ORDINANCE 436-H

AMENDING CHAPTER 16 OF THE CITY CODE RELATED TO FOOD TRUCKS; AMENDING PERMITTING REQUIREMENTS; AMENDING SPECIAL EVENT REQUIREMENTS; AMENDING CHAPTER 12 RELATED TO FEES ASSOCIATED WITH FOOD TRUCKS; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG, FLORIDA DOES ORDAIN:

SECTION ONE. Section 16.50.440 of the St. Petersburg City Code is hereby amended to read as follows:

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 special event 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 Food truck special event requirements.

Food truck rally permit special event. Food truck rallies/festivals special events 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 special event approval. Applications for a food truck special event 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. A food truck special event application shall not be required if the food trucks will be operating under another City-issued permit as defined herein.

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 Code, 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).

16.50.440.4.12. - 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.

16.50.440.4.23. - 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.

16.50.440.4.34—. - 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).

16.50.440.5.12. - 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.

16.50.440.5.2. - 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).

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.

**SECTION TWO.** Section 16.70.030.1.14 of the St. Petersburg City Code titled Mobile food establishment permit is hereby deleted in its entirety, and the section number shall be reserved.

**SECTION THREE.** Section 16.70.030.1.15 of the St. Petersburg City Code is hereby amended to read as follows:

16.70.030.1.15. - Food truck **special event Truck Rally Permit.**

A. **Applicability.** Food truck rallies **special events** 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 **special event approval 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 special event 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 special event rally and that appropriate measures have been taken to protect the public health, safety and welfare, the food truck special event approval 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 special events 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. **Duration**. A food truck **special event rally permit** may be **issued approved** for a maximum of seven 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.** The listing for Food truck rally permits and Mobile food establishment permits in Section 12-6(8) of the St. Petersburg City Code shall be amended to read as follows in the correct alphabetical listing:

**Food truck special event rally permits**:

- Letter prepared by zoning official (no bldg. permit)….40.00
- Approved over zoning counter (with bldg. permit)….10.00

**Mobile food establishment permit**:

- New application….170.00
- Renewal….85.00

**SECTION FIVE.** Coding: As used in this ordinance, language appearing in struck-through type is language to be deleted from the City Code, and underlined language is language to be added to the City Code, in the section, subsection, or other location where indicated. Language in the City Code not appearing in this ordinance continues in full force and effect unless the context clearly indicates otherwise. Sections of this ordinance that amend the City Code to add new sections or subsections are generally not underlined.
SECTION SIX. The provisions of this ordinance shall be deemed to be severable. If any provision of this ordinance is determined unconstitutional or otherwise invalid, such determination shall not affect the validity of any other provisions of this ordinance.

SECTION SEVEN. In the event this Ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective after the expiration of 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 this Ordinance, in which case this Ordinance shall become effective 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:

/s/ Heather K. Judd
Assistant City Attorney
(00517473)