

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2022-55 (AS AMENDED)

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA CREATING CHAPTER 14 "BUSINESSES", ARTICLE VIII "MOBILE FOOD TRUCKS", PROVIDING FOR SEVERABILITY CLAUSE, REPEALER PROVISION, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City currently allows mobile food trucks to conduct business within the City in connection with special events; and

WHEREAS, section 509.102, Florida Statutes preempts the regulation of mobile food dispensing vehicles involving licenses, registrations, permits, and fees to the state; and

WHEREAS, section 509.102, Florida Statutes further states that a municipality, county, or other local governmental entity may not prohibit mobile food dispensing vehicles from operating within the entirety of the entity's jurisdiction; and

WHEREAS, the City Commission wishes to amend the City Code to further allow mobile food trucks to operate within the city under certain circumstances and within specific zoning districts in accordance with section 509.102, Florida Statutes; and

WHEREAS, the City obtained feedback from the Coral Gables Chamber of Commerce and its member restaurants in the development of this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA:

SECTION 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. Chapter 14 "Businesses", Article VIII "Mobile Food Trucks" is hereby created and shall read as stated in Exhibit 1.

SECTION 3. All Ordinances or parts of Ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 4. If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

SECTION 5. It is the intention of the Commission of the City of Coral Gables, Florida, that the provisions of this Ordinance shall become and be made part of the City of Coral Gables Code of Ordinances; and that the sections of this "Ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 6. If the Official Code of the City of Coral Gables Tables of Contents or other reference portions is affected by these provisions, then changes are approved as a part of this Ordinance.

SECTION 7. This Ordinance shall become effective immediately upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS ELEVENTH DAY OF OCTOBER, A.D., 2022.


(Moved: Menendez / Seconded: Anderson)

(Yeas: Anderson, Fors, Jr., Mena, Menendez, Lago)

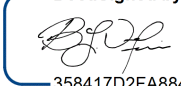
(Unanimous: 5-0 Vote)

(Agenda Item: F-1)

APPROVED:

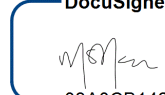
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VINCE LAGO
MAYOR

ATTEST:

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BILLY Y. URQUIA
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

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MIRIAM SOLER RAMOS
CITY ATTORNEY

Exhibit 1 for Second Reading

Chapter 14 “Businesses”

Article VIII “Mobile food trucks”.

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:

Sec. 14-142 Definitions.

MFDV license means a license for the operation of a "mobile food dispensing vehicle," as defined by state law, issued by the Division of Hotels and Restaurants of the Florida Department of Business and Professional Regulation, which authorizes the operation of such vehicle as a "public food service establishment," as defined by state law.

Mobile food truck means any vehicle where food is sold for immediate consumption on or in the vicinity of the premises; called for or taken out by customers; or prepared prior to being delivered to another location for consumption, that is self-propelled or otherwise movable from place to place and includes self-contained utilities, including, but not limited to, gas, water, electricity, or liquid waste disposal. Mobile food trucks shall be classified as follows:

(a) *Class I*—Mobile kitchens. These vehicles may cook, prepare and assemble food items on or in the unit and serve a full menu. These vehicles may also vend the products permitted for class II mobile food trucks.

(b) *Class II*—Canteen trucks. These vehicles vend pre-cooked foods, pre-packaged foods, pre-packaged drinks and incidental sales of pre-packaged frozen dairy or frozen water-based food products, fruits and vegetables. No preparation or assembly of food or beverage may take place on or in the vehicle; however, the heating of pre-cooked food is permitted.

(c) *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 or frozen water-based food products and pre-packaged beverages and snack foods.

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

Mobile food truck vendor means a person who prepares, dispenses or otherwise sells food from a mobile food truck.

Public Right of Way means any road, parkway, swale, sidewalk or other way.

Restaurant means a use providing for the preparation or sale of prepared food for consumption by customers primarily on the premises, including the subordinate sale of alcoholic beverages for consumption on premises as permitted by applicable state law, but excluding facilities with prepared food service within grocery stores and delicatessens.

Sec. 14-143 Compliance with applicable law.

Mobile food trucks shall comply with all applicable city code and zoning code provisions, including but not limited to, those related to overnight parking, signage, amplified music, outdoor furnishings, and

nuisances. It is a violation to vend any product from a mobile food truck at any location except in compliance with the requirements of this article or a city-issued special events permit.

Mobile food trucks shall comply with all applicable laws and shall prominently display a current MFDV license if required by the State of Florida and a current local business tax receipt issued by the city.

Sec. 14-144 Permitted zoning districts.

Class I and Class II mobile food trucks shall be prohibited from operating in the Central Business District, within five hundred (500) feet of a restaurant, and in Single Family Residential Districts. Except, Class II mobile food trucks that primarily provide food and drink to persons engaged in construction in the city may operate in all zoning districts, provided such vehicles are parked for no more than fifteen minutes (15) at any one location and comply with all other provisions of this article.

Class III mobile food truck shall be prohibited from operating in the Central Business District and from operating within five hundred (500) feet of a restaurant. No Class III mobile food truck shall stop, stand, or park in a Single-Family Residential District for more than fifteen minutes at any one location, unless there are customers waiting in line to buy products.

For purposes of this section, distance shall be measured by following a straight line from the nearest point of the mobile food truck to the closest exterior door of the restaurant.

Notwithstanding the forgoing provisions, a property owner in a Single-Family Residential District may engage a mobile food truck to provide services for a private event without obtaining a special events permit, subject to the following conditions:

- (a) When not visible from the public right of way, the mobile food truck shall park wholly on private property, for no more than three hours, between the hours of 8:00 am-11:00 pm.
- (b) When visible from the public right of way, the mobile food truck shall park wholly on private property, for no more than three hours, between the hours of 8:00 am-11:00 pm, and written advance notice shall be provided to the city prior to the engagement. Property owners operating under this provision may hire a mobile food truck for a private event no more than three times per year for a single property.

Sec. 14-145 Mobile food truck operations generally.

No more than one mobile food truck shall operate on any property at any one time.

Class I and Class II mobile food trucks shall not operate from an on-street parking space. Consistent with this article, the Community Recreation Department may establish designated parking spaces for mobile food trucks at city parks as appropriate.

Notwithstanding the zoning restrictions in section 14-144, a restaurant that will open a permanent location in the city within six months, may operate a mobile food truck that is affiliated with the restaurant between the hours of 8:00 a.m.-9:00 p.m. provided the mobile truck is parked wholly upon the restaurant's premises.

Unless otherwise specifically provided in this article, mobile food trucks shall be permitted to operate between the hours of 8:00 a.m.-9:00 p.m. in nonresidential zones and between 8:00 a.m.-7:00 p.m. in residential zones.

Unless otherwise specifically provided in this article, a mobile food truck shall not be permitted to operate in the same location for more than one hour per day.

When parked, mobile food trucks shall not emit amplified music or sound. When in motion, mobile food trucks shall comply with applicable state and local laws regarding amplified sound.

Mobile food trucks shall provide attached trash and/or recycling receptacles which may not impede the free movement of automobiles or pedestrians. The mobile food truck vendor shall keep all areas within twenty (20) feet of the mobile food truck clean of grease, trash, paper, plastic, or cans associated with the vending operation.

Sec. 14-146 Exceptions

This article shall not apply to religious facilities, schools, hospitals, or government facilities that permit the operation of one mobile food truck wholly upon private property or city-owned property when such truck is located at least twenty-five (25) feet from any abutting residential properties. Universities that allow the operation of mobile food trucks wholly upon university-owned property shall be exempt from this article.

Sec. 14-147 Penalties

A violation of this article is subject to the penalties contained in section 1-7.