

ORDINANCE NO. 2014-

AN ORDINANCE AMENDING CHAPTER 18½ “OCCUPATIONAL LICENSE TAXES AND MISCELLANEOUS BUSINESS REGULATIONS” OF THE CODE OF LAWS AND ORDINANCES OF NASSAU COUNTY, FLORIDA, BY ADDING A NEW ARTICLE VI, “MOBILE FOOD VENDING” ESTABLISHING DEFINITIONS; LOCATION AND PERMIT REQUIREMENTS; SIGNAGE AND NOISE, WASTE MANAGEMENT, LICENSING AND PERMITS REQUIRED, APPLICATION SUBMITTAL REQUIREMENTS, AND ENFORCEMENT PROCEDURES FOR THE OPERATION OF MOBILE FOOD VENDING BUSINESSES IN NASSAU COUNTY; SETTING AN EXPIRATION (“SUNSET”) DATE FOR THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS The Board of County Commissioners has received input from the Amelia Island Chamber of Commerce, including a survey of Chamber and non-Chamber members showing 80% support of allowing Mobile Food Vending in Nassau County

WHEREAS the Board of County Commissioners has researched Mobile Food Vending standards from around the country in order to allow Mobile Food Vending while protecting the health, safety, and general welfare of the citizens of Nassau County

WHEREAS the Board of County Commissioners has decided to allow the operation of Mobile Food Vending within Peter’s Point Park in Nassau County as a pilot program

WHEREAS staff finds this pilot program does not conflict with the comprehensive plan

WHEREAS Mobile Food Vending will allow vendors to served underserved areas such as Peter’s Point Park while testing the viability of mobile food vending in the county

WHEREAS Mobile Food Vending will facilitate the creation of new businesses in Nassau County

WHEREAS the Board of County Commissioners wishes to accommodate existing food vending currently operating at Peter’s Point on a limited basis

NOW, THEREFORE, BE IT ORDAINED BY NASSAU COUNTY, FLORIDA:

SECTION 1. That Chapter 18 ½ of the Code of Ordinances of Nassau County, Florida is amended by adding a new Article VI, *Mobile Food Vending*, which shall read as follows:

Sec. 18 ½ -100. Mobile food vending. Mobile food vendors shall conform to the following conditions:

(1) **Definitions.**

- a. **Commissary** (61C-4.0161 FAC) means an approved facility that provides support services for specific required functions of a mobile food vendor. Any food establishment permitted or licensed by a regulatory agency, such as a catering operation, restaurant, grocery store, or similar establishment, or any other approved facility where food, containers, or supplies are kept, handled, prepared, packaged, or stored can be considered for approval as a commissary. All mobile food vending requires a commissary. A private residence may not be used as a commissary.
- b. **Mobile Food Vending Vehicle** means a vehicle-mounted public food service establishment that is either self-propelled or otherwise movable from place to place. This includes food trucks, food trailers, and food carts
- c. **Hot Dog Cart** means a cart for sale of frankfurters only
- d. **Mobile Food Vendor** means any person or business selling food from a mobile food vending vehicle from which food items are sold to the general public.
- e. **Caterer**. A mobile food vehicle associated with a catering business. Such businesses are permitted in the county in all locations and are not regulated as a Mobile Food Vending Vehicle. To qualify as a Caterer there shall be no food vending directly from the mobile food vehicle.

(2) **Location, permit, and separation requirements.**

- a. Mobile Food Vending is only permitted at Peter's Point Park. Up to six mobile food vendors may be located at Peter's Point Park; three must be "carts" less than 12 feet in length. No Mobile Food vending vehicle may be more than 40 feet in length. No mobile food vending vehicle shall locate in the park or do business in the park in violation of posted park hours.
- b. Approved permits must be attached to the mobile food vending vehicle where they are readily visible and shall include the name, mailing address, and valid phone number of the mobile food vending vehicle owner and shall list the addresses and parcel identification numbers where the permit is valid.
- c. Routine inspections may be conducted by code enforcement inspectors, building code inspectors, fire inspectors, or police officers on each Mobile Food Vending at any time and at any frequency deemed appropriate by the County.

(3) **Signage and noise.** One (1) free-standing sandwich board or A-frame type sign is permitted on private property for each mobile food vendor. The total size of the sign may not exceed forty-two (42") inches in height or thirty-six (36") inches in width. No audio amplification is permitted as part of a mobile food vending operation.

(4) **Waste management.**

- a. The Mobile Food vendor is responsible for the proper disposal of waste and

trash associated with the permitted operation. County trash receptacles shall not be used for this purpose. At a minimum, 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. Vendors must keep all areas within twenty-five (25) feet of the vehicles and any associated seating areas clean of grease, trash, paper, cups or cans associated with the vending operation.

- b. Liquid waste or grease shall be disposed of at an approved location (for example, an approved commissary) and shall not be placed in tree pits, storm drains, or onto any sidewalk, street, or any other public space. Under no circumstances shall grease be released or disposed of in the County's sanitary or storm sewer systems. If at any time evidence of the improper disposal of liquid waste or grease is discovered, the responsible mobile food vending business will be required to cease operation immediately, clean up the improperly disposed material to the satisfaction of the County, and shall not resume operation until an alternate method of disposal has been approved by the Growth Management Department. A subsequent offense shall result in permanent revocation of mobile food vending license.

- (5) **Licenses and permits required.** For each Mobile Food Vendor, a Nassau County mobile food vending license must be obtained. No mobile food vendor may possess more than one license for vending at Peter's Point. The Facilities Maintenance Division is hereby authorized to place appropriate signage at Peter's Point.

- (6) **Quota Auction.** All mobile food vendors wishing to run a mobile food vending business at Peter's Point shall submit an application as defined below. A license to locate a Mobile Food Vending business at Peter's Point property shall be by lottery. Applicant shall submit an application with \$100 fee (fee subject to change). Applications for new licenses shall be accepted for 45 days beginning the third Monday in August if licenses are available. Applications will only be accepted if a quota license is available. All applications on file at the end of October that are not approved will be discarded and application fees will not be refunded. The county will randomly select a winner. Licenses obtained by lottery are transferable and a license resulting from the lottery is valid until a preponderance of evidence illustrates that the vendor is no longer providing a service at Peter's Point during the April through September season and/or is no longer submitting the annual fee by the end of October 31 (license may be renewed up to 90 days in advance). Revocation of a vending license under this paragraph may be appealed to the Planning and Zoning Board.

- (7) **Application submittal requirements.** Applications for mobile food vendor license must include the following information:

- a. Name, address, telephone number, and email address of the applicant and the owner of the vehicle if not the same as the applicant.
b. Description of the type of food and/or beverages to be sold (menu).
c. Color photograph of the mobile food vending vehicle and description of size.
d. Copies of all permits and business licenses required by the State of Florida

- e. Notarized commissary agreement confirming the mobile food vendor is operating in conjunction with a licensed commissary in accordance with Florida Statutes, where applicable.
- f. Proof of business insurance, issued by an insurance company that is licensed to do business in the State of Florida, and which protects the applicant from all claims for damages to property and bodily injury, including death, which may arise from operations under or in connection with mobile food vendor. The insurance affidavit shall also list Nassau County as additional insured for \$1,000,000 for each event triggering coverage.
- g. \$100 initial application fee OR \$200 annual renewal fee to support maintenance of Peter's Point Park (fees subject to change).

(8) **Expiration ("Sunset") date.** This Section shall expire on December 31, 2015 unless the Board of County Commissioners amends this Section by extending the expiration or repealing this paragraph in its entirety.

(9) **Enforcement procedure.**

- a. **Suspension.** If at any time, the State of Florida revokes or suspends the issued mobile food vending permit, the Nassau County license for mobile food vending business will be simultaneously suspended (and possibly revoked in accordance with 18 ½ -100(6)).
- b. **Enforcement.** Any Mobile Food Vending occurring in unincorporated Nassau County without a valid and active Nassau County mobile food vending license shall be deemed in violation of this code. Such violation shall be considered a misdemeanor in the second degree as designated in the F.S. ch. 775.

SECTION 2. CODIFICATION

It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall be included and incorporated into the Code of Laws and Ordinances of Nassau County, Florida. The codifier may re-letter or renumber sections to conform to the uniform numbering and style of the section.

SECTION 3. SEVERABILITY

It is the intent of the Board of County Commissioners of Nassau County, Florida, and is hereby provided, that if any section, subsection, sentence, clause, phrase, or provision of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such inva-