries shall be delineated through the use of fencing or other materials enclosing a construction site, where there is a currently valid construction permit, and for a limited period of time.
  2. *Parking.* At locations where Class II mobile food trucks are allowed to operate, a Class II mobile food truck may stop, stand or park in any area of the rights-of-way provided for vehicular travel subject to the conditions of this section.
- B. *Private property.* Operation of a Class II mobile food truck is prohibited on private property except to provide catering to employees on-site at locations within the clearly

delineated boundaries of the site. Boundaries shall be delineated through the use of fencing or other materials enclosing a construction site, where there is a currently valid construction permit, and for a limited period of time.

### **16.50.440.5.3. Hours of Operation.**

Class II mobile food trucks shall be allowed to operate after 7:00 a.m. and before 9:00 p.m. in all areas.

### **16.50.440.6. Class III - Ice Cream Trucks**

#### **16.50.440.6.1. Permit Requirements.**

- A. *Customer sales in rights-of-way.* Regardless of an operator's status as an independent contractor, self-employed, employer or employee of a business, any operator of a Class III mobile food truck shall have individually registered as a peddler pursuant to Chapter 17 and obtained a certificate or permit of such registration. This requirement shall apply notwithstanding the exceptions in Section 17-152. Registration is required regardless of participation in an event governed by a city issued permit.
- B. *Customer sales in all other locations, not in rights-of-way.* A Mobile Food Establishment Permit is required. The Mobile Food Establishment Permit is issued concurrent with the business tax receipt. A Mobile Food Establishment Permit is not required when participating in an event governed by a city issued permit.

#### **16.50.440.6.2. Locations.**

- A. *Rights-of-way.* The vending of products from a Class III mobile food truck on rights-of-way shall be subject to the following conditions:
  - 1. *Locations.*
    - a. *Downtown Center Districts.* The vending of products in rights-of-way shall be prohibited within the Downtown Center zoning districts, except as may be allowed by a city issued permit.
    - b. *Other Areas, Not Including Downtown Center Districts.* The vending of products on rights-of-way is allowed subject to the conditions of this section.
  - 2. *Parking.* At locations where Class III mobile food trucks are allowed to operate, Class III mobile food truck which is stopped, standing or parked in the right-of-way shall be responsible for complying with all parking regulations. No Class III mobile food truck shall stop, stand or park for more than 10 minutes, unless there are customers waiting in line to buy products.
- B. *Private property.* The vending of products from a Class III mobile food truck on private property shall be allowed subject to the following conditions:

1. *Locations.* Vending from a Class III mobile food truck is a permitted accessory use on private property within all zoning districts allowing retail uses or restaurants and bars, except:
  - a. In the Downtown Center Districts;
  - b. On vacant or undeveloped property, except when located in a CCT-2 district or when allowed by a city issued permit.
2. *Permission.* The Class III mobile food truck shall have the written permission of the owner of the property on which it is located. Such written permission shall be available upon request by the representative of any regulating agency.
3. *Frequency.* Except as may be allowed as part of a city issued permit, mobile food trucks are permitted, on each property, a maximum of no more than two (2) days per calendar week. Class III mobile food trucks may operate at different locations throughout the city as allowed in this section.
4. *Maximum Number of Mobile Food Trucks.* No more than two (2) mobile food trucks shall operate on each property at any one (1) time, except as may be allowed by a city issued permit.
5. *Existing Parking Spaces.* Mobile food trucks shall not require use of more than twenty-five percent (25 %) of existing parking spaces.
6. *Access.* A Class III mobile food truck shall not be placed in any location that impedes the ingress or egress of other businesses or building entrances or emergency exits.

#### **16.50.440.6.3. Hours of Operation.**

All Class III mobile food trucks shall be allowed to operate after 7:00 a.m. and before 9:00 p.m. in all areas except Downtown Center Districts where they are prohibited.

**ST. PETERSBURG CITY COUNCIL**

**Meeting of June 19, 2014**

**TO:** The Honorable William H. Dudley, Chair, and Members of City Council

**SUBJECT:** **City File LDR 2013-05:** A city-initiated application pertaining to the regulation of mobile food trucks.

**REQUEST:** City-initiated text amendment to formally recognize, classify and regulate mobile food trucks within the City Code. (*City Code of Ordinances, Chapter 16, Land Development Regulations ("LDRs"), Section 16.50.440 titled "Vending, Mobile Food Trucks"*)

**RECOMMENDATION:**

**Administration:** The Administration recommends APPROVAL.

**Development Review Commission (DRC):** The Commission conducted a public hearing on May 7, 2014 to consider the request. The Commission voted 7-0 finding that the request is consistent with the City's Comprehensive Plan.

**Recommended City Council Action:**

- 1) CONDUCT the second reading and (adoption) public hearing;
- 2) APPROVE the ordinances.

**Attachments:** Ordinance, DRC Staff Report



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF ST. PETERSBURG, FLORIDA AMENDING THE CITY CODE TO REPEAL THE CURRENT SECTION 16.50.440.; ADOPTING A NEW SECTION 16.50.440. TO REGULATE MOBILE FOOD TRUCKS; AMENDING 16.70. TO CREATE NEW REGULATIONS FOR MOBILE FOOD ESTABLISHMENT PERMITS AND FOOD TRUCK RALLY PERMIT; LIMITING HOURS AND LOCATIONS OF OPERATION OF MOBILE FOOD TRUCKS; PROVIDING FOR SUSPENSIONS AND APPEALS; ESTABLISHING FEES IN CHAPTER 12 AND PROVIDING FOR AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG, FLORIDA, DOES ORDAIN:

**SECTION ONE.** The St. Petersburg City Code is hereby amended by repealing the current Section 16.50.440. and adopting a new Section 16.50.440. titled "Vending, Mobile Food Trucks" to read as follows:

**Section 16.50.440. – Vending, Mobile Food Trucks**

**Sections:**

- 16.50.440.1. Purpose
- 16.50.440.2. Applicability
- 16.50.440.3. Standards and Criteria
- 16.50.440.4. Class I - Mobile Kitchens
- 16.50.440.5. Class II - Canteen Trucks
- 16.50.440.6. Class III - Ice Cream Trucks

**16.50.440.1. PURPOSE**

Mobile food vending units have existed in various forms over several centuries, distinguished as much by their physical characteristics as their operational requirements. The purpose of this section is to: 1) recognize this specialized market segment; 2) classify the types of permitted mobile food trucks; and 3) establish appropriate standards allowing for the typical range of activities while mitigating any associated, undesirable impacts.

**16.50.440.2. APPLICABILITY**

**16.50.440.2.1. Definitions**

*City issued permit* in this section is limited to mean a permit issued by the city for special events, city co-sponsored events or an approved food truck rally.

*Mobile food truck* means a vehicle which is used to vend food and beverage products and is classified as one of the following:

*Class I - Mobile Kitchens.* In addition to the vending of products allowed for Class II and Class III mobile food trucks, these vehicles may cook, prepare and assemble food items on or in the unit and serve a full menu. Customers may be notified of the vehicle's location by social media or other forms of advertising.

*Class II - Canteen Trucks.* These vehicles vend fruits, vegetables, hot dogs, pre-cooked foods, pre-packaged foods and pre-packaged drinks. No preparation or assembly of foods or beverages may take place on or in the vehicle, however, the heating of pre-cooked foods is allowed. A cooking apparatus or grill top for the heating of pre-cooked foods is permitted so long as it complies with state regulations. These vehicles are limited to providing catering services to employees at a specific location and do not advertise for customers, except as may be allowed by a city issued permit (as defined herein).

*Class III - Ice Cream Trucks.* These vehicles vend only pre- packaged frozen dairy or frozen water-based food products, soft serve or hand-dipped frozen dairy products or frozen water-based food products and pre-packaged beverages.

*Mobile service base* means a place for food storage, the cleaning of the equipment, the filling of water tanks and proper disposal of waste water and grease and does not include the use of a private home as a mobile service base.

*Vehicle* means a motorized vehicle, including a trailer or other portable unit, which is attached to a motorized vehicle that is intended for use in vending.

*Vend* means to sell or offer to sell products from a mobile food truck.

#### **16.50.440.2.2. Generally**

- A. This section shall not apply to pushcart vending, roadside vending markets, or vending on city park property which is subject to other regulations.
- B. 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.
- C. This section excludes a contractual or other private arrangement between a mobile food truck and an individual or group that wishes to have food catered to a specific location and which is not open to the public.

#### **16.50.440.3. STANDARDS AND CRITERIA**

##### **16.50.440.3.1 Permit Requirements**

*Food Truck Rally Permit.* Food truck rallies/festivals are gatherings of more than two (2) Class I, Class II or Class III mobile food trucks in one (1) location on a date certain and shall require a Food Truck Rally Permit. Applications for a Food Truck Rally Permit shall be made to the POD in accordance with the applications and procedures section. The POD shall impose reasonable conditions to ensure that any impacts are mitigated to a reasonable degree.

##### **16.50.440.3.2. Generally**

- A. *Business Tax Receipt Requirements.* A mobile food truck shall comply with all state and local business tax regulation.
- B. *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.
- C. *Insurance Requirements.*
  - 1. *Operating in rights-of-way.* The permittee, owner or operator shall at all times maintain any insurance which the POD (currently the Risk Management Department) 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 POD which shall be reasonably based on industry standards and the risk determined to exist. The insurance policy shall be in occurrence form and the City of St. Petersburg 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 POD. 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 POD is obtained and a new certificate of insurance is provided to the POD.
  - 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 fire department.
- E. *Noise Limitations.* Amplified music or other sounds from any mobile food truck shall comply with the noise requirements in Chapter 11.
- F. *Waste Collection.* The operator shall provide a waste receptacle for public use. The area shall be kept neat and orderly at all times and garbage or trash shall be removed prior to departure of the mobile food truck each day.
- G. *Signage.* All signage must comply with the sign section, except that A-frame signs are not allowed.
- H. *Alcohol sales.* Mobile food trucks shall not sell alcoholic beverages, except as may be specifically allowed by a city issued permit (as defined herein).
- I. *Special Events.* Mobile food trucks may participate in special events, subject to the

requirements and conditions of the applicable permit.

#### **16.50.440.4. CLASS I - MOBILE KITCHENS**

##### **16.50.440.4.1. Permit Requirements.**

A Mobile Food Establishment Permit is required. The Mobile Food Establishment Permit is issued concurrent with the business tax receipt. A Mobile Food Establishment Permit is not required when participating in an event governed by a city issued permit (as defined herein).

##### **16.50.440.4.2. Generally.**

- A. *Restroom Facility.* Class I 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 POD, which confirms that employees have access to a flushable restroom within 150 feet of the vending location during the hours of operation.
- B. *Disposal.* Class I mobile food trucks shall have a current written agreement, with a state licensed facility, for the proper disposal of grease, available upon request by the POD.

##### **16.50.440.4.3. Locations.**

- A. *Rights-of-way.* The vending of products from a Class I mobile food truck on rights-of- way shall be subject to the following conditions:
  - 1. *Locations.*
    - a. *Downtown Center Zoning Districts.* For property zoned Downtown Center, the vending of products from a Class I mobile food truck on rights-of-way is prohibited except as allowed by a city issued permit (as defined herein).
    - b. *Other Areas, Not Including Downtown Center Zoning Districts.* The vending of products from a Class I mobile food truck on rights-of-way is allowed subject to the conditions of this section.
  - 2. *Parking.* At locations where Class I mobile food trucks are allowed to operate, a Class I mobile food truck may stop, stand or park in any area of the right-of-way not provided for vehicular travel (e.g. parking areas) subject to the conditions of this section.
- B. *Private property.* The vending of products from a Class I mobile food truck on private property within all zoning districts allowing retail uses or restaurants and bars shall be allowed subject to the following conditions:
  - 1. *Vacant Properties.* Operation of a Class I mobile food truck is prohibited on vacant and undeveloped property, except:
    - a. When allowed by a city issued permit (as defined herein); or
    - b. When located in a CCT-2 district.

2. *District Prohibition.* Operation of a Class I mobile food truck shall be prohibited within the DC-C (Downtown Center – Core), DC-3 (Downtown Center – 3) and DC-P (Downtown Center - Park) zoning districts, except in conjunction with a city issued permit (as defined herein).
3. *Permission.* A Class I mobile food truck shall have the written permission of the owner of the property on which it is located. Such written permission shall be available upon request by the POD.
4. *Frequency.* Except as may be allowed as part of a city issued permit (as defined herein), mobile food trucks are permitted on each property, a maximum of no more than two (2) days per calendar week. Class I mobile food trucks may operate at different locations throughout the city subject to the conditions of this section.
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 city issued permit (as defined herein).
6. *Existing Parking Spaces.* Mobile food trucks shall not require use of more than twenty-five percent (25 %) of existing parking spaces.
7. *Access.* A mobile food truck shall not be placed in any location that impedes the ingress or egress of other businesses or building entrances or emergency exits.

#### **16.50.440.4.4. Hours of Operation.**

- A. *Downtown Center Districts.* Class I mobile food trucks shall be allowed to operate after 7:00 a.m. and before 9:00 p.m. in the Downtown Center Districts unless allowed by a city issued permit (as defined herein).
  1. *Extended hours.* At locations where mobile food trucks are allowed to operate, an owner of a valid Mobile Food Establishment Permit may request to extend the hours of operation from 9:00 p.m. until 1:00 a.m. The request for extended hours shall be reviewed by the POD, subject to the criteria contained in the Applications and Procedures section.
- B. *Other Areas, Not Including Downtown Center Districts.* Class I mobile food trucks shall be allowed to operate after 7:00 a.m. and before 9:00 p.m.

#### **16.50.440.5. CLASS II - CANTEEN TRUCKS**

##### **16.50.440.5.1. Permit Requirements.**

A Mobile Food Establishment Permit is required. The Mobile Food Establishment Permit is issued concurrent with the business tax receipt. A Mobile Food Establishment Permit is not required when participating in an event governed by a city issued permit (as defined herein).

##### **16.50.440.5.2. Locations.**

- A. *Rights-of-way.* The vending of products from a Class II mobile food truck on rights-of-way shall be subject to the following conditions:
1. *Locations.* The vending of products from a Class II mobile food truck on rights-of-way is prohibited except to provide catering to employees on-site at locations within the clearly delineated boundaries of the site. Boundaries shall be delineated through the use of fencing or other materials enclosing a construction site, where there is a currently valid construction permit, and for a limited period of time.
  2. *Parking.* At locations where Class II mobile food trucks are allowed to operate, a Class II mobile food truck may stop, stand or park in any area of the rights-of-way provided for vehicular travel subject to the conditions of this section.
- B. *Private property.* Operation of a Class II mobile food truck is prohibited on private property except to provide catering to employees on-site at locations within the clearly delineated boundaries of the site. Boundaries shall be delineated through the use of fencing or other materials enclosing a construction site, where there is a currently valid construction permit, and for a limited period of time.

#### **16.50.440.5.3. Hours of Operation.**

Class II mobile food trucks shall be allowed to operate after 6:00 a.m. and before 9:00 p.m. in all areas.

#### **16.50.440.6. CLASS III - ICE CREAM TRUCKS**

##### **16.50.440.6.1. Permit Requirements.**

- A. *Customer sales in rights-of-way.* Regardless of an operator's status as an independent contractor, self-employed, employer or employee of a business, any operator of a Class III mobile food truck shall have individually registered as a peddler pursuant to Chapter 17 and obtained a certificate or permit of such registration. This requirement shall apply notwithstanding the exceptions in that Section (currently in Sec. 17-159). Registration is required regardless of participation in an event governed by a city issued permit (as defined herein).
- B. *Customer sales in all other locations, not in rights-of-way.* A Mobile Food Establishment Permit is required. The Mobile Food Establishment Permit is issued concurrent with the business tax receipt. A Mobile Food Establishment Permit is not required when participating in an event governed by a city issued permit (as defined herein).

##### **16.50.440.6.2. Locations.**

- A. *Rights-of-way.* The vending of products from a Class III mobile food truck on rights-of-way shall be subject to the following conditions:
1. *Locations.*
    - a. *Downtown Center Districts.* The vending of products in rights-of-way shall be prohibited within the Downtown Center zoning districts, except as may be allowed by a city issued permit (as defined herein).

b. *Other Areas, Not Including Downtown Center Districts.* The vending of products on rights-of-way is allowed subject to the conditions of this section.

2. *Parking.* At locations where Class III mobile food trucks are allowed to operate, a Class III mobile food truck which is stopped, standing or parked in the right-of-way shall be responsible for complying with all parking regulations. No Class III mobile food truck shall stop, stand or park for more than 10 minutes, unless there are customers waiting in line to buy products.

B. *Private property.* The vending of products from a Class III mobile food truck on private property shall be allowed subject to the following conditions:

1. *Locations.* Vending from a Class III mobile food truck is a permitted accessory use on private property within all zoning districts allowing retail uses or restaurants and bars, except:

- a. In the Downtown Center Districts;
- b. On vacant or undeveloped property, except when located in a CCT-2 district or when allowed by a city issued permit (as defined herein).

2. *Permission.* The Class III mobile food truck shall have the written permission of the owner of the property on which it is located. Such written permission shall be available upon request by the representative of any regulating agency.

3. *Frequency.* Except as may be allowed as part of a city issued permit (as defined herein), mobile food trucks are permitted, on each property, a maximum of no more than two (2) days per calendar week. Class III mobile food trucks may operate at different locations throughout the city as allowed in this section.

4. *Maximum Number of Mobile Food Trucks.* No more than two (2) mobile food trucks shall operate on each property at any one (1) time, except as may be allowed by a city issued permit (as defined herein).

5. *Existing Parking Spaces.* Mobile food trucks shall not require use of more than twenty-five percent (25 %) of existing parking spaces.

6. *Access.* A mobile food truck shall not be placed in any location that impedes the ingress or egress of other businesses or building entrances or emergency exits.

#### **16.50.440.6.3. Hours of Operation.**

All Class III mobile food trucks shall be allowed to operate after 7:00 a.m. and before sunset in all areas except Downtown Center Districts where they are prohibited.

**SECTION TWO.** The St. Petersburg City Code is hereby amended by adding a new Section 16.70.030.1.14, Mobile Food Establishment Permit, to read as follows:

#### **16.70.030.1.14 Mobile Food Establishment Permit**

A. *Applicability.* A permit shall be required for the vending of products from mobile food trucks.

- B. *Application.* An application shall include the following information in addition to the information that the POD may generally require for a zoning permit application:
1. A certificate of insurance showing the required insurance;
  2. Two photographs of the mobile food truck;
  3. A copy of the state or county health department license / permit for the mobile food truck.
- C. *Scope of Approval.* A Mobile Food Establishment Permit authorizes the applicant to engage in the vending of products from mobile food trucks in compliance with city code and as specified on the permit.
- D. *Expiration.* A Mobile Food Establishment Permit shall expire on September 30 but may be renewed on an annual basis.
- E. *Suspension or Revocation.* In addition to the grounds for suspension or revocation of a zoning permit generally, a permit issued under this section may be suspended or revoked by the POD for any of the following reasons:
1. Permits issued under this section for the right of way may be suspended or revoked by the POD for any reason and without penalty upon the giving of 30 days written notice.
  2. The POD may also deny, revoke or suspend a permit if it is found that:
    - a. Any required business or health permit or business tax receipt for the mobile food truck has expired or been suspended, revoked or canceled;
    - b. The permittee does not have insurance in effect which complies with the minimum amounts and requirements described in this section;
    - c. Conducting business as a permittee under this section in an unlawful manner or in such a manner as to constitute a breach of the peace or to interfere with the normal use of the right-of-way or to constitute a menace to the health, safety or general welfare of the public.
  3. Upon denial, suspension or revocation of the permit, the POD shall give notice of such action to the permittee in writing. In the event the denial, suspension or revocation is based on subsection 2.a, b or c of this section, the action shall be effective immediately upon receipt of such notice by the permittee. If the revocation or suspension of the permit is caused by the permittee, there shall be no refund of the annual permit fee or any other fees paid to the City for operation of a mobile food truck. Any revocation or suspension without cause shall entitle the permittee to a refund of the annual permit fee prorated on a per month basis from the date of notice of such action.
- F. *Variances.* No requests for variances shall be allowed.
- G. *Transferability.* Ownership of a Mobile Food Establishment Permit shall not be transferred except as part of the sale of a majority of the stock in a corporation holding such permit, as part of the sale of a majority of the membership interests of a limited liability company holding such permit, or as part of the sale of a business or substantially all of its assets.



- H. *Identification.* Each mobile food truck shall display the appropriate business tax receipt, state license and county health certificate, and, if applicable, the Mobile Food Establishment Permit. The VIN number of the mobile food truck shall match the VIN number on the approved Mobile Food Establishment Permit application and business tax receipt.
- I. *Appeal.* Decisions of the POD to suspend or revoke a permit may be appealed to the DRC, whose decision shall be deemed the final decision of the City.

**SECTION THREE.** The St. Petersburg City Code is hereby amended by adding a new Section 16.70.030.1.15, Mobile Food Rally Permit, to read as follows:

**16.70.030.1.15. Food Truck Rally Permit.**

- A. *Applicability.* Food truck rallies are gatherings of more than two (2) Class I, Class II or Class III mobile food trucks in one (1) location on a date certain and shall require a Food Truck Rally Permit.
- B. *Application.* An application shall include the following information in addition to the information that the POD may generally require for a zoning permit application:
  - 1. A site plan of the subject property;
  - 2. Written description of the temporary use and anticipated hours of operation;
  - 3. In order to secure sufficient information and assurances to determine the suitability of the proposed temporary use, the POD may require the following:
    - a. Documentation from the county health department regarding arrangement for temporary sanitary facilities and such assurances as the POD may require concerning compliance.
    - b. Information concerning length of operation.
    - c. Provision for adequate parking.
    - d. A financial guarantee in an amount determined by the POD and in a form approved by the City Attorney to ensure that the premises will be cleared of all debris during and after the event.
    - e. A financial guarantee in an amount determined by the POD and in a form approved by the City Attorney guaranteeing the repair of rights-of-way of any damage resulting to the rights-of-way as a result of the event.
- C. *Procedure.*
  - 1. The application shall be filed at least 30 days prior to the date on which the permit is to take effect. The POD may approve a lesser time period.
  - 2. Upon receipt of the application, the POD shall determine whether the application conforms to all applicable requirements contained in the City Code.
    - a. If the POD determines that there will be substantial adverse offsite effects, public notice to property owners within 200 feet of the location shall be required. The decision to require

public notice shall be made within five days of receipt of the completed application. The applicant shall be responsible for all required notice to property owners. Notice shall be provided a minimum of 15 days in advance of the event.

3. If the POD determines that the application sufficiently complies with the standards for a food truck rally and that appropriate measures have been taken to protect the public health, safety and welfare, the food truck rally permit shall be issued. If the POD determines that the application is not in compliance, the POD shall identify the application's deficiencies and deny the application. If the POD denies the application, such denial shall be in writing and provided to the applicant within 15 days of receipt of a complete application.
4. In order to protect the health, safety, and welfare of the general public, or to obtain compliance with local, state or federal laws, the POD may add special conditions and restrictions, which shall be binding upon the applicant, to any permit or other form of approval that may be issued. Such conditions and restrictions may include, but are not limited to, hours of operation, locations, parking, traffic access and safety requirements. All food truck rally permits shall comply with the following conditions:
  - a. No permanent or temporary lighting shall be installed without an electrical permit and an inspection;
  - b. No structures shall be erected without a building permit and required inspections;
  - c. The site shall be cleared of all trash and debris at the end of the event and cleared of all temporary structures within five days after the end of the event. The site shall be restored to its previous condition within 14 days after the end of the event;
  - d. Traffic control and pedestrian safety in the vicinity of the event shall be the responsibility of the permittee of the event. The City costs for these services shall be estimated by the POD and paid at least ten days in advance by the permittee as a condition of the permit (after the event, any overpayment shall be refunded to the permittee and any underpayment shall be billed to the Permittee).

D. *Expiration.* A food truck rally permit may be issued for a maximum of seven (7) days.

E. *Variances.* No requests for variances shall be allowed.

F. *Appeal.* Decisions of the POD to approve, extend, or deny a permit or to impose conditions or restrictions upon a food truck rally permit may be appealed to the DRC, whose decision shall be deemed the final decision of the City.

**SECTION FOUR.** A new 'Food Truck Rally Permit' and 'Mobile Food Establishment Permit' fee is hereby added in Section 12-6 (8) of the St. Petersburg City Code in the location shown and to read as follows

FEMA - Historic flood info and letter:

First hour of research .....60.00

Additional time billed in one-hour increments .....50.00

per hour

Food truck rally permit

Letter prepared by zoning official (no bldg. permit) ..... 40.00

Approved over zoning counter (with bldg. permit) ..... 10.00

Lot line adjustment:

Administrative review .....200.00

Commission review .....300.00

Lot refacing:

Administrative review .....300.00

Commission review .....500.00

Mobile food establishment permit

New application ..... \$170.00

Renewal ..... \$85.00

Property card interpretations (PCI):

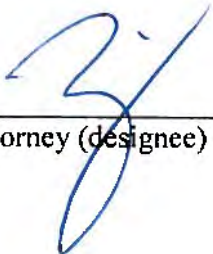
First hour of research .....60.00

Additional time billed in one-hour increments .....50.00  
per hour

**SECTION FIVE. Severability.** The provisions of this ordinance shall be deemed to be severable. If any provision of this ordinance is judicially determined to be unconstitutional or otherwise invalid, such determination shall not affect the validity of any other provision of this ordinance.

**SECTION SIX. Effective Date.** In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective after the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the ordinance, in which case the ordinance shall take effect immediately upon filing such written notice with the City Clerk. In the event this ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

Approved as to form and content:

  
\_\_\_\_\_  
City Attorney (designee)



# DEVELOPMENT REVIEW COMMISSION

Prepared by the Planning & Economic Development Department,  
Urban Planning and Historic Preservation Division

For Public Hearing on May 7, 2014  
at 2:00 p.m. in the City Council Chambers, City Hall,  
175 Fifth Street North, St. Petersburg, Florida.

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**APPLICATION:** LDR 2013-05

**APPLICANT:** City of St. Petersburg  
175 5<sup>th</sup> Street North  
St. Petersburg, FL 33701

**REQUEST:** Text amendment to formally recognize, classify and regulate mobile food trucks within the City Code. (*City Code of Ordinances, Chapter 16, Land Development Regulations ("LDRs"), Section 16.50.440 titled "Vending, Mobile Food Trucks"*) The applicant requests that the Development Review Commission ("DRC") review and recommend approval, confirming consistency with the City of St. Petersburg's Comprehensive Plan ("Comprehensive Plan").

**AUTHORITY:** Pursuant to Section 16.80.020.1 of the City Code of Ordinances, the DRC, acting as the Land Development Regulation Commission ("LDRC"), is responsible for reviewing and making a recommendation to the City Council on all proposed amendments to the LDRs.

**UPDATE:** The DRC conducted a public hearing on December 4, 2013 and found the proposed amendments consistent with the City's Comprehensive Plan. Since that time, additional modifications have been made to the ordinance that warrants a new public hearing and consistency determination. Modifications include:

- 1) Permission to operate on public rights-of-way, except within the Downtown Center zoning districts;
- 2) New standard requiring access to flushable restroom for mobile food truck employees, when parked more than three (3) hours;
- 3) New standard requiring written agreement with a state licensed facility for the proper disposal of grease and graywater.

## **EVALUATION:**

### **Recommendation**

The Planning & Economic Development Department finds that the proposed request is consistent with the Comprehensive Plan and recommends **APPROVAL**.

### **Background and Analysis**

The City of St. Petersburg is committed to identifying, and enabling the establishment of, emerging market segments that provoke entrepreneurial risk, diversify the city's economic base, increase employment opportunities and generally enrich the overall quality of life for St. Petersburg's many residents and visitors. The city is also committed to conducting thorough reviews of potential changes to the City Code to ensure that new business trends and endeavors are appropriately regulated to ensure that potential negative impacts are identified and properly addressed.

On October 20, 2011, Council Member Leslie Curran submitted, and the City Council subsequently referred to the Public Service and Infrastructure Committee ("PS&I"), a request to review possible ordinance changes and permitting process adjustments regarding a specific type of mobile food vending unit commonly referred to as a "mobile food truck." This application pertains to the permitting and regulation of mobile food trucks; however, the action has a consequence on the regulation and enforcement of two (2) other types of mobile food vending units - mobile ice cream trucks and mobile canteen trucks. Staff has carefully considered all potential impacts and included certain considerations related to each.

#### **Current Regulations**

Currently, the St. Petersburg City Code allows mobile food trucks city-wide, subject to certain conditions. Whereas the current regulations were written primarily for mobile ice cream trucks, they are less than ideal for emerging market segments, such as mobile food trucks. To date, city staff has been using a combination of Chapter 16, Section 16.50.440 titled "Vending of Products from Motor Vehicles," and Chapter 17 titled, "Licenses, Taxes and Miscellaneous Business Regulations" pending the results of this LDR text amendment. Depending on the nature of the individual request, Section 16.50.410 titled "Temporary Uses" may apply.

#### **Proposed Regulations**

The following items are presented for consideration:

- 1) Staff recommends Section 16.50.440 titled "Vending of Products from Motor Vehicles" be amended to distinguish between the regulation of mobile ice cream and canteen trucks, and mobile kitchens;
- 2) Staff recommends Section 16.50.440 be organized into several subsections: (a) general regulations that apply to all mobile ice cream and canteen trucks, and mobile kitchens regardless of location; (b) regulations that apply to operation on private property; and (c) regulations that apply to operation on public rights-of-way:

## Highlights

The proposed regulations include general development standards and use restrictions for all mobile ice cream and canteen trucks, and mobile kitchens, regardless of whether they are operating upon private property or public rights-of-way. These general development standards regulate business tax receipts, permit requirements, vehicle and insurance requirements, separation requirements, hours of operation, noise limitations and waste collection.

- 1) Mobile Food Establishment Permit. With the exception of an ice cream truck (peddlers permit) and a canteen truck (unregulated), mobile food truck operators are currently required to obtain a temporary use permit for each occurrence on private property. Based on this hardship, city staff is proposing to create and monitor an annual permitting program. The annual permit will coordinate and allow mobile food trucks to operate in accordance with this section and without the requirement to obtain a temporary use permit for each occurrence. Staff believes this significant modification will streamline the review process, relieve the regulatory burden that is currently placed upon the operators and allow a timely response to last minute requests for their participation. A permit will not be required for mobile food trucks participating in a city co-sponsored event, an event that is not open to the general public or a special event authorized by issuance of a temporary use permit.

## Public Rights-of-Way

Currently, mobile food trucks are qualified to operate on public rights-of-way, excluding the downtown center, generally described as the area between Interstate feeders 375 and 175, Interstate 275 and Tampa Bay. This proposal will slightly modify the prohibited area by referencing the Downtown Center (DC) zoning districts. The effect of this change will allow mobile food trucks to operate within the northwest corner of the current prohibited area, generally northwest of Dr. M. L. King Jr. St. North and 2<sup>nd</sup> Avenue North where the zoning is CCS-2 and NSM-2. (See Attachment 2)

## Private Property

- 1) Location. Shall be a permitted accessory use on private property within all zoning districts allowing retail or restaurants and bars. Whereas the operation of a mobile food truck is generally prohibited on vacant and undeveloped property, the proposed amendments will allow for exceptions by geographic location. Currently, the ordinance includes an exception for property zoned CCT-2 within the Grand Central District. Additional exceptions may be granted as part of this request or a future LDR text amendment. Operation on private property is prohibited within the DC-3, DC-Core and DC-Park zoning districts, except by city issued permit for special events, city co-sponsored events or an approved food truck rally. (See Attachment 3)
- 2) Permission. Shall have the written permission of the registered owner of the subject property, which shall be available upon request.
- 3) Frequency. Shall be limited to no more than two (2) days per calendar week, except by city issued permit for special events, city co-sponsored events or an approved food truck rally. Due to their temporary status, mobile food trucks are conferred certain benefits and exclusions, such as minimum parking requirements and site

improvements. A limitation on the number of days per calendar week will reinforce the temporary characteristics of the proposed business type. Furthermore, this standard will allow creation of a consistent, weekly schedule upon which both operators and customers can depend.

- 4) Limit. Shall be limited to no more than two (2) mobile food trucks at one (1) time, except as may be allowed in conjunction with a *Mobile Food Establishment Permit* or as part of a city co-sponsored event.

### Summary of Key Elements

Mobile food trucks:

- Shall obtain an annual permit;
- Shall be allowed on public rights-of-way, excluding Downtown Center zoning;
- Shall be allowed on private property as an accessory use with no separation requirement to existing restaurants and bars and excluding DC-3, DC-C (DC-Core) and DC-P (DC-Parks);
- On private property, shall be limited to no more than two (2) days per calendar week and no more than two (2) mobile food trucks at any one time, except as may be allowed in conjunction with a Food Truck Festival/Rally Permits or as part of a city co-sponsored event.
- Shall be allowed on vacant lots with frontage on Central Avenue within the Grand Central District, otherwise mobile food trucks are prohibited on vacant lots unless in conjunction with a Food Truck Festival/Rally Permits or a city co-sponsored event.

### Fee Schedule

The anticipated fee schedule is as follows:

- Mobile Food Establishment Permit (annual) - \$170.00 (initial) / \$85.00 (renewal)
- Business Tax Receipt (annual) - \$65.00
- Peddler (Police) Permit - \$44.00

### Compliance with the Comprehensive Plan

The following objectives and policies from the Comprehensive Plan are applicable to the proposed amendment:

**Objective LU7:** The City will continue to revise and amend the land development regulations, as necessary, to ensure compliance with the requirements of Chapter 163.3202, Florida Statutes [and Chapter 9J-24 F.A.C]<sup>1</sup>. The City will amend its land development regulations consistent with the requirements of Chapter 163.3202, Florida Statutes [and Chapter 9J-24 F.A.C], so that future growth and development will continue to be managed through the preparation, adoption, implementation and enforcement of land development regulations that are consistent with the Comprehensive Plan.

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<sup>1</sup> Chapter 9J-24 F.A.C. is no longer a valid reference in State statute. As of this writing, the city's Comprehensive Plan has not been updated to reflect this legislative change.

**Policy LU7.1:** Pursuant to the requirements of Chapter 163.3202 F.S. and Chapter 9J-24 F.A.C. the land development regulations will be amended, as necessary, to ensure consistency with the goals, objectives and policies of the Comprehensive Plan.

**Objective LU20:** The City shall, on an ongoing basis, review and consider for adoption, amendments to existing and/or new innovative land development regulations that can provide additional incentives for the achievement of Comprehensive Plan Objectives.

**Policy LU20.1:** The City shall continue to utilize its innovative development regulations and staff shall continue to examine new innovative techniques by working with the private sector, neighborhood groups, special interest groups and by monitoring regulatory innovations to identify potential solutions to development issues that provide incentives for the achievement of the goals, objectives and policies of the Comprehensive Plan.

### **Meetings and Public Engagement**

Throughout the entire process, city staff fully engaged with mobile food truck owners, restaurateurs, Tampa Bay Food Truck Rally (formerly known as the Tampa Bay Mobile Food Vending Alliance), Gulf to Bay Food Truck Association, St. Petersburg Area Chamber of Commerce's Advisory Task Force on mobile food trucks, other special interests and the City Council's PS&I Committee. The more significant meetings are outlined below:

#### **November 3, 2011**

The Planning and Economic Development Department first made a presentation to the PS&I Committee on November 3, 2011. The presentation included an introduction to the various types of mobile food vending units, the recent history of mobile food trucks, and an analysis of the current land development regulations. The PS&I Committee requested that staff report back with specific proposals for consideration.

#### **February 23, 2012**

A second meeting of the PS&I Committee was held on February 23, 2012. At this meeting, staff presented specific items for consideration and a list of next steps. The PS&I Committee requested coordination of a public workshop and presentation by two parties representing the interests of restaurants (St. Petersburg Area Chamber of Commerce) and Tampa Bay Area Mobile Food Vending Alliance (now known as Tampa Bay Mobile Food Truck Rally).

#### **March 22, 2012**

The requested public workshop was held on March 22, 2012.

#### **May 3, 2013**

A second public workshop was held on May 3, 2013. The purpose of the second public workshop was to present the proposed amendments and solicit final comments prior to advancing the application to public hearing review by the DRC and City Council.

#### **May 30, 2013**

City staff presented an update to the PS&I Committee. Subsequent discussion and several recommendations from the Committee are included in the final draft.



#### December 4, 2013

The Development Review Commission conducted a public hearing on December 4, 2013. The DRC made a finding of consistency with the City's Comprehensive Plan. Several recommendations from DRC Commissioners are included in the subsequent and final draft now under consideration.

#### April 17, 2014

A third public workshop was held on April 17, 2014. The purpose of the third public workshop was to present the proposed amendments and solicit final comments prior to advancing the application to a new public hearing review by the DRC and City Council. This workshop was attended by a combination of mobile food truck owners and restaurateurs.

#### **Housing Affordability Impact Statement**

The proposed amendments will have no impact on housing affordability, availability or accessibility. A Housing Affordability Impact Statement is attached.

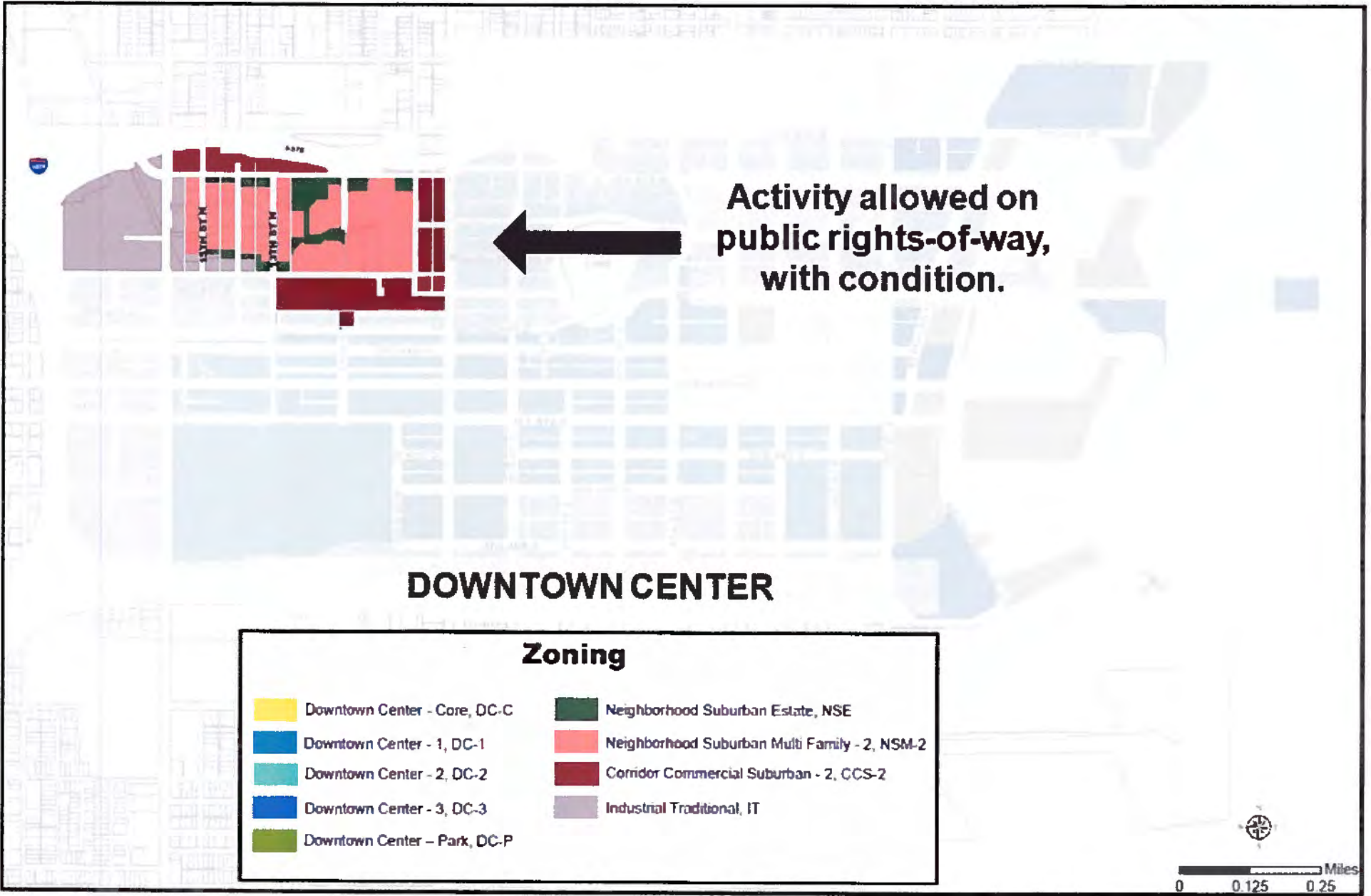
#### **Adoption Schedule**

The proposed amendment requires one (1) public hearing, conducted by the City of St. Petersburg City Council. The City Council shall consider the recommendation of the DRC and vote to approve, approve with modification or deny the proposed amendment:

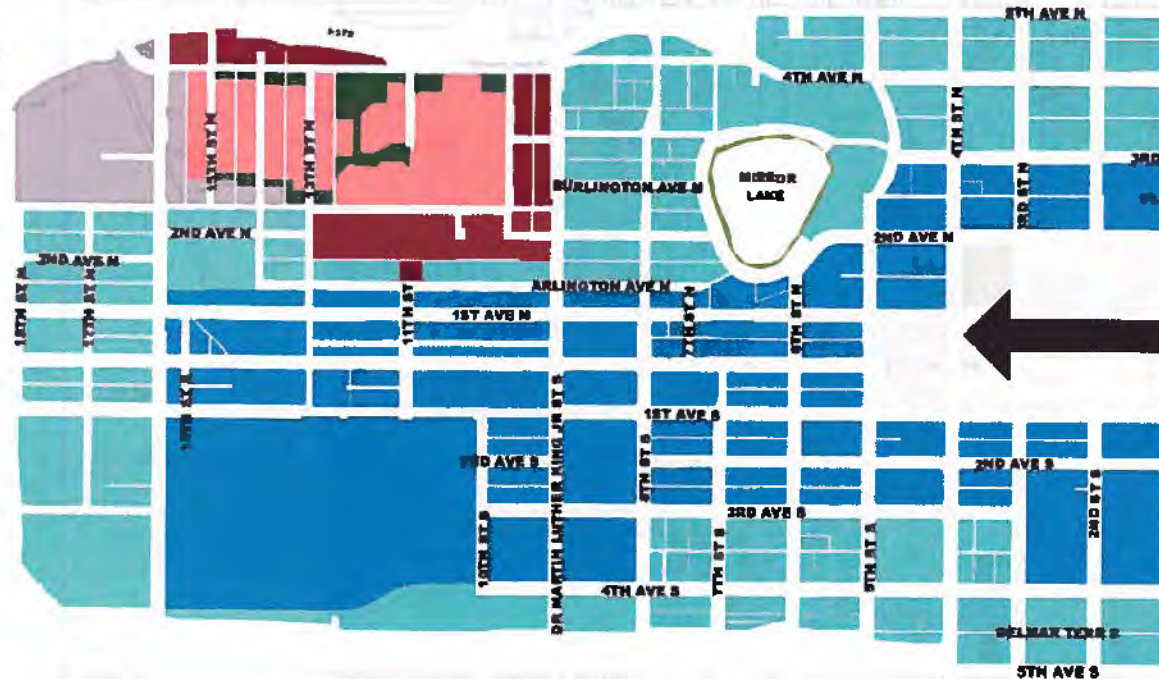
- 06-05-2014: First Reading
- 06-19-2014: Second Reading and Public Hearing

#### **Exhibits and Attachments**

1. Ordinance
2. Housing Affordability Impact Statement




# DOWNTOWN CENTER



Activity allowed on private property, with condition.

## Zoning

 Downtown Center - Core, DC-C	 Neighborhood Suburban Estate, NSE
 Downtown Center - 1, DC-1	 Neighborhood Suburban Multi Family - 2, NSM-2
 Downtown Center - 2, DC-2	 Corridor Commercial Suburban - 2, CCS-2
 Downtown Center - 3, DC-3	 Industrial Traditional, IT
 Downtown Center - Park, DC-P	



0 0.125 0.25 Miles

## City of St. Petersburg Housing Affordability Impact Statement

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Each year, the City of St. Petersburg receives approximately \$2 million in State Housing Initiative Partnership (SHIP) funds for its affordable housing programs. To receive these funds, the City is required to maintain an ongoing process for review of local policies, ordinances, resolutions, and plan provisions that *increase the cost of housing construction, or of housing redevelopment*, and to establish a tracking system to estimate the cumulative cost per housing unit from these actions for the period July 1– June 30 annually. This form should be attached to all policies, ordinances, resolutions, and plan provisions which increase housing costs, and a copy of the completed form should be provided to the City's Housing and Community Development Department.

I. **Initiating Department:** Planning & Economic Development

II. **Policy, Procedure, Regulation, or Comprehensive Plan Amendment Under Consideration for adoption by Ordinance or Resolution:**

See attached proposed amendments to Chapter 16, City Code of Ordinances (City File LDR 2013-05).

III. **Impact Analysis:**

A. Will the proposed policy, procedure, regulation, or plan amendment, (being adopted by ordinance or resolution) increase the cost of housing development? (i.e. more landscaping, larger lot sizes, increase fees, require more infrastructure costs up front, etc.)

No   X   (No further explanation required.)

Yes        Explanation:

If Yes, the **per unit cost increase** associated with this proposed policy change is estimated to be: \$                                .

B. Will the proposed policy, procedure, regulation, plan amendment, etc. increase the time needed for housing development approvals?

No   X   (No further explanation required)

Yes        Explanation:

#### IV: Certification

It is important that new local laws which could counteract or negate local, state and federal reforms and incentives created for the housing construction industry receive due consideration. If the adoption of the proposed regulation is imperative to protect the public health, safety and welfare, and therefore its public purpose outweighs the need to continue the community's ability to provide affordable housing, please explain below:

##### CHECK ONE:

The proposed regulation, policy, procedure, or comprehensive plan amendment will **not** result in an increase to the cost of housing development or redevelopment in the City of St. Petersburg and no further action is required. ( Please attach this Impact Statement to City Council Material, and provide a copy to Housing and Community Development department.)

  
\_\_\_\_\_  
Department Director (signature)

5-9-14  
\_\_\_\_\_  
Date

OR

The proposed regulation, policy, procedure, or comprehensive plan amendment being proposed by resolution or ordinance *will increase housing costs* in the City of St. Petersburg. (Please attach this Impact Statement to City Council Material, and provide a copy to Housing and Community Development department.)

\_\_\_\_\_  
Department Director (signature)

\_\_\_\_\_  
Date

Copies to: City Clerk  
Joshua A. Johnson, Director, Housing and Community Development

# Zoning Standards

- Aurora (Colorado), City of. 2015. *Ordinance No. 2015-30: A Bill For An Ordinance to Amend Section 146-1254 of the City Code of the City of Aurora, Colorado, Relating to Mobile Food Trucks.*
- Austin (Texas), City of. 2015. *Code of Ordinances.* Title 25, Land Development; Chapter 25-2, Zoning; Subchapter C, Use and Development Regulations; Article 4, Additional Requirements for Certain Uses; Division 2, Commercial Uses; Section 25-2-812, Mobile Food Establishments.
- Boulder (Colorado), City of. 2015. *Revised Code.* Title 9, Land Use Regulation; Chapter 9-6, Use Standards; Section 9-6-1, Schedule of Permitted Land Uses. Section 9-6-5, Temporary Lodging, Dining, Entertainment, and Cultural Uses; Subsection 9-6-5.d, Mobile Food Vehicle Sales. Chapter 9-16, Definitions. Also see Title 4, Licenses and Permits; Chapter 4-10, Fees; Section 4-20-66, Mobile Food Vehicle Sales.
- Columbia (South Carolina), City of. 2015. *Code of Ordinances.* Chapter 17, Planning, Land Development and Zoning; Article III, Zoning; Division 1, Generally; Section 17-55, Definitions. Division 8, District Descriptions, Use and Dimensional Regulations; Section 17-258, Table of Permitted Uses; part 7(j).
- Fairburn (Georgia), City of. 2015. *Code of Ordinances.* Part II, Land Development and Related Regulations; Chapter 80, Zoning; Article I, In General; Section 80-4, Definitions. Article IV, Administrative Permits and Use Permits; Section 80-237, Mobile Food Truck.
- Fayetteville (Arkansas), City of. 2015. *Code of Ordinances.* Title XV, Unified Development Code; Chapter 178, Outdoor Vendors; Section 178.05, Food Truck and Food Trailer Limited Time Permits.
- Fort Worth (Texas), City of. 2015. *Code of Ordinances.* Appendix A, Zoning Regulations; Chapter 4, District Regulations; Article 8, Nonresidential District Use Table. Chapter 5, Supplemental Use Standards; Article 4, Temporary Uses; Section 5.406, Mobile Vendors. Chapter 9, Definitions; Section 9.101, Defined Terms.
- Huntsville (Alabama), City of. 2015. *Code of Ordinances.* Appendix A, Zoning Ordinance; Article 3, Definitions; Section 3.1, Interpretation. Article 73, Supplementary Regulations and Modifications; Section 73.23.1, Mobile Food Vending.
- Manor (Texas), City of. 2013. *Ordinance No. 185-N: To Add Food Court Establishments in Commercial and Industrial Districts as a Conditional Use.*
- Miami-Dade (Florida), County of. 2015. *Code of Ordinances.* Chapter 33, Zoning; Article I, In General; Section 33-1, Definitions. Section 33-14.1, Mobile Sales and Mobile Food Service Operations.



- Raleigh (North Carolina), City of. 2015. *Unified Development Ordinance*. Chapter 6, Use Regulations; Article 6.1, Allowed Uses; Section 6.1.4, Allowed Principal Use Table. Article 6.4, Commercial Uses; Section 6.4.10, Restaurant/Bar; part D, Food Trucks. Chapter 7, General Development Standards; Article 7.1, Parking; Section 7.1.2, Required Parking.
- St. Petersburg (Florida), City of. 2015. *Code of Ordinances*. Chapter 16, Land Development Regulations; Section 16.50.440, Vending, Mobile Food Trucks.
- Salt Lake City (Utah), City of. 2015. *City Code*. Title 21A, Zoning; Chapter 21A.36, General Provisions; Section 21A.36.160, Mobile Businesses. Section 21A.36.161, Mobile Food Courts. Chapter 21A.62, Definitions; Section 21A.62.040, Definitions of Terms.
- San Antonio (Texas), City of. 2015. *Unified Development Ordinance*. Article III, Zoning; Division 2, Base Zoning Districts; Section 35-311, Use Regulations; Table 311-2, Nonresidential Use Matrix. Division 7, Supplemental Use Regulations; Section 35-399, Mobile Food Courts. Appendix A, Definitions and Rules of Interpretation; Section 35-A101, Definitions and Rules of Interpretation; part b, Definitions.
- Watauga (Texas), City of. 2015. *Code of Ordinances*. Subpart B, Land Development; Chapter 115, Zoning; Article I, In General; Section 115-6, Permitted Principal, Accessory and Specific Use Permit Uses. Article III, Zoning Districts Established; Zoning Map; District Regulations; Section 115-63, Supplemental Regulations; part (14), Mobile food vendor courts. Article IV, Table of Uses.

ORDINANCE NO. 2015 - 30AN ORDINANCE TO AMEND SECTION 146-1254 OF THE CITY CODE OF  
THE CITY OF AURORA, COLORADO, RELATING TO MOBILE FOOD  
TRUCKS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO:

Section 1. That Section 146-1254 of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

Sec. 146-1254. Mobile Food Truck.

- (A) *Definition.* As used in this section only, "Mobile Food Truck" shall mean a retail food establishment that is not intended to be permanent and is a motorized wheeled vehicle, or a trailer that is licensed for use on public roadways, designed and equipped to serve food and beverages, operating in either a static or transitory location and serving the public during the hours of operation authorized by this section. The sale and distribution of frozen milk, frozen dairy or ice confection products, candy, gum or other confection products shall be permitted for Mobile Food Trucks.
- (B) *GENERALLY.* The operation of a Mobile Food Truck is allowed, provided that such operation is in compliance with all requirements and limitations contained in this section. In the event that a food vender is authorized to operate within the city pursuant to authority granted and limits found elsewhere in the code, this section shall not apply. However, no new permit for Mobile Food Truck operation shall be issued under Section 146-1249 and the provisions of this section shall control.
- (C) *Licenses.* An Aurora business license and a mobile retail food service license issued by the Tri-County Health Department are both required and must be conspicuously displayed at all times during the operation of a Mobile Food Truck.
- (D) *Hours of Operation.* Mobile Food Trucks may operate only between the hours of 7:00 am and 9:00 pm. The Mobile Food Truck must be removed from the location described in subsections (G) and (H) when not in operation.
- (E) *Zone Districts.* Mobile Food Trucks may operate only in the following zone districts: B-1, B-2, B-3, B-4, C-0, M-1, M-2, M-3, CCZD, PO-commercial sub-area, PO-industrial sub-area, PD-hospital sub-area, PO-ed-med sub-area, PCZD-commercial, PCZD industrial, Sustainable Infill Redevelopment (SIR) district, Transit-Oriented Development (TOD) district, Fitzsimons Boundary Area District (FBAD), E-470 Regional Activity Center (RAC), E-470 Light Industrial/Flex Office, and E-470 Community Activity Center (CAC) as designated on approved FOP.
- (F) *Separation Distance Requirements.* Mobile Food Trucks may operate only in locations that meet the following criteria:



1. Minimum of 175 feet distance from a restaurant, while the restaurant is open for business, as measured from the property line of the operating restaurant to the closest point of the Mobile Food Truck;
2. Minimum of 50 feet from any residential zone district within the City of Aurora, as measured from the closest point of the Mobile Food Truck to the nearest property line within the residential zone district.

(G) *Operating Within Public Right-of-Way.* Mobile Food Trucks may operate within the public right-of way provided they meet the following requirements:

1. Mobile Food Truck must be parked in a legal parking space and comply with all city and state parking restrictions;
2. Mobile Food Truck may only serve customers from an adjacent sidewalk or the curbside of the vehicle. In the absence of a sidewalk or curb, customers may only be served from the side of the Mobile Food Truck that is furthest from the area of right-of-way customarily used for motor vehicle travel.

(H) *Operating on private property.* Mobile Food Trucks may operate on private property provided they meet the following requirements:

1. Mobile Food Truck operator must obtain prior written permission from the private property owner and must have available an original copy of such permission for inspection purposes at all times;
2. Mobile Food Truck must be parked on a paved surface outside any designated Fire Lane and outside the corner visibility triangle, as that term is defined in City Code Section 146-1100(I)(2).

(I) *City-owned property.* Mobile Food Trucks may not operate on City property regardless of the zone district unless such authority to operate is provided for elsewhere in this Code or otherwise authorized by the City Manager. This prohibition shall not apply to city-owned public right-of-way as provided for in subsection (G) of this section.

(J) *Littering and Trash Removal.* Mobile Food Truck operators must keep the sidewalks, roadways and other spaces adjacent to their business site or location clean and free of paper, peelings and other refuse of any kind generated from the operation of their business. All trash or debris accumulating within twenty-five feet of any Mobile Food Truck shall be collected by the operator and deposited in a trash container maintained by the operator in good condition and constructed of a non-corrodible and watertight material, sufficient to hold the refuse generated by the business. Such container shall be removed by the operator whenever the Mobile Food Truck moves to another location or at the close of business.

(K) *Noise.* Mobile Food Trucks must adhere to the provisions of City Code Section 26-348 regarding noisemaking devices.

(L) *EXCEPTION.* Mobile Food Trucks may operate on the property of a Pre-K-12 Public or Private School, or Postsecondary School, provided the following requirements are met:

1. Mobile Food Truck operator must obtain prior written permission from a school representative authorized to grant such permission, and must have available an original copy of such permission for inspection purposes at all times;


2. Mobile Food Truck must be parked on a paved surface outside any designated Fire Lane and outside the Corner Visibility Triangle, as that term is defined in City Code Section 146-1100(i)(2).

Section 2. That all ordinances or parts of ordinances of the City Code of the City of Aurora, Colorado, in conflict herewith are expressly repealed.

Section 3. Pursuant to Section 5-5 of the Charter of the City of Aurora, Colorado, the second publication of this ordinance shall be by reference, utilizing the ordinance title. Copies of this ordinance are available at the office of the City Clerk.

INTRODUCED, READ, AND ORDERED PUBLISHED this 27th day of July, 2015.

PASSED AND ORDERED PUBLISHED BY REFERENCE this 10th day of August, 2015.

  
STEPHEN D. HOGAN, Mayor

ATTEST:

  
JANICE NAPPER, City Clerk

APPROVED AS TO FORM:

   
JACK D. BAJOUREK, Assistant City Attorney

F:\Dept\City Attorney\CA\BAJOUREK\ORDINANCES\Food trucks new as amended (2015).doc

**City of Austin, Texas**

**City Code (2015)**

**TITLE 25. LAND DEVELOPMENT.**

**CHAPTER 25-2. ZONING.**

**SUBCHAPTER C. USE AND DEVELOPMENT REGULATIONS.**

**ARTICLE 4. ADDITIONAL REQUIREMENTS FOR CERTAIN USES.**

**DIVISION 2. COMMERCIAL USES.**

**§ 25-2-812 MOBILE FOOD ESTABLISHMENTS.**

(A) In this section:

(1) PERMIT HOLDER means the person to whom the health authority issues a permit for a mobile food establishment permit required by Chapter 10-3 (Food and Food Handlers) of the City Code.

(2) MOBILE FOOD ESTABLISHMENT has the meaning established in Title 25, Part 1, Section 229.162 (Definitions) of the Texas Administrative Code and Section 10-3-1 (Definitions) of the City Code.

(3) SOUND EQUIPMENT has the meaning established in Section 9-2-1 (Definitions) of the City Code.

(B) A mobile food establishment is not permitted on private property except as provided in this section.

(C) A mobile food establishment:

(1) must be licensed by the health authority;

(2) is permitted in all commercial and industrial zoning districts, except in a neighborhood office (NO), limited office (LO), or general office (GO) zoning district;

(3) may not be located within 50 feet of a lot with a building that contains both a residential and commercial use;

(4) may not operate between the hours of 3:00 a.m. and 6:00 a.m.; and

(5) may not be located within 20 feet of a restaurant (general) or restaurant (limited) use.

(D) The noise level of mechanical equipment or outside sound equipment used in association with a mobile food establishment may not exceed 70 decibels when measured at the property line that is across the street from or abutting a residential use.

(E) A drive-in service is not permitted.

(F) Exterior lighting must be hooded or shielded so that the light source is not directly visible to a residential use.

(G) A mobile food establishment is limited to signs attached to the exterior of the mobile food establishment. The signs:

(1) must be secured and mounted flat against the mobile food establishment; and

(2) may not project more than six inches from the exterior of the mobile food establishment.

(H) During business hours, the permit holder shall provide a trash receptacle for use by customers.

(I) The permit holder shall keep the area around the mobile food establishment clear of litter and debris at all times.

(J) A permanent water or wastewater connection is prohibited.

(K) Electrical service may be provided only by:

(1) temporary service or other connection provided by an electric utility; or

(2) an onboard generator.

(L) A request that the city council require a mobile food establishment in a neighborhood association area to comply with the additional distance requirements set forth in Subsection (N) may be made in accordance with this subsection.

(1) The following persons may submit an application to the director requesting that the city council require mobile food establishments in a neighborhood association area to comply with Subsection (N):

(a) for an area with an adopted neighborhood plan:

(i) the chair of the official planning area contact team; or

(ii) an officer of a neighborhood association if there is no official planning area contact team; or

(b) for an area without an adopted neighborhood plan, an officer of a neighborhood association.

(2) The director shall accept an application made under this subsection during February of each year. The council shall consider the applications annually.

(3) Notice in English and Spanish of a public hearing on the application by the council is required. The City is responsible for the cost of the notice. The director shall give notice not later than the 16th day before the date of the public hearing by:

(a) publishing notice in a newspaper of general circulation; and

(b) mailing notice to:

(i) each mobile food establishment licensed by the health authority; and

(ii) each registered neighborhood association.

(4) The director shall maintain a map that depicts the areas to which Subsection (O) applies.

(5) A neighborhood association must be registered with the Public Information Office of the City.

(M) The requirements of Subsection (N) may be added to an ordinance zoning or rezoning property as a neighborhood plan combining district in accordance with Section 25-2-1406 (Ordinance Requirements).

(N) The subsection establishes additional distance requirements that may be applied under Subsections (L) or (M).

(1) A mobile food establishment may not be less than 50 feet from property:

(a) in a SF-5 or more restrictive district; or

(b) on which a residential use permitted in a SF-5 or more restrictive district is located.

(2) A mobile food establishment may operate between 6:00 a.m. and 10:00 p.m. if the mobile food establishment is more than 50 feet and not more than 300 feet from a property:

(a) in a SF-5 or more restrictive district; or

(b) on which a residential use permitted in a SF-5 or more restrictive district is located.

(3) A mobile food establishment may operate between 6:00 a.m. and 3:00 a.m. if the mobile food establishment is more than 300 feet from a property:

(a) in a SF-5 or more restrictive district; or

(b) on which a residential use permitted in a SF-5 or more restrictive district is located.

(O) A mobile food establishment must comply with Subsection (N) not later than the 60th day after the effective date of an ordinance adopted under Subsection (L) or (M).

(P) This subsection applies to a mobile food establishment that is located on the same site as a restaurant (limited) or restaurant (general) use and serves food provided by the restaurant (limited) or restaurant (general) use. The mobile food establishment:

(1) may only operate between the hours of 6:00 a.m. and 10:00 p.m. if the mobile food establishment is located 300 feet or less from property in a SF-5 or more restrictive district or on which a residential use permitted in a SF-5 or more restrictive district is located; and

(2) must comply only with Subsections (D), (F), (G), (H), and (I).

(Q) This ordinance does not apply to a mobile food establishment that is located on private property for three hours or less between the hours of 6:00 a.m. and 10:00 p.m.

(R) A site plan, site plan exemption, or temporary use permit is not required for the operation of a mobile food establishment.

(S) The permit holder shall comply with the section. A violation of this section is a Class C misdemeanor.

Source: Ord. 20060928-020; Ord. 20080131-134; Ord. 20110623-135; Ord. 20110804-008.

**City of Boulder, Colorado  
Boulder Revised Code (2015)  
Title 9. Land Use Regulations.**

**Chapter 9-6. Use Standards.**

**9-6-1. - Schedule of Permitted Land Uses.**

**From TABLE 6-1: USE TABLE**

Mobile food vehicle on private property:

- *Prohibited in all residential districts, agricultural district, and mobile home district.*
- *Permitted as conditional use in all mixed use districts, business districts, downtown districts, industrial districts, and public district.*

Mobile food vehicle on public right of way:

- *Prohibited in all residential districts except R1, agricultural district, and all mixed use, business, and downtown districts.*
- *Permitted as conditional use in R1, all industrial districts, and public district.*

**Section 9-6-5. Temporary Lodging, Dining, Entertainment, And Cultural Uses.**

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(d) Mobile Food Vehicle Sales. The following criteria apply to any mobile food vehicle sales use:

(1) Standards: The city manager will permit mobile food vehicle sales on private property, public property, or in the public right of way if the use is permitted in the applicable zoning district and meets the following standards and conditions:

(A) The use shall be located at least:

(i) one hundred fifty feet from any residential zone districts, except as provided in Subsection (d)(1)(C) of this section;

(ii) one hundred fifty feet from any existing restaurant except as provided in subsection (d)(1)(F) below; and

(iii) two hundred feet from any other mobile food vehicle with regard to public right of way sales, no more than four mobile food vehicles per private property in the MU-1, MU-2, MU-3, BT-1, BT-2, BMS, BC-1, BC-2, BCS, BR-1, BR-2, DT-1, DT-2, DT-3, DT-4, and DT-5 zone districts, and no limitation on the number of mobile food vehicles per private property with the owner's permission in the Industrial zone districts.

Distances shall be measured by the city on official maps as the radius from the closest points on the perimeter of the applicant's mobile food vehicle to the closest point of the designated residential zone or property of the restaurant. For purposes of this section, the term restaurant shall include "eating places" and "retail bakeries" as defined by the Standard Industrial Classification Manual, the edition of which shall be determined by the city manager. With regard to measurement between two or more mobile food vehicles in the public right of way, measurement shall be in the form of standard measuring devices, including and not limited to, a tape measure.

(B) No person shall operate a mobile food vehicle in a public zone district unless in connection with an organized event pursuant to Section 4-18-2, "Public Property Use Permits," B.R.C. 1981, or at the Boulder Municipal Airport ("Airport") in such areas and manner within the Airport property as approved by the city manager pursuant to Section 11-4-4, "Special Airport Activity Permits," B.R.C. 1981. For purposes of this section, the Airport property shall be defined as Lot 2, Airport South Subdivision.

(C) No person shall operate a mobile food vehicle in a residential zone district except with prior approval by the city manager in the parking lot or the public right of way adjacent to North Boulder Park or in any other park as approved by the manager.

(D) No person shall operate a mobile food vehicle sales use without a permit or in violation of the conditions of a permit. The permit will be valid for twelve consecutive months, or such other time as the city manager may by rule designate. Such application shall meet the following requirements:

- (i) provide proof of, and maintain, a valid driver's license, vehicle registration, and current motor vehicle insurance;
- (ii) provide proof of, and maintain, a Colorado retail food license for a mobile unit;
- (iii) provide proof of, and maintain, a valid sales use tax license;
- (iv) provide payment of the fee prescribed by Section 4-20-66, "Mobile Food Vehicle Sales," B.R.C. 1981.

(E) As a condition of accepting the permit, the applicant shall sign an agreement, in a form acceptable to the city manager, in which the applicant agrees to meet all requirements under this section and Chapter 4-1, "General Licensing Provisions," B.R.C. 1981, and assume responsibility for the actions and omissions of its agents and employees in the performance of or failure to perform its obligation under the permit.

(F) The city manager may, in his or her discretion, waive the requirements of subsection (d)(1)(a)(ii) above if the applicant at the time of issuance, and each renewal of the permit, submits to the city manager signed statements supporting the issuance of the permit from every restaurant within 150 feet of the proposed food truck location. The city manager may waive such requirements only for the BC-1 zone district. The city manager may deny a request for waiver for any reason, with or without good cause.

(2) Scope:

(A) In addition to the zoning districts permitted by this section, mobile food vehicle sales may take place in other public property locations, or in the public right of way, but only as part of an approved organized event or street closure permit, and granted pursuant to the authority in Section 4-18-2, "Public Property Use Permits," B.R.C. 1981, or any other relevant code section.

(B) The standards set forth in Subparagraphs (d)(1)(A) and (d)(3) shall not apply to mobile food vehicle sales that meet the criteria as indicated in Subparagraph (d)(2)(A) of this section, but shall be subject to any conditions imposed in connection with the event. All other requirements of this subsection shall apply.



(C) The city manager may, from time to time, prohibit the issuance of additional licenses in specified areas of the city in the interest of avoiding traffic congestion or preserving the public health, safety, and welfare.

(3) Operating Requirements: No person who operates any mobile food vehicle on public property or private property shall:

(A) obstruct the pedestrian or bicycle access or the visibility of motorists, nor obstruct parking lot circulation or block access to a public street, alley, or sidewalk;

(B) locate any vehicle, structure, or device upon a public sidewalk within the extended boundaries of a crosswalk, or within ten feet of the extension of any building entranceway, doorway, or driveway;

(C) fail to maintain, and provide proof when requested, of written consent from the private property owner authorizing the property to be used for the proposed use with regard to mobile food vehicle sales on private property;

(D) fail to park legally;

(E) operate before 7 a.m. or after 9 p.m. and for more than a maximum of four hours at any one approved location;

(F) set up any structures, canopies, tables, or chairs;

(G) sell anything other than food and nonalcoholic beverages;

(H) provide amplified music;

(I) place signs/banners in or alongside the public right of way or across roadways. Signs must be permanently affixed to or painted on the mobile food vehicle;

(J) fail to have the vehicle attended at all times;

(K) fail to permanently display to the public in the food handling area of the mobile food vehicle the permit authorizing such use;

(L) fail to provide at least three separate and clearly marked receptacles for trash, recycling, and compost and properly separate and dispose of all trash, refuse, compost, recycling, and garbage that is generated by the use;

(M) cause any liquid wastes used in the operation to be discharged from the mobile food vehicle;

(N) fail to abide by all other ordinances of the city.

(4) The general licensing provisions of Chapter 4-1, "Licenses and Permits," B.R.C. 1981, shall apply.

Ordinance Nos. 5623 (1994); 5784 (1996); 7364 (2004); 7974 (2008); 7787 (2011); 7826 (2011); 7938 (2013); 7971 (2014); 8049 (2015)

## **Chapter 9-16: Definitions**

### **Section 9-16-1. General Definitions.**

(c) The following terms as used in this title have the following meanings unless the context clearly indicates otherwise:

\*\*\*

"Mobile food vehicle" means a readily movable, motorized-wheeled vehicle or a towed vehicle designed and equipped to prepare, or serve, and sell food, but which does not include mobile vending carts as defined in Section 4-18-4, "University Hill Mobile Vending Cart Permit, " and Section 4-11-12, "Mobile Vending Cart Permit, " B.R.C. 1981."

## **TITLE 4. LICENSES AND PERMITS.**

### **Chapter 4-10: Fees**

#### **4-20-66. Mobile Food Vehicle Sales.**

An applicant for a mobile food vehicle permit shall pay a \$231 application fee and a \$231 renewal fee per year.

Ordinance Nos. 7787 (2011); 7820 (2011); 7874 (2012); 7945 (2013); 8004 (2014)

**City of Columbia, South Carolina  
Code of Ordinances (2015)**

**CHAPTER 17. PLANNING, LAND DEVELOPMENT, AND ZONING  
Article III. Zoning**

**Division 1, Generally  
Section 17-55. Definitions**

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*Food truck* means a licensed, motorized vehicle that includes a self-contained or attached trailer kitchen in which food is prepared, processed, or stored and such vehicle is used to sell and dispense food to the general public.

**Division 8, District Descriptions; Use and Dimensional Regulations  
Section 17-258. Table of Permitted Uses.**

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(7) Temporary vendors are prohibited, except where the vendor is:

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- j. A person operating a food truck on private property provided that the person:
  - i. Locates within a zoning district which would otherwise permit the business;
  - ii. Locates at least 100 feet from the door of a lawfully established eating place unless the owner of the eating place provides a letter of consent, a copy of which shall be kept within the food truck;
  - iii. Maintains within the food truck proof of written permission from the private property owner or authorized lease holder of the private property of each vending location;
  - iv. Receives annually a zoning permit to operate a food truck, a copy of which shall remain in the food truck during operation;
  - v. Operates for no more than ten consecutive hours within a calendar day and at all other times removes from the parcel all materials associated with the business. No temporary vendor shall operate between the hours of 9:00 p.m. and 9:00 a.m. if the parcel upon which the vendor is located is within 400 feet of a parcel zoned residentially.

**City of Fairburn, Georgia  
Code of Ordinances (2015)**

**PART II - LAND DEVELOPMENT AND RELATED REGULATIONS  
Chapter 80 - Zoning**

**Article I. In General  
Section 80-4. Definitions**

*Commissary.* A licensed or permitted food service establishment that provides required services to a mobile food truck. A commissary may provide anything from a source for obtaining potable water and disposing of wastewater; storage for food and supplies; or cooking facilities to prepare the food for sale and consumption.

\*\*\*

*Mobile food truck.* A retail food establishment that reports to and operates from a commissary and is readily moveable. Said mobile food truck shall be a motorized wheeled vehicle which includes a self-contained kitchen where food is prepared or stored and from which food products are sold and dispensed.

**Article IV. Administrative Permits And Use Permits  
Section 80-237. Mobile Food Truck**

(a) Required districts. O-I, C-1, C-2, DC-1, DC-2, M-1, M-2, and accessory to institutional uses, such as a place of worship or a school, or for the benefit of charity such as tours of homes, show houses, and the like.

(b) Standards.

(1) Mobile food trucks must meet all Fulton County Health Department regulations.

(2) Mobile food trucks shall not conduct business or operate under this article in the public right-of-way.

(3) Mobile food trucks shall not conduct business or operate within 20 feet of fire lanes, fire hydrants or fire connections.

(4) The allowable dimensions of a mobile food truck (including all attachments, except hinged canopies that open to reveal food serving areas) shall be up to 30 feet long, 13 feet tall, and eight feet wide.

(5) The use permit shall be valid for a period of one-year after issuance and applicable to the approved site only.

(6) The hours of operation shall be between the hours of 7:00 a.m. to 8:00 p.m., Sunday through Thursday and between the hours of 7:00 a.m. to 10:00 p.m., Friday through Saturday.

(7) Mobile food trucks shall not operate on any private property without the prior, written consent of the property owner(s). The applicant shall provide a notarized permission statement of the property owner(s) as they appear on the current tax records of the City of Fairburn. If the current ownership has recently changed and does not match the city

record, the applicant may provide a copy of the new deed as proof of ownership. A 24-hour contact number of the property owner(s) shall be provided along with permit application.

(8) All mobile food trucks shall be located a minimum of 200 feet from any eating establishment and 100 feet (as measured from the closest point of the vehicle to the building corner of the restaurant or store) from any retail store that sell food unless both the property owner(s) (as they appear on the current tax records of the City of Fairburn or if the current ownership has recently changed and does not match the record the applicant may provide a copy of the new deed as proof of ownership) and lease holder(s) of said eating establishment/retail store grant written notarized permission for the mobile food truck to be located closer than this minimum setback.

(9) No mobile food trucks shall be located within 250 feet of a residential structure.

(10) Tents and tarps are prohibited. All services shall be conducted from the mobile food truck.

(11) Any activity or structure shall maintain a minimum 20-foot setback from the right-of-way and not be located within a required landscape strip or buffer. Said activity or structure shall also maintain a minimum setback of ten feet from any internal drive or permitted curb cut.

(12) A minimum of six parking spaces shall be provided adjacent to the vending area for the exclusive use of the mobile food truck and shall not occupy the minimum required parking spaces for any other use on site.

(13) Mobile food trucks shall be required to park on paved surfaces.

(14) After hours parking of the mobile food truck shall comply with Article IX, Off-Street Parking, Loading, and Landscaping Requirements, of the Fairburn Zoning Ordinance.

(15) Two copies of a scale drawing, no larger in size than 11" × 17", with dimensions (distances in feet) of the mobile food truck's location from the site's property lines and other minimum distance requirements as specified by this Article shall be submitted to the department of planning and zoning for approval with the use permit application. Said drawing shall also depict north arrow, parking area, table/chair/canopy areas, queuing areas, and trash and recycling receptacles, as applicable, curb-cuts and traffic patterns.

(16) Mobile food trucks are responsible for the proper disposal of waste and trash associated with the operation. Mobile food trucks shall remove all generated waste and trash from their approved location at the end of each day or as needed to maintain the public health and safety. No liquid waste or grease is to be disposed of in tree pits, storm drains, sanitary sewers, onto the sidewalks, streets or other public or private space. A written waste management plan indicating plans for waste handling, sanitation, litter collection/prevention, recycling, and daily cleanup procedures shall be submitted with the use permit application.

(17) Mobile food trucks shall not emit sounds, outcry, speaker, amplifier or announcements.

(18) Mobile food trucks shall maintain and display plainly all current city, Fulton County, State of Georgia, and federal licenses and shall follow all laws of the state and county health departments, or any other applicable laws.

(19) Mobile food trucks conducting cooking operations shall obtain a fire inspection from the Fire Marshal or designee prior to operating its business.

(20) The permit under which a mobile food truck is operating shall be firmly attached and visible on the food truck at all times.

(21) Any condition of zoning or provision of the Fairburn Zoning Ordinance that prohibits a mobile food truck use on a property shall supersede this section.

(22) Mobile food trucks and any accessory items shall not be left unattended or stored for any period of time on the permitted site when vending is not taking place or during restricted hours of operation.

(23) No item(s) related to the operation of the mobile food truck shall be leaned against or hung from any building or any other structure, including but not limited to, lampposts, parking meters, mailboxes, traffic signal stations, fire hydrants, trees, tree boxes, benches, bus shelters or traffic barriers.

(24) All items related to the operation of the mobile food truck shall be kept either on or in the mobile food truck. No such items shall be stored or placed upon any public space adjacent to the mobile food truck.

(25) Mobile food trucks must have an adequate supply of fresh water (through the means of an on-truck fresh water tank) to maintain the operation of the food service in a safe and sanitary manner.

(26) No equipment, vehicle, display or sales activity shall block access to a public facility such as a telephone booth, mail box, parking meter, fire hydrant, fire alarm box, traffic control box, driveway or other access point.

(27) Signs advertising the mobile food truck are prohibited, except for vehicle signs in compliance with the requirements set forth in Article XII Sign Regulations, sections 80-426 through 80-438. Flyers, coupons, and paper handouts of any kind are also prohibited.

(28) No temporary sanitary facility or trash receptacle may be located within 100 feet of a property line of a residential use.

(Ord. No. 2013-09, § 1(exh. A), 6-10-2013; Ord. No. 2013-21, § 1(Exh. A), 9-9-2013)

# City of Fayetteville Code of Ordinances



## **Title XV Unified Development Code**

*Adopted June 3, 2003  
Ordinance No. 4489*

*Codified through Ordinance No. 5777  
Approved June 2, 2015*

*(All ordinances approved after the above listed date  
may be obtained through the City Clerk Office)*

**TITLE XV UNIFIED DEVELOPMENT CODE  
CHAPTER 178: OUTDOOR VENDORS**

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## TITLE XV UNIFIED DEVELOPMENT CODE

- (2) Conducting the business of mobile vending in a manner contrary to the conditions of the permit.
  - (3) Conducting the business of vending in such a manner as to create a public nuisance, cause a breach of the peace, constitute a danger to the public health, safety, welfare or interfere with the rights of abutting property owners.
  - (4) Cancellation of health department authorization for a food or beverage vending unit due to uncorrected health or sanitation violations, or;
- (I) *Notification of Suspension or Revocation.* The Development Services Director shall provide written notice of the suspension or revocation in a brief statement setting forth the complaint, the grounds for suspension or revocation and notifying the vendor or the property owner of his/her right to appeal to the Planning Commission. Such notice shall be personally delivered, posted upon the mobile vendors' premises or mailed to both the address of the property owner and the address of the mobile vendor shown on the permit holder's application by certified mail, return receipt requested.
- (Ord. 5185, 10-7-08; Ord. 5425, 8-2-11; Ord. 5498 05-01-12; Ord. 5666, 3-18-14)
- 178.05 Food Truck and Food Trailer Limited Time Permits**
- (A) *Purpose.* This section's purpose is to create a process that allows food trucks and food trailers to locate for a limited time on public and private property. Food trucks are defined as a motorized and operationally self-contained single vehicle equipped with facilities for cooking and selling food. Food trailers are defined as a mobile food unit designed to be towed on public roads and having an enclosed area for storage, handling or preparation of food.
- (B) *Limited Time Permit for Parallel Parking Spaces.* Food trucks may apply for a permit determined through a lottery drawing by the Planning Division to locate for a limited time in a marked or delineated parallel public parking space.
- (1) The Planning Division will conduct a lottery in November each year for a total of three (3) Limited Time Permits for locating in parallel parking spaces on public roads. If more than nine (9) lottery applications are made Planning Staff may increase the number of permits issued not to exceed one third (1/3) of the total number of applications. Instances in which 1/3 the total number of applications results in a fraction of 0.5 or higher, the number of permits available shall be rounded up to the next whole number. These permits shall be issued on January 1<sup>st</sup> and will extend until December 31<sup>st</sup>. Food trucks may apply and participate in this lottery every year.
  - (2) A Limited Time Permit for Parallel Parking Spaces may be approved administratively by the Planning Division after making the following determinations:
    - (a) The applicant has paid an annual \$100 permit fee. Food trucks shall pay the appropriate fee for the time they are located in public parking spaces. The food truck shall fit entirely within one marked parallel on-street parking space.
    - (b) The applicant has provided a valid copy of the County Health Department permit and proof of remittance of HMR tax to the City of Fayetteville.
    - (c) The applicant has the responsibility to dispose of all wastes in accordance with all applicable laws. Food trucks are not permitted to dispose of their trash in public trash receptacles.
    - (d) The applicant agrees to move to a different location after a four (4) hour time period. This time period includes onsite set-up and break-down time. The applicant agrees to move at least 325 feet away or out of sight/view of their previous location once their initial 4 hour time period has expired.
    - (e) The applicant agrees to not locate on the same side of the street directly in front of an existing restaurant.
    - (f) The applicant agrees to only vend towards the sidewalk side of the street and to keep the sidewalk unobstructed to allow for free flow pedestrian movement along the street.
    - (g) The applicant agrees to locate on public property such that they will not cause an unsafe traffic or pedestrian situation.
    - (h) The applicant agrees not to set up in a parking space adjacent to a parking pay station kiosk.
    - (i) Food trucks are prohibited from parking or vending from angled on-street parking spaces and from public parking lots in the Entertainment District or the

## Fayetteville Code of Ordinances

Downtown Business District. Food trucks are prohibited from parking in marked parallel parking spaces that are posted reserved for residential use.

- (j) The City reserves the right to limit food trucks from utilizing public parking spaces during special events such as; parades, Bikes, Blues and BBQ, etc. Special event permits may be available to food trucks for certain events. Contact the City's Parking Division for special event permits.
- (C) *Limited Time Permit on Public Property.* Food trucks and food trailers may apply for a permit determined through a lottery drawing by the Planning Division to locate for a limited time on public property excluding on-street marked parallel or angled parking spaces. Food trucks and food trailers with this permit may also vend in City Parks with approval by the Parks and Recreation Director.
- (1) The Planning Division will conduct a lottery in November each year for a total of three (3) Limited Time Permits for locating on public property. If more than nine (9) lottery applications are made Planning Staff may increase the number of permits issued not to exceed one third (1/3) of the total number of applications. Instances in which 1/3 the total number of applications results in a fraction of 0.5 or higher, the number of permits available shall be rounded up to the next whole number. These permits shall be issued on January 1<sup>st</sup> and will extend until December 31<sup>st</sup>. Food trucks and food trailers may apply and participate in this lottery every year.
  - (2) A Limited Time Permit on Public Property may be approved administratively by the Planning Division after making the following determinations:
    - (a) The applicant has paid an annual \$100 permit fee. Food trucks and food trailers shall fit entirely within no more than two parking spaces on public property or in a City Park and shall pay the appropriate fee for the time they are located in public parking spaces.
    - (b) The applicant has provided a valid copy of the County Health Department permit and proof of remittance of HMR tax to the City of Fayetteville.
    - (c) The applicant has the responsibility to dispose of all wastes in accordance with all applicable laws. Food trucks and

food trailers are not permitted to dispose of their trash in public trash receptacles.

- (d) The applicant agrees to move to a different location after a four (4) hour time period. This time period includes onsite set-up and break-down time. The applicant agrees to move at least 325 feet away or out of sight/view of their previous location once their initial 4 hour time period has expired.
  - (e) The applicant agrees to locate on public property such that they will not cause an unsafe traffic or pedestrian situation.
  - (f) The applicant agrees not to set up in a parking space adjacent to a parking pay station kiosk.
  - (g) Food trucks and food trailers are prohibited from parking or vending from on-street marked parallel or angled parking spaces and from gated public parking lots in the Entertainment District or the Downtown Business District. Food trucks and food trailers are also prohibited from parking in marked parking spaces that are posted reserved for residential use.
  - (h) The City reserves the right to limit food trucks and food trailers from utilizing public parking spaces during special events such as; parades, Bikes, Blues and BBQ, etc. Special event permits may be available to food trailers for certain events. Contact the City's Parking Division for special event permits.
- (D) *Limited Time Permit on Private Property.* Food trucks and food trailers may be approved administratively by the Planning Division for a Limited Time Permit to locate on private property after meeting the following conditions:
- (1) The applicant has paid an annual \$100 permit fee, unless they are also the holder of a public property lottery permit and they have already paid a \$100 permit fee. Permits expire December 31<sup>st</sup>.
  - (2) The applicant has provided a valid copy of the County Health Department permit and proof of remittance of HMR tax to the City of Fayetteville.
  - (3) The applicant has the responsibility to dispose of all wastes in accordance with all applicable laws. Food trucks and food

## TITLE XV UNIFIED DEVELOPMENT CODE

trailers are not permitted to dispose of their trash in public trash receptacles.

- (4) The applicant has agreed to move to a different property after a four (4) hour time period. This time period includes any onsite set-up or break-down time.
- (5) The property is zoned to allow for food and beverage uses and the location meets all applicable zoning requirements of the underlying zoning district. The property owner for each location must provide a written statement giving the food truck or food trailer operator permission to operate on the property. A site plan shall be provided by the applicant or property owner for each proposed site upon which the food truck or food trailer would like to temporarily locate. The vendor shall keep these records up to date with the Planning Division.
- (6) The applicant agrees to locate on private property such that they will not cause an unsafe traffic or pedestrian situation.

(Ord. 5666, 3-18-14; Ord. 5699, 7-15-14)

#### **178.06 Transient Merchants**

All transient merchants are subject to regulations and registration under Arkansas state statutes. Any criteria established herein shall not relieve the applicant from meeting applicable criteria relative to transient merchants. "Transient merchant" means any person, firm, corporation, partnership, or other entity that engages in, does, or transacts any temporary or transient business in the state, either in one (1) locality or in traveling from place to place in the state, offering for sale or selling goods, wares, merchandise, or services.

(Ord. 5185, 10-7-08; Ord. 5666, 3-18-14)

#### **178.07-178.99 Reserved**

(Ord. 5185, 10-7-08; Ord. 5666, 3-18-14)

**City of Fort Worth, Texas  
Code of Ordinances (2015)  
Appendix A, Zoning Regulations**

**CHAPTER 4. DISTRICT REGULATIONS  
Article 8. Nonresidential District Use Table**

**Sec. 4.801. Key to Table Designations.**

A. Permitted Uses (P). A "P" in a cell indicates that a use is allowed by right in the respective zoning district. Permitted uses are subject to all other applicable regulations of this Zoning Ordinance. A "P\*" in any cell means that supplemental use standards apply (Refer to "Supplemental Use Standards, Chapter 500 Standards for Selected Uses"). The specific section number of the standard is noted in the right-hand column, titled "Supplemental Standards."

B. Special Exception Uses (SE). An "SE" in a cell indicates that a use is allowed only if reviewed and approved as a special exception use, in accordance with the review procedures of Chapter 3, Article 3. An "SE\*" in any cell means that supplemental use standards apply (Refer to "Supplemental Use Standards, Chapter 5.00 Standards for Selected Uses"). The specific section number of the standard is noted in the right-hand column, titled "Supplemental Standards."

C. Uses Not Allowed. An empty cell indicates that a use is not allowed in the respective zoning district.

D. Supplemental Use Standards (\*). The numbers contained in the right-hand column of the table are references to additional standards and requirements that may apply to the use listed. Standards referenced in this column apply only in zoning districts where the designation includes a "\*."

**Sec. 4.803. Non-Residential District Use Table.**

4.803 Uses	Commercial						Industrial			Special Districts				
	ER	E	FR	F	G	H	I	J	K	AG	CF	O-1	O-2	PD
Vendor, Food, Mobile Vendor Food Court	SE*	SE*	SE*	SE*	P*	SE*	P*	P*	P*	SE*	SE*	SE*	SE*	SE*
Vendor, Food, Non-Potentially Hazardous Food	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*			
Vendor, Food, Potentially Hazardous Food			P*	P*	P*	P*	P*	P*	P*	P*	P*			
Vendor, Merchandise							P*	P*	P*	P*	P*			
Vendor, Transient, Non-Potentially Hazardous Food	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*			
Vendor, Transient, Potentially Hazardous Food			P*	P*	P*	P*	P*	P*	P*	P*	P*			

## **CHAPTER 5. SUPPLEMENTAL USE STANDARDS**

### **Article 4. Temporary Uses**

#### **Section 5.406. Mobile Vendors.**

##### **A. Required permits.**

###### **1. Vendor certificate of occupancy.**

a. All food and merchandise vendors shall obtain a vendor certificate of occupancy for each specified location where sales are to take place from a mobile vending unit. Except as otherwise provided herein; a vendor certificate of occupancy is valid for one (1) year from the date of issuance.

b. No vendor certificate of occupancy will be issued without written authorization from the owner or person in control of the premises stating that the mobile vending unit has permission to occupy the premises where the mobile vending unit is located to sell merchandise, or sell or serve food.

c. No vendor certificate of occupancy will be issued without written authorization from the owner or person in control of each premises stating that the mobile vending unit has permission to use a commercially plumbed restroom.

d. Vendor certificate of occupancy permits issued to mobile vendor units located between 50 feet and 100 feet from any single family or multifamily residential use are valid for six months from the date of its issuance.

e. No vendor certificate of occupancy will be issued to a food vendor without a health permit.

###### **2. Health permit.**

a. Food vendors must obtain a permit from the code compliance department to operate as a mobile vending unit.

b. Merchandise vendors are not required to obtain a health permit.

###### **3. General provisions**

a. A vendor certificate of occupancy may be denied if the mobile vendor fails to provide a valid vehicle registration, motor vehicle operator's license, proof of vehicle liability insurance, and a Texas Sales Tax Permit.

b. A vendor certificate of occupancy is not transferable.

c. The vendor certificate of occupancy sticker must be displayed on the upper left rear area of the mobile vending unit in a conspicuous location. If such location is not practicable, the permit shall be located in a location approved by the director of the planning and development department or his assignee.

##### **B. Hours of operation.**

1. No mobile vending unit shall operate at any time between the hours of 2:00 a.m. and 7:00 a.m.
2. Transient food vendors may not stop for more than sixty (60) consecutive minutes at any one location to sell or serve food provided however this shall not apply to mobile vendor food courts.

C. Operational requirements.

1. Mobile vending units may only operate in locations as allowed by the Fort Worth Zoning Ordinance.
2. No mobile vending unit may operate within 50 feet from a single-family or multi-family residential use. Single-family or multi-family residential use shall not include a residence that is part of a business or a mixed-use structure.
3. All mobile vending units must park on an improved surface.
4. No mobile vending unit may be located on a vacant lot, provided however this restriction shall not apply to mobile vendor food courts.
5. No mobile vending unit, displays of merchandise, seating, or temporary shelters may obscure traffic.
6. No mobile vending unit shall be allowed to sell merchandise, sell, or serve food on any public street, sidewalk, or other public right-of-way.
7. All mobile vending units shall be equipped with a self-closing lidded trash receptacle. The trash receptacle must be placed outside next to the mobile vending unit for use by the patrons of the unit. The area around the mobile vending unit shall be kept clean and free from litter, garbage, and debris.
8. The connection of a mobile vending unit to a source of electricity, water, and sewer at a mobile vending site is prohibited unless a permit has been obtained from the planning and development department for each connection and the connection has been inspected and found to comply with city codes. Each permit shall be maintained in the mobile vending unit at all times and made available upon request by city personnel.
9. Merchandise and food vendors shall remove the mobile vending unit daily from the property provided however this shall not apply to mobile vendor food courts.
10. All food vendors and transient food vendors handling potentially hazardous food products shall report the mobile vending unit at least once a day to its designated commissary for food, supplies, cleaning and servicing as required by chapter 16, "Health and Sanitation" of the City Code of the City of Fort Worth.
11. Except as otherwise limited by this ordinance or other city codes, a vendor may utilize outside seating consisting of a portable table and a seating capacity of four, provided however this shall not apply to mobile vendor food courts.
12. All mobile vending units handling or selling potentially hazardous food products must be a commercially manufactured vehicle as defined in Section 9.101, "Definitions" of the zoning ordinance and in chapter 16, "Health and Sanitation" of the Fort Worth City Code.

13. No more than one (1) mobile vending unit per individual tract, parcel or platted lot shall be allowed, provided however this shall not apply to mobile vendor food courts.

a. A maximum of three (3) Mobile vending units shall be allowed on an individual tract, parcel or platted on which a grocery store with a footprint exceeding 60,000 square feet is located as a special exception by the Board of Adjustment, provided, however, that in granting any such special exception, the Board shall consider the following:

- i. The number of available parking spaces on the lot;
- ii. Whether an increased number of mobile vending units would be compatible with the existing use and permitted development of adjacent properties, and
- iii. Any other issues the Board of Adjustment considers to be relevant.

b. More than one mobile vending unit shall be allowed on an individual tract, parcel or platted located within the Near Southside Zoning District with a design plan approved by the Urban Design Commission. The Commission shall consider the following:

- i. The number of available parking spaces on the lot and other parking areas within a ¼ mile of the property;
- ii. Whether an increased number of mobile vending units would be compatible with the existing use and permitted development of adjacent properties, and
- iii. Any other issues the Urban Design Commission considers to be relevant.

D. Additional requirements for mobile vending units located within 100 feet single family or multifamily residential use.

1. No mobile vending unit may operate within 50 feet from a single family or multifamily residential use. Single-family or multi-family residential use shall not include a residence that is part of a business or a mixed-use structure.

2. All mobile vending units between 50 feet and 100 feet from a single family or multifamily residential use must obtain the unanimous consent of all the owners of the single family or multifamily residential property within a one hundred (100) foot radius around the mobile vending unit.

Consent from the property owners must be signed within 30 days from the date the vendor submits an application for a vendor certificate of occupancy.

Measurement shall be determined in a straight line (ignoring intervening structures) from closest point of the mobile vending unit to the closest point of the property line of the single family or multifamily residential use.

3. No amplified music is allowed after 10:00 p.m.

4. No portable chairs and tables are allowed after 10:00 p.m.

5. The use of portable or vehicle mounted generators to supply electricity to a mobile vending unit is prohibited.

E. Exemptions. The provisions and requirements of Section 5.406 do not apply to:

1. All events/activities/festivals approved by the board of adjustment under Section 5.400 of the zoning ordinance entitled "Amusement, outdoor (temporary)";
2. All events/activities/festivals approved by the city council.
3. All events/activities/festivals lasting no longer than fourteen consecutive days that are open to the public for the purpose of providing entertainment/food and/or sales of merchandise and are in conjunction with a single event or celebration.

F. Mobile vendor food courts.

1. Generally mobile vendor food courts may be permitted in accordance with the use tables in chapter 4, Articles 8 and 12, subject to the following conditions:
  - a. Each individual mobile vendor food court shall comply with all regulations of chapter 16, "Health and Sanitation" of the Fort Worth City Code and Section 5.406 except as noted above in subsection c.
  - b. If a commissary is provided on site and the mobile vending unit is approved to use the site's commissary, then the mobile vending unit will not have to be removed from the site each day.
  - c. The mobile vendor food court shall not operate between the hours of 2 a.m. to 7 a.m.
  - d. On-site manager. There must be a designated manager of the site that is responsible for the orderly organization of mobile vending units, the cleanliness of the site, and the site's compliance with all rules and regulations during working hours.
  - e. Restrooms. Permanent restrooms must be provided within the boundaries of the mobile vendor food court. The number of water closets and lavatories required shall be based on the occupant load for fixed seating of the court, and table 403.1 of the Fort Worth Plumbing Code. At a minimum at least one restroom for each sex shall be provided within five hundred feet from each mobile vending unit.
  - f. Water and electrical requirements. Each site is required to provide water hookups and electricity access for each individual mobile vending unit that operates at the site. Each individual mobile vending unit is not allowed to operate a generator at the site unless emergency circumstances necessitate the need for use of a generator.
2. A site plan shall be provided for review showing:
  - a. The land area included within the site, the zoning classification of adjacent sites, and all public and private rights-of-way and easements bounding and intersecting the site;
  - b. A legal description of the platted lots of the proposed site and the boundaries thereof;



- c. The location of each proposed permanent structure on the site and pads for mobile vending units, and identification of any proposed outdoor entertainment locations;
  - d. The location, width, and surface material, including all curb cuts of driving lanes and mobile vending unit pads, including a twenty 20 foot fire lane where required by the fire department, fire hydrants and including paving, turf or gravel to be used;
  - e. The location of fire hydrants;
  - f. The dimensions and capacities of parking areas and loading areas;
  - g. Landscaping of all street frontages;
  - h. All pedestrian walks, patios and open areas for use by tenants or the public;
  - i. The location and height of all walls, fences and screen planting and landscaping;
  - j. The location, size, height, foot candle level and orientation of all lighting and signs;
  - k. Location and screening of refuse containers, air conditioners and outside storage or display;
  - l. Location and number of provided seating and eating areas, including number of fixed seats and tables.
  - m. A schedule of the phasing of all improvements shown in the plan; and
  - n. Location, height, separation of buildings, including location of restrooms, and open space.
  - o. Location and type of water supply and electrical outlet(s) provided for each corresponding pad site.
3. Mobile vending units shall be placed on, at a minimum, compacted gravel base. Mobile vending units shall not be parked on unimproved surfaces.
4. Signs. One on-premise sign is permitted at the entrance identifying the mobile food court. Each mobile vending unit may have attached signage. One temporary sandwich board sign is permitted per mobile vending unit to be displayed within 10 feet of the unit and within the boundaries of the mobile vendor food court. Only one banner or temporary inflatable sign may be permitted at one time per mobile vendor food court, in accordance with Section 6.404.
5. The mobile vendor food court must be located at least 500 feet from a one or two family residential zoning district. Mobile vendor food courts within 500 feet of a one or two family district, as measured at the property line of the mobile vendor food court to the zoning district boundary, are permitted only by special exception.
6. The board of adjustment may grant a special exception for a period of up to five (5) years. The board shall consider the following:
- a. The impact to adjacent properties.

b. The number of available parking spaces on the lot and other pertinent parking areas within a ¼ mile walking distance;

c. Whether the operation of a mobile vendor food court would be compatible with the surrounding uses and zoning of adjacent properties, and

d. Any other issues the board of adjustment considers to be relevant.

7. Minimum parking shall be required if the board of adjustment grants a special exception that permits a mobile vendor food court to be located within 250 feet of a one or two family residential district in accordance with the table located in Article 6.201. (Ord. No. 20510-12-2012, § 1, 12-4-12, eff. 12-11-12; Ord. No. 20752-05-2013, § 1, 5-14-13, eff. 5-23-13)

## **CHAPTER 9. DEFINITIONS**

### **Section 9.101. Defined Terms.**

*Commercially manufactured vehicle.* A mobile vending unit originally manufactured as a mobile food vehicle to be used for the preparation of food which was manufactured by a person regularly in the business of manufacturing mobile food vehicles for sale. Commercially manufactured shall not include any vehicle that is converted or retrofitted to be a mobile food vehicle.

\*\*\*

*Mobile vending unit.* A vehicle establishment that is designed to be readily moveable and from which merchandise is sold or food is sold or served. The term includes, but is not limited to, a commercially manufactured vehicle.

*Mobile vendor food court.* A primary land use located on one or more platted lots where two or more mobile vending units congregate to offer food or beverages for sale to the public, functioning as a single business and may provide restrooms, tables, play areas, a permanent structure for alcohol sales, and other outdoor entertainment open to the customers of all vendors.

**City of Huntsville, Alabama  
Code of Ordinances (2015)**

**APPENDIX A ZONING ORDINANCE**

**ARTICLE 3. – DEFINITIONS**

**3.1. - Interpretation.**

\* \* \*

*Mobile food vending site.* A collection of mobile food vending units clustered together on a single lot or parcel of land under common ownership or control.

*Mobile food vending unit.* A trailer or motorized vehicle designed to be portable and not permanently attached to the ground from which only prepared food or beverages are peddled, vended, sold, displayed, offered for sale, or given away.

**ARTICLE 73. - SUPPLEMENTARY REGULATIONS AND MODIFICATIONS**

73.23.1. *Mobile food vending.* Mobile food vending in general business C-3, highway business C-4, commercial recreation C-5, light industry, heavy industry, and commercial industrial park districts shall conform to the following regulations:

- (1) Mobile food vending units located in applicable districts shall have a minimum buffer of 100 feet as measured from the primary entrance of existing restaurants, cafes, and other food related establishments.
- (2) Mobile food vending units are permitted to operate between the hours of 6:00 a.m.—10:00 p.m. Sunday through Wednesday and 6:00 a.m.—2:00 a.m. Thursday through Sunday in general business C-3, highway business C-4, commercial recreation C-5, light industry, heavy industry, and commercial industrial park districts.
- (3) Food preparation will be regulated by the Madison County Health Department. The business license application must be accompanied by a food permit issued by the Madison County Health Department and written consent from the property owner (if applicable).
- (4) For any location where the mobile food vending unit is proposed to stay for two or more hours, vendors shall provide toilet facilities for persons operating the unit, including employees, in accordance with the requirements of the Madison County Health Department.
- (5) Mobile food vending sites shall have fixed public toilet facilities including one male and one female restroom available for operators, including employees, and patrons, which meet the requirements of the Madison County Health Department for food establishment toilet rooms.
- (6) Mobile food vending units shall be removed from the premises each night and such operations are not permitted to operate in the required front yard on major arterials.
- (7) Mobile food vending units are not permitted to operate in loading zones, public rights-of-way, or obstruct or impede the flow of traffic for neighboring businesses.

(8) All mobile food vending units must meet the zoning district setbacks.

(9) All signage must be attached to the mobile food vending unit.

(10) Mobile food vending units must provide sufficient artificial lighting during non-daylight hours.

(11) Mobile food vending units shall not be allowed to consume otherwise necessary parking spaces.

(12) No outdoor loudspeaker, public address system, music, or other form of entertainment shall be audible from mobile food vending units.

(13) Any on-site preparation of food shall be performed inside the primary vending unit only. There shall be no grills or other cooking facilities allowed outside the primary vending unit.

(14) Notwithstanding anything to the contrary contained in this section, mobile food vending units regulated under section 18-36 of the City Code shall not be subject to the regulation of this section.

(Ord. No. 09-815, § 1, 12-17-2009; Ord. No. 10-178, §§ 2, 3, 4-22-2010; Ord. No. 13-882, § 3, 12-19-2013)

*[NOTE: Ordinance No. 15-479 (August 2015) amended the zoning code to also allow mobile food vending units to operate from 10 am through 2 pm Monday through Friday in the city's research park districts. Updated packet provisions forthcoming.]*

**ORDINANCE NO. 185-N**

**AN ORDINANCE OF THE CITY OF MANOR, TEXAS, AMENDING SECTION 63 OF ORDINANCE 185 AND ARTICLES I AND II OF ORDINANCE NO. 185-H, ZONING REGULATIONS AT TO ADD FOOD COURT ESTABLISHMENTS IN COMMERCIAL AND INDUSTRIAL DISTRICTS AS A CONDITIONAL USE; PROVIDE FOR CONDITIONS AND LIMITATIONS; AMENDING CONFLICTING ORDINANCES; SEVERABILITY; OPEN MEETINGS, AND EFFECTIVE DATE CLAUSES; AND PROVIDING FOR RELATED MATTERS.**

**Whereas**, certain types of food court establishment uses may be compatible uses within light commercial, heavy commercial, special commercial, light industrial, and heavy industrial zoning districts; and

**Whereas**, establishing minimum conditions and requirements to ensure that only compatible food court establishments are permitted in such zoning district areas;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANOR, TEXAS, THAT:**

**Section 1. Findings.** The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact. The City Council hereby further finds and determines that the rules, regulations, terms, conditions, provisions and requirements of this ordinance are reasonable and necessary to protect the public health, safety and quality of life.

**Section 2. Definitions. Amendment of Article I, Section 5, Ordinance No. 185-H, Zoning Regulations.** Article I, Section 5, Ordinance No. 185-H (the "Zoning Ordinance") is hereby amended to add the definitions of "Food Court Establishment" and "Mobile Food Unit" in the alphabetical list of definitions, to read as follows:

***Food Court Establishment*** means a premises designed to accommodate three or more mobile food units that qualify as one the following:

(a) A restricted unit that offers only prepackaged food in individual servings, beverages that are not potentially hazardous and are dispensed from covered urns or other protected vessels, and packaged frozen foods; preparation, assembly or cooking of foods is not allowed; or

(b) An unrestricted unit that may serve food as allowed in (a), and may cook, prepare and assemble a full menu of food items;

(i) Except as provided in subsection (ii) below, an unrestricted unit must be secured and completely enclosed; and

(ii) Foods such as hot dogs, coffee, or shaved ice, or food with prior approval from the health authority, may be served from vehicles with three sides and a cover.

***Mobile Food Unit*** means a food establishment operating from a vehicle or any portable structure on a trailer or wheels, that meets all the requirements of this ordinance and applicable local and state regulations.

**Section 3. Amendment of Article II, Section 43, Ordinance No. 185-H, Zoning Regulations.** Ordinance 185, Article II, Section 43, Light Commercial – District “C-1”, Zoning Ordinance, is hereby amended to add subsection (c) which shall read as follows:

- (c) Conditional Uses Permitted upon Authorization of Council.
  - (i) Food court establishment that complies with Section 63(e)(i)

**Section 4. Amendment of Article II, Section 44, Ordinance No. 185-H, Zoning Regulations.** Ordinance 185, Article II, Section 44, Heavy Commercial – District “C-2”, Zoning Ordinance, is hereby amended to add subsection (d) which shall read as follows:

- (d) Conditional Uses Permitted upon Authorization of Council.
  - (i) Food court establishment that complies with Section 63(e)(i)

**Section 5. Amendment of Article II, Section 45, Ordinance No. 185-H, Zoning Regulations.** Ordinance 185-H, Article II, Section 45, Special Commercial – District “C-3”, Zoning Ordinance, is hereby amended to delete the second subsection (b) Conditions and Limitations and replace it with subsection (c) which shall read as follows:

- (c) Conditions and Limitations.
  - (i) That it be conducted within a building and/or outdoor area that is improved with concrete, asphalt pavement or other all weather surface and that is suitably landscaped, screened or fenced.
  - (ii) That the use not be objectionable because of odor, excessive light, smoke, dust, noise, vibration or similar nuisance.
  - (iii) Adequate enclosures, space, shelters, and proper drainage and waste disposal to eliminate odor.
  - (iv) Signs (advertising) must be on the same lot as the business establishments to which they refer and shall not be placed within twenty-five (25) feet of any Residential District. Signs may be illuminated but must be stationary non-flashing. All signs shall comply with all applicable provisions of this ordinance and any other applicable ordinance of the City.
  - (v) See the charts in Section 20 of ordinance 185, as amended.

**Section 6. Amendment of Article II, Section 45, Ordinance No. 185-H, Zoning Regulations.** Ordinance 185-H, Article II, Section 45, Special Commercial – District “C-3”, Zoning Ordinance, is hereby amended to add subsection (d) which shall read as follows:

- (d) Conditional Uses Permitted upon Authorization of Council.
  - (i) Food court establishment that complies with Section 63(e)(i)

**Section 7. Amendment of Article II, Section 46, Ordinance No. 185-H, Zoning Regulations.** Ordinance 185-H, Article II, Section 46, Light Industrial – District “IN-1”, Zoning Ordinance, is hereby amended to add subsection (e) which shall read as follows:

- (e) Conditional Uses Permitted upon Authorization of Council.
  - (i) Food court establishment that complies with Section 63(e)(i)

**Section 8. Amendment of Article II, Section 47, Ordinance No. 185-H, Zoning Regulations.** Ordinance 185-H, Article II, Section 47, Heavy Industrial – District “IN-2” is hereby amended to add subsection (e) which shall read as follows:

- (e) Conditional Uses Permitted upon Authorization of Council.
  - (i) Food court establishment that complies with Section 63(e)(i)

**Section 9. Addition of Subsection (e) to Section 63, Zoning Ordinance.** Section 63 of the Zoning Ordinance is hereby amended by adding subsection (e) to read as follows:

- (e) Specific Criteria for Conditional Uses.
  - (i) Food court establishments shall be subject to the following conditions and limitations, as well as any other conditions or limitations approved by the City Council:
    - (1) Food court establishments shall only be permitted along an arterial roadway.
    - (2) Food court establishments shall only be permitted on a property having frontage on two rights of way or having sufficient lot width to accommodate two driveways meeting current transportation criteria for the City of Manor.
    - (3) Food court establishments are not permitted within three hundred 300 feet of any property zoned for single family residential use.
    - (4) Facilities providing for permanent seating, including picnic tables, canopies, restrooms, and dumpster enclosures shall be provided as required by the City of Manor, City Council.
    - (5) Access must be approved by any right-of-way authority with jurisdiction to approve right-of-way access.
    - (6) There shall be on-premise parking areas sufficient to accommodate staffing needs and required seating areas. In the alternative or in addition to on-premise parking, the parking requirement of this subsection may be satisfied by parking area(s) on

one or more adjacent commercial properties, provided that the applicant has in place and maintains for the duration of use of the property as a food court establishment an agreement (or agreements) for the use of the adjacent commercial parking area(s) (the "parking access agreement.")

- (7) Parking areas must be an improved surface area which may consist of decomposed granite or similar construction.
  - (8) Proposed parking areas may not interfere with any existing commercial activities to include parking already being conducted upon the property.
  - (9) Food court establishments are not permitted within 500 feet of any other authorized and permitted Food Vendor Court. A site plan shall be submitted with the conditional use permit application indicating mobile food unit and other structure locations, including but not limited to restroom facilities, dumpster enclosures, on-premise parking, and other structures such as site built canopies or other shelters. If on-premise parking will be satisfied in whole or in part by parking on adjacent commercial property(ies), the site plan shall be accompanied by a copy of the parking access agreement for each property. If requested by the applicant, the City Council may allow the site plan to be prepared by someone other than a licensed engineer.
  - (10) Only mobile food units that hold a permit under Title 25, Part 1, Chapter 229, Subchapter K, Texas Administrative Code, as amended from time to time, may be located in a food court establishment.
  - (11) Food court establishments shall comply with the approved site plan, applicable local and state regulations, and any other conditions of the conditional use permit.
- (ii) The City Council may suspend or revoke a conditional use permit, after notice to the permit holder and a hearing, if the permit holder does not comply with this ordinance.

**Section 10. Amendment of Conflicting Ordinances.** Ordinance No. 185-H, the City's Zoning Ordinance, is hereby amended only as provided in this ordinance. All ordinances and parts of ordinances in conflict with this Ordinance are amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the city, the terms and provisions of this ordinance shall govern.

**Section 11. Savings Clause.** All rights and remedies of the City of Manor are expressly saved as to any and all violations of the provisions of any ordinances affecting zoning within the City which have accrued at the time of the effective date of this ordinance; and as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

**Section 12. Effective Date.** This ordinance shall take effect immediately from and after its passage.



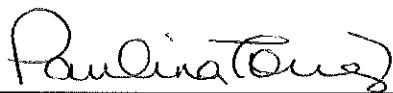
**Section 13. Open Meetings.** It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapter. 551, Tex. Gov't. Code.*

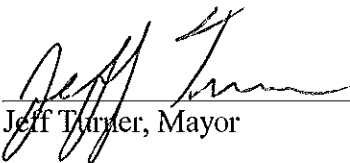
**PASSED AND APPROVED** on First Reading on this 16<sup>th</sup> day of January, 2013.

**PASSED AND FINALLY APPROVED** on this 6<sup>th</sup> day of February, 2013.

ATTEST:

**THE CITY OF MANOR, TEXAS**

  
\_\_\_\_\_  
Paulina Torres, City Secretary

  
\_\_\_\_\_  
Jeff Turner, Mayor

**Miami-Dade County, Florida**  
**Code of Ordinances (2015)**  
**Chapter 33. - ZONING**  
**ARTICLE I. - IN GENERAL**

**Sec. 33-1. - Definitions.**

For the purpose of this chapter, the following definitions for terms used herein shall apply to all sections of this chapter unless the context clearly indicates otherwise:

\* \* \*

(70.2) *Mobile Food Service Operation.* The preparation/cooking, serving and/or sale of food conducted from a portable stand, vehicle or trailer. Each such stand, vehicle or trailer shall be considered a mobile food service operation. Mobile food service operations must obtain all required licenses from the State of Florida prior to operating in Miami-Dade County.

(70.3) *Mobile Sales Operations.* Sales of products, limited to flowers, plants and produce, that are conducted from a portable stand, vehicle or trailer. Each such portable stand, vehicle or trailer shall be considered a mobile sales operation.

(70.4) *Mobile Operations,* as referred in this chapter, shall mean mobile food service operations and mobile sales operations. The distribution of box lunches in compliance with Section 33-14 shall not constitute a mobile operation.

**Sec. 33-14.1. - Mobile sales and mobile food service operations.**

(A) Notwithstanding any provisions of this chapter to the contrary, mobile sales operations, as defined in Section 33-1(70.3), and mobile food service operations, as defined in Section 33-1(70.2) of this Code (collectively defined as mobile operations under Section 33-1(70.4)) are permissible on private property subject to the following conditions:

(1) Mobile operations are permissible only in the following zoning districts: BU, IU, urban center, urban area, and GU (where trended for industrial, or business use). Mobile operations are also permissible in residential zoning districts on properties having a current certificate of use and occupancy as a museum, hospital, school or church provided such use does not operate more frequently than once per week and no longer than three consecutive days.

(2) Mobile operations may only be conducted from 7:00 a.m. to 10:00 p.m. on weekdays and from 7:00 a.m. to 11:00 p.m. on weekends.

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

(4) Mobile operations shall not be located in required parking spaces unless the number of spaces exceeds the minimum amount required for other uses on the property. The utilization of an off-street parking space for the operation of a mobile operation must not cause the site to become deficient in required off-street parking.

(5) Mobile operations shall not be located on the public right-of-way.

(6) Mobile operations are permissible on vacant, unimproved property only when approved as a special event pursuant to Section 33-13(h) of this Code.

(7) Mobile operations shall be located a minimum of 20 feet from the property line of an existing residential use, except that mobile operations may be located at a minimum of 10 feet from the property line if the residential use is separated by a six (6) foot high masonry wall.

(8) The total space dedicated to the mobile operation and vending area shall not exceed an area of six hundred (600) square feet,

(9) Alcoholic beverage sales and use of sound amplification devices are prohibited.

(10) Electric service connection to an on-site approved outlet is permitted provided that no wiring or cables are run beyond the vending area or pose any danger to the patrons. For purposes of this requirement, the vending area includes the space taken up by: a portable stand, vehicle, or trailer; signs; equipment; products; and any tents, tarpaulins, canopies, or awnings.

(11) A Certificate of Use (CU) must be obtained by the property owner to permit mobile operations on the site. A site plan or survey shall be submitted indicating the following:

(a) Location of the individual mobile operations and associated vending area. Mobile operations shall be located so as to minimize the impacts on adjacent residential uses.

(b) Location of improvements on the site.

(c) Location of on-site parking areas.

(d) Rights-of-way, internal circulation and ingress and egress.

(12) Signage associated with the mobile operation shall be confined to the mobile operation and authorized vending area. Signage attached to the mobile unit shall be permitted. Detached signage shall be limited to one sign not exceeding nine (9) square feet.

(13) The number of mobile operations permissible on a site at any one time shall be limited as follows:

(a) One (1) mobile operation may be permitted on each site which contains a minimum of 10,000 square feet of net lot area.

(b) An additional mobile operation may be permitted for each additional 50,000 square feet of net lot area, up to a maximum of three (3) mobile operations per site.

(c) Mobile operations in excess of these thresholds may only be permitted as a special event pursuant to Sections 33-13(g) and 33-13(h) of this Code.

(B) If it is found that a mobile operation is operating in manner not consistent with the representations made in the application package provided to the Department, the Director shall have the authority to revoke the CU of the property owner immediately.

(C) Except as otherwise provided in this Code, it is unlawful to conduct mobile operations in any outdoor location without first obtaining a CU in accordance with the provisions of this Section.

(D) The operator of a mobile operation must be able to produce for inspection: a copy of a letter or other written communication from the property owner or representative that authorizes the mobile operation and, for mobile food service operators, a copy of the applicant's required State license for food service establishments.

(E) Mobile operations located at County parks, sports stadiums or racetracks during events shall be exempt from the requirements of this section but must otherwise comply with all other applicable requirements in this Code.

(Ord. No. 11-92, § 2, 11-15-11; Ord. No. 13-42, § 3, 5-7-13)

USE CATEGORY Specific Use	RESIDENTIAL					MIXED USE							SPECIAL					Definition/ Use Standards
	R-1	R-2	R-4	R-6	R-10	RX-	OP-	OX-	NX-	CX-	DX-	IX-	CM	AP	IH	MH	CMP	
OVERNIGHT LODGING, EXCEPT AS LISTED BELOW:	--	--	--	--	--	--	S	S	--	P	P	P	--	--	--	--	P	Sec. 6.4.6.A.
Bed and breakfast	--	--	--	--	L	L	--	P	P	P	P	--	--	--	--	--	P	Sec. 6.4.6.B.
Hospitality house	--	--	--	--	L	P	--	P	--	P	P	P	--	--	--	--	P	Sec. 6.4.6.C.
PARKING, AS LISTED BELOW																		Sec. 6.4.7.A.
Commercial parking lot	--	--	--	--	--	--	--	P	P	P	P	P	--	--	P	--	P	Sec. 6.4.7.B.
Remote parking lot	S	S	S	S	S	L	L	L	S	L	L	L	--	--	L	--	L	Sec. 6.4.7.C.
PASSENGER TERMINAL , EXCEPT AS LISTED BELOW:	--	--	--	--	--	--	--	--	--	P	P	P	--	--	P	--	P	Sec. 6.4.8.A.
Airfield, landing strip	--	--	--	--	--	--	--	--	--	--	--	S	--	S	S	--	S	Sec. 6.4.8.B.
Heliport, serving hospitals	--	--	--	--	--	--	--	L	--	L	L	L	--	--	--	--	L	Sec. 6.4.8.C.
Heliport, all others	--	--	--	--	--	--	S	S	--	S	S	S	--	S	S	--	S	Sec. 6.4.8.D.
PERSONAL SERVICE, EXCEPT AS LISTED BELOW:	--	--	--	--	--	L	--	L	P	P	P	P	--	--	--	--	P	Sec. 6.4.9.A. & G.
Animal care (indoor)	--	--	--	--	--	--	--	--	L	L	L	L	--	L	L	--	L	Sec. 6.4.9.B.
Animal care (outdoor)	--	--	--	--	--	--	--	--	--	--	--	S	--	S	S	--	--	Sec. 6.4.9.C.
Beauty/hair salon	--	--	--	--	--	L	P	P	P	P	P	P	--	--	--	--	P	Sec. 6.4.9.D.
Copy center	--	--	--	--	--	L	P	P	P	P	P	P	--	--	--	--	P	Sec. 6.4.9.E.
Optometrist	--	--	--	--	--	L	P	P	P	P	P	P	--	--	--	--	P	Sec. 6.4.9.F.
RESTAURANT/BAR, AS LISTED BELOW:																		Sec. 6.4.10.A.
Bar, nightclub, tavern, lounge	--	--	--	--	--	--	--	--	--	P	P	P	--	--	--	--	--	Sec. 6.4.10.B.
Eating establishment	--	--	--	--	--	L	--	L	P	P	P	P	--	--	--	--	L	Sec. 6.4.10.C.
Food truck	--	--	--	--	--	--	--	L	--	L	L	L	--	--	L	--	L	Sec. 6.4.10.D.
RETAIL SALES, EXCEPT AS LISTED BELOW:	--	--	--	--	--	L	--	L	P	P	P	P	--	--	--	--	P	Sec. 6.4.11.A.& C.
Pawnshop	--	--	--	--	--	--	--	--	--	P	P	P	--	--	--	--	--	Sec. 6.4.11.B.
VEHICLE SALES/RENTAL	--	--	--	--	--	--	--	--	L	L	L	L	--	--	P	--	--	Sec. 6.4.12.A.& B.

Key: P = Permitted Use L = Limited Use S = Special Use -- = Use Not Permitted

- c. Hours of operation can begin no earlier than 6 AM and end no later than 11 PM, including all deliveries.

#### F. Optometrist

##### 1. Defined

A primary eye care provider who diagnoses, manages and treats disorders of the visual system and eye diseases.

##### 2. Use Standards

An optometrist in an RX- District is subject to the following:

- a. Must be located on the first floor of a corner unit in an apartment building type located at the intersection of 2 public streets;
- b. The unit cannot exceed 4,000 square feet in gross floor area, and
- c. Hours of operation can begin no earlier than 6 AM and end no later than 11 PM, including all deliveries.

#### G. Use Standards for All Other Personal Service Uses

- 1. A personal service use in an RX- District is subject to the following:

- a. Must be located on the first floor of a corner unit in an apartment building type located at the intersection of 2 public streets.
- b. The unit cannot exceed 4,000 square feet in gross floor area
- c. Hours of operation can begin no earlier than 6 AM and end no later than 11 PM, including all deliveries.
- d. Drive-thru or drive-in facilities are not permitted.
- e. Tattoo parlors, body piercing, taxidermists and wedding chapels are not permitted.

- 2. A personal service use in an OX- District is subject to the following:

- a. Must be within or attached to a multi-tenant building, cannot be located in a standalone building.
- b. The floor area of the use cannot exceed 15% of the gross floor area of the entire building or 4,000 square feet, whichever is greater.
- c. Hours of operation can begin no earlier than 6 AM and end no later than 11 PM, including all deliveries.

- d. Drive-thru or drive-in facilities are not permitted.
- e. Tattoo parlors, body piercing, taxidermists and wedding chapels are not permitted.

### Sec. 6.4.10. Restaurant/Bar

#### A. Restaurant/Bar Use Category

A facility that prepares and sells food and drink for on- or off-premise consumption. Restaurant includes the following uses.

- 1. Bar, nightclub, tavern, lounge.
- 2. Eating establishment.
- 3. Food truck.

#### B. Bar, Nightclub, Tavern, Lounge

##### 1. Defined

A facility that prepares and sells food and drink that has alcoholic beverage sales in excess of 70% of the business's total annual sales.

#### C. Eating Establishment

##### 1. Defined

A facility that prepares and sells food and drink that may or may not have alcoholic beverage sales. If allowed in no case can alcoholic beverage sales exceed 70% of the business's total annual sales.

##### 2. Use Standards

- a. An eating establishment in an RX- District is subject to the following:
  - i. Must be located on the first floor of a corner unit in an apartment building located at the intersection of 2 public streets.
  - ii. The unit cannot exceed 4,000 square feet in gross floor area.
  - iii. Hours of operation can begin no earlier than 6 AM and end no later than 11 PM, including all deliveries.
  - iv. Drive-thru or drive-in facilities are not allowed.

- b. An eating establishment in an OX- District is subject to the following.
  - i. Must be within or attached to a multi-tenant building, cannot be located in a standalone building.
  - ii. The floor area cannot exceed 15% of the gross floor area of the entire building or 4,000 square feet, whichever is greater.
  - iii. Hours of operation can begin no earlier than 6 AM and end no later than 11 PM, including all deliveries.
  - iv. Drive-thru or drive-in facilities are not allowed.
  - v. Must be located at least 150 feet from an abutting Residential District (measured in straight line from the nearest point of the building containing the eating establishment to the boundary line of the district boundary line).
- c. An eating establishment in a CMP District is subject to the following:
  - i. Drive-thru or drive in facilities are not permitted.
  - ii. Must be located at least 150 feet from an abutting Residential District (measured in straight line from the nearest point of the building containing the eating establishment to the boundary line of the district boundary line).

#### D. Food Truck

##### 1. Defined

A licensed, motorized vehicle or mobile food unit which is temporarily stored on a premise where food items are sold to the general public.

##### 2. Use Standards

- a. Food trucks can only be located on a lot containing a principal building or use and the maximum number of food trucks per lot is limited as follows:
  - i. Maximum of 2 food trucks on lots of one-half acre or less;
  - ii. Maximum of 3 food trucks on lots between one-half acre and 1 acre; and
  - iii. Maximum of 4 food trucks on lots greater than 1 acre.
- b. Food trucks must be located at least 100 feet from the main entrance to any eating establishment or similar food service business, 100 feet

from any outdoor dining area and 50 feet from any permitted food vending cart location, as measured from the designated location on the lot accommodating the food truck. In the event that one or more of the aforementioned uses locates within the minimum separation requirement subsequent to food truck location being approved, nothing shall prohibit the property owner from continuing to operate at the approved location until the food truck permit has expired.

- c. Food trucks must be located at least 5 feet from the edge of any driveway or public sidewalk, utility boxes and vaults, handicapped ramp, building entrance, exit or emergency access/ exit way, or emergency call box and must not locate within any area of the lot that impedes, endangers, or interferes with pedestrian or vehicular traffic. Food trucks must be located a minimum distance of 15 feet in all directions of a fire hydrant.
- d. Food trucks and associated seating, if any, must not occupy parking spaces required to fulfill the minimum requirements of the principal use, unless the principal use's hours of operation do not coincide with those of the food truck business.
- e. Food trucks and associated seating, if any, must not occupy parking spaces that may be leased to other businesses and uses to fulfill their minimum parking requirements.
- f. Food trucks must not occupy any handicap accessible parking space as specified in N.C. Gen. Stat. §20-37.6.
- g. No free-standing signage or audio amplification is allowed as part of the food trucks vending operation. Outdoor seating areas associated with a food trucks vending operation are only permitted on lots 2 acres or greater in size.
- h. Hours of operation are limited to the hours between 6 AM and 3 AM unless the designated location on the lot accommodating food truck is located within 150 feet of the property line of a single-unit or two-unit dwelling in which case the hours of operation are limited to the hours between 7 AM and 10 PM.
- i. The food truck operator or their designee must be present at all times except in cases of an emergency.

- j. Food trucks and associated outdoor seating must be removed from all permitted locations during impermissible hours of operation and must not be stored, parked, or left overnight on any public street or sidewalk.
- k. The food truck vendor is responsible for the proper disposal of waste and trash associated with the operation. City trash receptacles are not to be used for this purpose. 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. The vendor must keep all areas within 5 feet of the truck and any associated seating area clean of grease, trash, paper, cups or cans associated with the vending operation. No liquid waste or grease is to be disposed in tree pits, storm drains or onto the sidewalks, streets, or other public space. Under no circumstances can grease be released or disposed of in the City's sanitary sewer system.
- l. With the exception of allowable outdoor seating areas, all equipment required for the operation must be contained within, attached to or within 3 feet of the food truck and all food preparation, storage, and sales/distribution made in compliance with all applicable County, State and Federal Health Department sanitary regulations.
- m. A zoning permit must be obtained by the property owner (as listed in the Wake County tax records) for any lot proposed to accommodate one or more food trucks. If at any time evidence is provided that the lot is being used other than in compliance with these regulations, the zoning permit will be rendered null and void, and the owner punished for the violation. This zoning permit must be required to be renewed annually.
- n. A food truck permit must be obtained for food truck business and all required Wake County and City permits and licenses must be clearly displayed on the food truck. A copy of the approved food truck permit and zoning permit shall be kept in the food truck. The approved food truck as shown on the food truck permit shall be clearly delineated on the improved surface. Prior to the issuance of the food truck permit, the vendor must provide evidence of having obtained a City Business License, NC Sales and Use Certificate for collecting and paying the proper sales taxes and prepared meals taxes, a Wake County Environmental Services – Vending Permit and a means for the disposal of grease within an approved grease disposal facility. This food truck permit is required to be renewed annually. If at any time evidence of the improper disposal

of liquid waste or grease is discovered, the food truck permit will be rendered null and void and the food truck business will be required to cease operation immediately. The operator of the food truck business will be punished for the violation.

- o. If at any time, Wake County revokes or suspends the issued food vending permit, the City permit for the food truck business will be revoked or suspended simultaneously.

### **Sec. 6.4.11. Retail Sales**

#### **A. Retail Sales Use Category**

Facilities involved in the sale, lease, or rental of new or used products. Retail sales includes the following uses.

- 1. Antiques, appliances, art supplies, baked goods, bicycles, books, building supplies, cameras, carpet and floor coverings, crafts, clothing, computers, convenience goods, dry goods, electronic equipment, fabric, flowers, fuel (including gasoline and diesel fuel), furniture, garden supplies, gifts or novelties, groceries, hardware, home improvement, household products, jewelry, medical supplies, music, musical instruments, office supplies, package shipping, pets, pet supplies, pharmaceuticals, photo finishing, picture frames, plants, printed materials, produce, seafood, souvenirs, sporting goods, stationery, tobacco, used or secondhand goods, vehicle parts and accessories, videos and related products.
- 2. Art gallery.
- 3. Check cashing, payday loan.
- 4. Pawnshop.

#### **B. Pawnshop**

##### **1. Defined**

A shop where loans are made with personal property as security.



USE CATEGORY Specific Use	Vehicle Parking (min)	Short-Term Bicycle Parking (min)	Long-Term Bicycle Parking (min)
OVERNIGHT LODGING, EXCEPT AS LISTED BELOW:	1 space per room or bedroom	None	1 space per 20 rooms or bedrooms, minimum 4
Hostel	1 space per 10 beds, minimum of 2 spaces	1 space per 20 beds, minimum 4	1 space per 10 beds
PARKING	None	None	None
PASSENGER TERMINAL	1 space per 200 SF of waiting floor area plus 1 per 2 employees	1 space per 5,000 SF of gross floor area	1 space per 2,500 SF of gross floor area
PERSONAL SERVICE	1 space per 400 SF of gross floor area	1 space per 5,000 SF of gross floor area, minimum 4	None
RESTAURANT/BAR	1 space per 150 SF of gross floor area or 1 space per 5 seats, whichever is greater	1 space per 50,000 SF of gross floor area, minimum 4	1 space per 25,000 SF of gross floor area, minimum 4
RETAIL SALES, EXCEPT AS LISTED BELOW:	1 space per 300 SF of gross floor area plus 1 space for every 600 square feet of outdoor display area	1 space per 5,000 SF of gross floor area, minimum 4	None
Food truck	None	None	None
VEHICLE SALES/RENTAL	1 space per 1,000 SF of gross floor area or 1 space for every 4,500 square feet of vehicle display area, whichever is greater	None	None
<b>INDUSTRIAL</b>			
HEAVY INDUSTRIAL	1 per 600 SF of office space + 1 per 3,000 SF of additional indoor area	None	1 space per 40,000 SF of gross floor area, minimum 4
LIGHT INDUSTRIAL	1 per 600 SF of office space + 1 per 3,000 SF of additional indoor area	None	1 space per 40,000 SF of gross floor area, minimum 4
LIGHT MANUFACTURING	1 per 600 SF of office space + 1 per 3,000 SF of additional indoor area	None	1 space per 40,000 SF of gross floor area, minimum 4
RESEARCH & DEVELOPMENT	1 per 600 SF of office space + 1 per 3,000 SF of additional indoor area	None	1 space per 40,000 SF of gross floor area, minimum 4
SELF-SERVICE STORAGE	1 space per 100 storage units	None	None
VEHICLE SERVICE	1 space per 600 SF of gross floor area	None	1 space per 40,000 SF of gross floor area, minimum 4
WAREHOUSE & DISTRIBUTION	1 per 600 SF office space + 1 per 3,000 SF of additional indoor area	None	1 space per 40,000 SF of gross floor area, minimum 4
WASTE-RELATED SERVICE	1 per 600 SF of office space + 1 per 3,000 SF of additional indoor area	None	1 space per 40,000 SF of gross floor area, minimum 4
WHOLESALE TRADE	1 per 600 SF office space + 1 per 3,000 SF of additional indoor area	None	1 space per 40,000 SF of gross floor area, minimum 4
<b>OPEN</b>			
AGRICULTURE	None	None	None
RESOURCE EXTRACTION	1 per 2 employees, minimum 4	None	None

**City of St. Petersburg, Florida**

**Code of Ordinances (2015)**

**CHAPTER 16. - LAND DEVELOPMENT REGULATIONS**

**SECTION 16.50.440. - VENDING, MOBILE FOOD TRUCKS**

**16.50.440.1. - Purpose.**

Mobile food vending units have existed in various forms over several centuries, distinguished as much by their physical characteristics as their operational requirements. The purpose of this section is to: (1) recognize this specialized market segment; (2) classify the types of permitted mobile food trucks; and (3) establish appropriate standards allowing for the typical range of activities while mitigating any associated, undesirable impacts.

**16.50.440.2. - Applicability.**

**16.50.440.2.1. - Definitions.**

*City issued permit* in this section is limited to mean a permit issued by the City for special events, City co-sponsored events or an approved food truck rally.

*Mobile food truck* means a vehicle which is used to vend food and beverage products and is classified as one of the following:

*Class I—Mobile kitchens.* In addition to the vending of products allowed for class II and class III mobile food trucks, these vehicles may cook, prepare and assemble food items on or in the unit and serve a full menu. Customers may be notified of the vehicle's location by social media or other forms of advertising.

*Class II—Canteen trucks.* These vehicles vend fruits, vegetables, hot dogs, pre-cooked foods, pre-packaged foods and pre-packaged drinks. No preparation or assembly of foods or beverages may take place on or in the vehicle, however, the heating of pre-cooked foods is allowed. A cooking apparatus or grill top for the heating of pre-cooked foods is permitted so long as it complies with state regulations. These vehicles are limited to providing catering services to employees at a specific location and do not advertise for customers, except as may be allowed by a City issued permit (as defined herein).

*Class III—Ice cream trucks.* These vehicles vend only pre-packaged frozen dairy or frozen water-based food products, soft serve or hand-dipped frozen dairy products or frozen water-based food products and pre-packaged beverages.

*Mobile service base* means a place for food storage, the cleaning of the equipment, the filling of water tanks and proper disposal of waste water and grease and does not include the use of a private home as a mobile service base.

*Vehicle* means a motorized vehicle, including a trailer or other portable unit, which is attached to a motorized vehicle that is intended for use in vending.

*Vend* means to sell or offer to sell products from a mobile food truck.

**16.50.440.2.2. - Generally.**

A. This section shall not apply to pushcart vending, roadside vending markets, or vending on City park property which is subject to other regulations.

B. 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.

C. This section excludes a contractual or other private arrangement between a mobile food truck and an individual or group that wishes to have food catered to a specific location and which is not open to the public.

D. No tables, chairs or other furniture or equipment (other than the mobile food truck where allowed by this section) shall be placed in the right of way.

**16.50.440.3. - Standards and criteria.**

**16.50.440.3.1 - Permit requirements.**

*Food truck rally permit.* Food truck rallies/festivals are gatherings of more than two class I, class II or class III mobile food trucks in one location on a date certain and shall require a food truck rally permit. Applications for a food truck rally permit shall be made to the POD in accordance with the applications and procedures section. The POD shall impose reasonable conditions to ensure that any impacts are mitigated to a reasonable degree.

**16.50.440.3.2. - Generally**

A. Business tax receipt requirements. A mobile food truck shall comply with all state and local business tax regulation.

B. 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.

C. Insurance requirements.

1. Operating in rights-of-way. The permittee, owner or operator shall at all times maintain any insurance which the POD (currently the Risk Management Department) 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 POD which shall be reasonably based on industry standards and the risk determined to exist. The insurance policy shall be in occurrence form and the City of St. Petersburg 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 POD. The permittee, owner or operator shall notify the City within three 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 POD is obtained and a new certificate of insurance is provided to the POD.

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 fire department.

E. Noise limitations. Amplified music or other sounds from any mobile food truck shall comply with the noise requirements in chapter 11.

F. Waste collection. The operator shall provide a waste receptacle for public use. The area shall be kept neat and orderly at all times and garbage or trash shall be removed prior to departure of the mobile food truck each day.

G. Signage. All signage must comply with the sign section, except that A-frame signs are not allowed.

H. Alcohol sales. Mobile food trucks shall not sell alcoholic beverages, except as may be specifically allowed by a City issued permit (as defined herein).

I. Special events. Mobile food trucks may participate in special events, subject to the requirements and conditions of the applicable permit.)

**16.50.440.4. - Class I—Mobile kitchens.**

**16.50.440.4.1. - Permit requirements.**

A mobile food establishment permit is required. The mobile food establishment permit is issued concurrent with the business tax receipt. A mobile food establishment permit is not required when participating in an event governed by a City issued permit (as defined herein).

**16.50.440.4.2. - Generally.**

A. Restroom facility. Class I mobile food trucks operating at a site for duration of more than three hours shall have a written agreement, available upon request by the POD, which confirms that employees have access to a flushable restroom within 150 feet of the vending location during the hours of operation. B. Disposal. Class I mobile food trucks shall have a current written agreement, with a state licensed facility, for the proper disposal of grease, available upon request by the POD. (Ord. No. 116-H, § 1, 6-19-2014)

**16.50.440.4.3. - Locations.**

A. Rights-of-way. The vending of products from a class I mobile food truck on rights-of-way shall be subject to the following conditions:

1. Locations.

a. Downtown center zoning districts. For property zoned downtown center, the vending of products from a class I mobile food truck on rights-of-way is prohibited except as allowed by a City issued permit (as defined herein).

b. Other areas, not including downtown center zoning districts. The vending of products from a class I mobile food truck on rights-of-way is allowed subject to the conditions of this section.

2. Parking. At locations where class I mobile food trucks are allowed to operate, a class I mobile food truck may stop, stand or park in any area of the right-of-way not provided for vehicular travel (e.g. parking areas) subject to the conditions of this section.

B. Private property. The vending of products from a class I mobile food truck on private property within all zoning districts allowing retail uses or restaurants and bars shall be allowed subject to the following conditions:

1. Vacant properties. Operation of a class I mobile food truck is prohibited on vacant and undeveloped property, except:

a. When allowed by a City issued permit (as defined herein); or

b. When located in a CCT-2 district.

2. District prohibition. Operation of a class I mobile food truck shall be prohibited within the DC-C (Downtown Center—Core), DC-3 (Downtown Center—3) and DC-P (Downtown Center—Park) zoning districts, except in conjunction with a City issued permit (as defined herein).

3. Permission. A class I mobile food truck shall have the written permission of the owner of the property on which it is located. Such written permission shall be available upon request by the POD.

4. Frequency. Except as may be allowed as part of a City issued permit (as defined herein), mobile food trucks are permitted on each property, a maximum of no more than two days per calendar week. Class I mobile food trucks may operate at different locations throughout the City subject to the conditions of this section.

5. Maximum number of mobile food trucks. No more than two mobile food trucks shall operate on any property at any one time, except as may be allowed by a City issued permit (as defined herein).

6. Existing parking spaces. Mobile food trucks shall not require use of more than 25 percent of existing parking spaces on the site.

7. Access. A mobile food truck shall not be placed in any location that impedes the ingress or egress of other businesses or building entrances or emergency exits.

#### **16.50.440.4.4. - Hours of operation.**

A. Downtown center districts. Class I mobile food trucks shall be allowed to operate after 7:00 a.m. and before 9:00 p.m. in the downtown center districts unless allowed by a City issued permit (as defined herein).

1. Extended hours. At locations where mobile food trucks are allowed to operate, an owner of a valid mobile food establishment permit may request to extend the hours of operation from 9:00 p.m. until 1:00 a.m. The request for extended hours shall be reviewed by the POD, subject to the criteria contained in the applications and procedures section.

B. Other areas, not including downtown center districts. Class I mobile food trucks shall be allowed to operate after 7:00 a.m. and before 9:00 p.m.

#### **16.50.440.5. - Class II—Canteen trucks.**

##### **16.50.440.5.1. - Permit requirements.**

A mobile food establishment permit is required. The mobile food establishment permit is issued concurrent with the business tax receipt. A mobile food establishment permit is not

required when participating in an event governed by a City issued permit (as defined herein).

**16.50.440.5.2. - Locations.**

A. Rights-of-way. The vending of products from a class II mobile food truck on rights-of-way shall be subject to the following conditions:

1. Locations. The vending of products from a class II mobile food truck on rights-of-way is prohibited except to provide catering to employees on-site at locations within the clearly delineated boundaries of the site. Boundaries shall be delineated through the use of fencing or other materials enclosing a construction site, where there is a currently valid construction permit, and for a limited period of time.

2. Parking. At locations where class II mobile food trucks are allowed to operate, a class II mobile food truck may stop, stand or park in any area of the rights-of-way provided for vehicular travel subject to the conditions of this section.

B. Private property. Operation of a class II mobile food truck is prohibited on private property except to provide catering to employees on-site at locations within the clearly delineated boundaries of the site. Boundaries shall be delineated through the use of fencing or other materials enclosing a construction site, where there is a currently valid construction permit, and for a limited period of time.

**16.50.440.5.3. - Hours of operation.**

Class II mobile food trucks shall be allowed to operate after 6:00 a.m. and before 9:00 p.m. in all areas.

**16.50.440.6. - Class III—Ice cream trucks.**

**16.50.440.6.1. - Permit requirements.**

A. Customer sales in rights-of-way. Regardless of an operator's status as an independent contractor, self-employed, employer or employee of a business, any operator of a class III mobile food truck shall have individually registered as a peddler pursuant to chapter 17 and obtained a certificate or permit of such registration. This requirement shall apply notwithstanding the exceptions in that section (currently in section 17-159). Registration is required regardless of participation in an event governed by a City issued permit (as defined herein).

B. Customer sales in all other locations, not in rights-of-way. A mobile food establishment permit is required. The mobile food establishment permit is issued concurrent with the business tax receipt. A mobile food establishment permit is not required when participating in an event governed by a City issued permit (as defined herein).

**16.50.440.6.2. - Locations.**

A. Rights-of-way. The vending of products from a class III mobile food truck on rights-of-way shall be subject to the following conditions:

1. Locations.

a. Downtown center districts. The vending of products in rights-of-way shall be prohibited within the downtown center zoning districts, except as may be allowed by a City issued permit (as defined herein).

b. Other areas, not including downtown center districts. The vending of products on rights-of-way is allowed subject to the conditions of this section.

2. Parking. At locations where class III mobile food trucks are allowed to operate, a class III mobile food truck which is stopped, standing or parked in the right-of-way shall be responsible for complying with all parking regulations. No class III mobile food truck shall stop, stand or park for more than ten minutes, unless there are customers waiting in line to buy products.

B. Private property. The vending of products from a class III mobile food truck on private property shall be allowed subject to the following conditions:

1. Locations. Vending from a class III mobile food truck is a permitted accessory use on private property within all zoning districts allowing retail uses or restaurants and bars, except:

a. In the downtown center districts;

b. On vacant or undeveloped property, except when located in a CCT-2 district or when allowed by a City issued permit (as defined herein).

2. Permission. The class III mobile food truck shall have the written permission of the owner of the property on which it is located. Such written permission shall be available upon request by the representative of any regulating agency.

3. Frequency. Except as may be allowed as part of a City issued permit (as defined herein), mobile food trucks are permitted, on each property, a maximum of no more than two days per calendar week. Class III mobile food trucks may operate at different locations throughout the City as allowed in this section.

4. Maximum number of mobile food trucks. No more than two mobile food trucks shall operate on each property at any one time, except as may be allowed by a City issued permit (as defined herein).

5. Existing parking spaces. Mobile food trucks shall not require use of more than 25 percent of existing parking spaces.

6. Access. A mobile food truck shall not be placed in any location that impedes the ingress or egress of other businesses or building entrances or emergency exits.

**16.50.440.6.3. - Hours of operation.**

All class III mobile food trucks shall be allowed to operate after 7:00 a.m. and before sunset in all areas except downtown center districts where they are prohibited.

**City of Salt Lake City, Utah  
City Code (2015)**

**Title 21A ZONING  
Chapter 21A.62 DEFINITIONS**

**21A.62.040: DEFINITIONS OF TERMS:**

\* \* \*

**MOBILE FOOD BUSINESS:** A business that serves food or beverages from a self-contained unit either motorized or in a trailer on wheels, and conducts all or part of its operations on premises other than its own and is readily movable, without disassembling, for transport to another location. The term "mobile food business" shall not include vending carts or mobile ice cream vendors.

**MOBILE FOOD COURT:** A parcel of land where two (2) or more mobile food businesses congregate to offer food or beverages for sale to the public. Any cluster of more than one mobile food business, vending cart and seasonal farm stand, located on the same parcel of land shall be considered a mobile food court.

**MOBILE FOOD TRAILER:** A mobile food business that serves food or beverages from a nonmotorized vehicle that is normally pulled behind a motorized vehicle. The term "mobile food trailer" shall not include vending carts, mobile food trucks or mobile ice cream vendors.

**MOBILE FOOD TRUCK:** A mobile food business that serves food or beverages from an enclosed self-contained motorized vehicle. The term "mobile food truck" shall not include vending carts, mobile food trailers or mobile ice cream vendors.

**Chapter 21A.36 GENERAL PROVISIONS  
21A.36.160: MOBILE BUSINESSES**

**A. Mobile Food Business Allowed:**

1. Persons selling food or beverages from mobile food businesses may do so by use of private property only, unless otherwise permitted under title 5, chapter 5.69 of this code. Use of private property by mobile food businesses shall be arranged with the real property owner and proof of such property owner authorization shall be required prior to the issuance of a business license.
2. Mobile food businesses are allowed only within the SNB, CN, CB, CS, CC, CSHBD, CG, TC-75, TSA, M-1, M-2, D-1, D-2, D-3, D-4, G-MU, RP, BP, UI, MH, MU, R-MU, R-MU-35, and R-MU-45 zones, in accordance with the provisions of this section.
3. Provisions found in this section shall not apply to vending carts, mobile ice cream vendors, seasonal farm stands and other temporary merchants or uses that are specifically authorized by this title or other city ordinances.

**B. Business License And Fees Required:** No mobile food business shall continue in operation unless the holder thereof has paid an annual business regulatory fee and has met all applicable requirements as set forth in section 5.04.070 of this code, or its successor section for each mobile food business.



C. Separate Applications: Separate business license applications may be required for each mobile food business. Separate business license fees shall be required for each mobile food business vehicle operating under one business license.

D. Business Activity To Be Temporary: All business activity related to mobile food businesses shall be of a temporary nature subject to the requirements below:

1. A mobile food truck may not park in one individual location for more than twelve (12) hours during any twenty four (24) hour period.
2. The mobile food truck shall be occupied by the owner or operator thereof at all times.
3. No overnight parking is allowed.

E. Location And Placement Requirements: The business operating location must be on private property, on city streets as defined in title 5, chapter 5.69 of this code, within the specified zones, or as otherwise authorized by applicable city ordinance, subject to the requirements below:

1. Parking on a park strip, or otherwise landscaped area is not allowed.
2. A mobile food business shall park on a hard surface. Alternatives to asphalt and cement may be approved by the transportation engineer if the applicant is able to demonstrate that the alternative will not result in the accumulation of debris on the city right of way.
3. Mobile food business vehicles must be parked so that neither the vehicle nor the customers block driveways of existing buildings or uses, or in such a manner as to create a traffic hazard.
4. No mobile food business shall occupy required parking stalls of the primary use.
5. No mobile food business shall interfere with the internal parking lot circulation.
6. Mobile food businesses shall not use the public right of way unless otherwise allowed by ordinance.
7. Any auxiliary power required for the operation of the mobile food truck shall be self-contained. No use of public or private power sources are allowed without providing written consent from the owner.
8. Unless licensed prior to January 1, 2013, a parked mobile food business shall conform to all requirements in the Salt Lake City vehicle idling ordinances (title 12, chapter 12.58 of this code).
9. All materials generated from a mobile food business that are to be disposed of should be disposed of properly. It is illegal to discharge or dispose of any substance, material, food, or waste into the storm drain system. (Sections 17.84.100, prohibition of discharge into storm drain system; 17.36.220, prohibition against opening manhole covers, of this code.)
10. Mobile food businesses shall comply with all other applicable city ordinances.

Provisions found in this section shall not apply to downtown vendors, vending carts, mobile ice cream vendors, seasonal farm stands and other temporary merchants or uses that are specifically authorized by this title or other city ordinances.

F. Design And Operation Guidelines: Mobile food trucks operating in the public right of way shall comply with the following design requirements:

1. Mobile food truck vehicles shall be designed to meet all applicable Salt Lake Valley health department requirements relating to the handling and distribution of food.
2. The mobile food truck shall not have a drive-through.
3. Mobile food truck vehicles shall be kept in good operating condition, no peeling paint or rust shall be visible.
4. No mobile food truck vehicle operating in the public right of way shall operate within the same block face as another mobile food vendor at any one time.
5. No mobile food truck vehicle shall operate within one hundred feet (100') on the same linear block face of a door to a restaurant, mobile food vendor, food cart, or city authorized special event selling food, except:
  - a. The above requirement may be waived if the application is submitted with the written consent of the proprietor of such restaurant or shop. The consent shall be on forms deemed appropriate by the business license administrator. Such waiver shall not exempt the applicant from compliance with the other location and distance restrictions of this section.
6. All grounds utilized by a mobile food business shall at all times be maintained in a clean and attractive condition.
7. Trash and recycling containers shall be provided for use of the business patrons.
8. Mobile food businesses shall source local products when available.
9. Any enclosures or canopy extensions must be integrated into the design of the mobile food business vehicle and must not project onto the public sidewalk or any other part of the public right of way not authorized by the transportation division.

G. Signs: No signs shall be used to advertise the conduct of a mobile food business at the premises other than that which is physically attached to the vehicle, except temporary signs authorized by section 21A.46.055 of this title.

H. Professional And Personal Services Prohibited: The performance of professional or personal services for sale shall not be provided from a mobile food business.

I. Approved Kitchen: If the mobile food business includes an area for food preparation and/or sale, it must be approved by the Salt Lake Valley health department. (Ord. 24-12, 2012)

## **21A.36.161: MOBILE FOOD COURTS**

### **A. Mobile Food Courts A Conditional Use:**

1. Operating a mobile food court is unlawful without first obtaining conditional use approval subject to the qualifying provisions written below as well as those in chapter 21A.54 of this title.
2. Mobile food courts are allowed by administrative conditional use approval only within the M-1, M-2, D-1, D-2, D-3, D-4, G-MU, in accordance with the provisions of this chapter.
3. Provisions found in this section shall apply to mobile food businesses, vending carts, and seasonal farm stands that are specifically authorized by this title or other city ordinances.

### **B. Qualifying Provisions:**

1. A mobile food court is required to be on a parcel of at least two thousand (2,000) square feet in size.
2. No less than two (2) and no more than ten (10) individual mobile food businesses or other authorized vendors are allowed on a parcel.
3. No participating mobile food business or other authorized vendor shall continue in operation at the mobile food court unless the holder thereof has paid an annual business regulatory fee as set forth in section 5.04.070 of this code, or its successor section.
4. All requirements of chapter 21A.48, "Landscaping And Buffers", of this title and section 21A.36.020, "Conformance With Lot And Bulk Controls", of this chapter, or their successor chapter or section shall be met prior to the issuance of a permit.
5. Mobile food courts are for the sale of food products only. Retail sale of nonfood items is not permitted.
6. A master sign plan for the mobile food court shall be submitted for review and approval as part of the conditional use process. The plan shall provide information relating to permanent signs for the court, as well as individual signs for each business.
7. All the proposed activities will be conducted on private property owned or otherwise controlled by the applicant and none of the activities will occur on any public right of way.
8. The proposed mobile food court will not impede pedestrian or vehicular traffic in the public way.
9. The proposed mobile food court complies with all conditions pertaining to any existing variances, conditional uses or other approvals granted for the property.
10. All activities associated with a mobile food court must comply with all Salt Lake Valley health department requirements.
11. A detailed site plan demonstrating the following is required:

- a. The location and orientation of each vendor pad.
- b. The location of any paving, trash enclosures, landscaping, planters, fencing, canopies, umbrellas or other table covers, barriers or any other site requirement by the international building code, or health department.
- c. The location of all existing and proposed activities on site.
- d. The circulation of all pedestrian and vehicle traffic on the site.
- e. The mobile food court shall not occupy required parking stalls of any primary use of the site.

12. Live music will not be performed nor loudspeakers played in the mobile food court area unless the decibel level is within conformance with the Salt Lake City noise control ordinance, title 9, chapter 9.28 of this code.

13. Parking for a mobile food court is required at a ratio of two (2) stalls per mobile food business. This requirement may be waived by the planning commission as part of the conditional use process. No additional parking is required in the D-1, D-2, D-3, D-4, G-MU, CSHBD1, CSHBD2, R-MU, R-MU-35, R-MU-45, MU, G-MU, TC-75 and TSA zones. Hard surface paving at the vehicular entrance to the mobile food court, and for each individual mobile food business is required. Alternatives to asphalt and cement may be approved as part of the conditional use process if the applicant is able to demonstrate that the alternative will not result in the accumulation of mud or debris on the city right of way. (Ord. 24-12, 2012)

**City of San Antonio, Texas**  
**Unified Development Ordinance (2015)**

**APPENDIX A DEFINITIONS AND RULES OF INTERPRETATION**  
**SEC. 35-A101 DEFINITIONS AND RULES OF INTERPRETATION**

**(b) Definitions.**

\* \* \*

*Food, mobile food court.* A "mobile food court" is a parcel or group of parcels of land where three (3) or more mobile food establishments congregate to offer food or beverages for sale to the public as the principal use of the land. This definition shall not be interpreted to include a congregation of mobile food establishment as a secondary and/or accessory use of the land.

*Food, mobile food establishment.* A "mobile food establishment" is a business that serves food or beverages from a self contained unit, either motorized or in a trailer on wheels, and conducts all or part of its operations on premises other than its own and is readily movable, without disassembling, for transport to another location. The term "mobile food establishment" shall not include individual nonmotorized vending carts or motorized mobile ice cream/frozen dessert vendors.

**ARTICLE III ZONING**  
**DIVISION 2: BASE ZONING DISTRICTS**  
**SECTION 35-311: USE REGULATIONS**

**TABLE 311-2 NONRESIDENTIAL USE MATRIX**

	PERMITTED USE	O-1 & O-1.5	O- 2*	NC	C- 1	C- 2	C- 3	D	L	I- 1	I- 2	ERZD	LBCS Function
Service	Food, Mobile Food Court (subject to <a href="#">35-399</a> )					P	P	S	P			S	2550

**DIVISION 7: SUPPLEMENTAL USE REGULATIONS**  
**SECTION 35-399: MOBILE FOOD COURTS.**

(a) Generally. Where permitted pursuant to section 35-311, mobile food courts shall comply with the following:

(1) Location and Placement.

A. Mobile food courts shall comply with dimensional standards of 35-310, Table 310-1.

B. All activity must occur on private property outside of the public right-of-way unless the City of San Antonio has executed a license agreement authorizing such activity.

C. Each mobile food court shall be located at least two hundred (200) feet away from any single-family residential use or single-family zoning district identified in section 35-303(a) including R-20, NP-15, NP-10, NP-8, R-6, R-5, R-4, and R-3. The two-hundred-foot minimum distance shall be measured from property line to property line.

D. Vehicular drive-through service of food and/or beverages shall not be permitted except upon a specific use authorization of the city council for that portion of the property with the drive through.

E. No more than ten (10) individual mobile food establishment units are permitted per mobile food court site, provided however that additional mobile food establishment units may be permitted by specific use authorization of the city council.

F. No mobile food establishment or vending unit, structures associated with the mobile food court use, nor any seating areas shall be located in a required zoning setback, buffer yard, access easement, drainage easement, floodplain, driveway, utility easement and/or fire lane.

## (2) Site Development Standards.

A. The provisions of article V shall apply to mobile food courts.

B. The placement of the mobile food establishment unit shall not impede traffic nor visually impair any motor vehicle operation within a parking lot, driveway or street.

C. A minimum twenty-foot wide fire apparatus access route shall be provided around the periphery of any mobile food court.

D. Mobile food courts shall require an all weather surface as defined in section 35-A101.

E. Mobile food courts shall provide parking in accordance with section 35-526, Table 526-3b. Occupation of any parking spaces by a mobile food establishment unit shall not reduce any required parking spaces for the principal use on a lot.

F. Electrical service may be provided by a permitted temporary electrical connection (or other permitted connection provided by an electric utility) or on-board generators.

G. Permanent restroom facilities shall be provided in accordance with Section 403.1 of the 2012 International Plumbing Code and any subsequent amendments to said code, as applicable.

## (3) Performance Standards.

A. The visual and structural integrity of the mobile food establishment unit must be maintained continuously.

B. No outside sound amplifying equipment, or noisemakers, such as bells, horns, or whistles shall be permitted except where city council has approved a specific use

authorization for live entertainment and such outside sound is limited to those activities described in the definition of live entertainment in section 35-A101.

C. Lighting shall comply with section 35-392, and if applicable the military lighting overlay district requirements.

D. All signage shall comply with Chapter 28, Signs and Billboards. Signage for each mobile food establishment shall be affixed only to the unit. The following sign types are prohibited:

1. Freestanding signs with the exception of one (1) single-tenant sign per street frontage to identify the name of the mobile food court and one (1) incidental sign per driveway where the sign complies with section 28-241(e)(6).
2. Temporary signs.
3. Off-premises signs.
4. Digital display signs.

E. Maximum permitted noise levels shall be in accordance with Chapter 21 of the City Code.

The provisions of subsection (a) shall not apply to mobile food courts established in the "ED" entertainment district operated or managed or otherwise maintained by an amusement park.

(b) Lot Requirements. A mobile food court shall be platted in accordance with the subdivision procedures of article IV of this chapter.

(c) License and Permit Requirements. All plans for site work, installation, construction, utility connection, signs and operation must be approved by development services and other departments as applicable, including but not limited to the office of historic preservation, health, fire and public works. The requirements of any special zoning district, including overlay districts, shall supersede the requirements of this section.  
(Ord. No. 2012-05-17-0355, § 3, 5-17-12)

**City of Watauga, Texas  
Code of Ordinances (2015)  
SUBPART B. - LAND DEVELOPMENT  
CHAPTER 115. - ZONING**

**ARTICLE I. - IN GENERAL.**

**Sec. 115-6. - Permitted principal, accessory and specific use permit uses.**

The following uses are permitted as provided in this chapter:

\* \* \*

*Mobile food vendor court.* A primary land use located on one or more platted lots where two or more mobile food vendor units are located to offer food or beverages for sale to the public, functioning as a single business and authorized to provide, tables, play areas, a permanent structure for alcohol sales, and other outdoor entertainment open to all customers of all vendors.

**ARTICLE III. - ZONING DISTRICTS ESTABLISHED; ZONING MAP; DISTRICT REGULATIONS.**

**Sec. 115-63. - Supplemental regulations.**

The following supplemental regulations are established for each designated zoning district listed herein. District specific regulations are located within the zoning district sections for each zoning district.

\* \* \*

(14) Mobile food vendor courts.

a. Generally. Mobile food vendor courts may be permitted in accordance with the permitted use table in section 115-85 subject to the following conditions:

1. Health and sanitation. Each individual mobile food vendor court shall comply with all applicable requirements and regulations contained in chapter 16, "Health" of this Code.
2. Commissary access. If a commissary is provided on site and the mobile food vendor unit is approved to use the site's commissary, then the mobile food vendor unit will not have to be removed from the site each day
3. Hours of operation. A mobile food vendor court may only operate between the hours of 8:00 a.m. and 12:00 a.m.
4. Noise level. Playing, using, operating, or permitting to be played, used or operated any radio receiving set, television, musical instrument, phonograph or other machine or device that produces or reproduces sound in such a manner as to disturb the peace, quiet and comfort of persons of ordinary sensibilities shall be deemed a public nuisance. The playing, using or operating of any radio receiving set, television, musical instrument, phonograph, or other machine or device that produces or reproduces sound between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as disturb the quiet, comfort or repose of persons of ordinary sensibilities at a distance of 50 feet or more from the building, structure, or vehicle in which the radio receiving set, television, musical instrument, phonograph or other machine or device



that produces or reproduces sound is located shall be prima facie evidence of a public nuisance.

5. On-site manager. Each mobile food vendor court must have a designated manager that is responsible for the orderly organization of mobile food vendor units, the cleanliness of the mobile food vendor court and the mobile food vendor court's compliance with all rules and regulations. The designated manager must be physically present at the mobile food vendor court at all times that the mobile food vendor court is open to the public for business.

6. Restrooms. Permanent restrooms must be provided within the boundaries of the mobile food vendor court. The number of water closets and lavatories required shall be based on the occupant load for fixed seating of the mobile food vendor court as required by Section 403 of the International Plumbing Code, 2003 edition. At least one restroom for each gender shall be provided within 500 feet from each mobile food vending unit.

7. Water requirements. Each mobile food vendor court is required to provide water hookups for each individual mobile food vendor unit located at the mobile food vendor court.

8. Electrical requirements. Each mobile food vendor court is required to provide electricity access for each individual mobile food vendor unit located at the mobile food vendor court. No mobile food vendor unit may operate a generator at the mobile food vendor court unless an emergency necessitates the need for a generator. Generators shall not be used for more than two consecutive days during emergencies.

b. Site plan required. When specified by section 115-85, conditions and special regulations for listed uses. A site plan shall be submitted for review prior to a building permit being issued and shall include the following:

1. The land area included within the site, the zoning classification of adjacent sites, and all public and private right-of-way and easements bounding and intersecting the site;
2. A legal description of the platted lots of the proposed site and the boundaries thereof;
3. The location of each proposed permanent structure on the site, the location of pads for mobile food vendor units, and identification of any proposed outdoor entertainment locations;
4. The location, width, and surface material, of driving lanes and mobile food vendor units, indicating the paving, turf, or gravel areas to be used, including all curb cuts, and including fire lanes where required by the fire department;
5. The location of fire hydrants;
6. The dimensions and capacities of parking areas and loading areas;
7. Landscaping of all street frontages;

8. All pedestrian walks, patios, and open areas for use by tenants or the public;
9. The location and height of all walls, fences, and screen planting and landscaping;
10. The location, size, height, foot candle level and orientation of all lighting and signs;
11. Location and screening of refuse containers air conditioners, and outside storage or display;
12. Location and number of provided seating and eating areas, including number of fixed seats and tables;
13. A schedule of the phasing of all improvements shown in the plan;
14. Location, height separation of buildings, including location of restrooms, and open space; and
15. Location and type of water supply and electrical outlet(s) provided for each corresponding pad site.

c. Parking. The number of parking spaces for mobile food vendor courts shall be one space per 75 square feet of the food court seating area with a minimum of 12 spaces provided. Mobile food vending units shall be placed on an approved asphalt or concrete surface and in no case shall they be parked on unimproved surfaces.

d. Signs. One on-premise sign identifying the mobile food vendor court is permitted at the entrance of each mobile food vendor court. Each mobile food vendor unit may have one attached sign. One temporary sandwich board sign is permitted per mobile food vendor unit, to be displayed within ten feet of the unit and within the boundaries of the mobile food vendor court. Only one banner or temporary inflatable sign may be permitted at one time at each mobile food vendor court in accordance with section 111-86, of this Code.

#### **ARTICLE IV. - TABLE OF USES**

##### **Sec. 115-85. - Permitted use table.**

(a) Permitted use table legend. The following table presents the zoning district classifications and the permitted uses within those classifications. Uses are listed in accordance with permitted uses (P), uses permitted by a specific use permit (S), uses permitted by special exception (SE), and prohibited uses (blank). Conditions are provided in this section, Conditions and special regulations for listed uses.

Permitted use	P												
Prohibited use	(blank)	Special exception	SE										
Specific use	S												
Land Use	SFA	SF6	D	MF	MH	LB	GB	C	I	CF	GU	Special Conditions	
Mobile food vendor court						S	P	P				2	

(b) Conditions and special regulations for listed uses. The following describe conditions and special regulations for uses listed in the permitted use table. Additional requirements may be added to these listed herein by the planning and zoning commission and city council as deemed necessary to protect the health, safety, and general welfare of the citizens of Watauga. No construction or occupancy shall commence for any permitted use until the conditions herein stated or required by the planning and zoning commission have been met.

(2) A site plan in accordance with section 115-115, Site plan requirements, will only be required in districts which require a specific use permit.

# Licensing Standards

- Austin (Texas), City of. 2015. *Code of Ordinances*. Title 10, Public Health Services and Sanitation; Chapter 10-3, Food and Food Handlers; Article 1, General Provisions; Section 10-3-1, Definitions. Article 4, Mobile Food Establishments.
- Bedford (Texas), City of. 2015. *Code of Ordinances*. Chapter 66, Health and Sanitation; Article II, Food and Food Establishments; Section 66-33, Definitions. Section 66-44, Mobile Food Units.
- District of Columbia. 2013. *Notice of Final Rulemaking: Adoption of a new Chapter 5 (Vendors) of Title 24 (Public Space and Safety) of the District of Columbia Municipal Regulations (DCMR), and amendments to Chapter 5 (Basic Business License Schedule of Fees) of DCMR Title 17 (Business, Occupations and Professions), and to Chapter 33 (Department of Consumer & Regulatory Affairs (DCRA) Infractions) of DCMR Title 16 (Consumers, Commercial Practices, and Civil Infractions).*
- Evanston (Illinois), City of. 2015. *Code of Ordinances*. Title 8, Health and Sanitation; Chapter 23, Mobile Food Vehicle Vendors.
- Hoboken (New Jersey), City of. 2014. *Municipal Code*. Part II, General Legislation; Chapter 147, Mobile Retail Food Vendors.
- Huntsville (Alabama), City of. 2015. *Code of Ordinances*. Chapter 18, Peddlers and Solicitors; Article II, Central City Area; Section 18-36, Sidewalk Cafes, Vendors, and Mobile Food Vendors.
- Jackson (Mississippi), City of. 2015. *Code of Ordinances*. Chapter 66, Health and Sanitation; Article III, Mobile Food Vending.
- Minneapolis (Minnesota), City of. 2015. *Code of Ordinances*. Title 10, Food Code; Chapter 186, In General; Section 186.50, Definitions. Chapter 188, Administration and Licensing; Article III, License Holder Requirements; Section 188.485, Mobile food vendors.
- New Orleans (Louisiana), City of. 2015. *Code of Ordinances*. Chapter 110, Peddlers, Solicitors, and Itinerant Vendors; Article II, Peddlers and Itinerant Vendors; Division 5, Food—Mobile Vending.
- Northampton (Massachusetts), City of. 2015. *Municipal Code*. Chapter 285, Streets, Sidewalks, and Public Property; Article I, General Street and Sidewalk Regulations; Section 285-4, Permit to Display Merchandise on Streets Required; Mobile Food Vehicles; part C, Mobile Food Vehicles.
- Portland (Maine), City of. 2015. *Code of Ordinances*. Chapter 19, Peddlers and Solicitors; Section 19-23, Rules Promulgated by City Manager. Also, "City of Portland Food Truck Rules and Regulations."

- San Antonio (Texas), City of. 2015. *Code of Ordinances*. Chapter 13, Food and Food Handlers; Article I, In General; Section 13-3, Definitions. Article IV, Mobile Food Courts and Mobile Food Establishments.
- Seattle (Washington), City of. 2015. *Municipal Code*. Title 15, Street and Sidewalk Use; Subtitle I, Street Use Ordinance; Chapter 15.17, Vending; Section 15.17.120, Food Vending From a Curb Space.
- Traverse City (Michigan), City of. 2015. *Code of Ordinances*. Part 8, Business Regulations; Chapter 865, Mobile Food Vending.
- Watauga (Texas), City of. 2015. *Code of Ordinances*. Chapter 22, Licenses, Permits, and Business Regulations; Article XIV, Mobile Food Vendor Units.

**City of Austin, Texas**

**City Code (2015)**

**TITLE 10. PUBLIC HEALTH SERVICES AND SANITATION.**

**CHAPTER 10-3. FOOD AND FOOD HANDLERS.**

**ARTICLE 1. GENERAL PROVISIONS.**

**§ 10-3-1 Definitions**

\*\*\*

(12) MOBILE FOOD ESTABLISHMENT means one of two types of mobile food units:

(a) A restricted unit that offers only prepackaged food in individual servings; beverages that are not potentially hazardous and are dispensed from covered urns or other protected vessels; and packaged frozen foods. Preparation, assembly or cooking of foods is not allowed. A foot peddler permit is a restricted unit is limited to one portable ice chest, cooler, case or unit per permit, capable of being carried by one person; or

(b) An unrestricted unit that may serve food as allowed in (a), and may cook, prepare and assemble a full menu of food items;

(i) Except as provided in subsection (ii) below, an unrestricted unit must be secured and completely enclosed; and

(ii) Foods such as hot dogs, coffee, or shaved ice, or food with prior approval from the health authority, may be served from vehicles with three sides and a cover.

**ARTICLE 4. MOBILE FOOD ESTABLISHMENTS.**

**§ 10-3-91 PERMIT APPLICATION.**

(A) A person who seeks to operate a mobile food establishment must submit to the health authority a written application for a permit on a form provided by the health authority. The application must include:

(1) name and address of the applicant and the applicant's identification number as shown on a current and valid government-issued identification document that includes a photograph of the applicant;

(2) type of vehicle to be used for the proposed mobile food establishment;

(3) proof of sales tax and use permit;

(4) an itinerary of locations where sales occur;

(5) other information reasonably required by the health authority;

(6) the signature of each applicant;

(7) a notarized statement from the owner of a central preparation facility stating the mobile food establishment uses the facility as its base of operation; and

(8) if at one location for more than two hours, a written agreement from a business within 150 feet for employees of the mobile food establishment to have use of flushable

restrooms (or other facilities as approved by the health authority) during hours of operation.

(B) For a mobile food establishment permit, the health authority shall:

- (1) describe on the permit whether the unit is restricted or unrestricted; and,
- (2) provide the permit holder a sticker that indicates the permit expiration date.

(C) Except as set forth in subsection (D), a person operating a mobile food establishment shall promptly display the sticker on the unit where it is readily visible (as designated by the health authority).

(D) A foot peddler permit may be carried on the peddler's person.

(E) The health authority may suspend or revoke a mobile food establishment permit if the health authority determines that:

- (1) an applicant obtained the mobile food establishment by knowingly providing false information on the application;
- (2) a person is infected with or is a carrier of any foodborne communicable disease;
- (3) the continuation of the person's mobile food establishment permit presents a significant public health threat; or,
- (4) the mobile food establishment violates the terms and conditions of any written agreement submitted to the health authority under § 10-3-91.
- (5) If a written agreement submitted to the health authority terminates without fault by the mobile food establishment, the operator has ten days to replace the required written agreement without constituting an violation under this § 10-3-91.

Source: Ord. 20100923-028.

#### **§ 10-3-92 ITEMS TO BE SOLD.**

(A) A person operating a mobile food establishment may only sell a food item described in the permit.

(B) A person operating a mobile food establishment may not sell a non-food item.

Source: Ord. 20051201-013.

#### **§ 10-3-93 - SANITARY REQUIREMENTS.**

(A) If a person who operates a mobile food establishment maintains food at a hot holding temperature by mechanical means, that person shall comply with fire and explosion safety standards established by the fire marshal.

(B) If a person uses a pressurized fuel system or container in conjunction with the mobile food establishment, that person shall comply with fire and explosion safety standards established by the fire marshal.

(C) A person operating a mobile food establishment shall equip the interior of the mobile food establishment with an attached trash receptacle approved by the health authority for the use of persons working in the mobile food establishment. The operator must hold, store,

and dispose of solid and liquid waste in a receptacle approved by the health authority and must comply with any other applicable City Code requirements.

(D) A person who operates a mobile food establishment must meet all of the following requirements:

- (1) A mobile food establishment shall provide only single service articles for use by the consumer;
- (2) A mobile food establishment shall comply with the regulations the health authority adopts regarding time, temperature, plumbing, operation and maintenance requirements for mobile food establishments;
- (3) A mobile food establishment shall comply with the regulations the health authority adopts regarding a mobile food establishment's provisions, mandatory central preparation facility, serving area and operations;
- (4) A mobile food establishment shall demonstrate that the vehicle is readily moveable if requested by the health authority;
- (5) A mobile food establishment shall comply with all requirements of the health authority prohibiting alteration, removal, attachments, placement or change in, under, or upon the mobile food establishment that would prevent or otherwise reduce ready mobility of the mobile food establishment unit;
- (6) If at one location for more than two hours, a written agreement from a business within 150 feet of the mobile food establishment, allowing employees of the mobile food establishment to have use of flushable restrooms (or other facilities as approved by the health authority) during hours of operation;
- (7) The health authority shall require a mobile food establishment to come, on an annual basis, to a location designated by the health authority for an inspection;
- (8) All food and food supplies must be stored within the mobile unit;
- (9) Except as provided in Subsection (E) of this section, a person who operates a mobile food establishment may not place food, equipment, or supplies that are part of its operations outside of the permitted unit and must conduct its operational activities within the mobile food establishment; and,
- (10) The health authority may require that mobile food establishments found to violate this section to come for a re-inspection at a location designated by the health authority.

(E) Subsection (D)(9) of this section does not apply to trash, recycling, or composting receptacles required under Article 5 (Universal Recycling) of Chapter 15-6 (Solid Waste Services) of the City Code and that a person uses while operating a mobile food establishment. An operator of a mobile food establishment may place trash, recycling, or composting receptacles outside of, and detached from, the mobile food establishment when the establishment is open for business.

Source: Ord. 20100923-028; Ord. 20131024-016; Ord. No. 20140925-035, Pt. 1, 10-6-14..

**§ 10-3-94 RESERVED.**



**§ 10-3-95 USE OF PUBLIC PROPERTY.**

A person who operates a mobile food establishment may not go into a City park to sell, offer for sale, or display a food item, unless the person's activity is authorized by:

- (1) a park property rental agreement; or
- (2) written permission of the director of the Parks and Recreation Department.

**City of Bedford, Texas  
Code of Ordinances (2015)**

**Chapter 66 - HEALTH AND SANITATION  
ARTICLE II. - FOOD AND FOOD ESTABLISHMENTS**

**Sec. 66-33. - Definitions.**

The words "mobile food unit" means a self-contained, licensed, motorized vehicle, which is temporarily stored on a privately owned lot where food items are cooked, processed or portioned for service, sales, and are sold to the general public.

**Sec. 66-44. - Mobile food units.**

Mobile food units are subject to the following regulations:

(1) Location.

- a. All mobile food units must be located on a parcel, which is appropriately zoned for commercial development.
- b. Mobile food units shall be located on an individual private parcel, where an existing permanent business operates in a building with a certificate of occupancy.
- c. Mobile food units shall provide the city with a copy of written permission from the property owner on an annual basis to allow the operation of a mobile food unit and to allow the mobile food unit and their customers access to a commercially plumbed public restroom on-site.
- d. A mobile food unit shall submit a site plan depicting the location of the mobile food unit on the property; shall secure a current mobile food unit permit; and supply food handler cards from Tarrant County, providing copies of these documents to the City of Bedford.
- e. Mobile food units shall be located within 500 feet of an entrance of a primary building that holds the certificate of occupancy.
- f. No mobile food units shall be located on a vacant lot.
- g. No mobile food units, their merchandise, advertising, or seating shall obscure traffic sight visibility.
- h. No mobile food units operating under this regulation shall be allowed to sell or service food on any public street, sidewalk, or other public right-of-way unless approved in writing by the City of Bedford.
- i. Mobile food units shall not operate in driveways or fire lanes.
- j. Mobile food units including any applicable seating may operate in parking spaces in a commercially zoned individual property, parcel, tract or platted lot, if the required parking for the center remains in compliance with the parking code located in the City of Bedford Zoning Ordinance Section 5.2. A site plan indicating the specific location is required.

k. Mobile food units shall be removed from the parcel on a daily basis and may only operate during the business hours of the primary business and may not be parked longer than 12 hours.

(2) Vehicle. All mobile food units shall have a valid vehicle registration, motor vehicle operator's license, proof of vehicle liability insurance, and a Texas Sales Tax Permit.

(3) Operational issues.

a. A drive-through is not permitted in conjunction with the mobile food unit and shall not provide a drive-through service of any kind.

b. All mobile food units shall be equipped with a self-closing lidded, trash receptacle. The trash receptacle must be placed outside next to the mobile food units for use by the patrons of the unit. The area around the mobile food units shall be kept clean and free from litter, garbage, and debris.

c. Temporary connections to potable water are prohibited. Water shall be from an internal tank, and electricity shall be from a generator or an electrical outlet via a portable cord that is in conformance with the Electrical Code as adopted by the City of Bedford.

d. Except as otherwise limited by the City of Bedford Code of Ordinances, or other city codes, a mobile food unit may utilize outside seating consisting of a portable table and a seating capacity of not to exceed four.

e. Except as otherwise limited by city codes, a mobile food unit shall be allowed amplified music as long as such music shall not violate the nuisance definitions of noise established by section 54-31 of the Bedford Code of Ordinances.

f. If wanting to serve alcoholic beverages, a mobile food vendor shall follow all necessary Texas Alcoholic Beverage Commission and the City of Bedford requirements.

g. A hold-harmless agreement is required to be completed with the City of Bedford if the mobile food unit is to be located on City of Bedford property.

h. Owners of any mobile food unit must sign a notarized statement that they acknowledge and accept a minimum amount of \$1,000,000.00 liability insurance, that covers the mobile food unit, must be maintained at all times and that proof of such insurance coverage can be demanded to be provided to the city upon three working days notice to the owner.

i. All of the requirements for this section pertain to Civic and Special Events per Section 5.10.D of the City of Bedford Zoning Ordinance.

j. No mobile food unit shall operate before first obtaining a permit from the City of Bedford.

k. No more than three mobile food units may be located on a parcel at any one time or at the same location for consecutive weeks unless one of the following occurs:

1. Additional mobile food units greater than three may be considered through Civic Events and/or Special Events per section 5.10.C of the City of Bedford Zoning

Ordinance. Staff will consider the reason for the request; the number of available parking spaces on the lot; whether an increased number of mobile food units would be compatible with the existing use and permitted development of adjacent properties; and any other issues staff considers to be relevant; and/or the owner of the primary business establishes through staff permission with the City of Bedford a list of specific dates within a calendar year in which multiple food units may be allowed on the property. This request shall include a site plan and documentation showing:

- i. Indication of appropriate level of parking;
- ii. Safe areas for seating for patrons of the mobile food units;
- iii. Appropriate documentation of permission of use, adequate public access restroom facilities and valid certificate of occupancy of the primary business owner; and
- iv. City of Bedford sponsored civic and special events may have more than one mobile unit allowed, and may not be required to get staff approval.

2. If approved by staff, a property owner initiated request shall be valid for 90 days. If there have been no previous outstanding code violations, a renewal after 90 days may be possible.

I. Mobile food unit permit fees are located in Appendix A "Schedule of Fees" City of Bedford Code of Ordinances.

(4) Exemptions. All events, activities, and festivals specifically approved by the city council are exempt from these regulations, but shall comply with appropriate regulations of the Code of Ordinances of the City of Bedford.

(Ord. No. 13-3052, § 2, 3-26-13)

## OFFICE OF THE CITY ADMINISTRATOR

NOTICE OF FINAL RULEMAKING

The City Administrator, on behalf of the Mayor, pursuant to the authority under Sections 5 and 18 of Mayor-Commissioner Regulation No. 74-39, effective December 13, 1974 (21 DCR 1285), as amended by the Vendors Regulation Amendments Act of 1978, effective June 30, 1978 (D.C. Law 2-82; 24 DCR 9293), Reorganization Plan No. 1 of 1986, effective August 21, 1986, the Vending Regulation Act of 2009, effective October 22, 2009 (D.C. Law 18-71; 56 DCR 6619), and Mayor's Order 2010-91, dated May 27, 2010; Sections 101(b), 2002(b), and 2 of the Omnibus Regulatory Reform Amendment Act of 1998, effective April 29, 1998 (D.C. Law 12-86; D.C. Official Code §§ 47-2851.04(c)(1), 47-2851.05(d), and 47-2851.12 (2005 Repl. & 2012 Supp.)); Sections 104 and 105 of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code §§ 2-1801.04 and 2-1801.05 (2007 Repl. & 2012 Supp.)); and Mayor's Order 86-38, dated March 4, 1986, hereby gives notice the adoption of a new Chapter 5 (Vendors) of Title 24 (Public Space and Safety) of the District of Columbia Municipal Regulations (DCMR), and amendments to Chapter 5 (Basic Business License Schedule of Fees) of DCMR Title 17 (Business, Occupations and Professions), and to Chapter 33 (Department of Consumer & Regulatory Affairs (DCRA) Infractions) of DCMR Title 16 (Consumers, Commercial Practices, and Civil Infractions).

This rulemaking amends vending regulations in order to achieve the safe, efficient, and effective management of vending throughout the District of Columbia. This rulemaking amends the name of the chapter and includes provisions governing vending licensure, vendor operations, the designation of sidewalk and roadway vending locations, public markets, vending development zones, street photography, and solicitation from the public space. In addition, the rulemaking amends fee for a Class C business license and establishes a schedule of fines for vending business license civil infractions.

A Corrected Fourth Notice of Proposed Rulemaking was previously published in the *D.C. Register* on March 15, 2013 (60 DCR 3638) and submitted to the Council of the District of Columbia as a proposed resolution, the Vending Business License Regulation Resolution of 2013 (P.R.20-125).

On June 4, 2013, the Council of the District of Columbia passed the Vending Regulation Emergency Amendment Act of 2013, effective June 19, 2013 (D.C. Act 20-84; 60 DCR 9534). As a result of this emergency legislation, the Council approved the following sections of the Corrected Fourth Notice of Proposed Rulemaking:

- DCMR Title 24 Sections 500 through 512;
- Sections 521 through 532;
- Sections 544 through 548; and
- Sections 550 through 599.

This Notice of Final Rulemaking incorporates those enumerated sections without any substantive changes.

On June 18, 2013, the Council of the District of Columbia passed the Vending Regulation Second Emergency Amendment Act of 2013, effective June 20, 2013 (D.C. Act 20-90; 60 DCMR 9551). As a result of this emergency legislation, the Council approved, disapproved, and amended various sections of the Corrected Fourth Notice of Proposed Rulemaking.

The following sections of the Corrected Fourth Notice of Proposed Rulemaking were approved by Council:

- DCMR Title 24, Sections 513 through 519.1 and Sections 533 through 543;
- DCMR Title 17, Subsection 516.1; and
- DCMR Title 16, Chapter 33.

The following sections of the Corrected Fourth Notice of Proposed Rulemaking were disapproved by Council:

- DCMR Title 24, Subsections 519.2 and 519.3 (Health Inspection Certificate: Issuance);
- Section 520 (Health Inspection Certificate: Summary Suspension); and
- Section 549 (Design Standards: Advertising).

The following sections of the Corrected Fourth Notice of Proposed Rulemaking were amended by Council:

- DCMR Title 24, Subsection 533.7 (Vending Locations: Mobile Roadway Vending Locations: General) was amended by striking the phrase “five hundred feet (500 ft.)” and inserting the phrase “two hundred feet (200 ft.) or directly across the street” in its place;
- DCMR Title 24, Subsection 535.2(c) (Vending Locations: Mobile Roadway Vending Locations: Additional Locations) was amended to read “Where the adjacent unobstructed sidewalk is less than six feet (6 ft.) wide; provided, that for purposes of this subsection, a permeable or point obstruction, such as a parking meter, is not considered an obstruction;”;
- DCMR Title 16, Subsection 3313.1 (Class 1 civil infractions) was amended to strike the second Subsection (e) and insert a new Subsection (f) to read “24 DCMR § 535.1(a) (vending in a legal parking space that meets the requirements of § 535.2);” and
- DCMR Title 16, Subsection 3313.4 (Class 5 civil infractions) was amended to insert a new Subsection (e) to read “24 DCMR § 535.1(b) (failure to pay all parking meter fees) and (c) (failure to obey all posted time restrictions);”.

This Notice of Final Rulemaking incorporates those enumerated sections as approved, disapproved, or amended by Council.

Additionally, this Notice of Final Rulemaking further clarifies 24 DCMR 5, Subsection 535.2(c) to explain the types of sidewalk objects that are obstructions for purposes of mobile roadway vending at locations outside designated Mobile Roadway Vending locations.

The City Administrator took final action on these rules on September 9, 2013. After publication of these final rules in the *D.C. Register*, they will become effective on October 1, 2013.

**Chapter 5 (Vendors and Solicitors) of Title 24 (Public Space and Safety) of the District of Columbia Municipal Regulations is amended to read as follows:**

## **CHAPTER 5: VENDORS**

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**SUBCHAPTER A: GENERAL PROVISIONS****500 PURPOSE**

500.1 The provisions of this chapter are issued pursuant to the authority under Sections 5 and 18 of Mayor-Commissioner Regulation No. 74-39, enacted December 13, 1974 (21 DCR 1285), as amended by the Vendors Regulation Amendments Act of 1978, effective June 30, 1978 (D.C. Law 2-82; 24 DCR 9293); Reorganization Plan No. 1 of 1986, effective August 21, 1986; the Vending Regulation Act of 2009, effective October 22, 2009 (D.C. Law 18-71; 56 DCR 6619); and Mayor's Order 2010-91, dated May 27, 2010.

500.2 This chapter shall regulate the implementation and execution of the vending and soliciting laws and related health, traffic, and safety concerns of the District and its citizens.

500.3 Nothing in this chapter is intended to interfere with the exercise of activities pursuant to the First Amendment Assemblies Act of 2004, effective April 13, 2005 (D.C. Law 15-352; D.C. Official Code §§ 5-331.01 *et seq.* (2008 Repl.)).

**501 AGENCY RESPONSIBILITIES**

501.1 The Director of the Department of Consumer and Regulatory Affairs (DCRA Director) shall be responsible for:

- (a) Coordinating all vending activities in the District of Columbia;
- (b) Reviewing applications for, and issuing, Vending Business Licenses to vendors in the District;
- (c) Distributing Vending Site Permits for Vending Locations approved by the District Department of Transportation (DDOT) Director (DDOT Director) as meeting the standards established by the DDOT Director, pursuant to §§ 525, 532, and 535;
- (d) Enforcing this chapter's provisions, including the requirement that vendors vend only from their assigned Vending Locations; provided, that the Department of Health (DOH) Director (DOH Director) shall be responsible for the application and enforcement of Subtitle A (Food and Food Operations) of Title 25 of the District of Columbia Municipal Regulations (DCMR) to food vendors holding Class A and Class C Vending Business Licenses;
- (e) Creating and maintaining a database of all vendors issued Vending Business Licenses, including any specific Vending Location assigned to each vendor;

- (f) Designating the categories of merchandise or services that may be vended under a specific class of Vending Business License and, where authorized under this chapter, designating specific categories of merchandise or services that may be vended at a specific Vending Location;
- (g) Establishing the authorized hours of operation for vendors and, where authorized under this chapter, establishing specific hours of operation at a specific Vending Location; and
- (h) Establishing standards regarding the design, maintenance, and operations of vendors and vending equipment.

501.2 The DDOT Director shall be responsible for:

- (a) Designating, modifying, and waiving, as appropriate, the standards for Vending Locations, pursuant to § 524, § 532, and §§ 533 through 537;
- (b) Approving locations on public space where public markets may be located and issuing public space permits for public markets on public space;
- (c) Assisting, as appropriate, with the enforcement of the provisions of this chapter.

501.3 The Metropolitan Police Department (MPD) shall be responsible for:

- (a) Enforcing District laws and regulations prohibiting unlicensed vending activities;
- (b) Enforcing any criminal laws, including laws regarding assault, harassment, and intimidation, in connection with vending; and
- (c) Assisting, as appropriate, with the enforcement of the provisions of this chapter.

501.4 The DOH Director shall be responsible for:

- (a) Designating the categories of food that may be vended in accordance with Subtitle A (Food and Food Operations) of Title 25 of the District of Columbia Municipal Regulations (DCMR);
- (b) Reviewing and either approving or denying applications for food vendors holding Class A and Class C Vending Business Licenses or other certificates of authority required in accordance with Chapter 37, Subtitle A (Food and Food Operations) of Title 25 of the DCMR for the vending of food from public or private spaces;
- (c) Inspecting food vending operations and vending depots in accordance with Subtitle A (Food and Food Operations) of Title 25 of the DCMR; and

- (d) Enforcing the application of Subtitle A (Food and Food Operations) of Title 25 of the DCMR to food vendors.

501.5 The Fire and Emergency Medical Services Department (FEMS) shall be responsible for:

- (a) Reviewing and issuing permits for the use of open flame and propane gas in food vending operations and conducting fire safety-related inspections of vending businesses; and
- (b) Enforcing District laws and regulations pertaining to any operational permits required under Subtitle H (Fire Code Supplement) of Title 12 of the DCMR.

## **SUBCHAPTER B: VENDING LICENSES, PERMITS, AND OTHER AUTHORIZATIONS**

### **502 GENERAL LICENSURE REQUIREMENTS**

502.1 No person shall vend any product, service, or merchandise from public space in the District of Columbia without obtaining and maintaining a valid:

- (a) Basic business license for vending (Vending Business License) issued by the DCRA Director, except as provided by § 502.3;
- (b) Vending Site Permit assigned pursuant to § 508 if the vendor is located on a public sidewalk, pursuant to § 530 if the vendor is a Stationary Roadway Vendor, or pursuant to § 533 if the vendor is a Mobile Roadway Vendor.

502.2 In addition to the requirements specified in § 502, no person shall vend food from public or private space in the District of Columbia without obtaining and maintaining a valid:

- (a) Health inspection certificate issued by the DOH Director;
- (b) Food Protection Manager Certificate issued by the Conference of Food Protection Standards for Accreditation of Food Protection Manager Certification Programs in accordance with § 203.1 of Subtitle A (Food and Food Operations) of Title 25 of the DCMR;
- (c) Certified Food Protection Manager Identification Card issued by DOH in accordance with § 203 of Subtitle A (Food and Food Operations) of Title 25 of the DCMR; provided, that a vendor without such certification may employ a person who holds a valid:
  - (1) Food Protection Manager Certificate issued by the Conference of Food Protection Standards for Accreditation of Food Protection Manager Certification Programs in accordance with § 203.3 of

Subtitle A (Food and Food Operations) of Title 25 of the DCMR;  
and

(2) Certified Food Protection Manager Identification Card issued by DOH in accordance with § 203 of Subtitle A (Food and Food Operations) of Title 25 of the DCMR;

(d) Required food safety analyses and plans in accordance with § 3701 of Subtitle A (Food and Food Operations) of Title 25 of the DCMR; and

(e) Permit from FEMS, if the vendor uses propane gas, open flames, or solid fuels such as wood pellets or charcoal.

502.3 The licenses and permits required under §§ 502.1 and 502.2 shall be subject to any conditions imposed by the District agency issuing or assigning the license, permit, or certificate.

502.4 A Vending Business License shall not be required for:

(a) Employees of licensed vendors, but such employees shall be required to obtain and display at all times a Vendor Employee Identification Badge pursuant to § 564.1;

(b) Persons authorized to sell products, merchandise, food, or services at a licensed or permitted Public Market, as that term is defined in § 541 A individual under eighteen (18) years of age, if the person holds a valid permit or other form of authorization issued by the District of Columbia Public Schools and is accompanied by a licensed vendor;

(c) Certain vending activities authorized by the First Amendment Assemblies Act of 2004, effective April 13, 2005 (D.C. Law 15-352; D.C. Official Code §§ 5-331.01 *et seq.* (2008 Repl.)); or

(d) Persons authorized to sell products, merchandise, food, or services at a licensed or permitted Special Event, as that term is defined in § 599.

502.5 A Vending Business License is issued only to the licensee and may not be sold, transferred, conveyed, or otherwise assigned to any other person.

### **503 VENDING BUSINESS LICENSE: CLASSES OF LICENSES**

503.1 The DCRA Director shall issue the following classes of Vending Business Licenses:

(a) Class A Licenses – A Class A Vending Business License shall authorize a person to vend food, other than food prohibited from public or private space under § 503.3(a) or (m); provided, that the vendor holds any food

licenses and certificates required under Subtitle A (Food and Food Operations) of Title 25 of the DCMR;

- (b) Class B Licenses – A Class B Vending Business License shall authorize a person to vend merchandise, other than food and merchandise prohibited from public space under § 503.3. For the purposes of this subsection, the term “merchandise” shall include non-hazardous and non-controlled cut flowers, dried flowers, and potted plants;
- (c) Class C Licenses – A Class C Vending Business License shall authorize a person to manage public markets on public or private space for the sale of agricultural goods and other farm products, or other food as designated by the DOH Director, and other non-food merchandise or services as designated by the DCRA Director; and
- (d) Class D Licenses – A Class D Vending Business License shall authorize a person to vend services from public space, including photography, shoe shining, and other such services as the DCRA Director designates.

503.2 No person shall vend any items other than those allowed under the particular class of Vending Business License issued to the person.

503.3 No vendor shall sell or public market manager allow the sale of the following categories of merchandise or food:

- (a) Live animals;
- (b) Power tools;
- (c) Luggage exceeding six inches by eighteen inches by twenty inches (6 in. x 18 in. x 20 in.);
- (d) Rugs and carpets exceeding the surface area of the vendor’s vending cart or stand;
- (e) Household appliances, including refrigerators, microwave ovens, dishwashers, stoves, and televisions with screen sizes greater than seven inches (7 in.);
- (f) Alcoholic beverages or other alcoholic items for consumption;
- (g) Any drug, medicine, chemical, or compound or combination thereof restricted by the District of Columbia Pharmacist and Pharmacy Regulation Act of 1980, effective September 16, 1980 (D.C. Law 3-98; D.C. Official Code §§ 47-2885.01 *et seq.* (2005 Repl.));

- (h) A controlled substance as defined in § 102(4) of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-901.02(4) (2009 Repl.));
- (i) Drug paraphernalia, as the term is defined in § 2(3) of the Drug Paraphernalia Act of 1982, effective September 17, 1982 (D.C. Law 4-149; D.C. Official Code § 48-1101(3) (2009 Repl. & 2012 Supp.));
- (j) Any merchandise that is pornographic or obscene;
- (k) Any counterfeit merchandise;
- (l) Any adulterated food, as the term is defined in § 9901 of Title 25, Subtitle A (Food and Food Operations) of the DCMR;
- (m) Categories of foods that are determined by DOH to be not “generally recognized as safe” (GRAS) as interpreted by the United States Food and Drug Administration (FDA); and
- (n) Any plants, other than non-controlled and non-hazardous cut flowers, dried flowers, and potted plants.

**504 VENDING BUSINESS LICENSE: APPLICATION AND FEES**

504.1 An applicant for a Vending Business License shall meet all applicable business licensing criteria, shall file an application with DCRA, and shall pay all applicable fees.

504.2 Application for a Vending Business License shall be made on a form prescribed by DCRA and shall include the following information:

- (a) The name and address of the owner of the vending business;
- (b) The class(es) of Vending Business License being sought;
- (c) A description of the type of merchandise or service to be offered for sale;
- (d) A description of the vending vehicle, vending cart, or vending stand to be used (not applicable to Class C license applicants), including an eight inch by ten inch (8 in. x 10 in.) color photograph of such vehicle, cart, or stand, if available at the time of application or when approved pursuant to § 570 as part of a vending development zone;
- (e) An indication of the Vending Locations the applicant wishes to occupy, in their order of preference (not applicable to Class C license applicants);
- (f) A Clean Hands Certification;

- (g) A copy of the applicant's certificate of registration, issued by the Office of Tax and Revenue, designating the applicant's sales and use tax number;
- (h) If the applicant is not a resident of the District of Columbia:
  - (1) The name and address of a registered agent upon whom service of process and other legal notices may be delivered; or
  - (2) A designation of the Mayor as the person who may accept service of process as well as other legal notices directed to the applicant;
- (i) If the applicant is applying for a Class A or Class C license, the applicant shall complete all forms required by:
  - (1) DCRA, as specified in §§ 504.1 and 504.2; and
  - (2) DOH, as specified in § 502.2;
- (j) A valid telephone number;
- (k) A passport-sized color photograph of the applicant, if the applicant himself or herself will be vending; and
- (l) Any additional information required by the DCRA Director or by the DOH Director for Class A or Class C licenses.

## 504.3

The DCRA Director shall not issue a Vending Business License if:

- (a) The applicant's Vending Business License has been revoked within the past one (1) year;
- (b) The application for renewal of a Vending Business License has been denied under § 507; or
- (c) The applicant has been:
  - (1) Convicted for vending without a license;
  - (2) Issued a notice of infraction by DCRA for vending without a license;
  - (3) Convicted for a criminal offense committed while vending with a license;
  - (4) Issued a notice of infraction by DOH for vending without a food vending license; or
  - (5) Failed to pay fines for violations of Subtitle A (Food and Food Operations) of Title 25 of the DCMR issued by DOH.



504.4 An applicant whose license application is rejected pursuant to §§ 504.3(a), (b), or (c)(1) through (c)(3) shall not be eligible to receive a Vending Business License until one (1) year after the date of the revocation, denial, arrest, ticket, or notice of infraction.

504.5 An applicant must be at least eighteen (18) years of age to be eligible to be issued a Vending Business License; provided, that such age restriction shall not preclude an individual from becoming an employee of a duly licensed Vendor and being issued a Vendor Employee Identification Badge pursuant to § 564.

504.6 In addition to the application and endorsement fees for a basic business license, the fees charged for Vending Business Licenses shall be in the amounts listed in Chapter 5 (Basic Business License Schedule of Fees) of Title 17 of the DCMR.

#### **505 VENDING BUSINESS LICENSE: ISSUANCE**

505.1 Within forty-five (45) days of filing a complete application for a Vending Business License, the applicant shall be notified by the DCRA Director of the issuance or denial of the license.

505.2 If the application is approved, the DCRA Director shall issue a Vending Business License to the applicant; provided, that if the applicant has applied for a Class A or Class C Vending Business License, no license shall be issued by the DCRA Director until the applicant has received all necessary licenses, permits, and authorizations from DOH and any other District agency.

505.3 The Vending Business License shall include the vendor's name, the class of license, and the date of expiration.

505.4 All Vending Business Licenses shall be valid for two (2) years from the date of issuance, unless the DCRA Director designates another time period in writing.

505.5 If the application is denied, the DCRA Director shall follow the procedures set forth in § 507.

505.6 The DCRA Director and DOH Director shall return an incomplete application to the applicant without either approving or denying the application.

505.7 A Vending Business License will not be issued until a Vending Location has been designated pursuant to §§ 538-540.

#### **506 VENDING BUSINESS LICENSE: EXPIRATION AND RENEWAL**

506.1 Each Vending Business License shall be valid for the period designated on the license, unless the license is earlier revoked, suspended, or seized.

- 506.2 Not less than forty-five (45) days before the expiration of a Vending Business License, the licensee shall submit a renewal application to DCRA on a form prescribed by the DCRA Director, and by the DOH Director if vending food, as specified in § 504.2(i).
- 506.3 No application to renew a Vending Business License shall be approved if the applicant does not hold the valid licenses, permits, and registrations required for an initial applicant for a Vending Business License under § 504.
- 506.4 If the license renewal application is not approved, the DCRA Director shall follow the procedures set forth in § 507.
- 506.5 Upon the expiration of a person's Vending Business License, the DCRA Director may seize that person's Vending Business License, Vending Site Permit, health inspection certificate, and FEMS propane and open flame permit.

**507 VENDING BUSINESS LICENSE: DENIAL, SUSPENSION, REVOCATION, AND SEIZURE**

- 507.1 The DCRA Director may revoke or suspend a Vending Business License, or deny an application for the issuance or renewal of a Vending Business License, for any of the following:
- (a) Fraud, misrepresentation, or false statements contained in the license application;
  - (b) Fraud, misrepresentation, or false statements made in connection with the selling of any product, service, or merchandise, as determined by the DCRA Director, or the misrepresentation or adulteration of food, as determined by the DOH Director;
  - (c) Violation of any District law or regulation governing the operation of the vending business, including, but not limited to:
    - (1) The possession or sale of counterfeit merchandise; or
    - (2) The offering for sale of illegal goods, substances, or services;
  - (d) The vendor is vending at a location other than the vendor's assigned Vending Location;
  - (e) Violations of the Clean Hands Certification requirements;
  - (f) Fraud committed against the District government, such as failure to pay required sales and use taxes, or attempting to transfer a Vending Business License, Vending Site Permit, or a Mobile Roadway Vending Site Permit to another person in violation of §§ 502.5, 510.4, and 514.3, respectively;

(g) The vendor is found to have committed the same violation of the following sections of this chapter six (6) or more times in a continuous twelve (12) month period:

- (1) §§ 544 through 554;
- (2) §§ 556 through 568; or
- (3) § 571; or

(h) The vendor is found to have violated § 555 of this chapter.

507.2 The DCRA Director may summarily suspend and seize a Vending Business License, without prior notice to the vendor or an opportunity to be heard, for:

- (a) The possession, sale, or offering for sale of counterfeit merchandise;
- (b) The sale of adulterated food, as the term is defined in § 9901 of Subtitle A of Title 25 of the DCMR, when a determination is made by the DOH Director that the food is adulterated;
- (c) Failure to provide all required certificates of authority upon demand by an authorized District government official;
- (d) Any activity or condition that constitutes a threat to the public health or safety, including the health or safety of the vendor; or
- (e) Failure to pay fines assessed by the Office of Administrative Hearings for violations of Subtitle A of Title 25 of the DCMR issued by DOH.

507.3 Except for a summary suspension or seizure pursuant to § 507.2, upon the suspension or revocation of a vendor's Vending Business License under this section, the DCRA Director shall provide the vendor with written notice of that action and of the vendor's right to appeal to the Office of Administrative Hearings.

507.4 If a person's Vending Business License is summarily suspended pursuant to § 507.2, or pursuant to DCMR Title 25, Subtitle A, § 4409 by the DOH Director for Food Code violations, or if a person's application for initial issuance or renewal of a license is denied, the person may appeal the summary suspension or denial to the Office of Administrative Hearings.

507.5 A notice issued by the DCRA Director under this section shall be mailed by first-class U.S. mail. If the notice establishes a specific date for a hearing, the notice shall be mailed at least ten (10) business days prior to the date of the hearing.

- 507.6 Upon revocation or suspension, including summary suspension, of a person's Vending Business License, the DCRA Director may immediately seize the person's Vending Business License and Vending Site Permit.
- 507.7 A vendor shall surrender his or her Vending Business License and Vending Site Permit within seven (7) days from the date of the receipt of the notice in § 507.5.
- 507.8 If a person's Vending Business License is revoked or suspended (including summarily suspended) under this section, the DCRA Director shall provide notice of the revocation or suspension to the Office of Tax and Revenue, DDOT, MPD, and, if the business holds a Class A License, to DOH.
- 507.9 If a person's Vending Business License is summarily suspended or seized pursuant to § 507.2(e) and in accordance with DCMR Title 25, Subtitle A, § 4714, the DOH Director shall provide notice of the summary suspension or seizure to DCRA, the Office of Tax and Revenue, DDOT, and MPD.

**508 VENDING SITE PERMIT: GENERAL REQUIREMENTS AND FEES**

- 508.1 No person may vend from the public space in the District of Columbia without a Vending Site Permit issued by the DCRA Director pursuant to this chapter; provided, that a holder of a Class C Vending License may manage vendors from public space upon the issuance of a public space permit to the holder by DDOT and Mobile Roadway Vending vehicles may vend pursuant to § 533.
- 508.2 A Vending Site Permit shall not be required for:
- (a) Persons authorized to sell products, merchandise, food, or services at a licensed Public Market or;
  - (b) Persons authorized to sell products, merchandise, food, or services at a licensed or permitted Special Event.
- 508.3 The Vending Site Permit shall authorize the permittee to occupy a specific Vending Location for the purpose of vending.
- 508.4 A vendor may vend only at the assigned Vending Location stated on his or her Vending Site Permit.
- 508.5 In addition to the authorities cited in § 524, the DCRA Director, the DDOT Director, or MPD may eliminate a Vending Location without prior notice for public safety or transportation reasons, construction requirements, or Special Event operations.
- 508.6 The DCRA Director may revoke a Vending Site Permit and require the previously permitted vendor to vacate his or her Vending Location or relocate to another Vending Location pursuant to § 512.

- 508.7 The annual fee for a Vending Site Permit for sidewalk vending locations shall be six hundred dollars (\$600).
- 508.8 The fee for a monthly Vending Site Permit in the Nationals Park Vending Zone shall be one hundred twenty-five dollars (\$125) per monthly lottery, as described in § 529.
- 508.9 The fee for a monthly Vending Site Permit for stationary roadway vending at Vending Locations designated by § 530 shall be four hundred and fifty dollars (\$450) per monthly lottery.
- 508.10 The annual fee for a Mobile Roadway Vending site permit shall be three hundred dollars (\$300) as described in § 533.

**509 VENDING SITE PERMIT: APPLICATION**

- 509.1 A person shall submit an application for a Vending Site Permit to the DCRA Director with the person's application for an initial Vending Business License.
- 509.2 A licensed vendor may submit an application for a Vending Site Permit to the DCRA Director separately from an application for a Vending Business License if:
- (a) The vendor is seeking to change his or her Vending Location; or
  - (b) The vendor is seeking to add an additional Vending Location.
- 509.3 The application for a Vending Site Permit shall be made on a form prescribed by the DCRA Director and shall include such information and documents as may be required by the DCRA Director and the District agency issuing or assigning the license, permit, or certificate.

**510 VENDING SITE PERMIT: ISSUANCE**

- 510.1 Upon the submission of a completed application, the DCRA Director shall issue a Vending Site Permit if:
- (a) The applicant holds:
    - (1) A valid Vending Business License; or
    - (2) A current receipt for payment of all relevant Vending Business License fees;
  - (b) The applicant has identified and applied for a Vending Site Permit for a Vending Location that meets DDOT standards, pursuant to §§ 524-528, or through the creation of a Vending Development Zone, pursuant to § 570;

- (c) A vendor shall have a right of preference for the issuance of a Vending Site Permit for a Vending Location if:
  - (1) The individual received a site permit for the same location pursuant to the District of Columbia Department of Transportation and Department of Consumer and Regulatory Affairs Vending Consolidation of Public Space and Licensing Authorities Temporary Act of 2006, effective March 8, 2007 (D.C. Law 16-252; 54 DCR 3037);
  - (2) The individual has vended in the location continuously and exclusively without sale, assignment, transfer, or other conveyance of the location to another vendor or individual, whether sold, assigned, transferred, or conveyed for money or anything else of value; and
  - (3) The vendor is vending in a location that is in compliance with this chapter;
- (d) The merchandise, food, or services is authorized to be vended at the available Vending Location;
- (e) The applicant provides a Clean Hands Certification; and
- (f) The applicant has paid all the required fees.
- (g) The DCRA Director may use a lottery to assign Vending Site Permits for designated unoccupied Vending locations, if necessary.

510.2 No more than one (1) vendor may occupy an assigned Vending Location, unless the DCRA Director specifies on the Vending Site Permit that the Vending Location is subject to a shared site agreement between several licensed vendors.

510.3 The Vending Site Permit shall delineate the specific site, zone, dates and times of validity.

510.4 A Vending Site Permit is issued only to the permittee and may not be sold, transferred, conveyed, or otherwise assigned to any other person.

## **511 VENDING SITE PERMIT: EXPIRATION AND RENEWAL**

511.1 A Vending Site Permit, other than for stationary roadway vending or Nationals Park Vending Zone vending sites, shall be issued for a term of one (1) year unless another time period is designated in writing by the DCRA Director.

511.2 A vendor shall apply for renewal of the vendor's Vending Site Permit, other than for stationary roadway vending or Nationals Park Vending Zone vending sites, at least forty-five (45) days prior to the expiration date on the permit.

511.3 Upon expiration of a vendor's Vending Site Permit and in the absence of an application to renew the permit, the Vending Site Permit shall no longer be valid and the vendor shall immediately surrender the Vending Site Permit to the DCRA Director. If the Vending Site Permit is not immediately surrendered, the DCRA Director may seize the expired Vending Site Permit. If the surrendered or seized Vending Site Permit is the only permit associated with the Vending Business License, the vendor's Vending Business License shall be put on hold pursuant to § 568.

**512 VENDING SITE PERMIT: DENIAL, SUSPENSION, REVOCATION, AND SEIZURE**

512.1 The DCRA Director may summarily revoke or suspend a Vending Site Permit at any time, without prior notice to the vendor or an opportunity to be heard, if:

- (a) The Vending Location associated with the Vending Site Permit is not eligible for authorization as a Vending Location under this chapter or any other applicable law or regulation;
- (b) The DDOT Director has eliminated the Vending Location associated with the Vending Site Permit;
- (c) The Vending Location, or the vending-related activities at the Vending Location, constitute a threat to public safety; or
- (d) The vendor is operating in a manner that is in violation of the terms or conditions of the Vending Site Permit or in violation of this chapter, including an attempt to transfer, convey, or sell the Vending Site Permit to another person.

512.2 Except for a summary revocation or suspension pursuant to § 512.1, upon the suspension or revocation of a vendor's Vending Site Permit, the DCRA Director shall provide the vendor with written notice of that action and of the vendor's right to appeal to the Office of Administrative Hearings, and may immediately seize the Vending Site Permit and Vending Business License, pursuant to § 511.3.

512.3 If the surrendered or seized Vending Site Permit is the only permit associated with the Vending Business License, the vendor's Vending Business License shall be put on hold pursuant § 568.

512.4 If a vendor's Vending Site Permit is summarily suspended or revoked by the DCRA Director pursuant to § 512.1, the vendor may appeal the summary suspension or revocation to the Office of Administrative Hearings.

512.5 A notice issued by the DCRA Director under this section shall be mailed by first-class U.S. mail. If the notice establishes a specific date for a hearing, the notice shall be mailed at least ten (10) days prior to the date of the hearing.

512.6 A vendor's Vending Site Permit may be suspended or revoked if the vendor has not conducted any vending for six (6) months at the Vending Location associated with the Vending Site Permit; provided, that this provision shall not apply to a vendor who has placed his or her Vending Business License on hold pursuant to § 568.

512.7 If a vendor's Vending Business License is suspended or revoked, any Vending Site Permit associated with that Vending Business License shall also be suspended or revoked.

512.8 If a person's Vending Site Permit is revoked or suspended (including summarily suspended) under this section, the DCRA Director shall provide notice of the revocation or suspension to DDOT, MPD, and, if the business holds a Class A License, to DOH.

#### **513 MOBILE ROADWAY VENDING SITE PERMIT: APPLICATION**

513.1 A person seeking to vend pursuant to § 533 shall submit an application for a Mobile Roadway Vending (MRV) Site Permit to the DCRA Director with the person's application for an initial Vending Business License.

513.2 The application for a MRV Site Permit shall be made on a form prescribed by the DCRA Director and shall include such information and documents as may be required by the DCRA Director and the District agency issuing or assigning the license, permit, or certificate.

#### **514 MOBILE ROADWAY VENDING SITE PERMIT: ISSUANCE**

514.1 Upon the submission of a completed application, the DCRA Director shall issue a MRV Site Permit if:

- (a) The applicant holds
  - (1) A valid Vending Business License; or
  - (2) A current receipt for payment of all relevant Vending Business fees;
- (b) The applicant provides a Clean Hands Certification; and
- (c) The applicant has paid all the required fees.



514.2 The MRV Site Permit shall permit MRV vehicles to vend from legal parking spaces in public space.

514.3 A MRV Site Permit is issued only to the permittee and may not be sold, transferred, conveyed, or otherwise assigned to any other person.

**515 MOBILE ROADWAY VENDING SITE PERMIT: EXPIRATION AND RENEWAL**

515.1 A MRV Site Permit shall be issued for a term of two (2) years unless another time period is designated in writing by the DCRA Director.

515.2 A MRV shall apply for renewal of the MRV Site Permit at least forty-five (45) days prior to the expiration date on the permit.

515.3 Upon expiration of a MRV Site Permit and in the absence of an application to renew the permit, the MRV Site Permit shall no longer be valid and the vendor shall immediately surrender the MRV Site Permit to the DCRA Director. If the MRV Site Permit is not immediately surrendered, the DCRA Director may seize the expired MRV Site Permit. If the surrendered or seized MRV Site Permit is the only permit associated with the Vending Business License, the vendor's Vending Business License shall be put on hold pursuant to § 568.

**516 MOBILE ROADWAY VENDING SITE PERMIT: DENIAL, SUSPENSION, REVOCATION, AND SEIZURE**

516.1 The DCRA Director may summarily revoke or suspend a MRV Site Permit at any time, without prior notice to the vendor or an opportunity to be heard, if the vendor is operating in a manner that is in violation of the terms or conditions of the MRV Site Permit or in violation of this chapter, including an attempt to transfer, convey, or sell the MRV Site Permit to another person.

516.2 Except for a summary revocation or suspension pursuant to § 516.1, upon the suspension or revocation of a vendor's MRV Site Permit, the DCRA Director shall provide the vendor with written notice of that action and of the vendor's right to appeal to the Office of Administrative Hearings and may immediately seize the MRV Site Permit and Vending Business License, pursuant to § 515.3.

516.3 If the surrendered or seized MRV Site Permit is the only permit associated with the Vending Business License, the vendor's Vending Business License shall be put on hold pursuant § 568.

516.4 If a vendor's MRV Site Permit is summarily suspended or revoked by the DCRA Director under this section, the vendor may appeal the summary suspension or revocation to the Office of Administrative Hearings.

516.5 A notice issued by the DCRA Director under this section shall be mailed by first-class U.S. mail. If the notice establishes a specific date for a hearing, the notice shall be mailed at least ten (10) days prior to the date of the hearing.

516.6 If a vendor's Vending Business License is suspended or revoked, any MRV Site Permit associated with that Vending Business License shall also be suspended or revoked.

516.7 If a person's MRV Site Permit is revoked or suspended (including summarily suspended) under this section, the DCRA Director shall provide notice of the revocation or suspension to DDOT, MPD, and, if the business holds a Class A License, to DOH.

#### **517 HEALTH INSPECTION CERTIFICATE: GENERAL**

517.1 No person shall vend food in the District unless DOH has issued a valid health inspection certificate for the vending vehicle, cart, or stand, or public market from which the food is vended.

517.2 A health inspection certificate shall be valid for six (6) months or until the time of the next inspection, whichever is earlier.

517.3 A person shall not be issued a Class A or Class C Vending Business License, or a Vending Site Permit for a Class A or Class C Vending Business License, until the person receives a health inspection certificate from DOH.

#### **518 HEALTH INSPECTION CERTIFICATE: APPLICATION**

518.1 A person shall apply for a health inspection certificate with the information and documents required by, and pursuant to the procedures of, the DOH Director. The DOH Director may require that a vendor submit to DOH the business address of the supplier of all prepared foods that the person intends to vend as required in Chapter 37, Subtitle A (Food and Food Operations) of Title 25 of the DCMR.

#### **519 HEALTH INSPECTION CERTIFICATE: ISSUANCE**

519.1 The DOH Director shall review and either approve or disapprove an application for the issuance of a health inspection certificate.

519.2 [RESERVED].

519.3 [RESERVED].

**520** [RESERVED]

**521 FOOD PROTECTION MANAGER CERTIFICATE**

521.1 No person shall operate a Class A vending business unless that person, or an individual employed by that person, holds a valid:

- (a) Food Protection Manager Certificate issued by the Conference of Food Protection Standards for Accreditation of Food Protection Manager Certification Programs, in accordance with DCMR Title 25, Subtitle A, § 203.1; and
- (b) DOH-issued a Certified Food Protection Manager Identification Card, in accordance with DCMR Title 25, Subtitle A, § 203.3.

521.2 Application for a food protection manager certificate and certified food manager identification card shall be made to DOH on forms and in the manner prescribed by the DOH Director.

**522 PROPANE AND OPEN FLAME PERMIT**

522.1 No person shall operate a vending vehicle, cart, or stand that uses propane, open flames, or solid fuels such as wood pellets or charcoal, without meeting the following standards:

- (a) The person shall hold a valid propane or open flame permit from FEMS; and
- (b) A vending vehicle, cart, or stand that uses propane cylinders in excess of sixty pounds (60 lbs.) shall have received the approval of the Fire Marshal.

522.2 Application for a propane or open flame permit shall be made to FEMS on a form and in the manner prescribed by FEMS or the Fire Marshal.

**523 HOOD SUPPRESSION SYSTEM APPROVAL**

523.1 No person shall operate a vending vehicle, cart, or stand that includes a deep fryer (or other cooking equipment that would require a hood suppression system) unless the vehicle, cart, or stand is protected with a hood suppression system, that has been inspected and approved by FEMS.

**SUBCHAPTER C: VENDING LOCATIONS****PART 1: GENERAL****524 VENDING LOCATIONS: GENERAL**

- 524.1 The DDOT Director shall approve Vending Locations that meet the standards for locations on streets, sidewalks, and other public spaces where vending may be permitted pursuant to §§ 525, 532, 533 and 535. Proposed sidewalk Vending Locations may be submitted to the DDOT Director by DCRA or as part of a vendor's Vending Site Permit application.
- 524.2 The DDOT Director may eliminate a previously designated Vending Location if:
- (a) The DDOT Director determines that the designated Vending Location is no longer in compliance with District law or regulations;
  - (b) The DDOT Director determines that the operation of a vending business at the location constitutes a threat to the public safety; or
  - (c) The DDOT Director determines that the interests of the District or the public would be better served if the public space occupied by the Vending Location is designated for another use or for open space.
- 524.3 The DDOT Director may eliminate a Vending Location assigned to a vendor under § 510.1; provided, that the vendor shall have the opportunity, within thirty (30) days of the elimination of the Vending Location, to identify a location that the vendor believes meets the criteria under §§ 524-528; provided further, that if the identified location is approved by the DDOT Director, the vendor shall be issued a new Vending Site Permit for the new Vending Location by the DCRA Director at no cost to the vendor.
- 524.4 The DDOT Director shall re-evaluate a Vending Location when a vendor issued a Vending Site Permit under § 510.1(c) ceases to vend at that Vending Location. In its re-evaluation, the DDOT Director shall utilize the provisions of § 524.2.

**PART 2: SIDEWALK VENDING LOCATIONS****525 VENDING LOCATIONS: SIDEWALK VENDING**

- 525.1 All sidewalk Vending Locations shall be in accordance with the following standards:
- (a) Sidewalk Vending Locations shall only be located along streets within:
    - (1) The Central Vending Zone;
    - (2) Neighborhood Vending Zones;

- (3) The Old Georgetown Vending Zone; and
  - (4) The Nationals Park Vending Zone.
- (b) No more than three (3) sidewalk Vending Locations shall be designated on any side of any city block;
- (c) No sidewalk Vending Location shall be designated:
  - (1) In front of a predominately residential building outside the Central Vending Zone;
  - (2) On the median strip of a divided roadway, unless the strip is intended for use as a pedestrian mall or plaza;
  - (3) Along the length of a Metrobus Stop Zone, a commuter bus zone, an intercity bus zone, or other curbside zone specifically designated and demarcated as being for transit use;
  - (4) In a location that is on or that impedes free access to service or ventilation grates or covers;
  - (5) On a restricted street designated in § 526.3; or
  - (6) Within any area under the exclusive jurisdiction of the United States Park Police, the United States Capitol Police, or any other agency of the United States government;
- (d) Within the Central Vending Zone, sidewalk vending shall be prohibited on sidewalks unless:
  - (1) A ten foot (10 ft.) clear passageway is maintained;
  - (2) The street is specifically exempted in § 526; or
  - (3) The DDOT Director waives this restriction pursuant to § 525.2;
- (e) Outside the Central Vending Zone, sidewalk vending shall be prohibited on sidewalks unless:
  - (1) A seven foot (7 ft.) clear passageway is maintained;
  - (2) The sidewalk is specifically exempted in §§ 527, 528, or 529; or
  - (3) The DDOT Director waives this restriction pursuant to § 525.2;
- (f) No sidewalk Vending Location shall be designated within:

- (1) Twenty feet (20 ft.) of the driveway entrance to a police or fire station;
- (2) Ten feet (10 ft.) of any other driveway;
- (3) Ten feet (10 ft.) of an alley;
- (4) Ten feet (10 ft.) of another sidewalk Vending Location;
- (5) Twenty feet (20 ft.) of the street-level entry to a Metrorail escalator;
- (6) Ten (10 ft.) of the street-level door to a Metrorail elevator;
- (7) A marked loading zone, entrance zone, or parking space designated for diplomatic parking, or other curbside location restricted for certain vehicles or uses;
- (8) One hundred feet (100 ft.) of the entrance to a District or federal courthouse, or within such greater distance as may be designated by the DDOT Director upon the written request of the courthouse administrator;
- (9) Ten feet (10 ft.) of a fire hydrant or in-ground fire stand pipe;
- (10) One hundred feet (100 ft.) of the main entrance to a building that is predominantly used for a primary or secondary school, unless operations at the Vending Location are restricted to non-school days and time periods on school days that begin at least thirty (30) minutes after school has been dismissed at the end of the school day. The DDOT Director may increase the minimum distance that a sidewalk Vending Location may be located from a specific school upon the written request of the Chancellor of the District of Columbia Public Schools or the principal of that school;
- (11) Twelve feet (12 ft.) of any crosswalk when on the vehicle approach side of the Vending Location and crosswalk;
- (12) Five feet (5 ft.) from any crosswalk when not on the vehicle approach side of the Vending Location and crosswalk; and
- (13) Five feet (5 ft) from a building's marked fire control room.

525.2 Upon the request of the DCRA Director, the DDOT Director may waive the minimum passageway requirement of §§ 525.1(d) or 525.1(e) if the DDOT Director determines there will not be an adverse impact on, among other things, pedestrian circulation and public safety. The DCRA Director shall note on the Vending Site Permit the issuance of the waiver by the DDOT Director.

525.3 The passageway required by §§ 525.1(d) and 525.1(e) shall be measured from the closest allowable projection of the vending cart or stand to the nearest building, private property line, or interruption of the public space by a public amenity or fixture, whichever is nearest.

**526 VENDING LOCATIONS: CENTRAL VENDING ZONE**

526.1 The Central Vending Zone shall have the following boundaries:

- (a) Beginning at the northeast corner of Massachusetts Avenue, NW, at 11th Street, NW;
- (b) East along the north curb of L Street, NW, to the west curb of mid-block alley between 9th Street, NW, and 10th Street, NW;
- (c) North along the center of the alley to the south curb of M Street, NW;
- (d) East along the south curb of M Street, NW, to the west curb of 9th Street, NW;
- (e) North along the west curb of 9th Street, NW, to the north curb of N Street, NW;
- (f) East along the north curb of N Street, NW, to the east curb of 6th Street, NW;
- (g) South along the east curb of 6th Street, NW, to the north curb of Massachusetts Avenue, NW;
- (h) East along the north curb of Massachusetts Avenue, NW, to the west curb of North Capitol Street, NW;
- (i) North along the west curb of North Capitol Street, NW, to the north curb of Q Street, NW;
- (j) East along the north curb of Q Street, NE, to the west curb of Eckington Place, NE;
- (k) North along the west curb of Eckington Place, NE, to the north curb of R Street, NE;
- (l) East along the north curb of R Street, NE, in a straight line to the north curb of New York Avenue, NE;
- (m) East along the north curb of New York Avenue, NE, to the east curb of 9th Street, NE;

- (n) South along the east curb of 9th Street, NE, to the east curb of Brentwood Parkway, NE;
- (o) South along the east curb of Brentwood Parkway, NE, to the east curb of 6th Street, NE;
- (p) South along the east curb of 6th Street, NE, to the south curb of M Street, NE;
- (q) West along the south curb of M Street, NE, to the east curb of 5th Street, NE;
- (r) South along the east curb of 5th Street, NE, to the south curb of H Street, NE;
- (s) West along the south curb of H Street, NE, to the east curb of 3rd Street, NE;
- (t) South along the east curb of 3rd Street, NE, to the north curb of Independence Avenue, SE;
- (u) West along the north curb of Independence Avenue, SE, to the east curb of 2nd Street, SE;
- (v) South along the east curb of 2nd Street, SE, to the south curb of C Street, SE;
- (w) West along the south curb of C Street, SE, to the east curb of 1st Street, SE;
- (x) South along the east curb of 1st Street, SE, to the south curb of D Street, SE;
- (y) West along the south curb of D Street, SE, to the east curb of New Jersey Avenue, SE;
- (z) South along the east curb of New Jersey Avenue, SE, to the south curb of Interstate 695;
- (aa) East along the south curb of Interstate 695 to east curb of Water Street, SE;
- (bb) South from the east curb of Water Street, SE, in a straight line to the west bank of the Anacostia River, SE;
- (cc) West along the north bank of the Anacostia River, SE, to the east curb of 11th Street, SE;



- (dd) South along the east curb of 11th Street, SE, to the east curb of Martin Luther King, Jr. Avenue, SE;
- (ee) South along the east curb of Martin Luther King, Jr. Avenue, SE, to the north curb of Suitland Parkway, SE;
- (ff) North along Suitland Parkway, SE, to the South Capitol Street Bridge;
- (gg) West along the South Capitol Street Bridge to the east bank of the Anacostia River, SE;
- (hh) South along the west bank of the Anacostia River, SE, to the east bank of the Potomac River, SW;
- (ii) North along the east bank of the Potomac River, SW, to the west curb of the Potomac Parkway to Rock Creek Parkway;
- (jj) North along Rock Creek Parkway in a straight line to the north curb of N Street, NW;
- (kk) East along the north curb of N Street, NW, to the west curb of New Hampshire Avenue, NW;
- (ll) Northeast along the west curb of New Hampshire Avenue, NW, to the west curb of 20th Street, NW;
- (mm) North along the west curb of 20th Street, NW, to the north curb of P Street, NW;
- (nn) East along the north curb of P Street, NW, to west curb of Dupont Circle, NW;
- (oo) North along the west curb of Dupont Circle, NW, to the north curb of Massachusetts Avenue, NW; and
- (pp) East along the north curb of Massachusetts Avenue, NW, to the northeast corner of Massachusetts Avenue, NW and 11th Street, NW.

526.2

The following streets in the Central Vending Zone shall be exempt from the requirement that a minimum ten foot (10 ft.) clear passageway be maintained; provided, that each of the following vending sites shall maintain a seven foot (7 ft.) clear passageway:

- (a) East and west sides of 19th Street, NW, between Constitution Avenue, NW and C Street, NW;
- (b) East and west sides of 20th Street, NW, between Constitution Avenue, NW and C Street, NW; and

- (c) East and west sides of 21st Street, NW, between Constitution Avenue, NW and C Street, NW.

526.3

Except for Vending Locations approved as part of a Vending Development Zone under § 570, no sidewalk Vending Locations shall be designated on the following streets in the Central Vending Zone:

- (a) East side of 2nd Street, NE, between K Street, NE, and East Capitol Street;
- (b) East side of 10th Street, NW, between E Street, NW, and Pennsylvania Avenue, NW (Federal Bureau of Investigation building);
- (c) East side of 12th Street, NW, between Constitution Avenue, NW, and Pennsylvania Avenue, NW (Internal Revenue Service building (southern half of block), and Old Post Office building (northern half of block));
- (d) East side of 12th Street, NW, between I Street, NW, and K Street, NW;
- (e) East side of 12th Street, NW, between New York Avenue, NW, and G Street, NW;
- (f) East side of 13th Street, NW, between L Street, NW, and Massachusetts Avenue, NW;
- (g) East side of 14th Street, NW, between Constitution Avenue, NW, and D Street, NW (John A. Wilson Building, Ronald Reagan Building and International Trade Center, and Commerce Department building);
- (h) East side of 22nd Street, NW, between F Street, NW, and G Street, NW;
- (i) East side of 24th Street, NW, between Pennsylvania Avenue, NW, and L Street, NW;
- (j) East side of 24th Street, NW, between Virginia Avenue, NW, and G Street, NW;
- (k) East side of 25th Street, NW, between H Street, NW, and I Street, NW;
- (l) East side of 26th Street, NW, between I Street, NW, and K Street, NW;
- (m) East and west sides of Delaware Avenue, SW, between M Street, SW, and H Street, SW;
- (n) East and west sides of Half Street, SE, between M Street, SE, and I Street, SE;
- (o) East and west sides of Half Street, SW, between M Street, SW, and I Street, SW;
- (p) East and west sides of New Hampshire Avenue, NW, between Virginia Avenue, NW, and I Street, NW;

- (q) East and west sides of 1st Street, SW, between Independence Avenue, SW, and C Street, SW;
- (r) East and west sides of 1st Street, SW, between M Street, SW, and mid-block between M Street and N Street, SW;
- (s) East and west sides of 2nd Street, SE, between M Street, SE, and D Street, SE;
- (t) East and west sides of 3rd Street, SW, between M Street, SW, and I Street, SW;
- (u) East and west sides of 5th Street, NW, between H Street, NW, and K Street, NW;
- (v) East and west sides of 6th Street, SW, between M Street, SW, and G Street, SW;
- (w) East and west sides of 8th Street, NW, between E Street, NW, and D Street, NW;
- (x) East and west sides of 9th Street, NW, between G Street, NW, and H Street, NW;
- (y) East and west sides of 21st Street, NW, between C Street, NW, and E Street, NW (State Department building);
- (z) East and west sides of 23rd Street, NW, between C Street, NW, and E Street, NW (State Department building);
- (aa) East and west sides of 23rd Street, NW, between L Street, NW, and Washington Circle, NW;
- (bb) East and west sides of 25th Street, NW, between I Street, NW, and K Street, NW;
- (cc) East and west sides of 25th Street, NW, between L Street, NW, and M Street, NW;
- (dd) East and west sides of 6th Street, NW, between F Street, NW, and H Street, NW;
- (ee) East and west sides of 7th Street, NW, between F Street, NW, and H Street, NW;
- (ff) East and west sides of 3rd Street, NW, between F Street, NW, and G Street, NW;
- (gg) East and west sides of 4th Street, NW, between F Street, NW, and G Street, NW;
- (hh) North side of D Street, NW, between 3rd Street, NW, and 4th Street, NW;
- (ii) North side of D Street, NW, between 5th Street, NW, and 9th Street, NW;
- (jj) North side of E Street, NW, between 1st Street, NW, and 2nd Street, NW;
- (kk) North side of E Street, NW, between 3rd Street, NW, and 4th Street, NW;

- (ll) North side of F Street, NW, between 21st Street, NW, and 22nd Street, NW;
- (mm) North side of N Street, NW, between 21st Street, NW, and New Hampshire Avenue, NW;
- (nn) North side of Pennsylvania Avenue, NW, between 9th Street, NW, and 10th Street, NW;
- (oo) North side of Virginia Avenue, NW, between 23rd Street, NW, and 24th Street, NW;
- (pp) North and south sides of C Street, SE, between South Capitol Street, SE, and 3rd Street, SE;
- (qq) North and south sides of C Street, SW, between 6th Street, SW, and South Capitol Street, SW;
- (rr) North and south sides of C Street, NW, between 21st Street, NW, and 23rd Street, NW;
- (ss) North and south sides of Connecticut Avenue, NW, between N Street, NW, and Dupont Circle, NW;
- (tt) North and south sides of D Street SE/SW between 4th Street, SW, and 3rd Street, SE;
- (uu) North and south sides of E Street, SW, between South Capitol Street and Interstate 395;
- (vv) North and south sides of E Street, SW, between 2nd Street, SW, and 7th Street, SW;
- (ww) North and south sides of E Street, NW, between 5th Street, NW, and 14th Street, NW;
- (xx) North and south sides of E Street, NW, between 21st Street, NW, and 23rd Street, NW;
- (yy) North and south sides of F Street, NW, between New Jersey Avenue, NW, and North Capitol Street, NW;
- (zz) North and south sides of H Street, NW, between 6th Street, NW, and Massachusetts Avenue, NW;
- (aaa) North and south sides of H Street, NW, between New Hampshire Avenue, NW, and 24th Street, NW;
- (bbb) North and south sides of I Street, SE, in a straight line between 3rd Street, SE, and South Capitol Street, SE;
- (ccc) North and south sides of I Street, SW, between 7th Street, SW, and South Capitol Street, SW;
- (ddd) North and south sides of I Street, NW, between 13th Street, NW, and 16th Street, NW;

- (eee) North and south sides of I Street, NW, between 26th Street, NW, and New Hampshire Avenue, NW;
- (fff) North and south sides of Jefferson Place, NW, between 18th Street, NW, and 19th Street, NW;
- (ggg) North and south sides of K Street SE/SW between Half Street, SW, and 3rd Street, SE;
- (hhh) North and south sides of K Street, SW, between Wesley Place, SW, and Delaware Avenue, SW;
- (iii) North and south sides of K Street, NW, between 25th Street, NW, and 26th Street, NW;
- (jjj) North and south sides of L Street SE/SW in a straight line between 3rd Street, SW, and 3rd Street, SE;
- (kkk) North and south sides of L Street, NW, between 24th Street, NW, and 25th Street, NW;
- (lll) North and south sides of M Street, NW, between 21st Street, NW, and Connecticut Avenue, NW;
- (mmm) North and south sides of M Street, NW, between 23rd Street, NW, and 28th Street, NW;
- (nnn) North and south sides of Massachusetts Avenue, NW, between Thomas Circle, NW, and 11th Street, NW;
- (ooo) North and south sides of N Street, NW, between 18th Street, NW, and Bataan Street, NW;
- (ppp) North and south sides of N Street, NW, between 21st Street, NW, and 25th Street, NW;
- (qqq) North and south sides of Sunderland Place, NW, between 19th Street, NW, and 20th Street, NW;
- (rrr) North and south sides of F Street, NW, between 6th Street, NW, and 7th Street, NW (Verizon Center);
- (sss) North and south sides of H Street, NW, between 6th Street, NW, and 7th Street, NW (Verizon Center);
- (ttt) North and south sides of G Street, NW, between 3rd and 4th Streets, NW;
- (uuu) North and south sides of F Street, NW, between 3rd Street, NW, and 4th Street, NW;
- (vvv) South side of C Street, SW, between 12th Street, SW, and 14th Street, SW;
- (www) South side of G Street, NW, between 7th Street, NW, and 9th Street, NW;
- (xxx) South side of G Street, NW, between 23rd Street, NW, and 24th Street, NW;

- (yyy) South side of H Street, NW, between 23rd Street, NW, and 24th Street, NW;
- (zzz) South side of K Street, NW, between 24th Street, NW, and 25th Street, NW;
- (aaaa) West side of 5th Street, NW, between D Street, NW, and E Street, NW;
- (bbbb) West side of 9th Street, NW, between E Street, NW, and Pennsylvania Avenue, NW;
- (cccc) West side of 17th Street, NW, between Constitution Avenue, NW, and C Street, NW;
- (dddd) West side of 17th Street, NW, between D Street, NW, and E Street, NW;
- (eeee) West side of 21st Street, NW, between New Hampshire Avenue, NW, and N Street, NW; and
- (ffff) West side of 23rd Street, NW, between Virginia Avenue, NW, and G Street, NW.

**527 VENDING LOCATIONS: OLD GEORGETOWN VENDING ZONE**

527.1 Except as specifically provided in § 527.2, no vendor shall vend on any sidewalk on public space within the area known as Old Georgetown enclosed by the following continuous boundary:

- (a) Bounded on the east by Rock Creek and Potomac Parkway from the Potomac River to the north boundary of Dumbarton Oaks Park;
- (b) Bounded on the north by the north boundary of Dumbarton Oaks Park, Whitehaven Street, NW, and Whitehaven Parkway, NW, to 35th Street, NW, south along the middle of 35th Street, NW, to Reservoir Road, NW, west along the middle of Reservoir Road, NW, to Glover-Archbold Park;
- (c) Bounded on the west by Glover-Archbold Park from Reservoir Road, NW, to the Potomac River; and
- (d) Bounded on the south by the Potomac River and the Rock Creek and Potomac Parkway.

527.2 The streets listed in this subsection shall constitute the Old Georgetown Vending Zone within which the DDOT Director may approve sidewalk Vending Locations; provided, that sidewalk Vending Locations shall be allowed only:

- (a) Within fifty feet (50 ft.) of the intersections of the cross streets with Wisconsin Avenue, NW;
- (b) On the sidewalks designated in paragraph (d);

- (c) In the directions from Wisconsin Avenue, NW, designated in paragraph (d), unless they are sites or markets authorized by the creation of a Vending Development Zone; and
- (d) At the following locations:
  - (1) Northern sidewalk of P Street, NW, east of Wisconsin Avenue, NW;
  - (2) Northern sidewalk of P Street, NW, west of Wisconsin Avenue, NW;
  - (3) Northern sidewalk of O Street, NW, east of Wisconsin Avenue, NW;
  - (4) Northern sidewalk of O Street, NW, west of Wisconsin Avenue, NW;
  - (5) Northern sidewalk of Dumbarton Street, NW, east of Wisconsin Avenue, NW;
  - (6) Southern sidewalk of Dumbarton Street, NW, east of Wisconsin Avenue, NW;
  - (7) Northern sidewalk of N Street, NW, west of Wisconsin Avenue, NW (two (2) Vending Locations);
  - (8) Southern sidewalk of N Street, NW, west of Wisconsin Avenue, NW;
  - (9) Southern sidewalk of N Street, NW, east of Wisconsin Avenue, NW;
  - (10) Northern sidewalk of Prospect Street, NW, west of Wisconsin Avenue, NW; and
  - (11) Southern sidewalk of Prospect Street, NW, west of Wisconsin Avenue, NW.

**528 VENDING LOCATIONS: NEIGHBORHOOD VENDING ZONES**

528.1 The Neighborhood Vending Zones shall consist of the following streets:

- (a) Capitol Hill area:
  - (1) H Street, NE, from 3rd Street, NE, to 15th Street, NE (Zones C-2-A, C-2-B, and C-3-A);

- (2) Pennsylvania Avenue, SE, from 2nd Street, SE, to Potomac Avenue, SE (Zones C-2-A and C-2-B);
- (3) 8th Street, SE, from D Street, SE, to I Street, SE (Zone C-2-A);
- (4) 15th Street, NE, from A Street, NE, to East Capitol Street (Zone C-2-A);
- (5) East Capitol Street from 19th Street, SE, to 22nd Street, SE (Zone GOV): The following restriction applies:
  - (A) Only the south side of East Capitol Street shall be included in the Neighborhood Vending Zone;
- (b) Far Northeast and Southeast area:
  - (1) Benning Road, NE/SE, from 44th Street, SE, to A Street, SE (Zone C-3-A);
  - (2) Branch Avenue, SE, from Q Street, SE, to S Street, SE (Zone C-1);
  - (3) Central Avenue, SE, from 56th Street, SE, to Southern Avenue, SE (Zone C-1);
  - (4) Dix Street, NE, from 60th Street, NE, to Eastern Avenue, NE (Zone C-2-A);
  - (5) Minnesota Avenue, NE, from Blaine Street, NE, to Grant Street, NE (Zone C-3-A);
  - (6) Nannie Helen Burroughs Avenue, NE, from 51st Street, NE, to Division Avenue, NE (Zone C-1);
  - (7) Nannie Helen Burroughs Avenue, NE, from Minnesota Avenue, NE, to 48th Street, NE (Zone C-1 and C-M-1);
  - (8) Pennsylvania Avenue, SE, from Alabama Avenue, SE, to Fort Davis Street, SE (Zone C-2-A); and
  - (9) Pennsylvania Avenue, SE, from Fairlawn Avenue, SE, to 27th Street, SE (Zone C-2-A);
- (c) Far Southeast and Southwest area:
  - (1) Martin Luther King, Jr. Avenue, SE, from Good Hope Road, SE, to Morris Road, SE (Zone C-3-A);
  - (2) Good Hope Road, SE, from Martin Luther King, Jr. Avenue, SE, to 13th Street, SE (Zone C-3-A);



- (3) Naylor Road, SE, from Alabama Avenue, SE, to Denver Street, SE (Zone C-3-A);
  - (4) Naylor Road, SE, from 30th Street, SE, to Southern Avenue, SE (Zone C-1);
  - (5) Alabama Avenue, SE, from 15th Street, SE, to Stanton Road, SE (Zone C-1 and C-2-B);
  - (6) Livingston Road, SE, from 3rd Street, SE, to South Capitol Street, SE (Zone C-3-A);
  - (7) Martin Luther King, Jr. Avenue, SE, from 4th Street, SE, to Milwaukee Place, SE (Zone C-2-A);
  - (8) Martin Luther King, Jr. Avenue, SE, from Upsal Street, SE, to Halley Place, SE (Zone C-1);
  - (9) South Capitol Street from Martin Luther King, Jr. Avenue, SE, to Chesapeake Street, SE (Zone C-2-A);
  - (10) Savannah Street, SE, from 22nd Street, SE, to 23rd Street, SE (Zone C-1); and
  - (11) Wheeler Road, SE, from Wahler Place, SE, to Barnaby Terrace, SE (Zone C-1);
- (d) Mid-city area:
- (1) Mount Pleasant Street, NW, from Irving Street, NW, to Park Road, NW (Zone C-2-A);
  - (2) 7th Street, NW, from Florida Avenue, NW, to T Street, NW (Zone C-2-B);
  - (3) 14th Street, NW, from Columbia Road, NW, to Meridian Place, NW (Zones C-2-A and C-3-A);
  - (4) 6th Street, NW, from Fairmont Street, NW, to College Street, NW (Zone R-5-B). The following restrictions apply:
    - (A) One (1) vendor in the first one hundred feet (100 ft.) of 6<sup>th</sup> Street, NW, south of the Fairmont Street, NW, curb;
    - (B) Two (2) vendors in the next fifty feet (50 ft.) of 6<sup>th</sup> Street, NW; and
    - (C) One (1) vendor in the next twenty-five feet (25 ft.) of 6<sup>th</sup> Street, NW.

- (5) 14th Street, NW from S Street, NW, to Florida Avenue, NW (Zones CR and C-3-A);
  - (6) Columbia Road, NW, from Belmont Road, NW, to Mozart Place, NW (Zone C-2-B);
  - (7) Georgia Avenue, NW, from Euclid Street, NW, to Rock Creek Church Road, NW (Zone C-2-A);
  - (8) Rhode Island Avenue, NW, from T Street, NW, to 1st Street, NW (Zone C-2-A); and
- (e) Near Northwest area:
- (1) Florida Avenue, NW, from Rhode Island Avenue, NW, to North Capitol Street (Zone C-2-A);
  - (2) P Street, NW, from 23rd Street, NW, to Dupont Circle, NW (Zones C-2-A, C-2-C, and C-2-B);
  - (3) 20th Street, NW, from R Street, NW, to S Street, NW (Zone C-3-B). The following restriction applies:
    - (A) Only the west side of 20th Street, NW, shall be included in the Neighborhood Vending Zone;
  - (4) 17th Street, NW, from Q Street, NW, to Riggs Place, NW (Zone C-2-A);
  - (5) 14th Street, NW, from N Street, NW, to S Street, NW (Zone C-3-A);
  - (6) 9th Street, NW, from M Street, NW, to P Street, NW (Zone C-2-A);
  - (7) 7th Street, NW, from M Street, NW, to N Street, NW (Zone C-2-B); and
  - (8) 7th Street, NW, from O Street, NW, to Q Street, NW (Zone C-2-A);
- (f) Rock Creek East area:
- (1) Georgia Avenue, NW, from Rock Creek Church, NW, to Varnum Street, NW (Zones C-2-A and C-3-A);
  - (2) Blair Road, NW, from Whittier Street, NW, to 5th Street, NW (Zones C- M-1 and C-2-A);

- (3) Georgia Avenue, NW, from Fern Place, NW, to Eastern Avenue, NW (Zone C-2-A);
  - (4) Georgia Avenue, NW, from Gallatin Street, NW, to Van Buren Street, NW (Zones C-2-A and C-3-A);
  - (5) Riggs Road, NE, from South Dakota Avenue, NE, to Chillum Place, NE (Zone C-2-A);
  - (6) Upshur Street, NW, from 3rd Street, NW, to Rock Creek Church Road, NW (Zone C-1); and
  - (7) 14th Street, NW, from Buchanan Street, NW, to Decatur Street, NW (Zones C-1 and C-M-1);
- (g) Rock Creek West area:
- (1) Connecticut Avenue, NW, from Fessenden Street, NW, to Nebraska Avenue, NW (Zone C-1);
  - (2) Connecticut Avenue, NW, from Livingston Street, NW, to Oliver Street, NW (Zone C-1);
  - (3) Connecticut Avenue, NW, from Macomb Street, NW, to Porter Street, NW (Zone C-2-A);
  - (4) Connecticut Avenue, NW, from Van Ness Street, NW, to Albemarle Street, NW (Zone C-3-A);
  - (5) Connecticut Avenue, NW, from Calvert Street, NW, to 24th Street, NW (Zones C-2-A and C-2-B);
  - (6) Connecticut Avenue, NW, from Hawthorne Street, NW, to Jewett Street, NW (Zone C-2-A);
  - (7) MacArthur Boulevard, NW, at Cathedral Avenue, NW, (Zone C-1);
  - (8) MacArthur Boulevard, NW, from Arizona Avenue, NW, to Dana Place, NW (Zone C-2-A);
  - (9) MacArthur Boulevard, NW, from V Street, NW, to U Street, NW (Zone C-2-A);
  - (10) Massachusetts Avenue, NW, from 48th Street, NW, to 49th Street, NW (Zone C-2-A);
  - (11) New Mexico Avenue, NW, from Embassy Park Drive, NW, to Lowell Street, NW (Zone C-1);

- (12) Ordway Street, NW, from alley east of Connecticut Avenue, NW, to alley west of Connecticut Avenue, NW (Zone C-2-A). The following restriction applies:
  - (A) Only the south side of Ordway Street, NW, shall be included in the Neighborhood Vending Zone;
- (13) Wisconsin Avenue, NW, from Albemarle Street, NW, to Brandywine Street, NW;
- (14) Wisconsin Avenue, NW, from Harrison Street, NW, to Western Avenue, NW (Zones C-2-A, C-2-B, and C-3-A);
- (15) Wisconsin Avenue, NW, from Macomb Street, NW, to Idaho Avenue, NW. The following restriction applies:
  - (A) Only the west side of Wisconsin Avenue, NW, shall be included in the Neighborhood Vending Zone;
- (16) Wisconsin Avenue, NW, from Rodman Street, NW, to 40th Street, NW (Zones C-1, C-2-A, and C-2-B); and
- (17) 24th Street, NW, from Calvert Street, NW, to Connecticut Avenue, NW (Zone C-2-A); and
- (h) Upper Northeast area:
  - (1) Allison Street, NE, from Michigan Avenue, NE, to Eastern Avenue, NE (Zone C-1);
  - (2) Bladensburg Road, NE, from L Street, NE, to Mount Olivet Road, NE (Zone C-2-A);
  - (3) Florida Avenue, NE, from West Virginia Avenue, NE, to Montello Avenue, NW (Zone C-2-A);
  - (4) Mount Olivet Road, NE, from West Virginia Avenue, NE, to Trinidad Avenue, NE (Zone C-2-A);
  - (5) Rhode Island Avenue, NE, from Monroe Street, NE, to Eastern Avenue, NE (Zone C-2-A);
  - (6) Rhode Island Avenue, NE, from 4th Street, NE, to 10th Street, NE (Zones C-2-C, C-3-A, C-M-2, and M);
  - (7) Rhode Island Avenue, NE, from 13th Street, NE, to 18th Street, NE (Zone C-2-A);

- (8) 12th Street, NE, from Irving Street, NE, to Randolph Street, NE (Zones C-1 and C-2-A); and
- (9) Benning Road, NE, from Bladensburg Road, NE, to Oklahoma Avenue, NE (Zones C-2-A and C-2-B).

**529 VENDING LOCATIONS: NATIONALS PARK VENDING ZONE**

529.1 The streets listed in this section shall constitute the Nationals Park Vending Zone, in which sidewalk Vending Locations shall be allowed on the following streets and in the following numbers:

- (a) East side of First Street, SE, between N Street, SE, and N Place, SE – two (2) Vending Locations;
- (b) East side of First Street, SE, between N Place, SE, and O Street, SE – two (2) Vending Locations;
- (c) West side of Half Street, SE, between M Street, SE, and N Street, SE – seven (7) Vending Locations; and
- (d) North side of N Street, SE, between Half Street, SE, and Van Street, SE – three (3) Vending Locations.

529.2 The DDOT Director may, at his or her discretion, approve additional sidewalk Vending Locations in the Nationals Park Vending Zone in addition to those listed in § 529.1.

529.3 The DCRA Director shall assign the Vending Locations in the Nationals Park Vending Zone by lottery.

529.4 Applicants may apply electronically, via designated computer kiosks, for each monthly lottery by visiting the DCRA Business Licensing Center, which shall maintain information regarding the application process and qualifications.

529.5 Winners of each monthly lottery shall be notified by phone, first-class mail, or electronic mail, and by being listed on the DCRA website (<http://dcra.dc.gov>).

**PART 3: STATIONARY ROADWAY VENDING LOCATIONS**

**530 VENDING LOCATIONS: STATIONARY ROADWAY VENDING LOCATIONS: GENERAL**

530.1 A Stationary Roadway Vendor must vend from a fixed location with a valid Vending Site Permit in an assigned Roadway Vending Location as designated in § 531;

530.2 A Stationary Roadway Vendor may not vend in any roadway location other than the authorized Roadway Vending Location for which the Stationary Roadway Vendor holds a valid Vending Site Permit.

**531 VENDING LOCATIONS: STATIONARY ROADWAY VENDING LOCATIONS: AUTHORIZED LOCATIONS**

531.1 The authorized Stationary Roadway Vending Locations shall be on the streets and in the numbers set forth as follows:

- (a) 400 Independence Avenue, SW (National Air & Space Museum) – Location numbers one (1) through six (6);
- (b) 600 Independence Avenue, SW (National Air & Space Museum) – Location numbers seven (7) through twelve (12);
- (c) 700 Independence Avenue, SW (Hirshhorn Museum) – Location numbers thirteen (13) through eighteen (18);
- (d) 1400 Constitution Avenue, NW (National Museum of American History) – Location numbers nineteen (19) and twenty (20);
- (e) 1200 Independence Avenue, SW (Freer and Sackler Gallery) – Location numbers twenty-one (21) through twenty-two (22);
- (f) 600 Constitution Avenue, NW (National Gallery of Art) – Location numbers twenty-three (23) through twenty-six (26);
- (g) 700 Constitution Avenue, NW (National Gallery of Art) – Location numbers twenty-seven (27) through thirty (30);
- (h) 900 Constitution Avenue, NW (National Museum of Natural History) – Location numbers thirty-one (31) through thirty-five (35);
- (i) 1200 Constitution Avenue, NW (National Museum of American History) – Location numbers thirty-six (36) through forty-one (41);
- (j) 200 15th Street, NW (Ellipse East) – Location numbers forty-two (42) through fifty (50);
- (k) 400 15th Street, NW (Ellipse East) – Location numbers fifty-one (51) through fifty-nine (59);
- (l) 200 17th Street, NW (Ellipse West) – Location numbers sixty (60) through sixty-seven (67);
- (m) 400 17th Street, NW (Ellipse West) – Location numbers sixty-eight (68) through sixty-nine (69);

- (n) 500 17th Street, NW (State Place) – Location numbers seventy (70) through seventy-two (72);
- (o) 1500 Constitution Avenue, NW – Location numbers seventy-three (73) through seventy-four (74); and
- (p) 2100 H Street, NW – Location numbers seventy-five (75) through seventy-six (76).

531.2 The DDOT Director shall designate specific portions of the streets listed in § 531.1, in the numbers set forth in § 531.1, as authorized Stationary Roadway Vending Locations.

**532 VENDING LOCATIONS: STATIONARY ROADWAY VENDING LOCATIONS: ADDITIONAL LOCATIONS**

532.1 The DDOT Director, in consultation with the DCRA Director, may designate or modify Stationary Roadway Vending Locations in addition to those authorized in § 531.1; provided, that no additional Stationary Roadway Vending Location shall be designated:

- (a) Within areas under the exclusive jurisdiction of the United States Park Police, the United States Capitol Police, or any other agency of the United States government;
- (b) Within a loading zone, entrance zone, parking space designated for diplomatic parking, or other curbside zone restricted for certain vehicles or uses;
- (c) On a snow emergency route designated under § 4024 of Chapter 40 (Traffic Signs and Restrictions at Specific Locations) of Title 18 (Vehicles and Traffic) of the DCMR;
- (d) Within forty feet (40 ft.) of an intersection;
- (e) Along the length of a Metrobus Stop Zone, a commuter bus zone, an intercity bus zone, or other curbside zone specifically designated and demarcated as being for transit use;
- (f) Within forty feet (40 ft.) of the driveway entrance to a police or fire station, or within twenty feet (20 ft.) of any other driveway;
- (g) Within twenty feet (20 ft.) of an alley;
- (h) Within forty feet (40 ft.) of any crosswalk;

- (i) Between the south side of Independence Avenue and the north side of Constitution Avenue, bounded by Rock Creek Parkway on the west and 4th Street NE/SE on the east; or
  - (j) Five feet (5 ft) from a building's marked fire control room.
- 532.2 Upon the designation of additional Stationary Roadway Vending locations, a lottery shall be conducted by the DCRA Director to assign these Stationary Roadway Vending locations. Any Stationary Roadway Vending Locations not assigned during this lottery shall be included in the lottery conducted pursuant to § 539.

#### **PART 4: MOBILE ROADWAY VENDING LOCATIONS**

##### **533 VENDING LOCATIONS: MOBILE ROADWAY VENDING LOCATIONS: GENERAL**

- 533.1 A Mobile Roadway Vending (MRV) vehicle operating in public space under this section shall have either an individual holding a valid Class A, Class B, or Class D Vending Business License or an individual holding a valid Vendor Employee Identification Badge, issued pursuant to § 564, inside the vehicle at all times while the vehicle is in operation.
- 533.2 A MRV Site Permit shall be required for each MRV vehicle, whether vending from a designated MRV location or any legal parking space in the District.
- 533.3 A MRV vehicle must be legally parked and pay all appropriate meter fees in order to vend from public space.
- 533.4 A MRV vehicle shall not include an ice cream vending vehicle, as defined in § 599.
- 533.5 A MRV shall not vend on any residential block designated as Residential Permit Parking unless specifically authorized by a Special Event permit.
- 533.6 To vend in a designated MRV location during the designated hours pursuant to § 534, a MRV vehicle shall be required to participate in a monthly MRV location permit lottery. If a MRV vehicle, with a valid MRV Site Permit, does not participate in the monthly MRV location permit lottery, the MRV shall still be authorized to vend from public space pursuant to § 535.
- 533.7 No mobile roadway vending shall be authorized within two hundred feet (200 ft.) or directly across the street of a designated MRV location during the designated hours, except within another designated MRV location or with written approval from DCRA.



**534 VENDING LOCATIONS: MOBILE ROADWAY VENDING LOCATIONS:  
AUTHORIZED LOCATIONS**

534.1 The DCRA Director shall propose MRV locations to be designated, where MRV vehicles, with valid MRV Site Permits, may park in order to vend from public space. The DDOT Director shall review and, if approved, shall designate the MRV locations.

534.2 Each MRV location shall be designated by the DDOT Director with appropriate signage.

534.3 Only MRV vehicles may park within each designated MRV location during the hours of 10:30 a.m. to 2:30 p.m. on weekdays.

534.4 MRV vehicles parked in designated MRV locations must vacate designated MRV location at 2:30 p.m. on weekdays.

534.5 There shall be no parking, standing, or stopping in any designated MRV location from 10:00 a.m. to 10:30 a.m. on weekdays except District government holidays, unless authorized by the DDOT Director.

534.6 A MRV vehicle may park within a designated MRV location for no more than the four (4) hours per day designated by § 534.3.

534.7 The DCRA Director shall propose the following general areas to be reviewed by the DDOT Director for designation as MRV locations:

- (a) McPherson Square;
- (b) Farragut Square;
- (c) Franklin Square;
- (d) Foggy Bottom;
- (e) University of the District of Columbia – Van Ness campus;
- (f) George Washington University;
- (g) L’Enfant Plaza;
- (h) Historic Anacostia;
- (i) Navy Yard;
- (j) Metro Center;

- (k) Union Station;
- (l) Southwest Waterfront;
- (m) Federal Center SW;
- (n) Folger Park/Eastern Market;
- (o) West End;
- (p) Judiciary Square;
- (q) American University;
- (r) Howard University;
- (s) Gallaudet University;
- (t) Catholic University/Trinity College;
- (u) NoMa;
- (v) Minnesota/Benning, NE;
- (w) Friendship Heights; or
- (x) Other additional areas.

534.8 A MRV vehicle parked in a designated MRV location shall be subject to the design standards of § 544.

534.9 Notwithstanding any standards created pursuant to § 544.1, a MRV vehicle may not exceed:

- (a) Eighteen feet six inches (18 ft. 6 in.) in length;
- (b) Eight feet (8 ft.) in width; and
- (c) Ten feet six inches (10 ft. 6 in) in height, measured from bottom of the tire.

534.10 A designated MRV location shall not be established:

- (a) Within areas under the exclusive jurisdiction of the United States Park Police, the United States Capitol Police, or any other agency of the United States government;

- (b) Within a designated loading zone, entrance zone, parking space designated for diplomatic parking, valet parking, or other curbside zone restricted for certain vehicles or uses;
- (c) Along the length of a Metrobus Stop Zone, a commuter bus zone, an intercity bus zone, or other curbside zone specifically designated and demarcated as being for transit use;
- (d) Within forty feet (40 ft.) of the driveway entrance to a police or fire station, or within twenty feet (20 ft.) of any other driveway;
- (e) Within twenty feet (20 ft.) of an alley;
- (f) Within forty feet (40 ft.) of any crosswalk;
- (g) Ten feet (10 ft.) of a fire hydrant;
- (h) Any of the locations enumerated in § 535.3;
- (i) Any location that is not a legal parking space;
- (j) Any location that is immediately adjacent to a duly permitted sidewalk café; or
- (k) Five feet (5 ft.) from a building's marked fire control room.

**535****VENDING LOCATIONS: MOBILE ROADWAY VENDING LOCATIONS:  
ADDITIONAL LOCATIONS****535.1**

A MRV vehicle operating outside of a designated MRV location established pursuant to § 534 shall:

- (a) Vend in a legal parking space that meets the requirements of § 535.2;
- (b) Pay all parking meter fees; and
- (c) Obey all posted time restrictions.

**535.2**

A MRV vehicle operating outside of a designated MRV location or an Ice Cream Roadway vendor operating under § 543 shall not park and vend:

- (a) Within areas under the exclusive jurisdiction of the United States Park Police, the United States Capitol Police, or any other agency of the United States government;
- (b) Within a designated loading zone, entrance zone, parking space designated for diplomatic parking, valet parking, or other curbside zone restricted for certain vehicles or uses;

- (c) Where the adjacent unobstructed sidewalk is less than six feet (6 ft.) wide; provided, that for purposes of this subsection:
  - (1) An obstruction shall not include objects such as trees, tree boxes, parking meters, bicycle racks, individual newspaper boxes, utility poles, or other similar objects that would not restrict safe pedestrian passage of the sidewalk permeable or point obstruction, such as a parking meter, is not considered an obstruction; and
  - (2) An obstruction shall include impermeable structures, such as sidewalk cafes, benches, retaining walls, fenced or raised planters, bicycle racks, rows of newspaper boxes, Capital Bikeshare stations, bus shelters, or other similar objects, that are immediately adjacent or parallel to the curb and would restrict safe pedestrian passage on the sidewalk.
- (d) Along the length of a Metrobus Stop Zone, a commuter bus zone, an intercity bus zone, or other curbside zone specifically designated and demarcated as being for transit use;
- (e) Within forty feet (40 ft.) of the driveway entrance to a police or fire station, or within twenty feet (20 ft.) of any other driveway;
- (f) Within twenty feet (20 ft.) of an alley;
- (g) Within forty feet (40 ft.) of any crosswalk;
- (h) Ten feet (10 ft.) of a fire hydrant;
- (i) Any of the locations enumerated in § 535.3;
- (j) Any location that is not a legal parking space;
- (k) Any location that is immediately adjacent to a duly permitted sidewalk café;
- (l) Five feet (5 ft.) from a building's marked fire control room; and
- (m) Within an area designated as a Stationary Roadway Vending Location.

535.3 A MRV vehicle operating under this section shall not vend at the following locations:

- (a) Constitution Avenue NE/NW between 23rd Street, NW, and 2nd Street, NE;
- (b) Independence Avenue SE/SW between 23rd Street, NW, and 2nd Street, NE;

- (c) 17th Street, NW/SW, between Independence Avenue, SW, and H Street, NW;
- (d) 15th Street, NW/SW, between Independence Avenue, SW, and H Street, NW;
- (e) 14th Street, NW/SW, between Constitution Avenue, NW, and Independence Avenue, SW;
- (f) 7th Street, NW/SW, between Constitution Avenue, NW, and Independence Avenue, SW;
- (g) 4th Street, NW/SW, between Constitution Avenue, NW, and Independence Avenue, SW;
- (h) 3rd Street, NW/SW, between Constitution Avenue, NW, and Independence Avenue, SW;
- (i) 1st Street, NE/SE, between Constitution Avenue, NE, and Independence Avenue, SE;
- (j) East Capitol Street, NE, between 1st Street, NE, and 2nd Street, NE;
- (k) Madison Drive, NW, between 15th Street, NW, and 3rd Street, NW;
- (l) Jefferson Drive, SW, between 15th Street, SW, and 3rd Street, SW;
- (m) Pennsylvania Avenue, NW, between 15th Street, NW, and 1st Street, NW;
- (n) Maryland Avenue, SW, between Independence Avenue, SW, and 1st Street, SW; and
- (o) 1st Street, NW/SW, between Constitution Avenue, NW, and Independence Avenue, SW.

**536 VENDING LOCATIONS: MOBILE ROADWAY VENDING LOCATIONS:  
APPLICATION FOR NEW LOCATIONS**

536.1 A person may submit a request to the DCRA Director to create a new designated MRV location, provided that the person specifies a location that is not in conflict with the above standards. All requests are subject to DCRA and DDOT review and approval.

**537 VENDING LOCATIONS: MOBILE ROADWAY VENDING LOCATIONS:  
DIRECTORS' DISCRETION**

537.1 The DCRA or DDOT Director has the discretion to propose, modify, or remove a designated MRV location at any time.

**PART 5: ASSIGNMENT OF VENDING LOCATIONS****538 ASSIGNMENT OF SIDEWALK VENDING LOCATIONS**

- 538.1 Designated unoccupied sidewalk Vending Locations identified by the DCRA Director and approved by the DDOT Director may be assigned to licensed sidewalk vendors through a lottery conducted by the DCRA Director. No vendor or applicant may participate in a lottery for unoccupied sidewalk Vending Locations unless the vendor holds a Vending Business License or the person holds a current receipt for payment of Vending Business License fees for sidewalk vending and is registered for the lottery.
- 538.2 In addition to the lottery conducted pursuant to § 538.1, a vendor may, when submitting an application for a Vending Site Permit pursuant to § 510.1(b), identify a potential sidewalk Vending Location that the vendor believes meets the DDOT standards in §§ 524-528. If the DDOT Director approves the location as an authorized sidewalk Vending Location, that Vending Location shall be assigned to the vendor who first identified it on his or her completed and accepted Vending Site Permit application.
- 538.3 No holder of a Vending Business License shall be assigned more than five (5) sidewalk Vending Locations.
- 538.4 No more than one (1) vendor may occupy an assigned Vending Location, unless the DCRA Director specifies on the Vending Site Permit that the Vending Location is subject to a shared site agreement between several licensed vendors.
- 538.5 No lottery registration or Vending Location assignment may be transferred, sold, conveyed, or assigned from the assigned vendor to any other person. Any attempt to transfer a lottery registration or Vending Location assignment will disqualify from the lottery both the vendor seeking to transfer the registration and the person seeking to obtain it.
- 538.6 The DCRA Director may contract out the function of performing the lotteries for sidewalk Vending Locations.
- 538.7 No Vending Site Permit shall be distributed until full payment is received from the vendor or person.
- 538.8 A vendor shall have thirty-five (35) calendar days from the billing date to remit payment for the sidewalk Vending Locations the vendor has won. Failure to remit payment shall allow the DCRA Director to rescind the Vending Site Permit offer.

**539 ASSIGNMENT OF STATIONARY ROADWAY VENDING LOCATIONS**

- 539.1 For a period of one (1) year from the publication in the *District of Columbia Register* of a notice of final rulemaking adopting this chapter, MPD shall oversee

the lottery for stationary roadway Vending Locations. Upon the expiration of the yearlong period, the DCRA Director shall oversee the lottery.

539.2 Stationary Roadway Vending Locations shall be assigned as follows:

- (a) All Stationary Roadway Vending Locations shall be allocated by lottery;
- (b) The lottery shall be conducted monthly, with Vending Locations allocated to a vendor by the following days of the week:
  - (1) Monday;
  - (2) Tuesday;
  - (3) Wednesday;
  - (4) Thursday;
  - (5) Friday;
  - (6) Saturday; or
  - (7) Sunday.
- (c) There shall be equal allocation in the lottery of Class A and Class B licenses; and
- (d) No vendor shall be issued Stationary Roadway Vending Site Permits for more than two (2) Stationary Roadway Vending Sites at any one time.

539.3 No Stationary Roadway Vending Site Permit shall be distributed until full payment is received from the roadway vendor or person.

539.4 A vendor shall have thirty-five (35) calendar days from the billing date to remit payment for the Stationary Roadway Vending Locations the vendor has won. Failure to remit payment shall allow the DCRA Director to rescind the offer to the winning vendor.

539.5 The DCRA Director may lottery off unclaimed Stationary Roadway Vending Locations until all Stationary Roadway Vending Locations are awarded.

539.6 The DCRA Director shall register licensed roadway vendors, which may include both stationary roadway vendors and mobile roadway vendors, for participation in the lottery by assigning each vendor a registration number.

539.7 No vendor may participate in the lottery for Stationary Roadway Vending Locations unless the vendor holds a valid Vending Business License for roadway vending and is registered for the lottery.

539.8 No vendor may operate on more than one (1) Stationary Roadway Vending Location per day, and only one (1) vendor may occupy an assigned Stationary Roadway Vending Location as described on the Stationary Roadway Vending Site Permit, unless otherwise specified by the DCRA Director on the Stationary Roadway Vending Site Permit.

539.9 No lottery registration or Stationary Roadway Vending Location assignment or permits may be transferred from a vendor to any other person.

539.10 The DCRA Director may contract out the function of performing the lottery for Stationary Roadway Vending Locations; provided that the lottery may be subject to any government-required audit or review.

**540 ASSIGNMENT OF MOBILE ROADWAY VENDING LOCATIONS**

540.1 MRV location permits for each MRV vehicle shall initially be determined by a monthly lottery with each lottery assigning a MRV vehicle to a specific MRV location and for a specific day of the month.

540.2 The DCRA Director shall establish the format of the MRV location permit lottery program and may modify the format, as necessary, to improve efficiency or to incorporate technological advancements.

540.3 The lottery shall be conducted monthly, with MRV locations allocated to MRV vehicles by the following days of the week:

- (a) Monday;
- (b) Tuesday;
- (c) Wednesday;
- (d) Thursday; and
- (e) Friday.

540.4 A MRV vehicle shall register for the MRV location permit lottery by the MRV vehicle's vehicle registration number and Vending Business license number. No vendors will be eligible for MRV location permit lottery in months when their Vending Business license will expire without renewal.

540.5 There shall be only one (1) MRV location permit lottery entry per MRV vehicle.

540.6 Prior to each monthly lottery, MRV vendors shall have the option to list the available MRV locations in order of their preference; this information will serve as the MRV vendor's lottery preference request.



- 540.7 In addition to the standard MRV location permit lottery entry, the DCRA Director may create a lottery program for MRV vehicles to vend from multiple established MRV locations for specific hours on specific days of the week during each month.
- 540.8 The non-refundable lottery application fee for the monthly MRV location permit lottery shall be \$25 per MRV vehicle and shall be paid prior to a MRV vehicle submitting monthly MRV location preferences.
- 540.9 The monthly MRV location permit fee shall be \$150 per MRV vehicle and shall be paid in full prior to the MRV vehicle being authorized to vend from the designated MRV location assigned via the monthly lottery.
- 540.10 A MRV vendor not participating in the monthly MRV location permit program may vend from any legal parking space, in compliance with its Vending Site Permit and §§ 534 and 535.

**PART 6: MISCELLANEOUS****541 PUBLIC MARKETS**

- 541.1 No person shall operate or vend from a public market unless the public or private market is located on:
- (a) Public space approved by the DDOT Director;
  - (b) Private space; or
  - (c) A combination of both public space approved by the DDOT Director and private space.
- 541.2 No person shall manage a public market on public or private space without holding a Class C Vending Business License.
- 541.3 No Class C Vending Business License holder shall operate a public market on public space without first obtaining a Public Space Permit from the DDOT Director.
- 541.4 Each person operating at a public market managed by the holder of a Class C Vending Business License on public or private space shall be subject to all applicable license and health laws and regulations.
- 541.5 No Class C Vending Business License holder shall operate a public market on public or private space without obtaining a DOH health inspection certificate and food safety compliance inspection in accordance with Subtitle A of Title 25 of the DCMR.

541.6 Each public market operated by the holder of a Class C Vending Business License that is operating on private space shall obtain a certificate of occupancy from the DCRA Director.

541.7 A person who is authorized by the Class C Vending Business License holder to operate at a public market may operate without a Vending Business License or Vending Site Permit; provided, that the person shall:

(a) Comply with all applicable laws and regulations regarding the registration of the person's business with the Office of Tax and Revenue and DCRA; and

(b) Comply with any standards imposed by DOH or other relevant agencies.

541.8 A Class C Vending Business License holder shall maintain records of all persons operating at each public market managed by the licensee.

#### **542 TEMPORARY RELOCATION OF VENDORS**

542.1 The DCRA Director, the DDOT Director, or MPD may order the temporary relocation of a vendor from the vendor's permitted Vending Location in construction areas, for special events or transportation requirements, or any other situations where the Vending Location is either unavailable or creates a threat to the public health, safety, or welfare.

542.2 Any temporary relocation shall last only until such time as the original Vending Location is determined by the DCRA Director, the DDOT Director, or MPD to be useable again.

542.3 A vendor subject to a temporary relocation shall be relocated by the DCRA Director to the closest available location that is deemed allowable for vending.

542.4 In any situation where a temporary relocation will be for at least twenty-one (21) calendar days, the DCRA Director shall issue the affected vendor, at no cost, a new Vending Site Permit for the new Vending Location.

#### **543 ICE CREAM ROADWAY VENDORS OPERATIONAL STANDARDS**

543.1 No ice cream vending vehicle shall remain in any one (1) place for a period longer than necessary to make sale after having been approached or stopped for that purpose.

543.2 When stopped, an ice cream vending vehicle shall be legally parked.

543.3 No ice cream roadway vending business shall be transacted within one hundred feet (100 ft.) of the roadway of a traffic circle.

- 543.4 When stopping to make a sale, ice cream roadway vending vehicles that are likely to attract children as customers shall park curbside or as close as possible to a pedestrian crosswalk without entering the intersection or otherwise interfering with the flow of traffic.

**SUBCHAPTER D: DESIGN STANDARDS, OPERATIONAL STANDARDS, AND  
INSPECTIONS**

**PART 1: DESIGN STANDARDS**

**544 DESIGN STANDARDS: GENERAL**

- 544.1 The DCRA Director may develop design standards for vending vehicles, vending stands, and vending carts in addition to those set forth in this chapter.
- 544.2 The provisions of §§ 545, 546, 547, 548, 549, 553, 554, and 559 shall not apply to activities licensed and permitted under § 503.1(c).

**545 DESIGN STANDARDS: VENDING CARTS**

- 545.1 No vending cart, including any display on or attachments to the cart allowed by this section, shall exceed the following dimensions unless specified by the DCRA Director on the Vending Site Permit:
- (a) Four feet six inches (4 ft. 6 in.) in width, unless the vendor vends food from the vending cart, in which case the vending cart shall not exceed five feet (5 ft.) in width;
  - (b) Seven feet (7 ft.) in length, unless the vendor vends food from the vending cart, in which case the cart shall not exceed eight feet (8 ft.) in length; and
  - (c) Eight feet six inches (8 ft. 6 in.) in height, measured from the bottom of the tire.
- 545.2 A vending cart shall be covered by either:
- (a) One (1) umbrella, which shall not exceed nine feet (9 ft.) in diameter nor extend more than four and one half feet (4.5 ft.) in any direction from the body of the cart; or
  - (b) One (1) canopy which shall not overhang more than six inches (6 in.) in any direction from the body of the cart.
- 545.3 Any umbrella or canopy used to cover a vending cart:
- (a) Shall be made of water-resistant canvas with wood or metal frames; and

- (b) Shall not contain any advertising other than advertising allowed under § 549.

545.4 No food or merchandise shall be hung or otherwise displayed from the back of the vending cart.

545.5 No food or merchandise, hung or otherwise displayed on the front of the vending cart, shall extend more than two feet (2 ft.) from the front of the vending cart or extend past the sides of the vending cart.

545.6 All food, merchandise, and equipment, other than food or merchandise hung or displayed on the front of the vending cart, shall be contained within or beneath the body of the vending cart; provided, that up to two (2) coolers or containers with food may be placed immediately adjacent to the vending cart, at least four inches (4 in.) off the ground, and in compliance with DOH food storage regulations; and provided further, that the total size of the coolers or containers taken together shall not exceed the length of the cart (eight feet (8 ft.)).

545.7 The cart shall be placed on one (1) or more wheels; provided, that:

- (a) The wheels shall not exceed two feet eight inches (2 ft. 8 in.) in diameter;
- (b) The wheels shall be a wood or metal frame with rubber trim for tires; and
- (c) The cart may include stabilizing legs in addition to the wheel or wheels.

545.8 The vending cart shall be equipped with a chock to be used to prevent the cart from rolling or moving.

#### **546 DESIGN STANDARDS: VENDING VEHICLES**

546.1 No vending vehicle, including any display on or attachments to the vehicle allowed by this section, shall exceed the followings dimensions unless otherwise authorized by the DCRA Director:

- (a) Eighteen feet six inches (18 ft. 6 in.) in length;
- (b) Eight feet (8 ft.) in width; and
- (c) Ten feet six inches (10 ft. 6 in) in height, measured from bottom of the tire.

546.2 No food, merchandise, or equipment shall be hung or otherwise displayed from the non-serving side or back of the vending vehicle.

546.3 All food, merchandise, and equipment, other than the serving window flap or awning shall be firmly attached to the body of the vending vehicle and shall not

project more than twelve inches (12 in.) from the body of the vehicle when serving and must be retracted when not serving.

546.4 All vending vehicles shall rest on inflated tires.

**547 DESIGN STANDARDS: VENDING STANDS**

547.1 The design and operation of all vending stands shall conform with the following requirements, unless otherwise authorized by the DCRA Director on the Vending Site Permit:

- (a) The stand shall consist of a wood, plastic, or metal table with attached folding legs, a stair-stepped structure approved by the DCRA Director, or a shoe-shine stand structure approved by the DCRA Director. If the stand or structure is made of wood, the wood shall consist of weather-resistant lumber with two (2) coats of varnish or non-toxic paint;
- (b) The stand shall not exceed a maximum horizontal surface area of seven feet by four feet six inches (7 ft. x 4 ft. 6 in.);
- (c) The surface area of the table (or the highest surface area of the stair-stepped structure) shall be at a height of between one foot (1 ft.) and four and a half feet (4.5 ft.);
- (d) The stand shall have a canopy that shall not exceed seven feet nine inches by five feet three inches (7 ft. 9 in. x 5 ft. 3 in.) and shall be comprised of water-resistant canvas or six (6) ply polyurethane material covering a metal or wood frame mounted above the stand. The uppermost point of the canopy shall not exceed more than nine feet (9 ft.) in height and the lowest point on the canopy, inclusive of any canopy flap, shall not be less than seven feet (7 ft.) in height, measured from the sidewalk pavement. The canopy shall be clean and in good repair;
- (e) A skirt or tablecloth shall be attached to the table surface on all sides and shall extend from the table surface to no more than one inch (1 in.) from the sidewalk pavement. The skirt shall be clean and in good repair; and
- (f) No free standing racks or other free-standing forms of display shall be allowed around the stand.

**548 DESIGN STANDARDS: FOOD VENDING CARTS AND VEHICLES**

548.1 All vending vehicles and vending carts that vend food shall be inspected and approved by the DOH Director as being of a design which is approved by, or is equivalent to a design approved by, the National Sanitation Foundation. All equipment used in the vehicle or cart for the vending of food shall be inspected and approved by the DOH Director as being of commercial grade and in compliance with National Sanitation Foundation standards or the equivalent.

548.2 If DCRA waives any design standard for a food vending cart or vehicle that is not in compliance with §§ 545, 546, 547, or 548, a written waiver approving the non-compliant cart or vehicle shall be issued by DCRA, MPD, and DDOT to the DOH Director prior to DOH either conducting a food safety code compliance inspection pursuant to Subtitle A of Title 25 of the DCMR or issuing a health inspection certificate.

548.3 All vending vehicles and vending carts that vend food shall be designed and operated in accordance with all relevant food safety laws and may be required to include:

- (a) A fresh water tank with at least a five gallon (5 gal.) capacity or more for food vending carts;
- (b) A fresh water tank with at least a thirty-eight gallon (38 gal.) capacity or more for food vending vehicles;
- (c) A waste water tank with a capacity fifteen percent (15%) or larger than the required fresh water tank;
- (d) A three (3) compartment sink with hot and cold running water;
- (e) A separate hand washing sink with mixing faucet;
- (f) Walls, ceiling, and floors that are smooth and easily cleanable;
- (g) Natural or electrical lighting to provide a minimum of fifty (50) candles of light on work surfaces;
- (h) A generator-powered refrigerator that will maintain stored foods at forty-one degrees Fahrenheit (41° F) or below and that has sufficient holding capacity for one (1) day of operation;
- (i) A generator-powered freezer that will hold stored foods at zero degrees Fahrenheit (0° F) or below and that has sufficient holding capacity for one (1) day of operation; and
- (j) Adequate ventilation.

549 [RESERVED]

550 **DESIGN STANDARDS: PHASE-IN PERIOD**

550.1 Any vendor issued a Vending Business License prior to the date of publication in the *District of Columbia Register* of a notice of final rulemaking adopting this chapter, shall have until one (1) year from that date of publication to come into compliance with the following subsections of this chapter:

- (a) Subsection 545.2; and
- (b) Subsection 545.5.

**PART 2: OPERATIONAL STANDARDS****551 OPERATIONAL STANDARDS: GENERAL**

- 551.1 A vendor shall comply with all District and federal laws and regulations applicable to the operation of a vending business.
- 551.2 No vendor shall vend in public space:
  - (a) After the expiration of the Vending Business License, Vending Site Permit, or any other license, permit, certificate, or authorization required for the lawful operation of the vendor's vending business; or
  - (b) During any period when the vendor's Vending Business License, Vending Site Permit, or any other license, permit, certificate, or authorization required for the lawful operation of the vendor's vending business has been suspended or revoked.
- 551.3 A vendor shall, at all times, obey posted traffic and parking signs.

**552 OPERATIONAL STANDARDS: AUTHORIZED HOURS OF OPERATIONS**

- 552.1 Vendors may operate only during the following hours:
  - (a) Sunday through Thursday, from 5:00 a.m. to 10:00 p.m.; and
  - (b) Friday and Saturday from 5:00 a.m. to 1:00 a.m. the next day; provided, that vendors operating in Residential Zones, as specified in the District of Columbia Zoning Regulations, shall not vend past 10:00 p.m. on any night of the week.
- 552.2 Notwithstanding § 552.1, the Vending Site Permit for each Vending Location in a Vending Development Zone shall establish the hours of operation for that Vending Location.

**553 OPERATIONAL STANDARDS: PLACEMENT OF VENDING VEHICLES, VENDING CARTS, AND VENDING STANDS**

- 553.1 No vendor shall vend in a location that is not a Vending Location assigned to the vendor by the DCRA Director.

553.2 A vendor shall place his or her vending stand or vending cart parallel to the curb, with the longest side of the vending stand or vending cart parallel to the curb and located two feet (2 ft.) from the curb face, unless otherwise specified by the DCRA Director on the Vending Site Permit.

553.3 No vendor shall vend upon, or impede free access to, service and ventilation grates and covers or in any location that would not be an authorized Vending Location under § 525.1, unless specifically authorized by the DCRA Director or the DDOT Director or as part of a Vending Development Zone.

553.4 No vendor shall drive a vehicle onto or over a curb with the purpose of dropping off or picking up a vendor cart for towing.

553.5 No vendor shall place his or her vending vehicle, vending stand, or vending cart in such a manner that it impedes passage of pedestrians along the sidewalks.

**554 OPERATIONAL STANDARDS: PLACEMENT OF EQUIPMENT AND RELATED ITEMS**

554.1 All surplus merchandise, food, equipment, and other items related to the operation of a vending vehicle, vending stand, or vending cart shall be kept either in or under (or, in the case of a vending stand, on) the vending vehicle, vending stand, or vending cart.

554.2 No merchandise, food, equipment, or other items related to the operation of a vending vehicle, vending stand, or vending cart shall be stored or placed upon any public space adjacent to the vending vehicle, vending stand, or vending cart.

554.3 No vendor shall place any vending equipment or related items upon, or in a place or manner impeding free access to, service and ventilation grates and covers in accordance with § 553.3.

554.4 No merchandise, food, equipment or other items related to the operation of a vending vehicle, vending stand, or vending cart shall be stored or otherwise kept on the public space beyond the hours of operation of the vending business.

**555 OPERATIONAL STANDARDS: FOOD PREPARATION AND HANDLING**

555.1 All preparation, handling, transportation, and storage of food vended under this chapter shall be in compliance with:

- (a) An Act Relating to the adulteration of foods and drugs in the District of Columbia, approved February 17, 1898 (30 Stat. 246; D.C. Official Code §§ 48-101 *et seq.* (2009 Repl. & 2011 Supp.));



- (b) Subtitle A (Food and Food Operations) of Title 25 (Food Operations and Community Hygiene) of the DCMR;
- (c) Any other applicable law or regulation related to the preparation, handling, transportation, or storage of food;
- (d) Requirements of, and conditions imposed by, the health inspection certificate, including any plans or standards approved or imposed as part of the issuance of the health inspection certificate; and
- (e) Any applicable standards established by DOH.

555.2 No food vending equipment shall be used for purposes other than those authorized by the DOH Director.

555.3 No food may be vended from a vending vehicle, cart, or stand unless there is a person in charge on site at the time of the preparation, handling, and sale of the food who holds a valid:

- (a) Food Protection Manager Certificate issued by the Conference of Food Protection Standards for Accreditation of Food Protection Manager Certification Programs in accordance with § 203 of Subtitle A (Food and Food Operations) of Title 25 of the DCMR; and
- (b) DOH-issued a Certified Food Protection Manager Identification Card in accordance with § 203 of Subtitle A (Food and Food Operations) of Title 25 of the DCMR;

## **556 OPERATIONAL STANDARDS: FIRE SAFETY**

556.1 All vending vehicles equipped with cooking appliances shall have at least one (1) fire extinguisher with a minimum rating of 2A-10BC mounted in the cooking area.

556.2 All vending vehicles operating with propane or open flames shall meet the following standards:

- (a) All propane compartments shall be secured and placarded;
- (b) "No Smoking" signs shall be posted on the vehicle; and
- (c) Propane or open flame permits shall be clearly posted on the vehicle.

## **557 OPERATIONAL STANDARDS: USE OF AMPLIFICATION SYSTEMS**

557.1 No vendor shall operate a loud speaker or sound amplifier, or play a radio, drum, or other musical instrument as a means of advertising in such a manner as to create a noise disturbance, as that term is defined in DCMR Title 20, § 2799.

- 557.2 Activities open to the public and provided for in DCMR Title 20, Subsection 2805.2, are exempt from the limitations set forth in this section.

### **PART 3: INSPECTIONS**

#### **558 INSPECTIONS: FOOD PREPARATION AND HANDLING**

- 558.1 The vendor's food preparation, handling, transportation, and storage operations shall be subject to inspection at any time to verify compliance with applicable provisions of Subtitle A of Title 25 of the DCMR and any conditions imposed by the health inspection certificate.
- 558.2 Each food vending business shall be inspected by the DOH Director at least once every six (6) months. Failure to pass an inspection shall be cause for summary suspension of the vendor's Vending Business License and Vending Site Permit pursuant to §§ 507, 512, and 516.

#### **559 INSPECTIONS: DESIGN STANDARDS**

- 559.1 A vendor's vending vehicle, vending stand, or vending cart shall be subject to inspection at any time by the DCRA Director to verify compliance with applicable design standards required by this chapter.
- 559.2 Failure to comply with design standards for vending vehicles, vending stands, or vending carts may be cause for the issuance of a civil infraction or the summary suspension or revocation of a Vending Site Permit.

#### **560 INSPECTIONS: FIRE SAFETY**

- 560.1 All vending vehicles, vending carts, or vending stands with deep fryers, propane or open flame, or any other electrical or cooking devices shall be inspected by FEMS at least once a year or as regularly as the Fire Marshal prescribes.
- 560.2 If a vending vehicle, vending cart, or vending stand fails an inspection performed pursuant to this section, the FEMS inspector may summarily seize the Vending Business License and Vending Site Permit and deliver it to the DCRA Director. The DCRA Director shall return the seized Vending Business License or Vending Site Permit to the licensee only upon the licensee's vending vehicle, vending cart, or vending stand passing FEMS inspection.

**PART 4: OTHER STANDARDS OF OPERATION****561 MAINTENANCE STANDARDS**

561.1 All vending vehicles, vending carts, and vending stands, including canopies and umbrellas, shall be maintained in a safe, clean, and sanitary condition, and in good repair.

561.2 All vending vehicles, vending carts, and vending stands, including canopies and umbrellas, shall be maintained so that the vending vehicle, cart, or stand remains at all times in compliance with the standards of this subchapter.

**562 DISPLAY OF LICENSES, PERMITS, AND CERTIFICATES**

562.1 A vendor shall conspicuously display on the vendor's vending vehicle, vending cart, or vending stand, or public market, as required, in Chapter 37, Subtitle A of Title 25 of the DCMR, his or her:

- (a) Vending Business License;
- (b) Vending Site Permit;
- (c) Health inspection certificate;
- (d) Food Protection Manager Certificate;
- (e) DCRA-issued vendor identification card;
- (f) DOH-issued certified food protection manager identification card; and
- (g) A propane or open flame permit, if the vendor uses propane or open flames in his or her operations.

562.2 The items required by § 562.1 shall be considered to be properly displayed when they are firmly attached to the vending vehicle or stand and are clearly visible to the public.

562.3 No person shall alter, mutilate, forge, or illegally display any license, permit, or other certificate of authority issued pursuant to this chapter.

562.4 If a Vending Business License, Vending Site Permit, or health inspection certificate is displayed by a vendor or on a vending vehicle, vending cart, or vending stand other than that of the vendor, vending vehicle, vending stand, or vending cart for which the Vending Business License, Vending Site Permit, or health inspection certificate was issued, the DCRA Director or MPD may summarily impound or immobilize the vending vehicle, vending stand, or vending cart on which the Vending Business License, Vending Site Permit, or health inspection certificate is unlawfully displayed.

562.5 If a summary impounding or immobilization occurs pursuant to § 562.4, the DCRA Director or MPD shall release the impounded or immobilized vending vehicle, vending stand, or vending cart to the vendor upon the payment of a fine in an amount established by the DCRA Director.

562.6 Failure to display any required certificates of authority, or to provide those certificates to an authorized District government representative, may result in summary suspension of a vendor's Vending Business License or Vending Site Permit and the impounding or immobilizing of the vending vehicle, vending stand, or vending cart. The vendor's license or site permit shall be returned to the licensee upon the proper display or provision of the required certificates of authority.

**563 MOTOR VEHICLE REGISTRATION AND INSPECTION OF VENDING VEHICLES AND CARTS**

563.1 All vending vehicles and vending carts:

- (a) Shall be registered and inspected by the District of Columbia Department of Motor Vehicles or by the motor vehicle department of another state or municipality with appropriate jurisdiction;
- (b) Shall display all current tags on the vehicle or cart; and
- (c) Shall not vend any food, merchandise, or services if the vehicle has temporary tags.

563.2 Any vending vehicle not displaying current vehicle registration shall be subject to removal and shall subject the licensee to summary suspension of their Vending Business License and Vending Site Permit. The vendor's vehicle, Vending Business License and Vending Site Permit shall be returned to the licensee upon the proper display of current vehicle registration.

**564 EMPLOYEES OF LICENSED VENDORS**

564.1 No individual shall work at a vending business unless the individual is the licensed vendor of the vending business or is an employee of the vendor holding a valid Vendor Employee Identification Badge.

564.2 The employing vendor shall follow all applicable District and federal employment laws and regulations.

564.3 An employee of a vendor may operate the vendor's Class A or Class D vending business without the vendor being present; provided, that the employee holds a valid:

- (a) Food Protection Manager Certificate issued by the Conference of Food Protection Standards for Accreditation of Food Protection Manager Certification Programs in accordance with § 203 of Subtitle A (Food and Food Operations) of Title 25 of the DCMR; and
  - (b) DOH-issued a Certified Food Protection Manager Identification Card in accordance with § 203 of Subtitle A (Food and Food Operations) of Title 25 of the DCMR.
- 564.4 No individual may act as an employee of a vendor unless that individual holds a valid Vendor Employee Identification Badge issued by the DCRA Director.
- 564.5 An individual shall apply for a Vendor Employee Identification Badge by submitting an application to the DCRA Director, on a form prescribed by the DCRA Director, which shall include:
  - (a) The name, address, photograph, and telephone number of the individual;
  - (b) The name and license number of the vendor for whom the individual will act as an employee;
  - (c) The signature of the individual;
  - (d) The notarized signature of the vendor;
  - (e) The application fee, which shall be fifty-five dollars (\$55); and
  - (f) Any additional information or documentation required by the DCRA Director.
- 564.6 The Vendor Employee Identification Badge shall include the name of the employee of the vendor, a badge number, the name of the licensed vendor, and the Vending Business License number of the vendor.
- 564.7 An employee shall conspicuously wear his or her Vendor Employee Identification Badge when the employee is operating the vendor's vending business.
- 564.8 An individual may represent more than one (1) licensed vendor; provided, that the individual:
  - (a) Has a Vendor Employee Identification Badge for each licensed vendor that employs the individual; and
  - (b) Displays the Vendor Employee Identification Badge for the respective licensed vendor while working at that vendor's vending business.
- 564.9 A licensed vendor shall be held responsible for the actions of his or her employees and independent contractors, where such actions are related to the operation of the

vending business and, either singularly or in combination, the Vending Business License, Vending Site Permit, Vendor Employee Identification Badge, and health inspection certificate of the vendor may be suspended or revoked based on those actions.

**565 LITTERING AND CUSTOMER LINES**

565.1 Vendors shall keep sidewalks, roadways, and other public space adjoining and adjacent to their assigned Vending Location clean and free from paper, peelings, and refuse of any kind.

565.2 All vendors shall affix to their stands or vehicles a container for litter that shall be maintained and emptied when full. Public trash receptacles shall not be used for compliance with this section.

565.3 A vendor shall ensure that waiting customers do not completely block the public sidewalk. A vendor shall comply with this subsection by asking customers, through verbal communication and signage on the vehicle, to not impede pedestrian access along the public sidewalks.

565.4 The DCRA Director may enter into agreements with other District agencies, public-private partnerships, or other District government-authorized or –licensed entities to assist with waste management issues related to vending businesses.

**566 DISPLAY OF SAMPLE ITEMS**

566.1 No vendor shall display any object (including signage) used as an example of merchandise or food for sale or to advertise merchandise, services, or food for sale unless the object conforms to the merchandise or food being sold by the vendor at that particular Vending Location.

**567 PURCHASE OR RECEIPT OF STOCK**

567.1 No vendor shall purchase any inventory stock from public space.

567.2 No vendor shall take delivery of any inventory stock in public space, with the exception of perishable food items for consumption and ice.

**568 PLACING VENDING BUSINESS LICENSES ON HOLD**

568.1 The DCRA Director shall create a process by which a vending business may voluntarily put its Vending Business License on hold and subsequently retrieve it from hold status to avoid suspension or revocation of a Vending Site Permit.

568.2 A Vending Business License may be placed on hold and in the possession of the DCRA Director during such times that the vending business is not in operation for

seasonal purposes or emergent issues; provided, that the holder of the Vending Business License is in compliance with the Clean Hands Certification.

568.3 Placement of a Vending Business License and/or Vending Site Permit on hold pursuant to this section shall not stay the expiration date of either the license or site permit and, to remain valid, it must be renewed on or before its expiration date, pursuant to § 506.

568.4 A vendor, or any employee or independent contractor employed by the vendor, who vends any products, food, merchandise, or services while his or her Vending Business License is placed on hold shall be subject to the revocation of his or her Vending Business License.

**569 REQUIREMENT TO UPDATE INFORMATION**

569.1 If, pursuant to the provisions of this chapter, a vendor provided information to a District agency and that information changes, the vendor shall, within ten (10) business days after the change in information, provide updated information to the appropriate agency.

**SUBCHAPTER E: VENDING DEVELOPMENT ZONES AND SPECIAL EVENTS**

**570 VENDING DEVELOPMENT ZONES**

570.1 The DCRA Director may establish Vending Development Zones (VDZ) to promote new and innovative vending practices designed to achieve the following objectives:

- (a) For communities to utilize vending and public markets to create unique and attractive destinations and increase foot traffic in commercial corridors;
- (b) For communities to have expanded capability to manage vending and public markets in unique high-density hospitality zones;
- (c) Provide opportunities for vendors to expand their creativity and entrepreneurship in both their products and their carts, stands, or vehicles;
- (d) Expand vending and public market opportunities for small and local businesses;
- (e) Improve the safety, appearance, and use of public space;
- (f) Allow for greater expansion of the creative economy through the addition of entertainment and artistic business ventures in public space;
- (g) Attract retail to emerging corridors by bringing new retail energy to neighborhoods; and

- (h) Strengthen the retail base and create opportunities for vibrant retail streets and corridors and ensure shoppers have a greater selection of products and services.

570.2 Notwithstanding other provisions of this chapter and of Chapter 13 of Title 19 of the DCMR, the DCRA Director shall allow a VDZ greater flexibility in complying with regulations governing the:

- (a) Location of vendors in public space, provided, that no category of Vending Business License is specifically excluded;
- (b) Method for assigning Vending Locations, including the exclusion of any roadway vending vehicle that is not expressly included by Vending Site Permit in the VDZ;
- (c) Design standards for vending vehicles, vending carts, roadway vending vehicles, and vending stands;
- (d) Hours of operation;
- (e) Length of time for which a Vending Site Permit shall be issued; and
- (f) Special performance and entertainment requirements of Chapter 13 of Title 19 of the DCMR.

570.3 The DCRA Director may establish a VDZ upon the approval of an application submitted by a business association, community organization, Advisory Neighborhood Commissions (ANCs), Business Improvement Districts (BIDs), or District government agency.

570.4 The DCRA Director shall administer the process for reviewing applications in consultation with the following Coordinating Agencies:

- (a) Department of Small and Local Business Development;
- (b) Department of Health;
- (c) District Department of Transportation; and
- (d) Office of Planning.

570.5 A VDZ application shall be reviewed in a two (2)-part process:

- (a) The applicant shall submit five (5) hard copies or one (1) electronic copy of a pre-application to the DCRA Director who shall forward a copy to each Coordinating Agency. The pre-application shall include the following information:



- (1) The applicant's mission, bylaws, process for electing officers, and public meeting requirements where applicable or, in the case of a Coordinating Agency, its mission and responsibilities;
  - (2) The purpose and intent of establishing a VDZ, including aspects of placemaking and creative economy planning;
  - (3) A map delineating the proposed boundaries of the VDZ and all current Vending Locations; and
  - (4) Where applicable, any partner organizations collaborating on the application.
- (b) Upon verification of the items required by paragraph (a), the DCRA Director shall approve the pre-application. Within ninety (90) calendar days of notification from the DCRA Director of pre-application approval, the applicant shall, in consultation with the Coordinating Agencies, prepare and submit five (5) hard copies or one (1) electronic copy of a VDZ application to the DCRA Director. The application shall demonstrate how the purpose and intent of the proposed VDZ will be realized and include the following:
- (1) A description of the proposed innovative vending strategy or expanded management opportunity;
  - (2) A map showing proposed vending and public market locations;
  - (3) An implementation plan that may include, but is not limited to:
    - (A) Financial assistance, equipment assistance, storage assistance, technical advice, or business planning support for existing and potential new vendors;
    - (B) Marketing strategy for placemaking, coordinated design, semi-permanent fixtures, entertainment, or creative economy programming;
    - (C) Partnership opportunities; and
    - (D) Diversity of products or services offered;
  - (4) A plan for coordinating with existing vendors and businesses located within the proposed VDZ; and
  - (5) Any other information that the DCRA Director requires.

- 570.6 The DCRA Director and coordinating agencies shall review VDZ applications to identify any issues that the applicant must resolve prior to further processing of the application. Additionally:
- (a) The DCRA Director shall forward each VDZ application to the Coordinating Agencies for evaluation based upon:
    - (1) Compliance with objectives defined in § 570.1; and
    - (2) The ability of the applicant to achieve the proposed innovative vending strategy;
  - (b) Each Coordinating Agency shall review the application concurrently within forty-five (45) days and forward any issues to the DCRA Director;
  - (c) The DCRA Director shall notify the applicant in writing or electronically of any issues identified by a Coordinating Agency and the applicant shall work with the Coordinating Agencies to address all issues within thirty (30) days of receiving written or electronic notification. The Coordinating Agencies shall notify the Director when all issues have been resolved; and
  - (d) The Director may deny an application if the applicant is unable to resolve any issues identified by the Coordinating Agencies within the forty-five (45-) day time period set forth in Subsection (b), but extend the forty-five (45-) day period for good cause.
- 570.7 Within forty-five (45) days of receiving favorable reports from all coordinating agencies, DCRA shall publish notice of the proposed vending development zone in the District of Columbia Register. Within forty-five (45) days of publication of notice in the *D.C. Register*, DCRA shall hold a public hearing to solicit public comments on the VDZ application. The DCRA Director shall publish notice of the hearing in the *District of Columbia Register*, give notice of the hearing to the affected Advisory Neighborhood Commission, and post copies of the application on the DCRA website at least fifteen (15) calendar days before the hearing.
- 570.8 Within forty-five (45) days after the public hearing, the DCRA Director shall either approve or deny the VDZ application based upon the information in the VDZ application and the findings from the public hearing.
- 570.9 The DCRA Director shall assist in the implementation of the VDZ vending strategy. Vending Business Licenses and Vending Site Permits shall be issued consistent with the approved VDZ application. Pursuant to the VDZ vending strategy, the DCRA Director shall manage the site delegation and distribution of Vendor Locations to vendor site applicants.

- 570.10 The DCRA Director may require the VDZ applicant or vendors in a VDZ to provide information or reports that are needed to assess long-term benefits or disadvantages of the innovative vending practices.
- 570.11 The Director may suspend or revoke a vendor's Vending Business License or Vending Site Permit if the vendor fails to comply with the VDZ vending strategy.
- 570.12 The Director shall discontinue a VDZ if:
- (a) The VDZ vending strategy fails to achieve the purpose and intent of the VDZ; or
  - (b) The Director determines that it is not in the best interest of the public to continue the VDZ, based on such factors as:
    - (1) Poor management of the VDZ;
    - (2) Unsafe conditions resulting from the VDZ; and
    - (3) Failure to follow or maintain the vending plan contained in the VDZ application.
- 570.13 Before the DCRA Director discontinues a VDZ, the DCRA Director shall provide written notice to the businesses, organizations, or agencies administering the VDZ of the intent to discontinue the VDZ and the reasons for the discontinuance.
- 570.14 Within forty-five (45) days of receiving the written notice from the DCRA Director, the businesses, organizations, or agencies administering the VDZ shall cure the identified reasons for the discontinuance of the VDZ. The DCRA Director, at his or her discretion, may extend the forty-five (45) day period for good cause.

## **571 SPECIAL EVENTS**

- 571.1 Persons who are authorized by the organizer of a licensed Special Event to vend within the boundaries of a licensed Special Event may vend without a Vending Business License or Vending Site Permit.
- 571.2 A vendor authorized to vend within the boundaries of a licensed Special Event area shall comply with all applicable laws and regulations regarding the registration of vendor's business with the Office of Tax and Revenue and DCRA and shall comply with any standards imposed by DOH or other relevant agencies.

**SUBCHAPTER F: STREET PHOTOGRAPHY****572 STREET PHOTOGRAPHY: REQUIREMENTS AND RESTRICTIONS**

572.1 A vendor holding a Vending Business License (Class D) for street photography (and each individual working as an employee or independent contractor of the vendor) shall deliver or cause to be delivered a finished photograph of the person purchasing the photograph either at the time of the purchase of the photograph or within a time period specified on a card handed to the person at the time of the taking of the photograph.

572.2 The card required by § 572.1 shall contain the following:

- (a) The name of the vendor;
- (b) The name of the employee or independent contractor (if any) taking the photograph;
- (c) The vendor's Vending Business License Number;
- (d) The employee's or independent contractor's Vendor Employee Identification Badge number;
- (e) The telephone number of the vendor; and
- (f) The time period within which the photograph shall be delivered and a statement that if the photograph is not delivered within the time period specified on the card, the vendor shall refund the purchase price.

572.3 Each finished photograph shall be clear and sharp, and shall show no blur of focus or camera movement which affects the principal subject.

**SUBCHAPTER G: SOLICITING****573 SOLICITING: GENERAL PROVISIONS**

573.1 No person shall solicit any person from a street, sidewalk, or other public space, or in any way interfere with the free passage of any person along any street, sidewalk, or other public space, for the purpose of inducing that person to do any of the following:

- (a) Buy any merchandise, food, or service;
- (b) Patronize any hotel, motel, inn, or boarding house; or
- (c) Patronize any place of entertainment or amusement.

- 573.2 No person shall solicit any other person within or on the grounds of any railroad or bus station or depot, or on public space in the District, for the purpose of securing a passenger or passengers for transportation for hire, unless properly licensed and permitted to do so by the Mayor.
- 573.3 No person shall, on any public highway in the District, solicit employment to guard, watch, wash, clean, repair, or paint, any automobile or other vehicle, except as provided for in Title 18 of the DCMR.
- 573.4 No person shall remain in front of or enter any store or vending business where goods are sold at retail for the purpose of enticing away or in any manner interfering with any person who may be in front of or who may have entered the store or vending business for the purpose of buying.
- 573.5 Unless issued a valid Class D Vending Business License or engaged in a transaction with a Class D Vending Business Licensed vendor, no person shall sell or offer to sell tickets from the sidewalks, streets, or public spaces anywhere in the District for any sightseeing bus tours of any kind.
- 573.6 Class D Vendors may only sell tickets in areas designated for that specific purpose, pursuant to § 573.7.
- 573.7 Class D license holders who provide sightseeing bus services are authorized to vend from public space within ten feet (10 ft.) of a sign designating a stop of the sightseeing bus for which the person is selling tickets; provided, that the sign has been permitted and approved by the DDOT Director pursuant to § 3306 of Chapter 33 of Title 24 of the DCMR. No structure or fixture, including "A" frame signs, podiums, kiosks, or any other material, whether temporary or permanent, shall be placed in public space.

#### **SUBCHAPTER H: MISCELLANEOUS PROVISIONS**

##### **574 VENDING DEPOT REQUIREMENTS**

- 574.1 Vending depots servicing vending vehicles or carts with Class A Vending Business Licenses shall provide all of the following services to a vendor in accordance with Chapter 37, Subtitle A (Food and Food Operations) of Title 25 of the DCMR:
- (a) Storage of the vending vehicle or cart;
  - (b) Food preparation, including approved food handling areas, as needed;
  - (c) Proper storage of inventory, such as food, utensils and supplies;
  - (d) Basic maintenance and cleaning, including:

- (1) Hot and cold water;
    - (2) Sloped and properly drained cleaning area;
    - (3) Potable water; and
    - (4) Electrical outlets; and
  - (e) Proper disposal of trash and food waste, such as garbage and liquid.
- 574.2 The operator of a vending depot shall maintain a ledger that includes current information on the name, license number, and address of each vendor and supplier doing business with the operator. This ledger shall be made available during regular business hours for inspection by any duly authorized District government agent in accordance with § 3701, Subtitle A of Title 25 of the DCMR.
- 574.3 The operator of a vending depot may offer additional services to a vendor, such as the wholesale sale of food or beverages or towing services; provided, that the vending depot shall not require that a vendor accept any additional services as part of the contract to provide the minimum services set forth in § 574.1.
- 574.4 The operator of a vending depot shall:
- (a) Comply with all applicable laws and regulations regarding registration of the person's business with the Office of Tax and Revenue and DCRA;
  - (b) Obtain all necessary business licenses from DCRA; and
  - (c) Comply with the Subtitle A of Title 25 of the DCMR and all applicable standards imposed by DOH or other relevant agencies.

## **575 PENALTIES**

- 575.1 A person violating any provision of this chapter may be issued a civil infraction pursuant to Chapter 33 of Title 16 of the DCMR.
- 575.2 A fine imposed under this section shall be imposed and adjudicated pursuant to Titles I—III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code §§ 2-1801.01, *et seq.* (2007 Repl. & 2012 Supp.)).
- 575.3 Any fines issued pursuant to this section may be in addition to the revocation or suspension of a vendor's Vending Business License or Vending Site Permit.

## **576 SEVERABILITY**

- 576.1 If any provision of this chapter, or the application of any provision of this chapter, is held invalid in any circumstance, the validity of the remainder of the provisions

of this chapter, and the application of any provision in any other circumstance, shall not be affected; and to this end, the provisions of this chapter shall be severable.

**599 DEFINITIONS**

599.1 When used in this chapter, the following terms and phrases shall have the meanings ascribed:

**Central Vending Zone** – the area delineated by the boundaries listed in § 526.1.

**Clean Hands Certification** – the certification required by the Clean Hands Before Receiving a License or Permit Act of 1996, effective May 11, 1996 (D.C. Law 11-118; D.C. Official Code §§ 47-2861, *et seq.* (2012 Supp.)).

**Coordinating Agencies** – the several District agencies identified in § 570.4.

**Coordinating Agency** – any of the Coordinating Agencies.

**DCRA Director** – the Director of the Department of Consumer and Regulatory Affairs.

**DCRA** – the Department of Consumer and Regulatory Affairs.

**DCRA Business Licensing Center** – the Department of Consumer and Regulatory Affairs, 1100 Fourth Street, SW, Second Floor, Washington, D.C. 20024.

**DDOT** – the District Department of Transportation.

**DDOT Director** – the Director of the District Department of Transportation.

**DOH** – the Department of Health.

**DOH Director** – the Director of the District Department of Health.

**FEMS** – the District of Columbia Fire and Emergency Medical Services Department.

**Fire Chief** – the Chief of the District of Columbia Fire and Emergency Medical Services Department.

**Fire Marshal** – the Fire Marshal of the District of Columbia Fire and Emergency Medical Services Department.

**Fixture** – any District government-authorized furniture or equipment that is secured or permanently affixed to the public right-of-way or other public space.

**Food** – any raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum as defined in the Food Code.

**Food Code** – Subtitle A (Food and Food Operations) Title 25 of the District of Columbia Municipal Regulations.

**Ice cream vending vehicle** - a vending vehicle, vending cart, or vending stand from which pre-packaged ice cream, popsicles, ice sherbets or frozen desserts of any kind are carried for the purposes of vending in public space.

**Metrobus Stop Zone** – that area of the public roadway specifically designated for the exclusive use of Metrobus in loading and unloading passengers.

**Mobile Roadway Vendor** - a vendor who operates a vending business in locations, pursuant to the requirements of §§ 533 through 536, while occupying public space in that portion of a street or highway that is improved, designed, or ordinarily used for vehicular parking.

**Mobile Roadway Vending location** – A vending location containing at least three parking spaces, and designated by appropriate signage.

**Mobile Roadway Vending vehicle** – A self-propelled vending vehicle.

**MPD** – the Metropolitan Police Department.

**MPD Chief** – the Chief of the Metropolitan Police Department.

**Nationals Park Vending Zone** – the Vending Locations designated in § 529.1.

**Neighborhood Vending Zones** – any of the several areas delineated by the boundaries in § 528.1.

**Old Georgetown** – the area delineated by the boundaries in § 527.1.

**Old Georgetown Vending Zone** – the area designated by § 527.2.

**Person** – any individual or business entity.

**Public and private market** – a vending operation which takes place in an area of public space set aside and permitted on a regular basis for the sale of



goods, merchandise, and services provided on site. The terms “public market” and “private market” may include a farmers market, flea market, antiques market, or other similar type of market.

**Public space** – all publicly-owned property between property lines on a street, as such property lines are shown on the records of the District of Columbia, including any roadway, tree space, sidewalk, or parking area between property lines.

**Registered agent** – any person who maintains a residence or business address in the District of Columbia and is authorized by a vendor and agrees to accept service of process and legal notices on behalf of a vendor.

**Roadway vendor** – a vendor who operates a vending business while occupying public space in that portion of a street or highway that is improved, designed, or ordinarily used for vehicular parking.

**School day** – the period from 9:00 a.m. to 3:00 p.m. on a regular instructional day during the school year of the District of Columbia Public Schools, as defined in DCMR Title 5, Subtitle E, § 305.

**Sidewalk vendor** – a vendor at a sidewalk Vending Location who engages in business while occupying a portion of the public right of way other than that reserved for vehicular travel.

**Special Event** – an activity, such as shows and exhibits of any kind, conventions, parades, circuses, sporting events, fairs, and carnivals, held for a limited period at a designated location on public space and authorized by the Mayor, pursuant to D.C. Official Code § 47-2826 (2005 Repl.).

**Stationary roadway vendor** – a vendor who operates a vending business while occupying a fixed location with a valid vending site permit in an assigned roadway vending location as designated in § 531;

**Street photography** – the business of operating on public space and taking photographs, for profit or gain, of any person or persons upon public space with the intent to immediately, or within a reasonably brief time, deliver the photograph to the purchaser.

**VDZ** – shall have the same meaning as a Vending Development Zone.

**Vending business** – a business venue for the vending of food, products, services, or merchandise and operated by a licensed vendor.

**Vending Business License** – the basic business license with a vending endorsement issued by the Department of Consumer and Regulatory Affairs.

**Vending cart** – a wheeled, non-motorized, self-contained apparatus designed to be pulled by a vehicle or pushed by hand, designed to be operated from a sidewalk Vending Location, and from which food, products, merchandise, or services are intended to be vended.

**Vending depot** – any business that supplies vendors with merchandise, products, or food items, or that, for a fee, stores, services, or maintains vending stands, carts, or vehicles.

**Vending Development Zone** – a specific vending area created pursuant to § 570.

**Vendor Employee Identification Badge** – the badge issued by the Director of the Department of Consumer and Regulatory Affairs to a person employed by a licensed vendor pursuant to § 564.

**Vending establishment** – the actual structure that will constitute the means by which a vendor will offer goods or food for sale to the public, including vending vehicles, vending stands, and vending carts.

**Vending Location** – any of the locations in the public space identified by the Director of the District Department of Transportation as being suitable for vending.

**Vending Site Permit** – the permit issued by the Director of the Department of Consumer and Regulatory Affairs allowing for vending from the public space at a specified Vending Location.

**Vending stand** – a table or other similar approved structure used by a vendor for displaying merchandise, products, or food that is offered for sale, or offering a service in exchange for a fee.

**Vending vehicle** – a wheeled, self-contained vehicle used for the purpose of selling food, merchandise, products, or services upon the area of a street generally reserved for vehicular traffic or vehicular parking. The term “vending vehicle” may include trailers and self-propelled vehicles.

**Vendor** – any person engaged in selling goods and services exclusively from the public space and for the immediate delivery upon purchase.

**Chapter 5 (Basic Business License Schedule of Fees) of Title 17 (Business, Occupations and Professions) of the DCMR is amended as follows:**

**Subsection 516.1 is amended to read as follows:**

- 516.1 The Director shall charge fees for business license categories with a General Business endorsement as follows:
- (a) Charitable solicitation: \$280;
  - (b) Cooperative association: \$37;
  - (c) General business: \$200; and
  - (d) Street vendor (Class C): \$433.

**Chapter 33 (Department of Consumer & Regulatory Affairs (DCRA) Infractions) of Title 16 (Consumers, Commercial Practices, and Civil Infractions) of the DCMR is amended by adding a new Section 3313 (Vending Business License Infractions) to read as follows:**

**3313 VENDING BUSINESS LICENSE INFRACTIONS**

- 3313.1 Violation of any of the following provisions shall be a Class 1 infraction:
- (a) 24 DCMR § 502.1 (failure to have and maintain general license requirements);
  - (b) 24 DCMR §§ 503.3(f), (g), (h), and (i) (selling alcohol, drugs, controlled substances, or drug paraphernalia);
  - (c) 24 DCMR § 507.1 (suspension or revocation of license for the enumerated violations);
  - (d) 24 DCMR § 512.1 (suspension or revocation of vending site permit for the enumerated violations);
  - (e) 24 DCMR § 516 (suspension or revocation of Mobile Roadway vending site permit for the enumerated violations);
  - (f) [RESERVED];
  - (g) 24 DCMR § 535.1(a) (vending in a legal parking space that meets the requirements of § 535.2);
  - (h) 24 DCMR § 541.1 (vending from an unauthorized public market);
  - (i) 24 DCMR § 541.2 (managing a public market without a Class C vending business license);

- (j) 24 DCMR § 551.2 (vending after the expiration of a vending business license, vending site permit, or any other required license, permit, certificate or authorization); and
- (k) 24 DCMR § 562.3 (alteration, mutilation, forgery, or illegal display of any license, permit, or certificate of authority).

3313.2 Violation of any of the following provisions shall be a Class 2 infraction:

- (a) 24 DCMR §§ 503.3 (a), (j), (k), and (l) (selling animals, offensive merchandise, or counterfeit merchandise);
- (b) 24 DCMR § 508.4 (vending at unauthorized vending location);
- (c) 24 DCMR § 517.1 (vending without a health inspection certificate issued by the Department of Health);
- (d) 24 DCMR § 521.1 (vending without a Department of Health-issued food protection manager certificate or food protection manager identification card);
- (e) 24 DCMR § 522.1 (vending without a propane or open flame permit issued by the Fire and Emergency Medical Services Department);
- (f) 24 DCMR § 523.1 (vending without a hood suppression system approved by the Fire and Emergency Medical Services Department);
- (g) 24 DCMR § 527.1 (vending at unauthorized vending locations in the Old Georgetown vending zone);
- (h) 24 DCMR § 533.7 (mobile vending within 200 feet of designated MRV location);
- (i) 24 DCMR § 534.6 (vending in designated MRV location beyond the authorized hours of operation);
- (j) 24 DCMR § 538.5 (transfer of sidewalk vending lottery registration or sidewalk vending location assignment);
- (k) 24 DCMR § 539.9 (transfer of roadway vending lottery registration or roadway vending location assignment);
- (l) 24 DCMR § 540 (mobile vending in an unassigned designated MRV location);

- (m) 24 DCMR § 540.5 (transfer of designated MRV location permit assignments, without approval);
- (n) 24 DCMR § 538.1 (vending in unassigned vending location);
- (o) 24 DCMR § 543 (failure to adhere to ice cream roadway vendors operational standards)
- (p) 24 DCMR § 556.1 (vending without fire extinguisher);
- (q) 24 DCMR § 556.2 (failure to adhere to propane operating standards);
- (r) 24 DCMR § 562.6 (failure to provide license, permits, or certificates to authorized District government representative);
- (s) 24 DCMR §§ 562.4 and 562.5 (vending license, permits, or certificates placed on an unauthorized vending vehicle, cart, or stand);
- (t) 24 DCMR § 563.1 (failure of vending vehicle or cart to be registered and displaying current tags);
- (u) 24 DCMR § 571.2 (failure of vendor vending at licensed special event to comply with business registration and license requirements);
- (v) 24 DCMR § 573 (unauthorized soliciting);
- (w) 24 DCMR § 573.6 (buying or selling tickets in an area not designated for that purpose); and
- (x) 24 DCMR § 574 (vending depot operating requirements).

3313.3 Violation of any of the following provisions shall be a Class 3 infraction:

- (a) 24 DCMR § 552.1 (vending beyond the authorized hours of operation);
- (b) 24 DCMR § 557.1 (vending while creating a noise disturbance); and
- (c) 24 DCMR §§ 564.1, 564.3, 564.4, and 564.7 (failure to adhere to vendor employee operating requirements).

3313.4 Violation of any of the following provisions shall be a Class 5 infraction:

- (a) 24 DCMR § 503.2 (vending items not authorized under the vending business license class);

- (b) 24 DCMR § 525.1(d) (vending at unauthorized locations in the central vending zone);
- (c) 24 DCMR § 525.1(e) (vending at unauthorized locations outside the central vending zone);
- (d) 24 DCMR § 525.1(f) (vending at unauthorized vending locations);
- (e) 24 DCMR §§ 535.1(b) (failure to pay all parking meter fees) and (c) (failure to obey all posted time restrictions);
- (f) 24 DCMR § 545 (failure to adhere to vending cart design standards);
- (g) 24 DCMR § 546 (failure to adhere to vending vehicle design standards);
- (h) 24 DCMR § 547 (failure to adhere to vending stand design standards);
- (i) 24 DCMR § 548 (failure to adhere to food vending cart or vehicle design standards);
- (j) [RESERVED];
- (k) 24 DCMR § 551.3 (vending while violating traffic or parking restrictions);
- (l) 24 DCMR §§ 553.2, 553.3, and 553.4 (placement of vending vehicles, carts, or stands);
- (m) 24 DCMR § 554 (placement of equipment and related items);
- (n) 24 DCMR § 562.1 (failure to conspicuously display all vending-related licenses, permits, and other certificates);
- (o) 24 DCMR § 565.1 (vending while failing to maintain vending location free from litter);
- (p) 24 DCMR §§ 561, 562, and 563 (failure to adhere to other operating standards);
- (q) 24 DCMR § 567 (purchase or receipt of stock in public space)
- (r) 24 DCMR § 569.1 (failure to provide updated information);
- (s) 24 DCMR § 572 (failure to adhere to street photography operating standards); and

- (t) Any provision of the vending business license regulations promulgated pursuant to the Vending Regulation Act of 2009, effective October 22, 2009 (D.C. Law 18-71; 56 DCR 6619), which is not cited elsewhere in this section.

**City of Evanston, Illinois  
Code of Ordinances (2015)  
TITLE 8 HEALTH AND SANITATION**

**CHAPTER 23 - MOBILE FOOD VEHICLE VENDORS**

**8-23-1. - DEFINITIONS.**

*Mobile food vehicle.* A commercially manufactured, motorized mobile food unit in which ready-to-eat food is cooked, wrapped, packaged, processed, or portioned for service, sale or distribution. A mobile food vehicle must be owned and operated by the owner or agent of a licensed food establishment in the City, and must be affiliated with that establishment.

*Mobile food vehicle vendor.* The owner of mobile food vehicle or the owner's agent; hereinafter referred to as "vendor."

**8-23-2. - PERMIT REQUIRED; APPLICATION.**

(A) It shall be unlawful for any person to operate within the City a mobile food vehicle, as defined in this Chapter, without first having obtained a license for that purpose.

(B) Any person desiring to operate a mobile food vehicle shall make a written application for such license to the City Manager or his/her designee. The application for such license shall be on forms provided by the City Manager or his/her designee and shall include the following:

1. Name, signature and address of each applicant and each corporate officer.
2. Name and address of the approved commercial supply source and the affiliated licensed food establishment in the City.
3. A description of the preparation methods and food product offered for sale, including the intended menu, display, and distribution containers.
4. The anticipated volume of food to be stored, prepared and sold.
5. Plans and specifications for the mobile food vehicle, including the proposed layout, photographs, mechanical schematics, construction materials, finish schedules, equipment types, manufacturers, model numbers, locations, dimensions, weight of vehicle per wheel, performance capacities, power source, installation specifications, and information on any custom fabricated equipment.
6. Proof of access to restrooms with a hand sink for use by employees within two hundred (200) feet of the mobile food vehicle during times when the vehicle is parked in one (1) location for more than two (2) hours. Proof of access shall be evidenced by written agreement between the vendor and the business or entity which will provide such access.
7. A valid copy of all necessary licenses or permits required by State Health or Transportation Authorities.
8. A signed statement that the vendor shall hold harmless the City and its officers and employees, and shall indemnify the City, its officers and employees for any claims for damage to property or injury to persons which may be occasioned by any activity carried on under the terms of the permit. Vendor shall furnish and maintain such public



liability, food products liability, and property damage insurance as will protect vendor, property owners, and the City from all claims for damage to property or bodily injury, including death, which may arise from the operations under the license or in connection therewith. Such insurance shall provide coverage of not less than one million dollars (\$1,000,000.00) per occurrence. The policy shall further provide that it may not be cancelled except upon thirty (30) days' written notice served upon the City of Evanston Law Department. A license issued pursuant to the provisions of this Section shall be invalid at any time the insurance required herein is not maintained and evidence of continuing coverage is not filed with the City of Evanston Law Department.

9. The proposed location(s) and times of operation for conducting business in accordance with this Chapter. Vendors shall be required to provide to the City a signed statement that the vendor shall hold harmless the adjacent property owner(s) for any claims for damage to property or injury to persons which may be occasioned by any activity carried on or under the permit. No application will be accepted for a permit to operate at a location where a current permit has been issued or a complete application is pending. If the proposed location is private property, the applicant shall provide to the City written consent from the property owner.

Vendor shall notify the City Manager or his/her designee within thirty (30) days of any changes to application information.

It shall be the duty of the City Manager or his/her designee to inspect the vehicle and determine the fitness and suitability of the vehicle for its intended use.

(C) License fees. All vendors licensed under this Chapter shall pay an annual license fee of five hundred dollars (\$500.00). The fee for any such license issued after July 1 in any calendar year shall equal two hundred fifty dollars (\$250.00). This Subsection (C) is retroactive to September 13, 2010.

(D) Form and condition of permit. In addition to naming the vendor, the approved operating location site diagram, and other information deemed appropriate by the City Manager or his/her designee, the mobile food vehicle vending permit shall contain the following conditions:

1. Each mobile food vehicle vending license shall expire on December 31 of each year.
2. The license shall not be transferrable from person to person or from place to place without the approval of the City Manager or his/her designee.
3. The approved operational location may be changed, either temporarily or permanently, by written notice of the City Manager or his/her designee.
4. The license is valid for one (1) vehicle only.
5. There shall be issued to each vendor a suitable decal that shall be permanently and prominently affixed to the vehicle.

(E) Refusal to issue; suspension; revocation. Licenses authorized to be issued pursuant to this Chapter may be suspended, revoked or refused to be issued upon good cause shown. The issuing authority may refuse to issue, revoke, or suspend a license if any applicant or agent thereof refuses to comply with any requirement of this Chapter.

(F) Temporary food establishment permit. A mobile food vehicle vendor who has a current valid permit under this Section shall not be required to obtain a temporary food establishment permit in order to conduct business at a private event, unless said vendor alters its current and approved menu, in which case the mobile food vehicle vendor shall be required to obtain a temporary food establishment permit in order to operate at a private event.

### **8-23-3. - LOCATION REVIEW AND RESTRICTIONS.**

Proposed operating locations shall be reviewed as follows:

(A) Upon receipt of a complete application for a license, the license shall be referred to the Director of Public Works for approval or disapproval. The use of the licensed operating location for mobile food vending must be compatible with the public interest in use of the public right-of-way. In making such determination, the Director of Public Works shall consider the width of the public way, parking issues and traffic congestion, the weight that can be supported by the paving or street surface at the proposed location, the proximity and location of existing street furniture, including, but not limited to, utility poles, parking meters, bus shelters, benches, street trees, news racks, as well as the presence of bus stops, truck loading zones, taxi stands, valet parking zones, or other businesses or approved mobile food vehicles to determine whether the requested location would result in pedestrian or street congestion.

(B) The Director of Public Works shall not approve a location where a mobile food vehicle would substantially obstruct a public way, impair the movement of pedestrians or vehicles, or pose a hazard to public safety. The Director of Public Works shall not approve any location which is adjacent to a bus stop, taxi stand, or handicap loading zone, within thirty (30) feet of an intersection, within three (3) feet of a curb, or directly in front of a property entryway. Pedestrian walkways of no less than six (6) feet must be maintained around the mobile food vehicle.

(C) It shall be unlawful for a mobile food vehicle vendor to park, stand, or operate in a location which is adjacent to or within one hundred (100) feet of a licensed food establishment. This requirement may be waived if the application is submitted with the written consent of the proprietor of the adjacent licensed food establishment. No person or corporation shall either pay or accept payment for the written consent provided herein. This requirement shall not apply to the licensed food establishment affiliated with the mobile food vehicle vendor.

(D) The approved operating location(s) shall be indicated on the license and shall include the area of the mobile food vehicle. The license must be prominently displayed on the vehicle.

(E) If a permit for the requested operating location(s) is denied, the applicant may select an alternate location(s), which shall also be referred to the Director of Public Works for review.

(F) The City shall not approve more than one (1) mobile food vehicle per private parking lot, which must remain in compliance with the zoning code, including the off-street parking requirements for the host parking lot. The vehicle shall not block required drive aisles.

(G) Vendor shall not operate a mobile food vehicle within five hundred (500) feet of any fair, carnival, circus, festival, special event, or civic event that is licensed or sanctioned by the City except when vendor has obtained a temporary food permit from the City.

(H) On days when school is in session at Evanston Township High School, it shall be unlawful for any vendor to operate a mobile food vehicle on the following streets:

Church Street between Pitner Avenue and Dewey Avenue;  
Dodge Avenue between Lyons Street and Dempster Street; and  
Lake Street between Pitner Avenue and Darrow Avenue.

On days when events are being conducted within the Evanston Township High School Memorial Stadium, it shall be unlawful for any vendor to sell or offer for sale any food, beverages or any other merchandise whatsoever on the following streets:

Church Street between McDaniel Avenue and Dewey Avenue;  
Hartrey Avenue between Emerson Street and Church Street;  
Lyons Street between Leland Avenue and Hartrey Avenue; and  
Pitner Avenue between Church Street and Lake Street.

(I) On days when school is in session at elementary, middle, and secondary schools (public or private), it shall be unlawful for any vendor to operate a mobile food vehicle within five hundred (500) feet of the property of said schools. Exception. During summer school sessions, this restriction shall apply only to those individual schools which are in operation.

(J) It shall be unlawful for any vendor to operate a mobile food vehicle in or within one hundred (100) feet of the public parks enumerated in Sections 7-10-1 and 7-11-1 of this Code, or without first obtaining written authorization from the City. This restriction may be waived by the City Manager or his/her designee.

(K) A vendor shall not operate on private property within the corporate limits of Evanston without first obtaining written consent to operate from the affected private property owner.

#### **8-23-4. - APPROVED FOOD AND BEVERAGE LIST.**

The Director of the Health Department shall maintain a record of approved food and beverage items which may be prepared and sold by mobile food vehicle vendors. Requests to have a food or beverage item considered for approval shall be submitted in writing to the Director of the Health Department, who shall determine whether the food or beverage item is capable of preparation and service from the mobile food vehicle based on the equipment being used and the design and construction of the vehicle.

#### **8-23-5. - SANITATION AND INSPECTIONS.**

(A) All mobile food vehicles shall be kept in a clean and sanitary condition. It shall be the duty of the City Manager or his/her designee to make or cause to be made such inspections as may be necessary to ensure all mobile food vehicles are kept in a clean and sanitary condition. The City Manager or his/her designee, bearing proper identification, shall be permitted to enter any mobile food vehicle at any reasonable time for the purpose of inspecting to determine whether the vendor has complied with the terms of this title. Additionally, the vendor shall, on request, provide the City Manager or his/her designee with the records of the mobile food vehicle to obtain information pertaining to food and supplies purchased, received, or used. Denial of access to the mobile food vehicle or to said records shall be deemed an interference with the City Manager or his/her designee in the performance of his/her duties.

(B) All food storage, preparation and distribution of food, and vehicle equipment must meet applicable Illinois Department of Public Health standards and requirements, as well as standards to be determined by the City Manager or his/her designee.

(C) All food, beverages, ice and other materials sold or used in preparation of goods to be sold must be obtained from an approved commercial source.

(D) All off-site food preparation and food storage must be done at the primary licensed food establishment. Food cannot be prepared in a home.

(E) All waste liquids, garbage, litter and refuse shall be kept in leak-proof, nonabsorbent containers which shall be kept covered with tight-fitting lids and properly disposed of at the affiliated licensed restaurant. No waste liquids, garbage, litter or refuse shall be dumped or drained into sidewalks, streets, gutters, drains, trash receptacles, or any other place except the affiliated licensed restaurant. A garbage receptacle shall be easily accessible for customer use. Vendor shall be responsible for all litter and garbage left by customers.

#### **8-23-6. - RESTRICTIONS ON USE.**

(A) Hours of operation shall be limited to the hours between 7:00 a.m. and midnight. The hours of operation for mobile food vehicles located within three hundred (300) feet of a residential building or a mixed use building with a residential component shall be limited to the hours between 7:00 a.m. and 10:00 p.m. No approved mobile food vehicle shall be left unattended on a public way, nor remain on a public way outside of these allowed hours of operation.

(B) No mobile food vehicle vendor shall use or maintain any outside sound amplifying equipment, lights, or noisemakers, such as bells, horns or whistles.

(C) No mobile food vehicle shall use external signage, bollards, seating, or any other equipment not contained within the vehicle.

(D) The mobile food vehicle shall not have a drive-through.

(E) Vendor shall obey any lawful order of a police officer to move to a different permitted location to avoid congestion or obstruction of a public way or remove the vehicle entirely from the public way if necessary to avoid such congestion or obstruction.

(F) The mobile food vehicle must prominently display the name and address of the owner.

(G) Any power required for the mobile food vehicle located on a public way shall be self-contained and shall not use utilities drawn from the public right-of-way. Mobile food vehicles on private property may use electrical power from an adjacent property only when the property owner provides written consent. All other power sources must be self-contained. No power cable or equipment shall be extended at grade across any City street, alley or sidewalk.

(H) All identifying information, logos, advertising, decorations, or other displays on the exterior of a mobile food vehicle shall conform to the purposes set forth in Section 4-12-2 of the Evanston City Code regulating commercial signage, to the extent applicable. In particular, exterior displays shall be designed to minimize confusion or distraction that jeopardizes vehicular and pedestrian safety and shall be harmonious with the surroundings and consistent with the character of the community in which the mobile food vehicle operates.

**8-23-7. - LICENSE ADVERSE ACTION.**

An application or approved license may be denied, revoked, suspended, or not renewed for any of the following reasons:

(A) The application contains material omissions or false, fraudulent, or deceptive statements.

(B) The vehicle is operated in such a manner as constituting a public nuisance per the Evanston Code of Ordinances or state statutes.

(C) The proposed operation is in violation of any federal, state, or local laws including, but not limited to, the provisions of this Code pertaining to food, fire prevention, public health or safety.

The provisions of this Section are not exclusive. This Section shall not preclude the enforcement of any other provisions of this Code or state and federal laws and regulations.

**8-23-8. - PENALTIES.**

Any person licensed under this Chapter or any agent thereof violating any of the provisions of this Chapter shall, upon conviction thereof, be fined not less than five hundred dollars (\$500.00) for each violation.

**City of Hoboken, New Jersey**

***Municipal Code (2014)***

**PART II: GENERAL LEGISLATION**

**CHAPTER 147: MOBILE RETAIL FOOD VENDORS**

**ARTICLE I: GENERAL REGULATIONS**

**§ 147-1 Purpose.**

A. The City of Hoboken encourages the growth of mobile retail food vendors within the City of Hoboken while regulating the side effects of this growing industry, such as parking, traffic and waste disposal.

B. This chapter seeks to regulate mobile retail food vendors through the annual issuance of licenses and permits. This chapter will assist the City with keeping record of mobile retail food vendor business within the City. License and permit fees will cover the cost of enforcement and administrative duties.

C. This chapter limits the proximity of mobile food trucks to brick-and-mortar restaurants to secure safe and adequately spaced sidewalks in case of a fire, flood, and other natural or man-made disaster.

D. This chapter seeks to limit the interaction between uses which are incompatible in character. While serving similar purposes, selling food to residents, mobile food trucks and brick-and-mortar restaurants function separately and are not complementary in nature.

E. This chapter seeks to protect the character of stable commercial areas and to provide sufficient space in appropriate locations for each use. The City seeks to locate mobile food trucks in areas to better serve mobile populations. The City seeks to promote a desirable visual environment through limiting the interaction of each respective use.

F. This chapter is not intended to effect, and shall not apply to, activities conducted on private property.

**§ 147-2 Scope.**

The provisions of this chapter shall apply to mobile food operations engaged in the business of cooking, preparing, and/or distributing food or beverage from mobile retail food vendors on public property within the City of Hoboken.

**§ 147-3 Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**MOBILE RETAIL FOOD VENDOR** Any movable restaurant or retail food establishment in or on which food and beverage are transported, stored, or prepared for retail sale or given away at temporary locations. The term "mobile retail vendor" shall include and incorporate the term "mobile retail food vendors," as defined in § 115-1. Only the following mobile units shall be authorized to obtain an annual mobile retail food license to stop and stand on public property, public rights-of-way and/or public streets and sidewalks, within the City limits, none of which shall exceed 35 feet in length:

[Amended 3-5-2014 by Ord. No. Z-285]

A. **MOBILE RETAIL MOTORIZED FOOD VENDOR** — A food establishment that is located upon a motorized vehicle where food or beverage is cooked, prepared and served for individual portion service. Such food vendors comply with this chapter and all

requirements of this chapter, as well as any other applicable section of this Code. Shall also be known as "mobile retail food vendors."

B. MOBILE RETAIL NONMOTORIZED FOOD VENDOR — Movable, nonmotorized unit (e.g., pushcart) where food or beverage is transported, stored, or prepared for retail sale or given away at temporary locations.

C. MOBILE RETAIL PRE-PACKAGED FOOD VENDORS — A food establishment that is located upon a motorized vehicle where pre-packaged food or beverage is served for individual portion service. Mobile retail pre-packaged food vendors shall be subject to Chapter 146, and shall be exempt from the regulations of this chapter.

#### **§ 147-4 Hours of operation.**

A. Weekdays: Sunday through Thursday, mobile retail food vendors shall operate between the hours of 6:00 a.m. and 9:00 p.m.

B. Weekends: Friday and Saturday, mobile retail food vendors shall operate between the hours of 6:00 a.m. and 11:00 p.m.

#### **§ 147-5 Transfer of license and/or permit prohibited; exceptions.**

A. No person holding a mobile retail food vendor license and/or permit shall sell, lend, lease or in any manner transfer any interest in a mobile retail food vendor license and/or permit.

B. A license and/or permit holder may transfer said item as part of the sale of a majority of the stock in a corporation holding such a license and/or permit, as part of the sale of a majority of the membership interests of a limited-liability company holding such license and/or permit, or as part of the sale of a business or substantially all of its assets, provided that there shall be no allocated or actual value for the transfer of the license and/or permit, and provided that:

(1) Prior to any such transfer, the transferor shall notify the Director of the Department of Health and Human Service's Health Officer and the Director of the Department of Transportation and Parking, in writing, and the transferee shall submit a mobile retail food vendor health license application and parking permit for approval, which approval must occur prior to transfer. Licenses and permits which are transferred prior to approval shall be null and void as of the date and time of transfer, if not previously approved pursuant to this section.

(2) Any such transfer shall be subject to the terms and conditions of the original license and/or permit.

(3) A transfer fee of \$25, payable to the City Clerk, and any and all application fees described in this chapter, shall be received prior to any transfer being approved.

C. Any unauthorized transfer or attempt to transfer a license and/or permit shall automatically void such item. Additionally, whoever violates this provision, including both the transferor and transferee, shall be subject to penalties pursuant to § 147-10.

#### **§ 147-6 Operation.**

A. Any mobile retail food vendor being operated without a valid mobile retail food vendor license and/or permit shall be deemed a public safety hazard and may be ticketed and impounded.

B. Mobile vendor licensees shall be required to display the mobile retail vendor license and/or permit prominently when located in a permitted location. Being the lawful holder of a City of Hoboken mobile vendor license and/or permit shall not be a valid defense to a citation for failure to prominently display the license in violation of this chapter.

C. No City of Hoboken employee shall own more than 10% of any mobile retail food vendor license and/or permit.

#### **§ 147-7 Enforcement.**

Unless otherwise specified herein, this chapter shall be enforced by any Code Enforcement Officer, Parking Enforcement Officer, the Hoboken Police Department, and/or the Health Officer.

#### **§ 147-8 License fees and parking permits.**

A. Mobile retail motorized food vendor business license. The application fee for a license or any renewal of a license granted by the City shall be \$500. The cost of the annual Health Certificate shall be included in this fee.

B. Mobile retail motorized food vendor parking permit. Mobile retail motorized food vendors operating within the City of Hoboken are required to purchase an annual parking permit.

Permits are available as follows:

Time Length (weekly)	Annual Amount
4 days	\$1,600
7 days	\$2,500

(1) The parking permit shall be renewable on an annual basis.

(2) Parking permit extended time endorsements. Applicants with both a valid business license and parking permit may seek an extended time endorsement on their parking permits. This endorsement will allow mobile vendors to extend their stay in metered parking zones beyond the customary two hours allowed under § 190-29.8. This fee for extended parking shall be based on the length of a mobile vending vehicle. This fee shall be \$20 per linear foot. Length of vehicle will be determined by the City at the time of the annual health inspection. Extended time endorsement shall not exempt mobile food vendors from paying the standard rates when parked in metered parking zones.

#### **§ 147-9 Supplemental regulations.**

A. Mobile retail food vendors shall not exceed 35 feet; this number may be increased upon special written request, at the discretion of the Director of Transportation and Parking.

B. Mobile retail food vendors shall not provide or allow any dining area, including but not limited to tables, chairs, booths, bar stools, benches, and standup counters.

C. The City reserves the right to temporarily move any mobile retail food vendor to a nearby location for emergency purposes as determined in the sole discretion of the City.

D. Any permit not used for a period of 14 consecutive days or longer shall be revoked by the City.

E. All licensees and permittees shall comply with all applicable state statutes, all applicable City of Hoboken ordinances, and any other law or regulation which may be applicable under the given circumstances.



F. Mobile retail food vendors shall comply with all ordinances, laws and regulations relating to noise in effect by the City of Hoboken,[1] County of Hudson and State of New Jersey.  
[1]: Editor's Note: See Ch. 133, Noise Control.

G. During periods of special events, as herein defined, the Director of the Department of Health and Human Services may suspend §§ 147-9 and 147-21 of this chapter. The Director of Health and Human Services, at his/her sole discretion, may declare, in writing, with notice to all licensed and/or permitted mobile retail food vendors, that any event within the City of Hoboken is a special event for purposes of this section.

H. Mobile retail food vendors shall maintain an on-vehicle GPS-based system that transmits standard GPS latitude and longitude coordinates in a format/protocol compatible with the City's GPS tracking systems/maps, and shall make these data openly available to the public and the City of Hoboken for tracking and enforcement purposes. GPS coordinates shall be broadcast no less frequently than once every five minutes and shall transmit these coordinates whenever the vehicle is within City limits. Vendors should be aware that enforcement of overlapping vendor operations will be documented via these data, so nonfunctioning or delayed data service will significantly impact any determination called for by the City as to which vendor arrived first at a particular location.

I. Violators of Subsection H shall, upon conviction, be subject to a fine not exceeding \$250 or imprisonment for a period not exceeding 90 days, or both. These penalties are in addition to any penalties resulting from separate violations incurred under this chapter.

#### **§ 147-10 Violations and penalties.**

Unless otherwise specified herein, any person violating any provision of this chapter shall, upon conviction thereof before the Municipal Court, be subject to a fine not exceeding \$1,000 or imprisonment for a period not exceeding 90 days, or both. The amount of such fine and/or imprisonment shall be determined by the sound discretion of the Municipal Judge. In addition to the aforementioned penalties, and as provided for herein, violations of this chapter may subject the license to suspension or revocation as provided for herein.

### **ARTICLE II: HEALTH REGULATIONS**

#### **§ 147-11 License and health certificate required.**

A. No person or business entity, including a religious or charitable organization, shall operate as a mobile retail food vendor on any public property within the City of Hoboken without a license issued by the City of Hoboken and a health certificate issued by the Department of Health and Human Services' Health Officer.

B. The Department of Health and Human Services' Health Officer may, from time to time, set a limit on the number of total licenses that may be issued or renewed per year; however, no more than one license may be issued to a single person or business entity, or both.

(1) Mobile retail motorized food vendor: No more than 25 mobile retail food vendor licenses will be issued by the Department of Health and Human Services annually.

(2) Mobile retail nonmotorized food vendor: No more than 50 mobile retail food vendor licenses will be issued by the Department of Health and Human Services annually.

#### **§ 147-12 Application for license and health certificate.**

Any person desiring a business license and/or health certificate shall file with the Hoboken Division of Health an application which shall contain the following information:

- A. The name of the applicant.
- B. If a trade name is used, whether the applicant is an individual, partnership, association or corporation. For any business entity, include names and addresses of all partners, members, officers and shareholders holding an interest greater than 10%.
- C. The address of the applicant and telephone number.
- D. The names and addresses of the persons from which goods making up the stock were or are to be purchased.
- E. Three business references.
- F. The place or places of residence of the applicant, and any individual listed in accordance with Subsection B, for the preceding three years.
- G. A description of the food items to be sold.
- H. If the applicant is a corporation, the state in which its charter is registered and the registered agent's name and address in this state.
- I. The number and nature of any arrests or convictions against the applicant, officers, partners or any salesmen to be employed.
- J. As to the application, there must be appended a letter or, when applicable, a corporate resolution from the firm authorizing the person signing the application to act as its representative and certifying that the information is correct and accurate.
- K. Whether the applicant, in previously operating in this state under a business license, has had such license revoked or suspended and, if so, the reasons therefor (motorized).
- L. The make and model of vehicle, state license plate number, driver's identification number, copy of current insurance, and copy of state registration (motorized).

**§ 147-13 Enforcement.**

The Hoboken Health Officer shall have the authority to enforce all sections of this article.

**§ 147-14 Supplemental regulations.**

The Department of Health and Human Services Health Officer is hereby authorized to promulgate additional rules and regulations appropriate for the implementation of this section, and, if necessary, work with other agencies and departments of the City and state to establish a streamlined process for the licensing of mobile retail food vendors, provided that:

- A. Such rules and regulations are in writing and served on all licensees at least seven days prior to enforcement; and
- B. Mobile food vendors shall provide trash and recycling receptacles on or at their facility, and are responsible for litter within five feet of the licensed vehicle. All waste containers shall be emptied by and at the expense of the mobile retail food vendor operator.

**§ 147-15 Inspection.**

A. Inspectional services: Mobile retail food vendors are subject to all applicable regulations found in Hoboken Code § 115-2.

B. Mobile retail food vendors will have 45 days from being issued a business license, per § 147-8A, to complete a health inspection. Failure to complete a health inspection in this forty-five-day timeframe will result in revocation of the business license.

**§ 147-16 License and health certificate renewal.**

Business licenses and health certificates shall be valid from January 1 to December 31 of the year stated thereupon, regardless of the date the license and/or certificate is granted by the City. There is no right to renewal of business licenses or health certificates hereunder.

**ARTICLE III: PARKING REGULATIONS**

**§ 147-17 Parking permit required.**

A. No person or business entity, including a religious or charitable organization, shall operate as a mobile retail food vendor on any public property within the City of Hoboken without a parking permit issued by the Department of Transportation and Parking.

B. The City of Hoboken may, from time to time, set a limit on the number of total parking permits that may be issued and/or renewed per year; however, no more than one permit may be issued to a single person or business entity, or both. All applicants for a mobile retail food vendor parking permit must show proof of a current business license and health certificate prior to approval of the parking permit application.

C. No person shall operate a mobile retail motorized vehicle without the granting of a parking permit.

**§ 147-18 Application for parking permit.**

Any person desiring a permit shall file with the Department of Transportation and Parking an application which shall contain the following information:

A. A copy of a current Hoboken mobile retail food vendor business license.

B. A notarized letter from the business owner authorizing an individual as a responsible officer of the business, if the applicant is not the owner.

C. Verification that there is no off-street parking contractually provided to the business address as determined by the Parking Utility.

D. The regular working hours of the owner or nonresident employee(s) listed on the application for whom a business permit is sought.

E. Whether the applicant, in previously operating in this state under a license, has had such license revoked or suspended and, if so, the reasons therefor.

F. The make and model of vehicle, state license plate number, driver's identification number, copy of state registration, vehicle insurance information and copy of current valid motorized mobile food vendor license.

G. A description of the food items to be sold.

H. Any other information as required by the Parking Utility.

**§ 147-19 Parking permit renewal.**

Mobile retail food vendor permits shall be valid from January 1 to December 31 of the year stated thereupon, regardless of the date the permit is granted by the City. There is no right to renewal of parking permits hereunder.

**§ 147-20 Enforcement.**

Hoboken Parking Enforcement officers and the Hoboken Police Department shall have the authority to enforce all sections of this article.

**§ 147-21 Parking regulations.**

The Department of Transportation and Parking is hereby authorized to promulgate additional rules and regulations appropriate for the implementation of this section, and, if necessary, work with other agencies and departments of the City and state to establish a streamlined process for the permitting of mobile retail food vendors, provided that such rules and regulations are in writing and served on all permits at least seven days prior to enforcement.

A. Mobile retail food vendors shall be parked and/or conduct business at a minimum distance of 75 feet from the business entrance of any menu-serving restaurant.

B. Mobile retail food vendors may not occupy resident-only parking spaces.

C. Mobile retail food vendors in possession of a mobile retail motorized food vendor parking permit, per § 147-8B, may occupy any parking space in a permit-only zone within the City for up to four consecutive hours, unless otherwise restricted, and may occupy any parking space in a metered zone for up to two consecutive hours, unless otherwise restricted.

D. Mobile retail food vendors in possession of a mobile retail motorized food vendor parking permit with an extended parking endorsement per § 147-8B(2) may occupy any parking space in a permit-only zone within the City for up to four consecutive hours, unless otherwise restricted, and may occupy any parking space in a metered zone for up to six consecutive hours, unless otherwise restricted, and may occupy any combination of metered spaces for up to eight hours, so long as time in any one space does not exceed six hours and the metered spaces utilized are not on the same street segment that is between two intersections.

E. Mobile retail food vendors must pay for their first two hours at a metered parking space and, if in possession of a parking permit, must display receipt of payment verification for these two hours for the entire period of any parking event.

F. No mobile retail food vendor unit shall be parked on the street overnight or left unattended and unsecured at any time food is kept in the mobile retail food vendor unit.

G. Any mobile retail food vendor unit which is found to be unattended or parked during overnight hours shall be considered a public safety hazard and may be ticketed and impounded.

H. Mobile retail food vendors shall not be eligible for a business parking permit.

I. There shall be no more than two mobile retail food vendors parked within any street segment not interrupted by intersections.

#### **ARTICLE IV: NONMOTORIZED MOBILE RETAIL FOOD VENDORS**

##### **§ 147-22 Health certificate and license fees.**

A. Mobile retail nonmotorized food vendor Health Department certificate. The application fee for a health certificate or a renewal of a health certificate from the Hoboken Division of Health shall be \$15.

B. Mobile retail nonmotorized food vendor annual business license. The annual fee required for the issuance or renewal of a mobile retail nonmotorized food vendor business license shall be \$150.

##### **§ 147-23 Location provisions.**

A. No nonmotorized retail food vendor shall remain at the same location on any sidewalk or street for more than 30 minutes without transacting a sale. At the expiration of the thirty-minute period, the vendor must move location by at least 30 feet.

(1) For purposes of this article, "sale" shall mean the transaction of vendor's goods in return for valuable consideration.

(2) Immediately after any sale, the thirty-minute period begins anew.

(3) The vendor may not return to any location from which he has moved in accordance with the requirements of this subsection or to any place within 30 feet of the location for at least two hours.

B. Any locations upon which a mobile retail nonmotorized food vendor parks, stops or remains, pursuant to this section, shall not violate any City-promulgated parking ordinances or regulations, or state or federal statutes and/or regulations.

C. Nonmotorized retail food vendors shall be a minimum of 10 feet from any crosswalk.

D. Nonmotorized retail food vendors shall be a minimum of 10 feet from any fire hydrant.

E. Nonmotorized retail food vendors shall not park any vehicle used for the transportation of nonmotorized food vending units in the street in violation of the City's parking ordinances or state statute.

F. All nonmotorized vending under this article shall occur on the sidewalk. Nonmotorized vending under this article shall not take place on the street.

G. Nonmotorized retail food vendor units shall not be placed in any location that restricts sidewalk width to less than five feet.

H. Vehicles used to transport such vendor units shall not park in violation of any section of parking codes.

**City of Huntsville, Alabama  
Code of Ordinances (2015)  
CHAPTER 18. - PEDDLERS AND SOLICITORS.**

**ARTICLE II. - CENTRAL CITY AREA.**

**SEC. 18-36. - SIDEWALK CAFES, VENDORS, AND MOBILE FOOD VENDORS.**

(a) Definitions. For purposes of this section 18-36, the following words, terms, and phrases shall have the meanings ascribed to them in this subsection (a), unless the context clearly indicates a different meaning:

*Central city area* means the area described in section 18-31.

*Central city core area* means the following described area located within the central city area:

Beginning at the intersection of Church Street and the Norfolk Southern Railroad; thence Southeast along the centerline of Church Street to the intersection with Monroe Street; thence Southwest along the centerline of Monroe Street to the intersection with Holmes Avenue; thence East along the centerline of Holmes Avenue to the intersection with Church Street; thence Southeast along the centerline of Church Street to the intersection with Williams Avenue; thence Northeast along the centerline of Williams Avenue to the intersection with Franklin Street; thence Northwest along the centerline of Franklin Street and to the intersection with Eustis Avenue; thence Northeast along the centerline of Eustis Avenue to the intersection with Greene Street; thence Northwest along the centerline of Greene Street to the intersection with Monroe Street and Meridian Street; thence North along the centerline of Meridian Street to the intersection with Pratt Avenue; thence West along the centerline of Pratt Avenue to the intersection with I-565; thence Southwest along the centerline of I-565 to the intersection with Church Street; thence Southeast along the centerline of Church Street to the intersection with the Norfolk Southern Railroad and the point of beginning.

*Central city review committee or committee* means a committee comprised of the police chief, the city-clerk treasurer, and the manager of planning administration, or their respective designees.

*Business license* shall have the same meaning ascribed to it in section 15-31 of this Code.

*Permit* means a sidewalk cafe permit, a vendor's permit, or a mobile food vendor's permit issued under the authority of this section.

*Permitted activity* means the sidewalks cafes, vendors, or mobile food vendors permitted under this section.

*Permitted premises* means that portion of the public streets, sidewalks, or parks that is allowed by the permit to be occupied for the permitted activity.

*Public works activity* means any public works project; public building project; infrastructure construction, maintenance, or repair; or other public improvement activity of the state or city.

(b) General conditions. Each of the following conditions shall apply to the activity or persons permitted or regulated under this section:

(1) The permit shall be in addition to the required business license and the permit holder shall obtain and maintain a business license from the city and, failing to so obtain or maintain the business license, the permit issued under this section shall be automatically revoked without the need for any action from the city or any right of appeal by the permit holder.

(2) The permit holder shall comply with all applicable laws, rules, and regulations that pertain to the permitted activity and use of the permitted premises, including city and state health laws and the obtaining of the required health department permitting.

(3) The free passage of pedestrians along the sidewalk shall not be prevented or substantially impaired and there shall be at least a minimum sidewalk width of five feet of unencumbered sidewalk that is open for pedestrian use maintained adjacent to the permitted premises.

(4) No signs shall be allowed to be placed on any portion of the public sidewalks, streets, or parks, including the permitted premises, except that a mobile food vendor may affix signage to its mobile food vending unit and a vendor may affix signage to its cart or other equipment.

(5) Access to adjacent buildings or uses shall not be impeded.

(6) At any time and from time to time the city clerk-treasurer may, in the case of a vendor's permit or mobile food vendor's permit, re-assign a permit holder's assigned space to another appropriate location and, in the case of a sidewalk cafe permit or a mobile food vendor's permit, temporarily suspend the permit, in order to accommodate:

a. A special event, including lease events and sponsor events, permitted under chapter 23, article VI of this Code;

b. Another permitted activity authorized under this section; or

c. A state or city project, activity, or event, including a public works activity.

(7) A permit holder shall keep the permitted premises and adjacent public property clean and free from all trash, litter, debris, or waste generated from the operation of its business. The permit holder's installations, equipment, carts, and other items shall be maintained and kept in good and presentable condition and repair and free from graffiti.

(8) The permit holder shall not erect or construct any permanent structure or modify or affix anything to any existing structure or any public property or otherwise damage or deface public property.

(9) A vendor or mobile food vendor must use its permitted premises for its permitted activity on a routine basis during the appropriate seasons for outdoor use, unless prevented from doing so by circumstances beyond the permit holder's control.

(10) The city clerk-treasurer may, at any time and from time to time, attach additional conditions to the use of the permitted premises in order to protect the public health, safety, or general welfare.

(11) Upon the termination, whether by revocation or otherwise, of the permit, the permit holder shall restore the permitted premises to the satisfaction of the city clerk-treasurer.

(c) Permits.

(1) Permit requirement.

a. Every person who shall desire to use public space in the central city core area or, where allowed under this section, the central city area, to conduct an activity authorized under this section shall make application with the city clerk-treasurer on forms provided by the city, which application shall include the applicants complete name and address and, where applicable, its trade name, the address of any location used for storage of carts, supplies, equipment, or inventory, installation plans, indemnification of the city, and proof of insurance.

b. Permits required by this section shall be renewed annually by filing, at business license renewal time, a permit renewal application with the city clerk-treasurer on forms provided by the city. Permits are not transferrable.

c. Permit holders shall notify the city clerk-treasurer within ten days of a change in the permit holder's address.

d. The city-clerk treasurer is hereby authorized to administer the provisions of this section and to issue a permit authorized under this section in accordance with this section.

(2) Use fee. At the time of the filing its application or renewal application, as the case may be, the applicant for a permit shall pay to the city a non-refundable, annual use fee for the right to use the permitted premises as follows:

a. The applicant for a vendor's permit shall pay \$100.00.

b. The applicant for a sidewalk cafe permit shall pay \$100.00.

c. The applicant for a mobile vendor's permit shall pay \$100.00 per mobile food vending unit located on public vending space.

(3) Revocation, suspension, or non-renewal of permit; no vested right.

a. The city clerk-treasurer is authorized to revoke or suspend or not renew a permit for a violation of this section; provided that the permit holder shall first be given a reasonable period of time, not to exceed 20 days, to cure the violation, unless the clerk-treasurer determines that the violation is not reasonably capable of being cured, the permit holder refuses to cure the violation, or the permit holder has on multiple occasions within a given calendar year committed the same violation.

b. The permit holder may appeal the action taken against the permit to the two remaining members of the central city review committee by filing, within 20 days of the date of the action taken, a written request with the city clerk-treasurer. The hearing on the appeal shall be held by the two remaining members of the committee within a reasonable period of time and the permit holder shall be provided advance written notice of the date and time of the hearing of the appeal and shall have the



opportunity to be heard at the hearing. The decision of the city clerk-treasurer shall be upheld unless the two remaining members of the committee determine that a reversal is justified under the circumstances.

c. Notwithstanding anything to the contrary in this subsection (3), while an appeal is pending the permit holder may continue to operate under the permit unless the city clerk-treasurer determines that the permit should be suspended pending the outcome of the appeal in order to protect the public's health or safety or prevent damage to or destruction of public property.

d. Action taken against a permit shall not constitute action being taken against the business license.

e. Notwithstanding anything to the contrary in this section: (i) a permit holder shall acquire no vested right to a permit or use of the permitted premises and the provisions of this section and any rights granted hereunder, in whole or part, are subject to repeal or amendment, at any time or from time to time; and (ii) there is no right of appeal from a temporary suspension of a permit under subsection (b)(6) of this section.

f. Nothing in this subsection (3) shall be construed to prevent the enforcement, by arrest or citation, of applicable laws, including a violation of this section.

\* \* \*

(f) Mobile food vendors.

(1) Definitions. For purposes of this subsection (f), the following words, terms, and phrases shall have the meanings ascribed to them in this subsection (1), unless the context clearly indicates a different meaning:

*Mobile food vending unit* means a trailer or motorized vehicle designed to be portable and not permanently attached to the ground from which only prepared food or beverages, excluding alcoholic beverages, are peddled, vended, sold, displayed, offered for sale, or given away.

*Public mobile food vendor space* means space on public property located within the central city core area, which is approved for a mobile food vending unit by the city's manager of planning administration.

(2) Mobile food vendor's permit. Subject to the provisions of this section, any person engaged in the business of operating a mobile food vending unit may apply for a mobile food vendor's permit from the city in order to use public mobile food vendor space to operate its mobile food vending unit.

(3) Assignment of space; number of units.

a. Each permit shall designate that portion of the public mobile food vendor space assigned to the permit holder by the city clerk-treasurer. Assignments shall be made by the city clerk-treasurer based on the preference of the applicant, the availability of the space, and any other factor deemed appropriate by the city clerk-treasurer based on the public's health, safety, and general welfare. Where more than one applicant for a permit expresses a preference for the same location, the public

mobile food vendor space shall be assigned to the applicant first filing a completed application for the space; provided, that, where a permit is being renewed from the prior year, then the renewal applicant may be given preference.

b. A mobile food vendor may apply for more than one public mobile food vendor space. However, in order to accommodate other mobile food vendors, the city clerk-treasurer may limit or equitably apportion the number of public mobile food vendor spaces used by a mobile food vendor or a person associated with the vendor, such as a relative, family member, or, in the case of a vendor that is an entity, its officers, members, managers, or partners.

(4) Conditions.

a. For mobile vending units that are located on or adjacent to a street, food service shall be solely from that side of the unit that opens away from the street.

b. Hours of operation for mobile food vending units, not including set-up or take-down, shall be from 9:00 p.m. Thursday, Friday, and Saturday until 2:00 a.m. Friday, Saturday, and Sunday. Vendors may set-up one hour before opening and take-down 30 minutes after closing. Mobile food vending units shall be removed from public property at times other than the hours of operation and the set-up and take-down periods.

c. Mobile vending units shall not be placed or operated so as to impede vehicular traffic's use of the streets.

d. No outdoor loudspeaker, public address system, music, or other form of entertainment shall be audible from mobile food vending units.

*[NOTE: Ordinance No. 15-719 added new permitted hours of operation from 6:00 am until 11:00 am on Saturdays and city-recognized holidays. Updated packet provisions forthcoming.]*

**City of Jackson, Mississippi**

**Code of Ordinances (2015)**

**CHAPTER 66. - HEALTH AND SANITATION**

**ARTICLE III. - MOBILE FOOD VENDING**

**Sec. 66-76. - Applicability.**

This article shall apply to all mobile food vendors licensed to sell food and/or beverages in the City of Jackson where permitted to do so and hereby may be referred to as the Mobile Food Vending Ordinance.

**Sec. 66-77. - Definitions.**

The following words and phrases, whenever used herein, shall be construed as defined in this section:

*Mobile food vendor* means any person who sells food and/or beverages from a mobile pushcart or motorized mobile food preparation vehicle on a consistent basis and for a period of more than 15 days each calendar year.

*Mobile pushcart* means any portable vending device, pushcart or other wheeled vehicle or device which may be moved without the assistance of a motor and which is not required to be licensed and registered by the Department of Transportation, used for the displaying, storing or transporting of food offered for sale by a vendor. Said cart may be up to four feet in width, six feet in length, excluding auxiliary items such as handles or fenders, or otherwise the cart shall not occupy space greater than a total of 24 square feet.

*Mobile food preparation vehicle* means any motorized vehicle that includes a self-contained kitchen in which food is prepared, processed or stored and used to sell and dispense food to the consumer. The unit must be on wheels (excluding boats and trailers) at all times. This definition does not include pushcarts.

**Sec. 66-78. - Permits required to use public sidewalks for mobile food vending.**

(a) All mobile food vendors must obtain and maintain a permit for each location where the owner of the mobile pushcart or mobile food preparation vehicle intends to operate. All applications for permit renewal must be filed yearly and will be awarded on a first come first serve basis. The application shall be made with the signs and licenses division of the office of code services in the planning and development department. The application may be reviewed by any department of the city as may be necessary or convenient to determine whether the application is complete or whether the permit should be granted. Permit applications shall contain the following information:

(1) The name, mailing address, physical address, telephone number(s), and email address of the applicant(s). If any applicant is anything other than a natural person, then all documents related to the creation and maintenance of the entity such as articles of incorporation and any similar relevant documents shall be included.

(2) A valid City of Jackson business permit.

(3) A food vending permit from the Mississippi Department of Health.

(4) A scaled sketch plan or photographs showing the proposed mobile pushcart or mobile food preparation vehicle dimensions, along with the applicable license or

registration and vehicle identification number of any vehicle licensed or registered with the state.

(5) A list of products to be sold.

(6) Proof of a valid insurance policy that provides minimum liability coverage of \$500,000.00 per mobile food preparation vehicle and \$500,000.00 per mobile pushcart, with the city named as an additional insured.

(7) A written indemnity agreement that will hold harmless the city, its officers, and employees, for any loss or liability or damage, including costs, for bodily injury or property damage sustained by a person as a result of the negligent installation, use, or maintenance of a permitted space.

(8) Copies of all letters and other notices from any governmental, quasi-governmental, professional, or business association or entity, related directly or indirectly to alleged or actual improper conduct in the food service business, issued to applicant or any person who will have responsibility for operations of the mobile pushcart or mobile food preparation vehicle for which a permit is requested. This shall include all related response and follow up documents showing any results, findings or actions.

(9) The dates, jurisdiction, court, and disposition of the following:

a. All felony charges related to the applicant or any principal of the applicant; and

b. All misdemeanors and violations directly or indirectly related to food, food preparation, permit operations, and/or business operations, related to the applicant or any principal of the applicant

(10) Such other additional information required by law, rule, or ordinance, or that any department of the city or city council, or the permit applicant reasonably deems appropriate to assist the city in determining whether the permit should be granted. The applicant shall be provided reasonable time to supplement the application.

(b) No public vending permit or public vending management contract shall convey any interest in the real property under the jurisdiction of the City of Jackson which is identified in any permit or contract and such permit shall only convey the right to use the property for the purposes allowed in this article.

(c) Permits cost \$500.00 per year which covers the administrative cost of processing the application and regulating each mobile pushcart or mobile food preparation vehicle.

(d) Permit holders may be required to remove private materials or accessories to allow street, sidewalk, or utility access for emergency and maintenance operation or both.

(e) This permit does not allow permit holders to operate within 300 feet of any public space during city appointed special events without proper notarized written authorization from the special event organizers. This notarized written authorization shall be posted while operating during the special event.

(f) The vendor shall not receive compensation for relocating.

(g) The permit must be displayed on the mobile pushcart or mobile food preparation vehicle at all times.

(h) Permits are non-transferable.

(i) A damaged or destroyed mobile pushcart or mobile food preparation vehicle may be replaced if and only if approval for its replacement is obtained from the departments of public works and planning and development. Any such replacement pushcart or vehicle must be of substantially the same type, size, and dimension and with the same general characteristics as the original. Such replacement may be disallowed if the original vendor permit would not have approved the use of the replacement pushcart or food preparation vehicle.

(j) Any permit granted pursuant to this article shall be nonexclusive. The city may grant any number of such permits as the city deems appropriate. The grant of a permit shall not limit or abridge any power or authority of the city and shall not limit the authority of the city to commence appropriate civil, criminal, or other enforcement actions. The city retains full authority to amend the ordinances, rules and regulations that apply to any permit.

(k) The city may revoke and terminate the permit in the event the vendor violates any term, condition, or provision of the permit, the Jackson Code of Ordinances and/or zoning ordinances, state and/or federal law, or if the business license issued by the city for the permitted activity is revoked. The procedures for revoking or terminating a permit shall be the same as revoking or terminating a business license. The revocation may be sought as a remedy in a civil action. The vendor may terminate or surrender the permit at will any time prior to the expiration of the permit by providing written notice to the signs and license division of the office of code services in the planning and development department. Termination of the permit shall not operate to relieve the vendor of the obligation to release, hold harmless, and indemnify the city and its officers, agents, and employees.

**Sec. 66-79. - Location and operation.**

(a) Mobile pushcarts and mobile food preparation vehicles shall only conduct business in designated areas approved by the department of public works and the department of planning and development. These areas include NMU I-Neighborhood Mixed Use Districts, CMU1-Community Mixed Used Districts, C4-Central Business District, UTC-Urban Town Center Mixed Use Districts, Old Capitol Green District, and SUD-Special Use Districts. All other areas must receive prior approval by the department of public works and the department of planning and development. The mobile food vendor is responsible for initiating a request to utilize such locations, and the department of public works and the department of planning and development shall have complete discretion as to which locations to approve considering the needs of traffic, pedestrians, public safety, public works, public convenience, the general uses of adjacent private property, and any other factor that is proper and lawful for the city to consider in approving or disapproving such locations. The City of Jackson Police and Fire Departments shall have concurrent authority to oversee locations and setup of mobile pushcarts and mobile food preparation vehicles. If an applicant is denied and wishes to appeal his grievance, he may request an order approving his application to the city council at a regular scheduled meeting and said item will be considered "approved or disapproved."

(b) Mobile pushcarts and mobile food preparation vehicles shall conform to the following regulations regarding location and operation:

(1) Mobile pushcarts and mobile food preparation vehicles must be located at least 300 feet in all directions from the entrance to any non-mobile business selling food unless the owner of the other business gives notarized written permission for the infringement of the no-vending area. Proof of said permission must be filed with the signs and licenses division.

(2) Mobile pushcarts and mobile food preparation vehicles must not be locked or attached to trees, garbage receptacles, or street furniture.

(3) Mobile pushcarts and mobile food preparation vehicles may not locate within 20 feet of any bus stop.

(4) Mobile pushcarts and mobile food preparation vehicles may not locate within three feet of a building or structure unless the sidewalk is not less than 11 feet wide.

(5) Mobile pushcarts and mobile food preparation vehicles may not locate within any area which would block the view of traffic or traffic signals or traffic signs.

(6) Mobile pushcarts and mobile food preparation vehicles may not locate within ten feet of any fire hydrant.

(c) In no event shall any mobile pushcart or mobile food preparation vehicle, display device, or accessory container be located inside any public building or structure or at any place the general public is prohibited.

(d) Mobile pushcarts and mobile food preparation vehicles may only be operated between the hours of 6:00 a.m. and 3:00 a.m. Cleanup and removal of the pushcart or vehicle must be completed by 3:30 a.m.

(e) The operators must be present at all times.

(f) Mobile food vendors are responsible for all waste and trash removal. The containment area must be kept clear of grease, trash, paper, cups or cans associated with the operation. No liquid waste or grease is to be disposed of in tree pits or onto sidewalks, streets, or other public places.

(g) Mobile food vendors shall not vend from mobile vending units within 300 feet or elementary, middle or high school grounds from 1 hour before schools starts, during the time school is in session, or 1 hour after regular school hours ends.

(h) The mobile food vendor shall contain all refuse, trash and litter within the mobile food service unit or within a small moveable trash can maintained by the vendor, and located adjacent to the mobile pushcart or mobile food preparation vehicle in such a manner as not to block or otherwise obstruct pedestrian or vehicular traffic. The vendor shall be responsible for the proper disposal of such refuse, trash, and litter, and shall place it in the public trash container, or in any private container with proper permission. The vendor is responsible for all litter and trash within 15 feet of the mobile pushcart or mobile food preparation vehicle at any time the vendor is selling or offering to sell any merchandise or service.

(i) The mobile pushcart or mobile food preparation vehicle must have self-contained utilities and shall not use the city's utilities or private utilities that are not self contained and integral to the vendor unit.

U) No mobile food vendor shall sell or attempt to sell any item to the occupant of any motor vehicle, unless it is parked in a lawful parking space. Parking a mobile vending unit on commercially zoned, private property is permitted with written, notarized, permission from the owner and toilet facilities that are available and convenient. The mobile vending unit must be moved daily.

(k) Every mobile food vendor shall keep records utilizing generally accepted accounting practices for the purposes of compliance with all federal, state and local tax laws.

(l) All approved mobile pushcarts and mobile food preparation vehicles must pay the two percent sales tax required by all food providers in the City of Jackson, along with all other tax and licensing fees required by the State of Mississippi.

(m) All approved mobile pushcarts and mobile food preparation vehicles must be licensed businesses within the City of Jackson with all operations pertinent to the mobile pushcart or vehicle operated within the City of Jackson.

(n) All mobile pushcarts and mobile food preparation vehicles must be issued a State tax number by the Mississippi Department of Revenue designating them as a City of Jackson business.

**Sec. 66-80. - Design standards.**

All mobile pushcarts and mobile food preparation vehicles must meet the following design standards:

(1) All mobile pushcarts and mobile food preparation vehicles must be self contained. This requires that the pushcart or food preparation vehicle is not connected or attached to any building or structure, and does not receive power from any building by means of wires, hoses, or other connections.

(2) Umbrellas or canopies must be attached to the pushcart or vehicle and must not exceed eight feet in height above grade. Maximum diameter of canopies and umbrellas shall not exceed six feet and shall not interfere with pedestrian movement. No mobile pushcart or mobile food preparation vehicle shall have more than two umbrellas.

(3) All signage on mobile pushcarts and mobile food preparation vehicles shall comply with the City of Jackson Sign Ordinance. No free standing signage is permitted.

(4) Mobile pushcarts and mobile food preparation vehicles must comply with all local, state, and federal rules regarding sanitation and protection of food from airborne contamination.

(5) Sales of goods are limited to food and beverage.

(6) Mobile food vendors may place a maximum of three coolers within their containment area so long as the coolers are neatly stacked to avoid visual clutter.

(7) No accessory container shall be more than three feet from the unit.

(8) Accessory containers must be made of hard substances such as hard plastic or a metal and may not be made by expanded polystyrene plastic, paper, paperboard, or cardboard.

(9) Mobile pushcarts and mobile food preparation vehicles may not be stored, parked or left overnight on city property.

(10) All permit applicants must operate an existing licensed restaurant within the City of Jackson or have a central kitchen approved by the Mississippi Department of Health for food service.

**Sec. 66-81. - Violations and penalties.**

(a) All mobile food vending must be performed in compliance with said ordinance. Failure to abide by said ordinance shall result in the following:

(1) A fine not exceeding \$150.00 for a first violation.

(2) A fine not exceeding \$250.00 for a second violation within one year of any prior violation.

(3) A fine not exceeding \$500.00 for a third or more violation within one year of the first.

(b) Any offense shall be considered a misdemeanor and is subject to being cited by any authorized law enforcement official in the City of Jackson or with authority to do so in the City of Jackson.

(c) Violation of this article may result in the suspension or revocation of any city permit or license issued to the owner or operator of the mobile pushcart or mobile food preparation vehicle.

(d) Each day on which an infraction of the ordinance occurs shall be considered a separate and distinct violation.

(e) All fines collected shall go to the city's general fund.



**City of Minneapolis, Minnesota  
Code of Ordinances (2015)**

**TITLE 10 - FOOD CODE**

**CHAPTER 186. - IN GENERAL**

**186.50. - Definitions.**

\* \* \*

*Mobile food vehicle* means a food establishment preparing and/or serving foods from a self-contained vehicle, either motorized or within a trailer, on public sidewalks, curbside on the public streets, or on private property that is readily movable, without disassembling, for transport to another location, which operates no more than twenty-one (21) days annually at any one (1) place, or operating more than twenty-one (21) days annually at any one (1) place with the approval of the regulatory authority as defined in Minnesota Rules, part 4626.0020, subpart 70.

**CHAPTER 188. - ADMINISTRATION AND LICENSING.**

**ARTICLE III. - LICENSE HOLDER REQUIREMENTS.**

**188.485. - Mobile food vehicle vendors.**

(a) No person shall operate a mobile food vehicle in the city without a valid license required under this section. To the extent authorized in any such license granted under the provisions of this section, the licensee may conduct such licensed business on the public sidewalk or curbside on the street notwithstanding the provisions of sections 188.10, 427.110, 427.130, 478.85, 478.90(a, u, w, and y), 478.350, 478.370, 430.30, 439.30, and 549.160 of this Code.

(b) Plan submission. Application for a mobile food vehicle license shall be made at the licensing division before beginning the construction of a mobile food vehicle vending operation. The licensing official may require such information on the application as it deems reasonable and necessary, including but not limited to, the following information:

(1) Name and address of the applicant.

(2) Name and address of the approved commercial supply source and affiliated licensed food establishment in the city. If the licensed food establishment is not owned or operated by the applicant, the applicant shall provide written proof of consent from the establishment's owner to use the facility for food preparation, storage, and cleaning.

(3) A description of the preparation methods and food product offered for sale, including the intended menu, display, and distribution containers.

(4) The anticipated volume of food to be stored, prepared, and sold.

(5) Plans and specifications for the mobile food vehicle, including the proposed layout, photographs, mechanical schematics, construction materials, finish schedules, equipment types, manufacturers, model numbers, locations, dimensions, weight of vehicle per wheel, performance capacities, power source, installation specifications, and information on any custom fabricated equipment.

(6) Valid copies of all necessary licenses or permits required by state or local health and transportation authorities.

(7) A signed statement that the licensee shall hold harmless the city, any applicable special service district, and their officers and employees, and shall indemnify the city, any applicable special service district, and their officers and employees for any claims for damage to property or injury to persons which may be occasioned by any activity carried on under the terms of the license. Licensee shall furnish and maintain such public liability, food products liability, and property damage insurance as will protect permittee, property owners, city, and the district from all claims for damage to property or bodily injury, including death, which may arise from operations under the license or in connection therewith. Such insurance shall provide coverage of not less than one million dollars (\$1,000,000.00) per occurrence. The policy shall further provide that it may not be cancelled except upon thirty (30) days' written notice filed with the licensing official. No license issued pursuant to the provisions of this section shall be valid at any time the insurance required herein is not maintained and evidence of its continuance filed with the licensing official.

(8) The proposed locations for conducting business according to subsection (c) below. No application will be accepted for a license operating location on a public sidewalk or private parking lot where a current license has been issued or a complete application is pending. If the proposed location is on a public sidewalk, the applicant shall submit a signed statement that the licensee shall hold harmless the adjacent property owner(s) for any claims for damage to property or injury to persons which may be occasioned by any activity carried on or under the license. If the proposed location is private property, the applicant shall provide written consent from the property owner. If the proposed location is on or within two hundred (200) feet of park board property, the applicant shall provide written consent in the form of a permit, agreement, or other required written authorization from the park board.

(9) Each year at the time of filing the application for such a license, the applicant shall pay to the city finance officer a sum as established in Appendix J, License Fee Schedule.

(c) Location review and restrictions. Proposed operating locations shall be reviewed as follows:

(1) The licensing official shall maintain a list of eligible operating locations that is available for review by the public. The licensing official shall refer the subject of mobile food vendors in general to Downtown Business Improvement Special Service District ("the district"), which shall report its advisory recommendations concerning the potential locations of mobile food vendor sites on the public sidewalks within the boundaries of the district in section 465.10.

(2) Upon receipt of a complete application for a license, the license shall be referred to the director of public works for approval or disapproval. The use of the license operating location for mobile food vending must be compatible with the public interest in use of the sidewalks and streets as public right-of-way. In making such determination, the director of public works shall consider the width of the sidewalk, the method of placing the vehicle, the weight that can be supported by the paving at the proposed location, the proximity and location of existing street furniture, including but not limited to, utility poles, parking meters, bus shelters, benches, street trees, newsracks, as well as, the presence of bus stops, truck loading zones, taxi stands, valet parking zones, or other approved sidewalk cafés or mobile food vehicles to determine whether the requested location would result in pedestrian or street congestion.

(3) The director of public works shall not approve a location on a sidewalk where a mobile food vehicle would substantially impair the structural capacity of the sidewalk,

movement of pedestrians or vehicles, or pose a hazard to public safety. The director shall not approve any location which is adjacent to a bus stop, taxi stand, or handicap loading zone, within thirty (30) feet of an intersection, within three (3) feet of a curb, or directly in front of a property entryway. Pedestrian walkways of no less than six (6) feet must be maintained on the service side of the mobile food vehicle.

(4) No mobile food vehicle vendor application will be accepted for a license operating location on a public sidewalk where a restaurant, with direct access to the sidewalk, is adjacent or within one hundred (100) feet on the same block face. This requirement may be waived if the application is submitted with the written consent of the proprietor of the restaurant. No person or corporation shall either pay or accept payment for the written consent provided herein.

(5) Ingress and egress to private property shall be through existing driveway openings only.

(6) Parking on streets is permitted when in compliance with all ordinances, regulations, parking zones and posted signage. Sales by the licensee shall be made on the curbside only and the vehicle shall be parked within one (1) foot of the curb. No mobile food vendor shall operate from the public right-of-way where a restaurant, with direct access to the sidewalk, or a permitted sidewalk café is within one hundred (100) feet on the same block face. This requirement may be waived if the licensee furnishes written consent from the proprietor of the restaurant. No person or corporation shall either pay or accept payment for the written consent provided herein.

(7) Parking at a metered space is allowed as indicated above and subject to the following conditions:

- a. Licensee shall only operate at an operational metered space and shall park in such a manner so as to only occupy the designated parking space.
- b. Licensee shall comply with all posted requirements and fees in accordance with subsection (a).
- c. Parking at a designated short-term metered space is not permitted.
- d. When any portion of the mobile food vehicle, including any trailer, extends into an adjacent parking space, then that space shall be considered occupied by the mobile food vehicle and the licensee must comply with all posted meter requirements.
- e. No mobile food vehicle, including any trailer, shall occupy more than two (2) metered parking spaces. Trailers may be detached from the vehicle while in operation.
- f. No mobile food vehicle shall be allowed to operate at a metered space where a bicycle lane exists between the parking space and the parking meter.
- g. No mobile food vehicle shall be allowed to operate at a hooded metered space or a parking meter that is temporarily out of service.
- h. Licensee is prohibited from reserving a metered parking space by blocking, barricading, hooding, signing, or in any other manner preventing another vehicle from occupying the space.

i. No mobile food vehicle vendor shall operate from the public right-of-way within one hundred (100) feet on the same block face of a licensed sidewalk café. This requirement may be waived if the application is submitted with the written consent of the proprietor of the restaurant. No person or corporation shall either pay or accept payment for the written consent provided herein.

j. No mobile food vehicle vendor shall operate from a public right-of-way within one hundred (100) feet on the same block face, where a restaurant with direct access to the sidewalk. This requirement may be waived if the application is submitted with the written consent of the proprietor of the restaurant. No person or corporation shall either pay or accept payment for the written consent provided herein.

(8) The approved operating locations shall be indicated on the license and shall include the area of the mobile food vehicle. The license must be prominently displayed on the vehicle.

(9) If the requested operating location is denied, the applicant may select an alternate location, which shall also be referred to the director of public works for review.

(10) The city shall not approve more than one (1) mobile food vehicle per private parking lot, which must remain in compliance with the zoning code, including the off-street parking requirements for the host parking lot. The vehicle shall not block required drive aisles.

(11) Licensee shall not operate any such business within five hundred (500) feet of any city, county, or state fair, carnival, circus, festival or civic event that is licensed or sanctioned by the city council, or similar event authorized by a permit issued by the park board, except when the licensee has obtained a temporary food permit from the licensing official as being a participant under the auspices and control of such event, and, if applicable, written consent in the form of a permit, agreement, or other required written authorization from the park board.

(12) Licensee shall not operate any such business within five hundred (500) feet of a controlled entrance to a regional sports arena or facility, except when the licensee has obtained written permission from the owner and furnished such written permission to the licensing official at least fifteen (15) days in advance of such use.

(13) Licensee shall not operate any such business within two hundred (200) feet of park board property without written consent in the form of a permit, agreement, or other required written authorization from the park board.

(d) Approved food and beverage list. The environmental health division shall maintain a record of approved food and beverage items which may be prepared and sold by mobile food vehicle vendors. Requests to have a food or beverage item considered for approval shall be submitted in writing to the environmental health division, that shall determine whether the food or beverage item is capable of preparation and service from the mobile food vehicle based on the equipment being used and the design and construction of the vehicle.

(e) Form and condition of license. In addition to naming the licensee, showing the approved operating location site diagram, and any other information deemed appropriate by the licensing official, the mobile food vehicle vending license shall contain the following conditions:

- (1) Each mobile food vehicle vending license shall expire on April first of each year.
  - (2) The license shall not be transferrable from person to person or from place to place without approval of the licensing official.
  - (3) The approved operational location may be changed, either temporarily or permanently, by written notice of the licensing official.
  - (4) The license is valid for one (1) vehicle only.
  - (5) There shall be issued to each approved licensee a suitable decal that shall be permanently and prominently affixed to the vehicle.
- (f) Restrictions. The mobile food vehicle shall comply in all respects with all requirements of state law, including but not limited to Minnesota Rules Chapter 1315, Chapter 1346, and Chapter 4626, and any requirements found in any other law, statute, rule, resolution, ordinance, or regulation of any kind and the following:
- (1) All equipment must meet applicable National Sanitation Foundation (NSF) food service equipment standards.
  - (2) All foods, beverages, and ice must be obtained from an approved commercial source. Food cannot be stored in a home.
  - (3) Any food preparation or food storage done off-site must be accomplished at a city licensed food establishment location. Food cannot be prepared or stored in a home.
  - (4) Hours of operation shall be limited to the hours between 6:00 a.m. and midnight. The hours of operation for mobile food vehicles located within three hundred (300) feet of a residential building or a mixed use building with a residential component shall be limited to the hours between 7:00 a.m. and 10:00 p.m. No approved mobile food vehicle shall be left unattended nor remain at an authorized operating location outside of these allowed hours of operation.
  - (5) Every approved mobile food vehicle vendor shall operate for a minimum of one hundred fifty (150) days during the license term. This condition may be waived for mobile food vehicle vendors located outside the Central Business District.
  - (6) No mobile food vehicle vendor shall use or maintain any outside sound amplifying equipment, televisions or similar visual entertainment devices, lights, or noisemakers, such as bells, horns, or whistles.
  - (7) All waste liquids, garbage, litter and refuse shall be kept in leak proof, nonabsorbent containers which shall be kept covered with tight-fitting lids and properly disposed of at the licensed food establishment. No waste liquids, garbage, litter or refuse shall be dumped or drained into sidewalks, streets, gutters, drains, trash receptacles, or any other place except the licensed food establishment. The garbage receptacle shall be easily accessible for customer use. The licensee shall be responsible for all litter and garbage left by customers.
  - (8) The mobile food vehicle shall not have a drive-through.
  - (9) The environmental health division may summarily close any licensed food establishment, including a mobile food vehicle, pursuant to section 188.580.

(10) A mobile food vehicle vendor shall obey any lawful order of a police officer, traffic control agent, or other city inspector to move to a different authorized location to avoid congestion or obstruction of the street or sidewalk.

(11) The mobile food vehicle shall comply with the provisions of section 466.280 and 536.20 relative to signage and advertising on the vehicle.

(12) No mobile food vehicle shall use external signage, bollards, seating, or any other equipment not contained within the vehicle.

(13) Any power required for the mobile food vehicle shall be self-contained, screened from view, and shall not use utilities drawn from the public right-of-way. Mobile food vehicles on private property may use electrical power from an adjacent property only when the owner provides written consent. No power cable or equipment shall be extended at grade across any city street, alley, or sidewalk.

(14) The height of the mobile food vehicle, including all accessory equipment, shall not exceed ten (10) feet for operation on a public sidewalk or thirteen (13) feet, six (6) inches for operation on a street or parking lot. The director of public works may reduce the allowed maximum height on a public sidewalk in a particular location in consideration of existing right-of-way obstructions, including trees.

(15) No mobile food vehicle shall be kept, stored, or maintained on a residentially zoned property in violation of any ordinance or regulation.

(g) License adverse action. An application or approved license may be denied, revoked, suspended, or not renewed, after notice and an opportunity for a hearing thereon, for any of the following reasons:

(1) The application contains material omissions or false, fraudulent, or deceptive statements.

(2) The vehicle is operated in such a manner as constituting a public nuisance per this Code or state statutes.

(3) The proposed operation is in violation of any federal, state, or local laws including, but not limited to, the provisions of this Code pertaining to food, fire prevention, and health or safety.

The provisions of this section are not exclusive. Adverse license action may be based upon good cause as authorized by Chapter 4, Section 16 of the Charter. This section shall not preclude the enforcement of any other provisions of this Code or state and federal laws and regulations.

(h) Effective date. This section shall become effective on May 1, 2010.

**City of New Orleans, Louisiana  
Code of Ordinances (2015)**

**CHAPTER 110. - PEDDLERS, SOLICITORS, AND ITINERANT VENDORS.  
ARTICLE II. - PEDDLERS AND ITINERANT VENDORS.**

**DIVISION 5. - FOOD—MOBILE VENDING**

**Sec. 110-186. - Definitions.**

[The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

*Central Business District*, for the purpose of this division, means the area bounded by: the Mississippi River, the northbound side of North Rampart Street, Iberville Street and Howard Avenue and Andrew Higgins Drive.

*Clean zone* means an area established by an ordinance adopted by the Council of the City of New Orleans that suspends certain permits and prohibits the transaction of certain business and/or commercial activities on designated areas of public property and outside of enclosed buildings, within the City of New Orleans during specific dates and times.

*Faubourg Marigny*, for the purpose of this division, means the area bounded by: Esplanade Avenue, North Rampart, Elysian Fields Avenue and the Mississippi River.

*Franchisee* means the recipient of a mobile vending franchise under the terms and provisions of this division.

*Mobile food truck* means a double-axle vehicle that is completely mobile with no permanent fixed location, the vendor of which prepares all or most of its victuals on board the vehicle to serve or distribute to customers, in a form suitable for immediate ingestion or consumption. This definition excludes vendors selling only fresh, uncooked or unprepared produce or seafood, or farmers selling their own produce or value-added products (oils, jams, jellies, etc.) directly to customers from motor vehicles. Vendors selling only fresh, uncooked or unprepared produce or seafood, or farmers selling their own produce or value-added products (oils, jams, jellies, etc.) shall be regulated by Division 5.1 of Article II in Chapter 110 of the Code of the City of New Orleans.

*Mobile vendor* means a person, natural or juridical, that has obtained a valid permit and/or franchise to operate a mobile food truck to serve or distribute victuals on the public right-of-way.

*Permitee* means the recipient of a mobile vending permit under the terms and provisions of this division.

*Public right-of-way* means any city street, alley, road, sidewalk, neutral ground, or other passageway whereby pedestrians or vehicles traverse.

*Serve or distribute* means soliciting the sale of or offering for sale victuals. Corporate sampling is not permitted.

*Victuals* means food of any kind that is prepared, packaged or in a form that is suitable for immediate ingestion or consumption by human beings. This definition excludes the

selling of fresh produce or raw or cooked seafood sold in bulk or by weight that has not been prepared, packaged or served with other prepared foods as part of a menu item. Sale of fresh, uncooked or unprepared produce or seafood, or farmers selling their own produce or value-added products (oils, jams, jellies, etc.) shall be regulated by Division 5.1 of Article II in Chapter 110 of the Code of the City of New Orleans.

*Vieux Carré*, for the purpose of this division, means the area bounded by: Iberville Street, northbound side of North Rampart Street, Esplanade Avenue and the Mississippi River.

**Sec. 110-187. - Permit or franchise required and authorized.**

Every person, whether natural or juridical, who desires to use the public right-of-way or public places to conduct any of the businesses or callings hereinafter set forth, shall first apply for and be granted a mobile vending permit from the department of finance, and/or a mobile vending franchise ordinance from the city council as provided in this division.

**Sec. 110-188. - Permit requirements.**

(a) A mobile vending permit shall be applied for with the department of finance and shall be on forms provided by the city and in the format and number of copies as required by the instructions. No permit shall be issued until all requisite approvals by the State Department of Health and Hospitals and the Fire Department are finalized and received by the department of finance. All permit holders shall comply with all applicable laws and regulations of the State of Louisiana and the Code of the City of New Orleans.

(b) Any permit that is issued shall in each instance state the occasion for which it is issued and the date upon which it will expire and shall be in addition to any other required tax or license. Permits shall be issued on an annual basis and shall expire on December 31. Renewal applications shall be made by January 31. Nothing contained herein precludes the prorating of permit fees.

(c) The number of permits issued under this division shall at no time exceed 100 for the entire city.

(d) Permits shall be conspicuously displayed and affixed to the front windshield, lower corner, passenger side and be clearly visible from outside the mobile food truck at all times during operation.

(e) Except as otherwise provided in this division, permits issued under this division are valid for use in business, commercial, industrial and mixed use zoning districts as defined in the New Orleans Comprehensive Zoning Ordinance, as amended, including the southbound side of North Rampart Street between Esplanade Avenue and Canal Street and the southbound side of Loyola Avenue and Elk Place between Cleveland Street and Howard Avenue. Nothing contained herein shall be construed to authorize the use of any permit:

- (1) In the Central Business District;
- (2) In the Vieux Carré;
- (3) In the Faubourg Marigny, except on both sides of Elysian Fields Avenue;
- (4) In any residential or park district as defined in the New Orleans Comprehensive Zoning Ordinance, as amended;
- (5) On Maple Street between Audubon Place and Leake Avenue;
- (6) On Oak Street between Broadway Street and Monticello Avenue;
- (7) In the area bounded by: Louisville Street, Vicksburg Street, Robert E Lee Boulevard and Conrad Street;
- (8) On St. Bernard Avenue between Interstate 610 and Lakeshore Drive;



- (9) On Paris Avenue between Interstate 610 and Lakeshore Drive;
- (10) On Elysian Fields between Interstate 610 and Lakeshore Drive; and
- (11) On Franklin Avenue between Interstate 610 and Lakeshore Drive.

(f) Permits issued under this division are not valid:

- (1) During the Mardi Gras Season in the locations governed by sections 34-34 et seq.;
- (2) During the Annual New Orleans Jazz and Heritage Festival Season within the area bounded by Florida Avenue on the north, North Broad Avenue on the east, Esplanade Avenue on the south, and Bayou St. John on the west (excluding the portion of that area contained within the exterior boundaries of the New Orleans Fair Grounds Racetrack) commencing at 7:00 a.m. on the first day of live music performances and continuing through and until 11:59 p.m. on the concluding day of live music performances;
- (3) In a clean zone as authorized by an ordinance adopted by the council; and
- (4) When the city requires the use of its public right-of-way to facilitate projects or events within the right-of-way.

(g) The director of the department of finance may prescribe such other policies and procedures as to the issuance of permits as may be required to carry out the full intent and purpose of this division.

(M.C.S., Ord. No. 25407, § 2, 7-25-13; M.C.S., Ord. No. 25722, § 1, 3-13-14)

**Sec. 110-189. - Franchise requirements.**

(a) A valid mobile vending franchise ordinance with the city shall be obtained in such a manner pursuant to this section for a mobile vendor to lawfully operate:

- (1) In the Central Business District;
- (2) In the Faubourg Marigny;
- (3) In any residential or park district as defined in the New Orleans Comprehensive Zoning Ordinance, as amended;
- (4) On Maple Street between Audubon Place and Leake Avenue;
- (5) On Oak Street between Broadway Street and Monticello Avenue;
- (6) In the area bounded by: Louisville Street, Vicksburg Street, Robert E Lee Boulevard and Conrad Street;
- (7) On St. Bernard Avenue between Interstate 610 and Lakeshore Drive;
- (8) On Paris Avenue between Interstate 610 and Lakeshore Drive;
- (9) On Elysian Fields between Interstate 610 and Lakeshore Drive; and
- (10) On Franklin Avenue between Interstate 610 and Lakeshore Drive.

(b) A mobile vending franchise shall be applied for with the department of public works and shall be on forms provided by the city and in the format and number of copies as required by the instructions. No franchise shall be issued until all requisite approvals by the State Department of Health and Hospitals and the Fire Department are finalized and received by the department of public works. All franchisees shall comply with all applicable laws and regulations of the State of Louisiana and the Code of the City of New Orleans.

(c) The director of the department of public works, or his/her authorized designee, shall evaluate the mobile vending franchise application and submit to the city council a report and recommendation for review and approval. The city council may issue a revocable mobile vending franchise ordinance for the use of certain city streets. Any such ordinance shall conform to the terms and conditions as provided in this division.

(d) Each application for a mobile vending franchise shall provide the desired fixed location on certain public streets in the City of New Orleans with specificity, and shall provide the desired days of the week and correlating hours the location is proposed to be occupied by the potential franchisee.

(e) Each application for a mobile vending franchise shall provide a photo and the dimensions of the mobile food truck to be used in the sale of items specified herein.

(f) The following standards and criteria shall be utilized by the department of public works in formulating its recommendation to the city council relative to the appropriateness of an applicant's desired location, day(s) and time(s):

- (1) Creation of a pedestrian or vehicular safety hazard;
- (2) Road, sidewalk and public right-of-way geometrics including, but not limited to: design, alignment, configuration, width, and vehicle site-line distance;
- (3) Impediments to traffic flow;
- (4) Traffic congestion, patterns circulation, movements and average daily trip volumes;
- (5) Speed limits and traffic speeds;
- (6) Traffic studies and accident rates;
- (7) On-street parking requirements;
- (8) The geographic make-up of the area;
- (9) Impact on any nearby residential uses; and
- (10) Any other factor deemed to be a potential safety hazard by the department of public works.

Upon evaluating an application for a mobile vending franchise, the department of public works shall recommend approval or denial in a written report to the city council. The department of public works shall recommend denial of a franchise request that has a significant adverse impact on vehicular or pedestrian flow, movement or safety.

(g) If approved by the council, a serial-numbered franchise permit shall be codified in the mobile vending franchise ordinance. Said serial number shall appear on signage placed by the city at the designated selling location and on the mobile vending franchise permit. The department of public works shall also mark the street with lines to indicate the approved mobile vending location. The mobile vending franchise permit shall be conspicuously displayed and affixed to the front windshield, lower corner, passenger side and be clearly visible from outside the mobile food truck at all times during operation. No franchisee shall remain or continue to occupy the designated location(s) beyond the approved days and times without amending the franchise ordinance.

(h) Franchises are not valid:

- (1) In the Vieux Carré;
- (2) During the Mardi Gras Season in the locations governed by sections 34-34 et seq.;
- (3) During the Annual New Orleans Jazz and Heritage Festival Season within the area bounded by Florida Avenue on the north, North Broad Avenue on the east, Esplanade Avenue on the south, and Bayou St. John on the west (excluding the portion of that area contained within the exterior boundaries of the New Orleans Fair Grounds Racetrack) commencing at 7:00 a.m. on the first day of live music performances and continuing through and until 11:59 p.m. on the concluding day of live music performances;

- (4) In a clean zone as authorized by an ordinance adopted by the council; and
- (5) When the city requires the use of its public right-of-way to facilitate projects or events within the right-of-way.
- (i) The director of the department of public works may prescribe such other policies and procedures as to the processing of franchise applications as may be required to carry out the full intent and purpose of this division.
- (j) All applicants for a mobile vending franchise must post an official notification sign informing the public of a pending franchise application. The official notification sign shall be in a format designated by the department of public works and shall be installed by the applicant ten days before the council meeting at which the application will appear on the agenda for consideration. The official notification sign shall be conspicuously displayed on the same block as the proposed franchise in a location determined by the department of public works and shall be clearly visible. The sign shall include the following information:
  - (1) The name of the franchise applicant and franchise application number,
  - (2) The date, time, and location of the next council meeting at which the application will appear on the agenda for consideration, and
  - (3) The proposed franchise location and days and times of operation.
- (k) All mobile vending franchise applicants shall be responsible for all costs associated with compliance with the notice requirements of this section.

**Sec. 110-190. - Permit and franchise fees.**

- (a) There shall be an initial permit application fee of \$50.00, which shall be submitted to the department of finance along with the permit application to defray the cost of processing. Upon permit issuance, there shall be an additional \$400.00 permit fee, which shall be renewed annually to reasonably compensate the city for the cost of the restricted use of the public right-of-way. Payment shall be by check or money order payable to the city.
- (b) There shall be an initial franchise application fee of \$175.00, which shall be submitted to the department of public works along with the franchise application to defray the cost of processing and evaluating the application. Upon franchise issuance, there shall be an additional franchise fee, which shall be renewed annually to reasonably compensate the city for the cost of the restricted use of the public right-of-way. The cost of the franchise fee shall be recommended by the department of public works and ordained by the council, based on the following criteria:
  - (1) The location of the franchise;
  - (2) The length, in feet, that the food truck will occupy on the street, including the space required for placement of a trash receptacle;
  - (3) The times, duration and days of operation;
  - (4) Parking availability and costs in the area;
  - (5) Cost of franchise signage and street marking; and
  - (6) Any other factor deemed to be a potential cost factor as determined by the department of public works or the Council of the City of New Orleans.

In no event shall the annual franchise fee exceed \$28,200.00. Payment shall be by check or money order payable to the city. Annual franchise fees are due by January 31, to the department of public works.

**Sec. 110-191. - Rules and regulations for all mobile food vendors.**

In addition to all other applicable laws pertaining to permits and franchises, all mobile vendors operating pursuant to this division shall also be subject to the following provisions:

- a. All mobile food trucks shall be registered in the State of Louisiana. Any driver of a mobile food truck shall possess a valid Louisiana Driver's License.
- b. All mobile vendors shall comply with all applicable parking, traffic and vehicle safety laws, regulations and restrictions, but in no event shall any mobile vendor remain in any one location for more than four hours, unless otherwise permitted by law.
- c. No mobile vendor shall operate within 20 feet of any intersection.
- d. No mobile vendor shall operate within 20 feet of any stop sign, flashing beacon, yield sign or other traffic control signal located on the side of a roadway.
- e. No mobile vendor shall operate within three feet of any public or private driveway, wheelchair ramp or bicycle ramp.
- f. No mobile food truck shall be more than 26 feet in length or eight feet in width.
- g. No mobile vendor shall sell alcoholic beverages, controlled substances, or any other item the possession or use of which is deemed illegal under any federal, state or local law.
- h. No mobile vendor shall sell goods, wares or other items of merchandise other than victuals.
- i. No mobile vendor shall place any chairs, stools, tables or other fixtures, furniture or other obstructions on any portion of the public street, sidewalk or right-of-way, except as provided in subpart (j) of this section.
- j. All mobile vendors shall provide a trash receptacle within three feet of the front or back of the mobile food truck on the public street, which shall be large enough to contain all refuse generated by operation. The location shall be kept clean and free of trash and debris. All mobile vendors shall be responsible for cleaning all debris and refuse generated by such operation within 50 foot radius of the mobile food truck upon ceasing operation. It shall be unlawful for any mobile vendor to leave any location without first picking up, removing and properly disposing of all trash or refuse remaining at a location. Any trash, garbage, refuse or other debris generated by the mobile vendor or relating to the operation of the mobile vendor shall be disposed of at approved locations. Nothing contained herein shall permit the placement of a trash receptacle on any sidewalk.
- k. It shall be unlawful for any mobile vendor to operate a mobile food truck in any manner that impedes the flow of vehicular or pedestrian traffic on any public right-of-way.
- l. No mobile food vendor shall operate a mobile food truck in any manner that impedes the ingress or egress of a building or structure during its operating hours.
- m. It shall be unlawful for any mobile vendor to operate a mobile food truck that is in a defective, unsafe or unsanitary condition in violation of any applicable law or regulation.
- n. No mobile vendor shall operate any horn, sound amplification system, or other sound-producing device or music system which can be heard outside the mobile food truck when

such mobile food truck is moving, stopped, standing or parked, or is being operated as allowed under this division.

o. No advertising shall be permitted on any mobile food truck, except to post prices and to identify the name of the product or name of the lawful mobile food vendor.

p. All mobile vendors must comply with all other applicable conditions and requirements imposed upon mobile vendors under the law, and must comply with all applicable city and state health laws and regulations and shall make such sales tax returns and other reports as required by provisions of the Code of the City of New Orleans.

q. All mobile vendors shall immediately notify the department of finance if the State Department of Health and Hospitals revokes a vendor's ability to operate.

**Sec. 110-192. - Existing vendors.**

Nothing contained herein shall invalidate a legally issued and valid permit relative to the vehicle of a vendor selling victuals that was legally operating on the date of adoption of this division.

**Sec. 110-193. - Insurance requirements.**

(a) At the time of application for, and prior to the issuance of, any permit or franchise pursuant to this division, each and every applicant shall provide written proof of commercial general liability insurance coverage. At the time of application for, and throughout the period of validity of, any permit issued to the applicant, the policy or policies must be in full force and effect and must be underwritten by a carrier licensed to do business in the state. Such insurance coverage shall provide liability coverage of not less than \$500,000.00 for any and all claims against the applicant and/or the city arising out of or in any way connected to or associated with the vendor or any of its operations, including but not limited to bodily injuries, personal injuries, and injuries to property, and shall name the city as an additional insured.

(b) At the time of application for, and prior to the issuance of, any permit or franchise pursuant to this division, each and every applicant shall provide written proof of commercial vehicle insurance coverage in compliance with state law.

**Sec. 110-194. - Fines and forfeitures—Process and procedure.**

(a) Any violation of any applicable provision of this chapter may be grounds for revocation of any permit or franchise issued under this division and shall be an infraction punishable by a fine not to exceed \$500.00 per violation.

(b) Violations of the provisions of this division shall be brought by the appropriate department or agency to administrative adjudication as provided in Chapter 6 of the Code of the City of New Orleans, or to municipal court.

**City of Northampton, Massachusetts  
Municipal Code (2015)**

**Chapter 285: Streets, Sidewalks, and Public Property  
Article I: General Street and Sidewalk Regulations**

**§ 285-4 Permit to display merchandise on streets required; mobile food vehicles.**

\* \* \*

C. Mobile food vehicles. [Added 9-5-2013]

(1) Licenses and permits required.

(a) No person or entity shall operate a mobile food vehicle on any street or other public property without a mobile food vehicle permit issued by the Northampton Police Department. Any person seeking such permit shall submit an application for a mobile food vehicle to the Northampton Police Department along with the following:

[1] State hawkers and peddlers license.

[2] Form MT-1: Meals and All Beverages Sales Tax Registration Certificate.

[3] Northampton Health Department mobile food permit.

[4] Proof of comprehensive liability insurance and, where applicable, worker's compensation insurance with coverage limits as determined by the Police Department.

[5] Fire Department inspection (for compliance with commercial cooking regulations, fire suppression system, vent hood and fire extinguishers).

(b) Mobile food vehicle permits are nontransferable.

(2) Definitions.

**MOBILE FOOD VEHICLE**

A food establishment that is located upon a vehicle, or which is pulled by a vehicle, where food or beverage is cooked, prepared or served for individual portion service, such as a mobile food kitchen.

**SIDEWALK**

Such parts of the highway, whether public or private, as are within the curbstones thereof, in all places where curbstones are set, and also such parts of such highway as have been established or used as a footwalk or sidewalk, and also such parts of any streets or highway as shall be established or used and determined as footwalks or sidewalks.

**STREET or HIGHWAY**

The entire width between property lines of every way open to the use of the public for purposes of travel. Includes alleys, lanes, courts, public squares and public places, and it shall also be understood as including the sidewalks, unless otherwise expressed.

(3) Fee schedule.

- (a) Mobile food vehicle application fee from the Police Department: \$50.
- (b) Mobile food vehicle permit from the Police Department: \$250 (if application is approved).
- (c) State hawkers and peddlers license: \$62 paid to the state (<http://www.mass.gov/ocabr/government/oca-agencies/dos-lp/dos-licensing/hawker-and-peddler-license/information.html>).
- (d) Northampton Health Department mobile food permit: \$100 annually.
- (e) A mobile food vehicle permit is nontransferable.

(4) Location of mobile food vehicles.

- (a) Mobile food vehicles are not permitted to operate in the Central Business District or in areas of Florence zoned General Business, as delineated on the Northampton Zoning Map (§ 350-3.4).
- (b) Mobile food vehicles may park and operate in legal public parking spaces outside of the Central Business District or in areas not zoned General Business in Florence. Mobile food vehicles must not impede traffic, may not park or operate in handicap spaces, commercial loading zones or other restricted parking spaces. Mobile food vehicles must pay applicable parking fees. They are exempt from the time limits on the parking meters, but must pay the meter fees during all enforcement hours. No overnight parking is allowed by mobile food vehicles.
- (c) Mobile food vehicles are not permitted to park or operate on sidewalks.
- (d) No permit issued hereunder shall authorize a mobile food vehicle to operate in a public park or in a City-owned parking lot.

(5) Space availability. Granting of a mobile food vehicle permit does not guarantee parking or space availability.

(6) Hours of operation. Mobile food vehicles may operate between the hours of 8:00 a.m. and 10:00 p.m. Sunday through Thursday and between the hours of 8:00 a.m. and 2:00 a.m. Friday through Saturday.

(7) Service of food. Mobile food vehicles may not conduct business with people in vehicles nor shall mobile food vehicles serve customers who stop or park vehicles in a vehicle or bicycle travel lane near the mobile food vehicle. Business may only be conducted curbside. Mobile food vehicles may not provide seating of any kind. Mobile food vehicles shall not be left unattended.

(8) Music and amplification. Mobile food vehicles may not play loud music or use any kind of sound amplification to attract customers. See City Code § 245-4.

(9) Trash and recycling.

- (a) Mobile food vehicles must provide trash and/or recycling receptacles.

(b) Mobile food vehicle operators must arrange for disposal of their commercial trash and recycling, and are prohibited from using public receptacles for that purpose.

(10) Concerns and complaints about mobile food vehicle operations. Any violation of this subsection shall be cause to suspend or revoke a permit issued hereunder. Concerns and complaints received by the City about mobile food vehicle operations will be handled by the appropriate enforcement officials, with permit review by the Police Department as it deems necessary.

(11) Enforcement. Violations of this subsection may be enforced by the Police Department through the noncriminal disposition procedure set out in Chapter 40, Enforcement, § 40-5.



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ownership; or

- (2) The owner of the mobile food service establishment has permission from the owner of the fixed-based retail establishment.

All other laws and regulations applicable to such licensed street vendor shall apply.

(Ord. No. 223-01/02, § 2, 5-6-02; Ord. No. 266-02/03, 6-2-03; Ord. No. 146-04/05, 2-23-05; Ord. No. 34-05/06, 8-1-05 - emergency passage; Ord. No. 115-05/06, 11-21-05; Ord. No. 8-12/13, 7-16-12; Ord. No. 54-13/14, 11-7-13)

#### **Sec. 19-22. Declaration of festivals.**

(a) The City Council may designate an area for a street festival or other special event. In the event of such Festival designation, street vendors, street artists and street goods vendors shall be required to obtain necessary licenses. Street artists and all other street and goods vendors must obtain permission of the Festival organizer to conduct business within the Festival area.

(b) The Festival organizer shall be required to defend, indemnify and hold the City harmless from any claims resulting from Festival activities.

(c) The Festival organizer shall be required to provide proof of general liability insurance, naming the City of Portland as additional insured thereon in the minimum amount of not less than the maximum liability of the City under applicable law.

(d) The festival organizer shall obtain a license from the City, pursuant to Section 25-26, and any other applicable building code provisions for all installations, structures, or objects placed within the public way for all street vendors and street artists conducting business within the festival zone.

(Ord. No. 223-01/02, § 2, 5-6-02)

#### **Sec. 19-23. Rules promulgated by City Manager.**

The city manager is authorized to make reasonable rules and regulations, not inconsistent with this Article, governing the design, construction and location of pushcarts or food trucks.

The city manager is authorized to make reasonable rules and

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regulations related to the number and duration of events permitted on public property requiring a permit under the provisions of this Article.

The city manager is also authorized to make reasonable rules and regulations, not inconsistent with this article, governing street artists. Such regulations may include the identification of areas within which street artists may work, limitations on the number of locations available to street artists within designated areas, a method of assigning locations to street artists and a procedure to identify suitable locations.

(Ord. No. 609-82, § 908.5, 5-19-92; Ord. No. 109-94, 10-17-94; Ord. No. 223-01/02, § 2, 5-6-02)

#### **Sec. 19-24. Street artists.**

(a) No street artist shall operate:

- (1) Within any area designated by the city council for a sidewalk sale, street festival, farmers' market, or other special event, except as authorized by a street and sidewalk occupancy permit issued pursuant to section 25-26 and as provided by section 19-22;
- (2) Within or adjacent to the fireboat evacuation zone of Bell Buoy Park;
- (3) In a manner so as to cause a public safety hazard;
- (4) On the grounds of any public school unless a school authorized function;
- (5) On any sidewalk or in any other location so as to impede the free passage of vehicles or pedestrians, obstruct the entrance to or exit from private property, jeopardize the public safety, or otherwise inconvenience the public; or
- (6) On the street or use public benches, monuments or structures to display artwork.
- (7) In a manner that uses private property adjacent to the sidewalk to display art work without the permission of the property owner.

(Ord. No. 146-04/05, 2-23-05; Ord. No. 230-12/13, 5-20-13)

## City of Portland Food Truck Rules and Regulations

These Rules and Regulations are promulgated pursuant to Section 19-23 of the City Code:

1. An application must be submitted on a form provided by the City Clerk's office with colored pictures of at least two different angles of the unit you are applying to license and a description that includes the length and width, when in its widest configuration.
2. Operation from 6:00 a.m. to 10:00 p.m. food trucks may operate on private property in all zones where food trucks are permitted with the permission of the property owner and in the following locations:
  - a. On the following city streets on the Peninsula:
    - West Commercial Street from Park Street to Danforth Street;
    - Bayside along Marginal Way from Forest Avenue to East End Beach Trail, along Washington Avenue from I295 to Cumberland Avenue, along Cumberland Avenue from Washington to Forest Avenue and along Forest Avenue from Cumberland to Marginal Way;
    - On the north side of Park Avenue between High Street and I295, except when there is a game or event at Hadlock Field in which case food trucks are limited to Park Avenue along Deering Oaks Park until two (2) hours before a game or event and starting again two (2) hours after the game or event;
    - Spring Street between Temple and Center Street;
    - Commercial Street from Franklin Arterial to India Street and then along Thames Street;
    - Eastern Promenade from Washington Avenue to Cutter Street;
    - St. John Street from A Street to Valley Street and along Valley Street back to A Street and along A Street between Valley and St. John Street.
    - In the metered parking spaces on the southeasterly side of Congress Street directly adjacent to Lincoln Park between Pearl Street and Franklin Street.
  - b. On city streets or in city-owned parking lots off the Peninsula:
    - In the B-3, B-4, B-5, B-6, B-7 and Industrial Zones.
  - c. City Parks:
    - On city streets or in city-owned parking lots in city parks, if granted a license through the competitive bid process or RFP process described in Chapter 2, Sections 2-301 through 2-314 of the Portland City Code.
3. Night Vending: Food Trucks may operate in all non-residential zones where food trucks are permitted between the hours of 10:00 p.m. and 6:00 a.m. both on and off peninsula

subject to the Separation Requirements in paragraph seven (7) of these rules. Additionally, the food truck shall obtain the appropriate Night Vendor's License from the City Clerk.

**The Portland Police Department has the right to close down or request a food truck to relocate after 10 p.m. where in the opinion of the Department, the food truck vending is causing or contributing to an imminent public safety hazard.**

4. Food trucks are not allowed on the grounds of any school unless as part of a school authorized function.
5. Food trucks are not allowed in cemeteries.
6. Except as provided in Paragraph 2(a) above, food trucks are not allowed in residential (R) zones.
7. Separation Requirement:
  - a. On Peninsula: Except when operating in connection with a festival or special event approved pursuant to Section 19-22 of the City Code, food trucks must locate at least sixty-five (65) feet from:
    - i. Any fixed-base food service establishment with an operating kitchen measured from the front door; and
    - ii. Any hotel, bed and breakfast, motel, hostel, or inn measured from the nearest edge of the property.
  - b. Off Peninsula: Except when operating in connection with a festival or special event approved pursuant to Section 19-22 of the City Code, food trucks must locate at least two-hundred (200) feet from:
    - i. Any fixed-based food service establishment with an operating kitchen measured from the front door; and
    - ii. Any hotel, bed and breakfast, motel, hostel, or inn measured from the nearest edge of the property.
8. In addition to complying with the City's ordinances related to food trucks and these regulations, the owner and operator of a food truck is responsible for applying for and obtaining all other necessary city licenses required for the service of food and beverages, the food truck itself must be in compliance with the motor vehicle laws of the State of Maine, and the food truck owner is responsible for verifying that a specific location, other than those identified in paragraph 3(a), does not violate a zoning ordinance of the City.
9. Food truck locations, other than those on private property or those permitted through the City's competitive bid process, are based on a first come, first serve basis; there will be no designated parking spots for specific food truck vendors.

10. In locations on public property where food trucks are permitted to operate, food trucks shall comply with all parking rules, except that food trucks otherwise operating lawfully and actively offering food for sale on city-owned property may, in any twenty-four (24) hour period, “feed” any parking meter once in order to extend the maximum parking time by two times (2x) the usual maximum parking time limit.
11. Food trucks may not be parked overnight on city streets or in city parking lots.
12. Size limitations: Food trucks must not exceed ten (10) feet in width, including any side extensions or awnings. Food trucks parking in metered parking spaces on city-owned property must not exceed twenty (20) feet in length including the length of any trailer hitch, trailer, or other extension. Food trucks parking in non-metered parking spaces on city-owned property must not exceed twenty-four (24) feet in length, including the length of any trailer hitch, trailer, or other extension. If the food truck is parked on private property, the food truck with attached trailer, or other extension must not exceed forty (40) feet in length.
13. Food trucks must be self-contained when operating, except for the required trash and/or recycling receptacles which shall be in contact with the food truck, in a safe location and in no event shall impede the free movement of automobiles or pedestrians.
14. Food trucks must serve to the sidewalk or esplanade next to a sidewalk when parked in spaces parallel to City sidewalks.
15. Only food and/or non-alcoholic beverages are allowed to be sold on City property.
16. Each food truck vendor must provide the City of Portland with a certificate of insurance to cover public liability in the amount of at least \$400,000.00
17. The food truck base station must be inspected and properly licensed pursuant to Chapter 19 and Sections 15-12 and 6-17 (if applicable) of the City code.
18. Food trucks shall comply with the City’s noise requirements pursuant to Section 17-20 of the Portland City Code.
19. Failure to adhere to the regulations for food truck is cause for revocation or suspension of your license by the City Clerk pursuant to Chapter 15 of the City Code.

Dated: May 5, 2014

Signed: /s/ Mark Rees  
 Mark Rees  
 City Manager

**Please Direct Inquiries Regarding the Food Trucks in the City of Portland or Food Truck Inspections to (207)756-8365.**

**City of San Antonio, Texas  
Code of Ordinances (2015)**

**CHAPTER 13. - FOOD AND FOOD HANDLERS**

**ARTICLE I. - IN GENERAL  
SECTION 13-3. - DEFINITIONS**

*Mobile food court* shall mean property where multiple mobile food establishments are allowed to operate pursuant to rules set out in this chapter and consistent with chapter 35 of the City Code.

**ARTICLE IV. - MOBILE FOOD COURTS AND MOBILE FOOD ESTABLISHMENTS**

**Sec. 13-61. - Exclusions.**

This article does not apply to those vehicles which are permitted, approved, or allowed to distribute food under other provisions of this Code.

**Sec. 13-62. - Permit requirements.**

(a) No person shall operate a mobile food court or mobile food establishment or vend food afoot who does not possess a valid, current mobile food court permit or mobile food establishment permit from the director as provided in this article. The permit for a mobile food establishment shall specify the type of food to be vended, the manner in which the food is to be vended, and include a description of any vehicle to be used in the food vending operation.

(b) A person seeking a mobile food establishment permit from the director shall make application on a form provided by the director, and shall provide all of the information listed in subsections (1)–(13) as part of the application:

- (1) The name and address of the owner and/or operator;
- (2) A government issued identification of the applicant;
- (3) A description of the owner and/or operator;
- (4) If the applicant represents a corporation, association or partnership, the names and addresses of the officers or partners;
- (5) The name under which the food vending operation will be operated;
- (6) A description of the type of food or the specific foods to be vended; as for example prepackaged or unpackaged nonpotentially hazardous food, prepackaged potentially hazardous food, and openly handled potentially hazardous food;
- (7) The manner of mobile food vending operation to be conducted; as for example foot vending, truck, trailer, pushcart, etc.;
- (8) A description of any vehicle to be used in the mobile food vending operation along with the license or registration and vehicle identification number of any vehicle licensed or registered with the state;

(9) A notarized letter on the form issued by the department that contains the address and food establishment permit number of the commissary required by this article;

(10) Documentation indicating the volume capacity of any required water and wastewater storage tanks either on the tank itself or in writing;

(11) If the permit application is for the sale of approved openly handled potentially hazardous food from a pushcart, a vehicle or a trailer, a water sample test result from a drinking water bacteriology laboratory accredited by the Texas Commission on Environmental Quality showing the absence of coliform and E. coli which was performed within thirty (30) days prior to the date of the permit application;

(12) Any other information reasonably required by the director; and

(13) If the person seeking a mobile food establishment permit from the director will be vending frozen or refrigerated confections, including but not limited to ice cream cones, frozen ice cream novelties, raspas or paletas directly to consumers on a public street, sidewalk or right-of-way, or will travel with the person's mobile food establishment on a public street, sidewalk or right-of-way to or from a location where the person vends, then the person shall provide as part of the application to the director a written statement from the city police department certifying that the person seeking a mobile food establishment's permit is not a sex offender registered with the state department of public safety and that the records reviewed by the city police department indicate that the person seeking a mobile food establishment permit has not been convicted of any sexual offense or any offense against a child as defined by applicable law. The basic requirements for submitting requests for criminal backgrounds of persons engaged in mobile food vending are specific in Exhibit 1 hereto on file in the office of the city clerk, and hereby adopted and incorporated herein for all purposes by reference.

(c) A person seeking a mobile food court permit from the director shall make application on a form provided by the director, and shall provide all of the information listed in subsections (1)—(5) as part of the application:

(1) The name and address of the owner and/or operator;

(2) A description of the owner and/or operator;

(3) If the applicant represents a corporation, association or partnership, the names and addresses of the officers or partners;

(4) The address and name under which the mobile food court will be operated; and

(5) Any other information reasonably required by the director.

(d) Upon receiving a proper application for a mobile food court permit or mobile food establishment permit, the director shall make appropriate inspections of the location, food, equipment, vehicles and other reasonable inspections concerned with the mobile food court or mobile food vending operation and shall issue a permit and a sticker only if:

(1) The application complies with subsection (b) or (c), and

(2) The inspection reveals compliance with the applicable requirements of all federal and state statutes and regulations, and all city ordinances governing the proposed mobile food court or mobile food establishment operation.

(e) Mobile food court and mobile food establishment fees shall be as follows:

(1) A permit for the sale of pre-packaged or unpackaged, non-potentially hazardous food by peddling from afoot, from a pushcart, from a vehicle, or from a trailer shall be one hundred dollars (\$100.00) per year.

(2) A permit for the sale of pre-packaged potentially hazardous food from a pushcart, from a vehicle, or from a trailer shall be two hundred dollars (\$200.00) per year.

(3) A permit for the sale of approved openly handled potentially hazardous food from a pushcart, from a vehicle, or from a trailer shall be three hundred dollars (\$300.00) per year.

(4) The fee for each written statement from the city police department for persons age seventeen (17) and older as required in subsection (b)(13) shall be the sum of the fees required to obtain the local, state and national criminal histories for the applicant. There shall be no fee for the written statement for persons under the age of seventeen (17).

(5) The director of the center city development office, or its successor city department, shall establish a fee for a special permit and associate permit for mobile food establishments in the downtown business district. The permit fee for vending in the downtown business district and associate fee shall be in addition to any other applicable fees set out in this chapter.

(6) The permit fee for the operation of a mobile food court shall be two hundred twenty dollars (\$220.00) per year.

(f) All funds collected for permits under the provisions of this article shall be deposited in the general fund of the city.

(g) The valid sticker shall be displayed by a mobile food establishment:

(1) Inside the vehicle, used in connection with the mobile food vending operation, at the top of the windshield on the passenger side of the vehicle;

(2) On an enclosed trailer on the outside of the unit next to the servicing window so that it is not obscured when the serving window is closed for travel;

(3) At the top right-hand corner on the front of a pushcart, bicycle or tricycle used in connection with the mobile food vending operation; or

(4) In front of the sink of a corn roaster or hot dog cart used in connection with the mobile food vending operation.

(h) Mobile food court permits and mobile food establishment permits shall be valid for only one year from the date of issuance unless sooner suspended or revoked.



(i) Mobile food court and mobile food establishment permits shall not be transferred or assigned and shall be considered suspended should the character of the food vending operation be changed from that specified in the permit.

(j) Every mobile food establishment permit shall be renewed each year in like manner as the original permit application, except that the written statement from the city police department required under subsection (b)(13) shall be renewed every two (2) years from the date of issuance by the city police department of such written statement, with a current written statement to be provided to the director by the permit holder every two (2) years at the time the permit holder is seeking permit renewal.

(k) The director shall make routine, unannounced inspections of mobile food courts, mobile food establishments, commissaries and servicing areas when applicable, to determine whether or not the vending operation is being conducted in such a manner as to comply with the conditions of the permit, the provisions of this article, other applicable city ordinances and state and federal statutes, regulations and rules.

(l) Samples of food and other substances used in the preparation of food may be taken or retained until examined by the director for the detection of unwholesome and deleterious qualities. The director may condemn and forbid the sale of or cause to be removed or destroyed, any food which is adulterated, tainted, diseased, fermented, decaying or otherwise unwholesome, unclean or deleterious to health. The owner, operator or other person in charge of such food shall immediately and in the presence of the director, destroy such adulterated, tainted, diseased, fermented, decaying or otherwise unwholesome, unclean food as directed by the director.

(m) It is the responsibility of the mobile food establishment permitholder and/or the operator to ensure compliance with this article. Violations of this article shall result in the issuance of a citation and/or the suspension or revocation of the permit.

**Sec. 13-63. - Operation requirements and restrictions.**

(a) Mobile food establishments are subject to the following requirements and restrictions unless specifically addressed otherwise:

(1) It shall be unlawful for an afoot food vendor to sell any potentially hazardous food within the city. It shall be unlawful for an afoot food vendor to sell from a stand or other temporary structure located upon any public street, sidewalk, right-of-way, or other adjacent public or private area without a permit as required under this chapter.

(2) It shall be unlawful for the operator of a mobile food establishment as defined in subsections 13-62(e)(1)—(3) to remove the food from the mobile establishment to vend from a stand or other temporary structure located upon any public street, sidewalk, right-of-way, or other adjacent public or private area without a permit as required by this chapter; except that mobile food establishments may sell produce from no more than three (3) tables that are six (6) feet long and stand at least eighteen (18) inches above the ground, and that are located adjacent to the permitted mobile food establishment.

(3) It shall be unlawful to operate a mobile food establishment on streets where a traffic hazard is created and as listed in Exhibit No. 1 of subsection 16-236(b).

(4) Mobile food establishments may operate in parks subject to the requirements set in section 22-2.

(5) Mobile food establishments may stop in a public street, or right-of-way, provided:

- a. This area is not in or within fifty (50) feet of an intersection;
- b. This area is not an area prohibited to the standing or parking of vehicles;
- c. All items are vended from the curbside of the vehicle or the rear of the vehicle;
- d. The mobile food establishment is in compliance with the requirement for hazard lamps as set forth in subsection 13-63(a)(14); and
- e. The mobile food establishment is vending in a safe manner.

(6) Mobile food establishments may be stopped on private property, properly zoned and with the written notarized permission of the property owner if the mobile food establishment has access to approved flush type toilet facilities, connected to an approved type sewage system on the private commercial property. Mobile food establishments must be parked on a paved surface and in clean surroundings.

(7) Food vendors shall comply with this Code as well as with state and federal law and nothing in this article shall exempt a food vendor from zoning ordinances.

(8) Mobile food establishments operating within Market Square or El Mercado shall comply with the appropriate provisions of chapter 32, article II.

(9) No person shall operate a mobile food establishment within three hundred (300) feet of the property line of any public, private elementary, middle or high school grounds one hour before, during, and one hour after school hours.

(10) Mobile food vending operations shall not be carried on within three hundred (300) feet of the property line of any permitted food establishment as defined under article I. A mobile food establishment may be exempt from this provision if written, notarized permission is given by the food establishment owner with regards to a mobile food establishment operating within three hundred (300) feet of his establishment. The written permission shall be kept with the mobile food establishment unit at all times that the unit is located within three hundred (300) feet of said food establishment.

(11) It shall be unlawful to operate a mobile food establishment in the downtown business district with the exception of vendors who have obtained a special permit from the center city development office, or its successor city department, in addition to having all required valid mobile food establishment permit(s). The city manager or her designee shall have authority to establish policies and procedures governing the issuances and regulation of the special permit for mobile food establishments in the downtown business district to include distance requirements from schools and food establishments and access to restroom facilities.

(12) The hours of operation of any mobile food establishment operating in a residential area shall be from 7:00 a.m. Central Standard Time until 9:00 p.m. in June, July and August and until 8:00 p.m. the remainder of the year.

(13) The total noise level of any mobile food establishment shall comply with chapter 21, article III. The mobile food establishment shall turn off all music and recorded messages while stationary, except when stopped at a controlled intersection.

(14) Mobile food establishments that are operating in a residential area shall comply with V.T.C.A., Transportation Code § 547.703. When stationary, the mobile food establishment must turn on its hazard lamps as defined in V.T.C.A., Transportation Code § 547.331, except when stopped at a controlled intersection.

(15) No mobile food establishment shall be parked in violation of section 35-311 of the unified development code.

(16) No food vendor or food handler who meets the requirements set forth in subsections 13-62(b)(13) or 13-63(a)(17) shall be a sex offender registered with the state department of public safety or shall have been convicted of any sexual offense or any offense against a child as defined by applicable law.

(17) Prior to vending, each food vendor and food handler who will be vending frozen or refrigerated confections, including but not limited to ice cream cones, frozen ice cream novelties, raspas or paletas directly to consumers, on a public street, sidewalk, or right-of-way, or who will travel with a mobile food establishment on a public street, sidewalk or right-of-way to or from a location where the food vendor or food handler vends, shall be required to obtain a written statement issued by the city police department certifying that the food vendor or food handler is not a sex offender registered with the state department of public safety and that the records reviewed by the city police department indicate that the food vendor or food handler has not been convicted of any sexual offense or any offense against a child as defined by applicable law. The basic requirements for submitting requests for criminal backgrounds of persons engaged in mobile food vending are specific in Exhibit 1 hereto on file in the office of the city clerk, and hereby adopted and incorporated herein for all purposes by reference.

(18) Each food vendor and food handler who is required under subsection (17) to obtain a written statement from the city police department must renew this written statement every two (2) years from the date of issuance by the police department of such written statement.

(19) The fee for each written statement from the city police department for persons age seventeen (17) and older as required in subsections (17) and (18) shall be the sum of the fees required to obtain the local, state, and national criminal histories for the applicant. There shall be no fee for the written statement for persons under the age of seventeen (17).

(20) Each food vendor and food handler who is required to obtain a written statement from the city police department shall carry the current written statement from the city police department, as required under subsection (17), on their person at all times while vending.

(21) It shall be unlawful for a person who has obtained a mobile food establishment permit pursuant to section 13-62, and to whom subsection 13-62(b)(13) applies, to hire or allow a food vendor or food handler to vend on a public street, sidewalk, or right-of-way, or to travel with a mobile food establishment on a public street, sidewalk or right-of-way to or from a location where the food vendor or food handler will vend, who has not first obtained a current written statement issued by the city police department as required by subsections (17) and (18).

(22) It shall be unlawful for a person operating a mobile food establishment to place or allow the placement of any table, chair, awning or other seating or eating area at, near

or around the location of the mobile food establishment for customer use except that this provision shall not be construed to conflict with or prohibit a mobile food court from providing such accommodations in accordance with section 13-67.

(b) Subsections (a)(2), (a)(4), (a)(5), (a)(6), (a)(9), (a)(10) and (a)(22) shall not apply to mobile food establishments while operating at a special event.

**Sec. 13-64. - Sanitation requirements generally.**

Mobile food establishments shall comply with the following requirements. These requirements pertain to all mobile food establishments unless specifically addressed otherwise:

(1) Mobile food establishments shall comply with all sanitation and construction regulations as outlined in TAC § 229.169 of the Texas Food Establishment Rules as adopted in this chapter unless specifically addressed in this section.

(2) A mobile food establishment shall be operated from a commissary that is licensed or approved by a local, state or federal agency or an approved servicing area as applicable so as to be an approved source and the mobile food establishment shall report to the commissary or servicing area as needed, but not less than once per calendar week for all cleaning and servicing operations. The mobile food establishment shall acquire needed supplies from the commissary or other approved source. The mobile food establishment and commissary or servicing area shall maintain documentation of each visit to the commissary or servicing area and shall have that documentation available for inspection. Mobile food establishments dispensing fresh fish and shrimp, prepackaged novelty ice cream, whole, uncut fruit and vegetables and any prepackaged nonpotentially hazardous foods are exempt from this provision.

(3) Mobile food establishments that dispense snow cones/shaved ice/raspas, shrimp, fish, shellfish, or crustacea shall provide a gravity fed hand washing system, soap, and paper towels.

(4) Liquid waste resulting from any mobile vending operation shall be stored in permanently installed retention tanks of at least fifteen (15) percent larger capacity than the water supply tank and shall be drained and thoroughly flushed during servicing operations. All liquid waste shall be discharged to an approved sanitary sewage disposal system at the commissary or servicing area.

(5) All food that requires packaging or preparation by the vendor shall be processed in the commissary that is required as a support facility for a mobile food establishment.

(6) Mobile food establishments dispensing snow cones/shaved ice/raspas shall be designed so as to enable the operator of the unit to protect the equipment, syrup, ice and utensils used in the operation of the unit from dust, insects and rodents while the unit is in transit or overnight storage.

(7) Mobile food establishments shall provide waste containers for customers at such times when the unit is parked.

**Sec. 13-65. - Sanitation requirements for units with facilities to prepare or dispense unpackaged potentially hazardous food.**

In addition to the sanitation requirements described in section 13-64, food vendors preparing and vending food from a mobile food establishment with facilities to prepare or

dispense unpackaged potentially hazardous foods, shall comply with the following requirements:

(1) A mobile food establishment commissary or servicing area required in subsection 13-64(2), shall include at least overhead protection for any supplying, cleaning or servicing operation except those areas used only for the loading of water and/or the discharge of sewage and other liquid waste, through the use of a closed system of hoses, need not be provided with overhead protection. Within this commissary/servicing area, there shall be a location provided for the flushing and the draining of liquid waste separate from the location provided for water servicing and for the loading and the unloading of food and related supplies.

(2) The commissary and servicing area will maintain a log of mobile food establishments being serviced at the commissary or servicing area and require each mobile food establishment that is serviced to document the date and time of arrival and departure from the commissary or servicing area and the services performed. The mobile food establishment, commissary and servicing area will make available for inspection the record or records of the mobile food establishments serviced.

(3) All water and gas distribution pipes or tubing shall be constructed and installed in accordance with public health, fire department and plumbing standards as set out by the ordinances of the city. The water for said operations shall be from an approved source. Every calendar week, mobile food establishments shall check chlorination of its water supply. Every calendar month, mobile food establishments shall sanitize water tanks. Records of all such test results and sanitization shall be made available to the department upon inspection.

(4) A water heating device of no less than six (6) gallons, or an instantaneous water heater, capable of producing one hundred ten (110) degrees Fahrenheit hot water during the entire time of operation shall be provided in the mobile food establishment.

(5) All food service operations shall be carried on from within the mobile food establishment.

(6) Any additional equipment or the arrangement thereof other than approved when the permit was issued shall be prohibited unless approved in advance by the director.

\* \* \*

**Sec. 13-67. - Operation requirements and restrictions for mobile food courts.**

(a) Mobile food courts shall comply with the following requirements:

(1) The property must meet all commercial zoning requirements;

(2) All mobile food establishments situated on the property shall be located on an impermeable surface such as concrete or rolled asphalt;

(3) All mobile food establishments that remain on the property overnight shall have temporary connections for electricity, potable water and sewage disposal, or a system to adequately provide these services to each mobile food establishment;

(4) All mobile food establishments that are unable to comply with the requirements of subsection 13-67(a)(3) shall be removed from the property overnight and serviced by an approved commissary prior to its next day of operation; and

(5) A restroom equipped with flush type toilets and properly plumbed to a sanitary sewage system with sufficient capacity to meet the needs of the mobile food court's mobile food establishments and customers shall be available on the property. Restrooms shall be equipped with hand sinks, hot and cold water and either hand towels or forced air hand dryers.

(b) Mobile food establishments in compliance with subsection 13-67(a)(3) shall be exempt from subsections 13-64(2), 13-64(4), and 13-64(5).

(c) Subsections 13-63(a)(9), 13-63(a)(10), 13-63(a)(12), and 13-63(a)(15) shall not apply to mobile food establishments operating in a mobile food court.

(d) Mobile food establishments which operate exclusively in a mobile food court shall be exempt from the criminal background check requirement as set out within this article.

(e) Permanent pavilions and similar seating areas for customers may be provided.

**Secs. 13-68—13-80. - Reserved.**



3. The permittee shall only sell food and beverages that are capable of immediate consumption;
4. The permittee shall obtain and maintain in effect all required permits and business licenses and display the food-vehicle zone or temporary-curb-space vending Street Use permit at the vending site in a manner approved by the Director of Transportation;
5. As depicted in Exhibit A for 15.02.046: Pedestrian Zone/Pedestrian Visual Corridor; a food vehicle and all associated vending activity including customer queues, accessory units, or signage; shall not impair pedestrian passage and shall be sited to provide:
  - a. If located in the Downtown Urban Center as established in the Comprehensive Plan, a pedestrian zone at least 6 feet wide with a 4-foot-wide pedestrian visual corridor; or
  - b. If located outside of the Downtown Urban Center as established in the Comprehensive Plan, a pedestrian zone at least 5 feet wide with a 3-foot-wide pedestrian visual corridor; or
  - c. A wider pedestrian zone or pedestrian visual corridor may be required by the Director of Transportation to provide for pedestrian passage, traffic management, or any other public-use purpose;
6. Food-vehicle-zone vending and temporary-curb-space vending Street Use permit vending sites shall not be located in driveways, loading zones, or within 15 feet of a business entrance or exit;
7. The proposed vending activity shall not violate the Americans with Disabilities Act;
8. The permittee shall not use amplification or noise-making devices and the permittee shall comply with Chapter 25.08, Noise Control;
9. The permittee shall not locate electrical lines overhead or on the ground surface where the public has access to the public place; and
10. The vending shall only occur from the side of a food vehicle that is parked abutting and parallel to the curb.

B. The Director of Transportation may designate a maximum of one food-vehicle zone per block face and no more than two food vehicles may be allowed in any one food-vehicle zone. The Director of Transportation may, however, increase the size of the food-vehicle zone if the Director determines that additional food vehicles can be accommodated without negatively impacting existing businesses on the block face, for example, where there are few or no occupied buildings on the block face. Increasing the size of a food-vehicle zone does not prevent the Director from exercising the inherent authority to regulate uses of the public place and reduce the size of the food-vehicle zone at a later date.

C. The Department of Transportation may designate a food-vehicle zone subject to the following requirements:

1. The proposed location is:



- a. At least 50 feet from a food service business when vending food or nonalcoholic beverages; and
- b. Not located in the public place abutting a lot zoned RSL, SF 5000, SF 7200, SF 9600, LR1, LR2, or LR3 as these zoning designations are defined under subsection 23.30.010.A if the abutting zoning does not have an RC designation as shown on the Official Land Use Map, Chapter 23.32; and
- c. 1,000 feet from any public or private school containing a 9-12 class if the permittee's food vehicle is located in a public place abutting a lot listed in subsection 15.17.120.C.1.b.

2. If an existing food-vehicle zone conflicts with the setback requirements of subsection 15.17.120.C.1, the Director of Transportation shall not issue a new food-vehicle-zone vending Street Use permit when the existing Street Use permit expires.

D. The Director of Transportation may issue to a vendor, property owner, or public entity, a temporary-curb-space vending Street Use permit that: authorizes vending from a curb space that is not designated as a food-vehicle zone, and is effective for no more than four days during a six-month period for the adjoining address in a lot with a zoning designation other than those listed in 15.17.120.C.1.b, or is effective for no more than one day during a calendar year for the block abutting a lot listed in subsection 15.17.120.C.1.b. The temporary-curb-space vending Street Use permit may be issued under the following requirements:

1. The permittee shall reserve the curb space as required in Title 11, Vehicles and Traffic;
2. The permittee shall comply with the requirements in subsections 15.17.120.A;
3. The temporary-curb-space vending Street Use permit shall only be issued for an event located on private property abutting the curb space or an event located in the adjoining public place. If the event requires a Special Event as permitted and authorized under Chapter 15.52, Special Event permits, the Director of Transportation shall not issue a temporary-curb-space vending Street Use permit; and
4. If located in the public place abutting a lot zoned RSL, SF 5000, SF 7200, SF 9600, LR1, LR2, or LR3 as these zoning designations are defined under subsection 23.30.010.A if the abutting zoning does not have an RC designation as shown on the Official Land Use Map, Chapter 23.32; the vending activity shall end by 10:00 p.m.

E. The Director of Transportation may require additional information from the applicant as provided for in Section 15.04.030.

F. The Director may, as deemed appropriate, condition the food-vehicle zone or temporary-curb-space vending Street Use permit to address the:

1. Design and placement of food-vending equipment and umbrellas;
2. Hours of operation and dates of use;

3. Need for repairs or improvements to the public place in order to accommodate the vending activity or to ensure access to the use complies with the Americans with Disabilities Act;
4. Impacts associated with the vending activity from: lighting, noise, emissions to the air, the placement of signage, or equipment such as generators;
5. Impacts to the abutting business displays, business signage, or intake vents from the proposed vending activity; and
6. Pedestrian circulation, traffic management, or any other public-use purpose.

G. If the proposed temporary-curb-space vending or food-vehicle-zone vending will occur within 50 feet of a park, as defined in Section 18.12.030, the Superintendent of the Parks Department may recommend to the Director of Transportation whether the vending site should be approved or denied based on the following considerations:

1. Public safety or access within the park;
2. Conflicts with existing businesses and concessionaires, permitted events, or other special activities occurring in the park; or
3. The need to encourage park activation.

H. Vending is allowed on public places located in the Pike Place Market Historical District, as depicted in Chapter 25.24 Exhibit A: Pike Place Market Historical District Map, only if:

1. The Pike Place Market Preservation and Development Authority is the applicant and obtains a Street Use vending permit; or
2. A business located in the Pike Place Market Historic District, licensed by the City to do business and permitted to do business in the Pike Place Market Historic District by the Pike Place Market Preservation and Development Authority, is the applicant and obtains a Street Use vending permit. (Ord. 123668, § 1, 2011; Ord. 123659, § 35, 2011)

# Chapter 865

## Mobile Food Vending

865.01	Intent	865.09	Parking Beyond Limits
865.02	Definitions		Allowed by City Ordinance
865.03	Permit Required		and Order
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### 865.01 INTENT.

In the interest of encouraging mobile food vendors who add to the vibrancy and desirability of Traverse City, while providing a framework under which such businesses operate, this ordinance is established. (Ord. 963. Passed 5-6-13)

### 865.02 DEFINITIONS.

- (a) *Mobile Food Vending* shall mean vending, serving, or offering for sale food and/or beverages from a mobile food vending unit which meets the definition of a Food Service Establishment under Public Act 92 of 2000, which may include the ancillary sales of branded items consistent with the food, such as a tee shirt that bears the name of the organization engaged in Mobile Food Vending.
- (b) *Mobile Food Vending unit* shall mean any motorized or non-motorized vehicle, trailer, or other device designed to be portable and not permanently attached to the ground from which food is vended, served, or offered for sale.
- (c) *Vendor* shall mean any individual engaged in the business of Mobile Food Vending; if more than one individual is operating a single stand, cart or other means of conveyance, then Vendor shall mean all individuals operating such single stand, cart or other means of conveyance.
- (d) *Operate* shall mean all activities associated with the conduct of business, including set up and take down and/or actual hours where the mobile food vending unit is open for business.

(Ord. 963. Passed 5-6-13)

### 865.03 PERMIT REQUIRED.

No vendor shall engage in Mobile Food Vending without a permit from the City Clerk authorizing such vending. The City Clerk shall prescribe the form of such permits and application for such permit. All permits shall be prominently displayed on the mobile food vending unit. No vending through a Mobile Food Vending Unit of food and/or other human

## MOBILE FOOD VENDING

consumables shall be permitted unless it meets the definition of Mobile Food Vending as defined by this ordinance. (Ord. 963. Passed 5-6-13)

**865.04 DURATION; NON-TRANSFERABILITY.**

Permits may be issued by the City Clerk for a calendar year from the date of issuance. Any permit issued under this Chapter is non-transferable. (Ord. 963. Passed 5-6-13)

**865.05 APPLICATION.**

Every vendor desiring to engage in Mobile Food Vending shall make a written application to the City Clerk for a permit under this Chapter. The applicant shall truthfully state, in full, all information requested by the City Clerk and be accompanied by a fee established by resolution of the City Commission. Additionally, the applicant shall provide all documentation, such as insurance, as required by the city. (Ord. 963. Passed 5-6-13)

**865.06 FEES.**

An application for a permit under this Chapter shall be accompanied by a fee in the amount established by resolution of the City Commission. There shall be no proration of fees. Fees are non-refundable once a permit has been issued by the City Clerk. No fee shall be charged to any honorably discharged veteran of the United States Military who is a resident of the State of Michigan and submits official documentation evidencing such to the City Clerk. If operating on non-city property, no fee shall be charged to a business which is on the city's tax rolls whose normal business includes the sale of food and/or beverages. No one shall hire or subcontract such vendors in an attempt to evade the provisions of this Chapter. (Ord. 963. Passed 5-6-13)

**865.07 INVESTIGATION BY THE CITY CLERK.**

For Mobile Food Vending within residential areas, approval must be given by the City Clerk prior to issuance of a permit by the City Clerk. (Ord. 963. Passed 5-6-13. Ord. 1026. Passed 9-8-15)

**865.08 REQUIREMENTS.**

Any vendor engaging in Mobile Food Vending shall comply with the following requirements:

1. Provide appropriate waste receptacles at the site of the unit and remove all litter, debris and other waste attributable to the vendor on a daily basis.
2. If operating on city-owned or controlled property, may only locate on such property as established in a resolution adopted by the City Commission. If parked on public streets, vendors shall conform to all applicable parking regulations.
3. Not operate on public property within one block of a city-authorized street fair, public festival, farmers market or event being conducted without authorization from the event sponsor.
4. Not use any flashing or blinking lights or strobe lights; all exterior lights over 60 watts shall contain opaque, hood shields to direct the illumination downward.
5. Not use loud music, amplification devices or "crying out" or any other audible methods to gain attention which causes a disruption or safety hazard as determined by the City.
6. Comply with the city's Noise Ordinance, Sign Ordinance and all other City

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ordinances.

7. Comply with all applicable federal, state and county regulations.
8. May have one portable sign that is six square feet, with no dimension greater than 3 feet and no height (with legs) greater than 4 feet, located within five feet of the unit; and under no circumstances shall such sign be placed upon the sidewalk or impede pedestrian and/or vehicle safety.
9. Within residential areas, a mobile food vendor may only operate between the hours of 9 a.m. and 9 p.m.; and in commercial areas, a mobile food vendor may only operate between the hours of 7 a.m. and 11 p.m. On private property within Commercial Area, a mobile food vendor may only operate between the hours of 6:00 a.m. and 3 a.m. Other restrictions regarding hours of operation may be established by resolution of the City Commission.
10. No Mobile Food Vending Unit may be left unattended for more than 2 hours; and any Mobile Food Vending Unit not in operation shall be removed between the hours of 11 p.m. and 7 a.m. in commercial areas and 9 p.m. to 9 a.m. in residential areas. This subsection applies to Mobile Food Vending Units operating on city-controlled property only.
11. Not represent the granting of a permit under this Chapter as an endorsement by the city.
12. Shall not utilize any electricity or power without the prior written authorization of the power customer; no power cable or similar device shall be extended at or across any city street, alley, or sidewalk except in a safe manner.

(Ord. 963. Passed 5-6-13, Ord. 988. Passed 1-21-14)

**865.09            PARKING BEYOND LIMITS ALLOWED BY CITY ORDINANCE AND ORDER.**

Any Mobile Food Vending Unit with a valid Mobile Food Vending License may park in a city-controlled parking space for durations as authorized by the permit; and such Mobile Food Vending Unit shall not be restricted to the hours where parking would otherwise be allowed in the particular parking space. Provided, however, that no Mobile Food Vending Unit shall park in a city-controlled parking space if parking is prohibited altogether. Any Mobile Food Vending Unit parked in a metered parking space with a valid Mobile Food Vending License shall activate the meter at all times while parked by depositing the appropriate sum of money into the parking meter. (Ord. 963. Passed 5-6-13)

**865.10            IMPOUNDMENT.**

Any equipment associated with food vending that are not in compliance with this Chapter and left on public property may be impounded at the owner's expense. (Ord. 963. Passed 5-6-13)

**865.11            OTHER PERMITS.**

A permit obtained under this Chapter shall not relieve any vendor of the responsibility for obtaining any other permit, or authorization required by any other ordinance, statute or administrative rule. (Ord. 963. Passed 5-6-13)

**865.12            REVOCATION**

## MOBILE FOOD VENDING

The City Clerk shall revoke the permit of any vendor engaged in Mobile Food Vending who ceases to meet any requirement of this Chapter or violates any other federal, state or local regulation, makes a false statement on their application, or conducts activity in a manner that is adverse to the protection of the public health, safety and welfare.

Immediately upon such revocation, the City Clerk shall provide written notice to the permit holder by certified mail to their place of business or residence as indicated on the application. Immediately upon such revocation, the permit shall become null and void. (Ord. 963. Passed 5-6-13)

**865.13 COMPLAINTS; APPEALS.**

If a written complaint is filed with the City Clerk alleging a Food Vendor has violated the provisions of this Chapter, the City Clerk shall promptly send a copy of the written complaint to the vendor together with a notice that an investigation will be made as to the truth of the complaint. The vendor shall be invited to respond to the complaint and present evidence and respond to evidence produced by the investigation. If the City Clerk, after reviewing all relevant material, finds the complaint to be supported by a preponderance of the evidence, the complaint shall be certified. If a permit is denied or revoked by the City Clerk, or if a written complaint is certified pursuant to this Chapter, the applicant or holder of a permit may appeal to and have a hearing before the City Manager. The City Manager shall make a written determination, after presentation by the applicant and investigation by the City Clerk, as to whether or not the grounds for denial, revocation or complaint are true. If the City Manager determines that such grounds are supported by a preponderance of the evidence, the action of City Clerk or filing of the complaint shall be sustained and the applicant may appeal the City Manager's decision to a court of competent jurisdiction. (Ord. 963. Passed 5-6-13)

**865.14 APPEARANCE TICKETS.**

The Police Chief and sworn officers of the Police Department, or such other officials as designated by the City Manager are authorized to issue and serve appearance tickets with respect to a violation of this Chapter pursuant to Michigan law. Appearance tickets shall be in such form as determined by the City Attorney and shall be in conformity with all statutory requirements. (Ord. 963. Passed 5-6-13)

**865.15 CIVIL INFRACTION.**

A vendor who violates this Chapter is responsible for a civil infraction and subject to a fine of \$500 per day Provided, however, that the fine for parking violations shall be those as outlined in Chapter 488 of these codified ordinances. (Ord. 963. Passed 5-6-13. Ord. 970. Passed 6-3-13)

**City of Watauga, Texas  
Code of Ordinances (2015)**

**CHAPTER 22. - LICENSES, PERMITS, AND BUSINESS REGULATIONS.**

**ARTICLE XIV. - MOBILE FOOD VENDOR UNITS**

**DIVISION 1. - GENERALLY**

**Sec. 22-700. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Commercially manufactured vehicle* means a vehicle that was originally manufactured by a person regularly in the business of manufacturing vehicles for sale, that was manufactured to be used for the preparation or sale of food or beverages for immediate consumption. Commercially manufactured vehicle shall not include any vehicle that is converted or retrofitted to be used for the preparation or sale of food for immediate consumption.

*Mobile food vendor unit* means a commercially manufactured vehicle that is propelled by an engine mounted on the vehicle, that is readily moveable and from which food or beverages are prepared, sold or served for consumption. The term mobile food vendor unit shall not include pushcarts of any kind.

*Operate* means the preparation, sale or service of food or beverages from a mobile food vendor unit.

*Potentially hazardous food* means food that is natural or synthetic and that requires temperature control because it is in a form capable of supporting the rapid and progressive growth of infectious or toxigenic microorganisms; the growth and toxin production of Clostridium botulism; or in raw shell eggs, the growth of Salmonella enteritidis.

*Vendor certificate of occupancy permit* means a permit issued by the director of public works or his designee that authorizes the operation of a mobile food vendor unit in the city.

**Sec. 22-702. - Purpose.**

This entire article is and shall be deemed to be an exercise of the police power of the state and of the city for the public safety, comfort, convenience, and protection of the city and the health, life, and property of its citizens, and each provision contained herein shall be construed for the accomplishment of that purpose.

**Sec. 22-703. - Exceptions.**

The provisions of this article shall not be applicable to charitable solicitations, door-to-door-selling, itinerant vending, or temporary business as defined in chapter 22, article IV, section 22-110 of this Code.

**DIVISION 2. - LICENSE**

**Sec. 22-721. - Required permits.**

A separate vendor certificate of occupancy permit and a separate health permit are required for each mobile food vendor unit. Vendor certificate of occupancy permits and health

permits shall issued in accordance with the provisions in this section. Health permits shall comply with the provisions of this section.

(1) Vendor certificate of occupancy permits.

a. All mobile food vendor units shall obtain a vendor certificate of occupancy permit for each specified location where sales are to take place from a mobile food vendor unit. Unless otherwise specified in this article, a vendor certificate of occupancy permit is valid for the following periods:

1. Annual permit - a vendor certificate of occupancy permit for a mobile food vendor unit that is valid for a period of one year from the date of issuance.
2. Seasonal permit - a vendor certificate of occupancy permit for a mobile food vendor unit that is valid for 180 days from the date of issuance.
3. Temporary permit - a vendor certificate of occupancy permit for a mobile food vendor unit that is valid for 14 consecutive days, beginning on the date specified in the permit, that authorizes the operation of a mobile food vendor unit at specific locations in the city in connection with a special event.

b. Fees. Permit fees for vendor certificate of occupancy permits are set forth in the fee schedule found in section 12-22(n).

c. A vendor certificate of occupancy permit shall not be issued without written authorization from the owner or person in control of the premises where the mobile food vendor unit will be operated that identifies the owner or person in control of the premises and states that the mobile vendor unit has permission to operate on the premises.

d. Unless a mobile food vendor unit has an approved restroom facility located in the mobile food vendor unit for the use of the owner or operator and customers of the mobile food vendor unit, a vendor certificate of occupancy permit will not be issued without written authorization from the business owner where the mobile food vendor unit will be operated. The written authorization must identify the business owner and indicate that the owner, operator and patrons of the mobile food vendor unit have permission to use a commercially plumbed restroom that is owned by the business owner at the location where the mobile food vendor unit will operate. The restroom facility must be the a commercially plumbed restroom that is accessible during all hours of operation of the mobile food vendor unit, that provides hot and cold running water through a mixing valve or combination faucet and is located within 300 feet of the mobile food vendor unit. This subsection shall not apply to a mobile food vendor unit that is issued a temporary permit for locations where public restroom facilities are located.

e. A vendor certificate of occupancy permit will not be issued to a mobile food vendor unit without a valid and current health permit issued by the Tarrant County Public Health Department for the mobile food vendor unit for which a vendor certificate of occupancy permit is being requested.

f. A vendor certificate of occupancy permit shall be denied if the owner or operator of the mobile food vendor unit fails to provide proof of a valid vehicle registration for the



mobile food vendor unit, a valid motor vehicle operator's license, proof of vehicle liability insurance for the mobile food vendor unit, and a Texas sales tax permit.

g. Vendor certificate of occupancy permits are not transferrable.

h. Vendor certificate of occupancy permit stickers must be displayed on the upper left rear area of the mobile food vendor unit in a conspicuous location. If such location is not practicable, the permit shall be placed in a location approved by the director of the public works or his designee.

i. Only seasonal permits shall be issued for mobile food vendor units that are located between 50 and 100 feet of a single family or multi-family residential use district.

(2) Health permit.

a. A mobile food vendor unit may not operate in the city without a current and valid health permit issued by the Tarrant County Public Health Department that is issued to the mobile food vendor unit in operation.

b. A mobile food vendor unit that handles potentially hazardous food products shall report the mobile food vendor unit to its designated commissary for food, supplies, cleaning, and servicing as required by the Tarrant County Public Health Department.

c. A log must be maintained for each mobile food vendor unit that contains the date of servicing and the signature of the commissary operator. Upon request, the log shall be made available to the director of public works or his designee for inspection.

d. Each commissary supporting a mobile food vendor unit in the city must maintain a log that contains the date of servicing for each mobile food vendor unit and the signature of the operator of the mobile food vendor unit after each servicing. Upon request, the log shall be made available to the director of public works or his designee for inspection.

**Sec. 22-722. - General provisions.**

(a) Hours of operation. Mobile food vendor units are permitted to operate at any time between the hours of 7:00 a.m. and 12:00 a.m.

(b) Operational requirements.

(1) Mobile food vendor units may only operate in general business and commercial zoning districts or at city park facilities. The director of public works or his designee may grant an exemption to this subsection for mobile food vendor units that have been issued a temporary permit. A mobile food vendor unit may only operate at the location or locations specified in the vendor certificate of occupancy permit issued to the mobile food vendor unit.

(2) A mobile food vendor unit shall not operate less than 50 feet from a single family or multi-family residential use. For purposes of this subsection, single family or multi-family uses shall not include a residence that is part of a business or a mixed use structure.

(3) All mobile food vendor units must be parked on an asphaltic concrete, concrete, or other hard all-weather surface. Mobile food vendor units shall not be parked on grass or dirt areas.

(4) Except for a mobile food vendor unit that has a valid temporary permit for locations where public restroom facilities are located, a mobile food vendor unit shall have:

- a. An approved restroom facility located in the mobile food vendor unit for the use of the owner or operator and customers of the mobile food vendor unit; or
- b. Access to a commercially plumbed restroom that is owned by the business owner of the property where the mobile food vendor unit is operated, is accessible by the owner or operator and customers of the mobile food vendor unit during all hours of operation, provides hot and cold running water through a mixing valve or combination faucet and is located within 300 feet of the mobile food vendor unit.

(5) The owner or operator of a mobile food vendor unit shall not park, operate or place the mobile food vendor unit on a vacant lot.

(6) The owner or operator of a mobile food vendor unit shall not place displays, merchandise, seating or temporary shelters in locations that obscure traffic.

(7) The owner or operator of a mobile food vendor unit shall not sell merchandise or prepare, sell or serve food on any public street, sidewalk, or other public right-of-way.

(8) The owner or operator of a mobile food vendor unit shall have a self-closing trash receptacle for each mobile food vendor unit for the use of patrons of the mobile food vendor unit. The trash receptacle must be placed on the exterior of and within ten feet of the mobile food vendor unit. The owner or operator of the mobile food vendor unit shall keep all areas adjacent to the mobile food vendor unit clean and free from litter, garbage, and debris.

(9) The owner or operator of a mobile food vendor unit shall not connect the mobile food vendor unit to a source of electricity, water or sewer where the mobile food vendor unit is operated unless a written permit has been obtained from the director of public works or his designee after a determination that the connection is in compliance with this Code. Each permit for an electrical, water or sewer connection shall be applied for and issued in accordance with this Code. Each permit shall be maintained in the mobile food vendor unit at all times and shall be made available for immediate inspection by the director of public works or his designee.

(10) Each day between the hours of 1:00 a.m. and 6:00 a.m., the owner or operator of a mobile food vendor unit shall remove the mobile food vendor unit from the location or locations where the mobile food vendor unit is operated or authorized to operate.

(11) Unless otherwise prohibited by this Code, the owner or operator of a mobile food vendor unit may provide outside seating consisting of one portable table and seating for four people for the use of customers of the mobile food vendor unit.

(12) Unless otherwise prohibited by this Code, the owner or operator of a mobile food vendor unit may play, use, operate, or permit to be played, used or operated a radio receiving set, television, musical instrument, phonograph or other machine or device that produces or reproduces sound. Playing, using, operating, or permitting to be played, used or operated any radio receiving set, television, musical instrument, phonograph or other machine or device that produces or reproduces sound in such a manner as to disturb the peace, quiet and comfort of persons of ordinary sensibilities

shall be deemed a public nuisance. The playing, using or operating of any radio receiving set, television, musical instrument, phonograph, or other machine or device that produces or reproduces sound between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as disturb the quiet, comfort or repose of persons of ordinary sensibilities at a distance of 50 feet or more from the building, structure, or vehicle in which the radio receiving set, television, musical instrument, phonograph or other machine or device that produces or reproduces sound is located shall be prima facie evidence of a public nuisance.

(13) Except as otherwise authorized by this Code, only one mobile food vendor unit shall be located or operated on any individual tract, parcel or platted lot for each 10,000 square feet of parking lot area.

(14) The owner or operator of a mobile food vendor unit shall not operate the mobile food vendor unit at any location not listed on the vendor certificate of occupancy permit. To change the location of operation or add additional locations of operation to a vendor certificate of occupancy permit, the owner or operator of a mobile food vendor unit shall submit an application to the director of public works or his designee for an amendment to the vendor certificate of occupancy permit. The owner or operator of the mobile food vendor unit shall make the application in the manner and form prescribed by the director of public works or his designee and shall pay the fee set forth in the fee schedule found in section 12-22(n).

(15) The owner or operator of a mobile food vendor unit commits an offense if the mobile food vendor unit is located, maintained, owned or operated in violation of any provision of this article.

#### **Sec. 22-723. - Additional requirements and exceptions.**

(a) Mobile vendor units operated near single family or multi-family residential uses.

(1) In addition to the provisions contained in this article, mobile food vendor units that are operated near single family or multi-family residential uses shall comply with the provisions of this section.

a. The owner or operator of a mobile food vendor unit shall not operate the mobile food vendor unit less than 50 feet of a single family or multi-family residential use.

b. The owner or operator of a mobile food vendor unit that will operate between 50 and 100 feet of a single family or multi-family residential use must obtain the unanimous written consent of all the owners, tenants or residents of the single family or multi-family residential properties located within a 100 foot radius of the location where the mobile food vendor unit will operate. Consent from the property owners, tenants or residents must be signed and dated within 30 days from the date the application for a vendor certificate of occupancy permit is submitted to the director of public works or his designee.

c. Measurements made in accordance with this section shall determined in a straight line, ignoring intervening structures, from the closest point where the mobile food vendor unit will be located to the closest point of the property line of the single family or multi-family residential use.

d. The owner or operator of a mobile food vendor unit operating between 50 and 100 feet of a single family or multi-family residential use shall not provide portable chairs or tables for the use of customers of the mobile food vendor unit between the hours of 10:00 p.m. and 6:59 a.m.

e. The owner or operator of a mobile food vendor unit operating between 50 and 100 feet of a single family or multi-family residential use shall not use portable or vehicle mounted generators.

(b) Exemptions. The director of public works or his designee may grant an exemption from the requirements of this article for mobile food vendor units participating in city events or activities.