



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: April 19, 2023

Agenda Item No.

Agenda Title: Discussion on Food Trucks and Mobile Vendor Regulations.

- ☐ SPECIAL PRESENTATION/REPORTS ☐ CONSENT AGENDA
☐ BOARD APPOINTMENT ☐ OLD BUSINESS
☐ PUBLIC HEARING ORDINANCE ON 1st READING
☒ **NEW BUSINESS**
☐ OTHER: _____

Approved by Town Manager John D'Agostino **Date:** _____
Digitally signed by John D'Agostino
 DN: cn=John D'Agostino, o=Town of
 Lake Park, ou=Town Manager,
 email=jdagostino@lakeparkflorida.gov, c=US
 Date: 2023.04.12 16:46:24 -04'00'

Nadia Di Tommaso / Community Development Director
 Name/Title

Originating Department: Community Development	Costs: <i>N/A</i> Funding Source: Acct. # <input type="checkbox"/> Finance _____	Attachments: <div style="text-align: center;">➔ Existing Mobile Vendor Regulations</div>
Advertised: Date: <i>N/A</i> Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone <u>ND</u> _____ OR Not applicable in this case _____ Please initial one.

Summary Explanation/Background:

Town Staff has recently received two requests, one from Coastal Karma Brewery on 10th Street and another from Kelsey City Brewing on Park Avenue regarding having food trucks on their property on a long-term, daily basis. Kelsey City Brewing would need to park their food truck in front of their business since the rear is public property. The Kelsey City Brewing food truck would be visible from public view. Coastal Karma Brewery would park their food truck in the back and it would not be visible by the public and only available if patrons in the brewery are interested in ordering food.

Currently, food trucks are permitted under two scenarios:

- (1) As part of a temporary special event, with a valid special event permit, at no more than 12 times per year for the same applicant and for not more than 2 consecutive days per event.

OR

- (2) Pursuant to the mobile vendor regulations (enclosed) that serve to regulate operating hours and locations where food trucks can be parked, and providing for distance separation requirements between like 'restaurant' uses. These regulations were developed in the 2010-2013 timeframe and were developed to protect brick-and-mortar businesses located throughout the Town (by providing, in part, time limitations and distance separations from like businesses in the Town).

The recent requests described herein by the two breweries are not permissible under current Code. If the Commission is interested in Staff exploring options that would loosen the mobile vendor regulations to allow for a more permanent food truck operation under certain circumstances (possibly screened from public view and limited to certain business uses with a prohibition on standalone wall or freestanding signage for the food truck operation), this agenda item aims to open this discussion for possible policy direction on how to move forward. Adversely, if the Commission is comfortable with the existing regulations, Staff will advise Kelsey City Brewing and Coastal Karma Brewery accordingly.

Recommended Motion: For discussion and possible direction.

ARTICLE III. MOBILE VENDORS

Sec. 22-101. Definitions.

Concessionaire means a person, firm or corporation engaged in the sale of food or other goods or services in a town park or on town property, including without limitation those who operate or maintain a concession stand, in accordance with a written agreement or franchise therefor as lawfully approved in writing by the community development department.

Food has its usual and ordinary meaning, and includes all items designed for human consumption, including, but not limited to, ice cream, candy gum, popcorn, hot dogs, sandwiches, peanuts, soft drinks, coffee and dairy products.

Mobile vendor shall mean any business operator or vendor who conducts business from a motor vehicle.

Motor vehicle in this chapter shall mean a motorized vehicle or trailer that is registered and licensed with the Florida State Department of Motor Vehicles.

(Ord. No. 06-2010, § 2, 6-2-2010)

Sec. 22-102. License—Required.

It is unlawful for a mobile vendor to engage in business within the Town of Lake Park except when licensed by the Town of Lake Park as a mobile vendor or concession in compliance with the provisions of this article. A separate license is required for each concession location.

(Ord. No. 06-2010, § 2, 6-2-2010)

Sec. 22-103. Exemptions.

The following activities, businesses, and/or persons, as such are commonly known, are exempt from coverage of this article, but this exemption shall not be construed to limit or restrict the application of other laws and regulations pertaining to such activities, businesses and/or persons:

- (a) Newspaper couriers;
- (b) Lemonade stands;
- (c) Stands used to sell or distribute flowers, fruit, vegetables, produce or plants grown on the property where the stand is located; or at a town sanctioned public outdoor green market;
- (d) Delivery or distribution of food, goods, services or products ordered or purchased by customers from a source or point of sale other than a mobile vehicle operated for the purpose of soliciting customers while traveling or while located on town streets or property;
- (e) Delivery or distribution of food by or for any not-for-profit organization, governmental agency, or other charitable organization, including without limitation Meals on Wheels and the Food Bank; and

- (f) Concessionaires as defined in this chapter, except that concession agreements with the town shall include health, sanitation and insurance requirements generally conforming to those established for similar businesses and vendors covered by this chapter.

(Ord. No. 06-2010, § 2, 6-2-2010; Ord. No. 14-2013, § 2, 10-2-2013)

Sec. 22-104. Limitation on activities permitted by mobile vendor license.

Mobile vendors shall not:

- (a) Operate the motor vehicle in such a manner as to impede the normal usage of the arterial streets;
- (b) Stop on the traveled portion of the street or within 50 feet from a corner to dispense food products;
- (c) Stop in dangerous locations for dispensing products or services, such as on streets with inadequate shoulders and restricted sight distance;
- (d) Be operated on any arterial street during the peak hours of traffic, generally between 4:00 and 6:30 p.m.

(Ord. No. 06-2010, § 2, 6-2-2010; Ord. No. 14-2013, § 2, 10-2-2013)

Sec. 22-105. Application.

A person, firm, or corporation desiring to secure a license as a mobile vendor shall make application to the community development department. Such application shall be made on a form provided by the department, which at a minimum shall include:

- (a) The name or names and address of the applicant;
- (b) Vehicle license number of all vehicles from which the applicant proposes to conduct business;
- (c) Description of the general type of food, service or merchandise to be sold if applicable;
- (d) The place or places where the applicant proposes to engage in business;
- (e) A letter from the county health department, certifying that the motor vehicle vending business has complied with health department regulations.

(Ord. No. 06-2010, § 2, 6-2-2010; Ord. No. 14-2013, § 2, 10-2-2013)

Sec. 22-106. License fee.

The license fee for an annual mobile vendor license shall be as established by a resolution of the town commission and shall be required for each vehicle or location. The town commission shall establish a license fee for temporary vendors which shall be charged on a per event basis.

(Ord. No. 06-2010, § 2, 6-2-2010)

Sec. 22-107. Expiration of license.

An annual license issued under this article shall expire on September 30 each year. A temporary license shall expire at the end of the event.

(Ord. No. 06-2010, § 2, 6-2-2010)

Sec. 22-108. Exhibition of license—Transfer of license prohibited.

A license issued under this article shall be posted conspicuously at either the place of business or upon the motor vehicle as directed by the community development department. Licenses issued under this article are not transferable.

(Ord. No. 06-2010, § 2, 6-2-2010)

Sec. 22-109. Health regulations.

All mobile food-related vendors shall comply with all laws, rules and regulations regarding food handling, and all vehicles, equipment, and devices used for the handling, storage, transportation and/or sale of food shall comply with appropriate county and state regulations, as presently worded and as may be amended by law, in addition to any other rules and regulations respecting such vehicles, equipment, devices as may be established by state or local governments.

(Ord. No. 06-2010, § 2, 6-2-2010; Ord. No. 14-2013, § 2, 10-2-2013)

Sec. 22-110. Mobile vendor standards.

All mobile vendors licensed under this chapter shall conform to the following standards:

- (a) Geographical restrictions for food, service and merchandise sales. No mobile vendor shall sell a food, service or merchandise from his or her vehicle or conveyance:
 - (1) Within 400 feet of a public or private school grounds during the hours of regular school session, classes, or school-related events in said public or private school, except when authorized by said school; or
 - (2) Within 1,000 feet of the entrance to a business establishment which is open for business and is offering for sale the same or similar product as an item offered for sale by the mobile vendor; or
 - (3) Within 1,000 feet of a restaurant, cafe, deli or any type of eating establishment which is open for business; or
 - (4) Within 1,000 feet of a public park of the town where a town-authorized concession stand is located during times other than during the course of a public celebration except as approved by the town manager or designate; or
 - (5) Within 1,000 feet of town property where a town-authorized concession stand is located during the course of a public celebration when nonprofit organizations are permitted to engage in the sale of merchandise and food in such park; or
 - (6) Within any one block for more than one hour in any four-hour period, except this shall not apply in those situations where the mobile vendor is serving organized and sanctioned community-sponsored ball games at public parks and schools provided there is no town-approved concession in the park or at the school.
- (b) No mobile vendor shall conduct business so as to violate any ordinances of the town, including those regulating traffic and rights-of-way, as now in effect or hereafter amended.
- (c) No mobile vendor shall obstruct or cause to be obstructed the passage of a sidewalk, street, avenue, alley, or any other public place by causing people to congregate at or near the place where food, service or merchandise is being sold or offered for sale, or the service is being conducted.

- (d) No customer shall be served on the street side of the mobile unit. Service by mobile vendors is limited to the curb side, or on authorized private property, when the mobile unit is on or abutting a public street.
- (e) All mobile vendors shall provide garbage receptacles for customer use as may be needed.
- (f) No mobile vendor shall locate his or her vehicle or other conveyance in such a manner as to cause a traffic hazard or obstruct a designated customer parking space.
- (g) At the conclusion of business activities at a given location, the mobile vendor shall clean all the public way surrounding his or her vehicle of all debris, trash and litter generated by the vendor's business activities.
- (h) All mobile vendors preparing food by cooking, frying or other means shall be equipped with at least one 2A-40-BC fire extinguisher.
- (i) All mobile vendors shall conclude daily business activities at sunset.

(Ord. No. 06-2010, § 2, 6-2-2010; Ord. No. 14-2013, § 2, 10-2-2013)

Sec. 22-111. Mobile vendor insurance requirement.

No license shall be issued to a mobile vendor selling food, merchandise or services from a truck or other motor vehicle unless a certificate is furnished to the town showing that the mobile vendor is carrying the following minimum amounts of insurance:

- (a) Public liability insurance in an amount of not less than \$500,000.00 for injuries, including those resulting in death, resulting from any one occurrence, and on account of any one accident; and
- (b) Property damage insurance in an amount of not less than \$25,000.00 for damages on account of any one accident or occurrence.

(Ord. No. 06-2010, § 2, 6-2-2010; Ord. No. 14-2013, § 2, 10-2-2013)

Sec. 22-112. Revocation of license.

A license issued pursuant to this article may be revoked by the community development director for any of the following reasons:

- (a) Any fraud, misrepresentation or false statement contained in the application for license;
- (b) Any fraud, misrepresentation or false statement made in connection with the selling of products;
- (c) Any violation of this article;
- (d) Conviction of the licensee of a felony or of a misdemeanor involving moral turpitude; or
- (e) Conducting business licensed under this article in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

(Ord. No. 06-2010, § 2, 6-2-2010)

Sec. 22-113. Enforcement; fines.

Any mobile vendor, after having been warned by a Town of Lake Park Code Officer that the mobile vendor is in violation of this article, or any business that knowingly allows said mobile vendor to continue stopping at their place of business shall be in violation of this article and shall be subject to a fine of up to \$250.00 for the first offense and \$500.00 for each offense thereafter.

(Ord. No. 06-2010, § 2, 6-2-2010)

Secs. 22-114—22-140. Reserved.