

CITY OF TAMARAC
INTEROFFICE MEMORANDUM
COMMUNITY DEVELOPMENT (21 02 003M)

TO: Michael Cernech
City Manager

FROM: Maxine Calloway
Community Development Director

DATE: February 18, 2021

RE: TO # 2460: Ordinance Amending Section 10-3.5 of the City's Code of Ordinances Entitled "Temporary Uses and Structures" to amend Subsection 10-3.5(G)(3) Entitled "Food Truck" to incorporate Uniform Standards Providing Definitions, Terms, and Regulations for Food Trucks Operating within the City of Tamarac

Recommendation: The Director of Community Development recommends that the Mayor and City Commission adopt the proposed Ordinance to amend Section 10-3.5(G)(3) entitled "Food Truck" of the City of Tamarac Code of Ordinances, on First Reading at its March 10, 2021 meeting and on Second Reading at its March 24, 2021 meeting.

Issue: The current City of Tamarac Code of Ordinances do not provide comprehensive regulation of food trucks operating within its municipal boundaries. These provisions are needed to ensure the health, safety, and welfare of food truck operators, their patrons, and the community at large.

Background: Mobile food truck businesses are a part of an emerging industry centered on providing innovative on the go cuisine often in a synergistic, social pedestrian environment. They are typically motorized vehicles that function as transportable kitchen facilities offering the retail sale of food and beverages for consumption to the general public. In recent years, food trucks have increased in popularity as they have become more prominent in cities and communities around the world. Moreover, their relatively low startup costs have reduced the financial barrier to entrepreneurship when compared to traditional brick and mortar restaurants. As such, the business model allows for greater flexibility in operations and provides economic opportunity for entrepreneurial individuals with little capital.

To that end, the ongoing COVID-19 Pandemic, has significantly impacted traditional brick and mortar restaurants. One of the many challenges facing these facilities is the ability to provide indoor dining services while adhering to social distancing guidelines. As a result, restaurant owners are also looking for creative avenues from which to pivot their existing business model. Food trucks present an opportunity for these businesses to maintain service and sales while adhering to social distancing guidelines often burdensome to indoor dining facilities. This emerging trend further warrants the need to create policies that effectively regulate mobile food truck operations within the City's municipal boundaries while facilitating economic opportunities for new and existing local businesses.

As outlined in the Economic Development Element of the City's Comprehensive Plan, the City has an opportunity to foster economic resiliency by proactively adopting business friendly, pro-

growth policies. As policy planning plays an integral role in economic development, it is in the City’s interest to examine how best to implement regulation that will diversify its economic base.

Analysis: Per Section 10-3.2, “Table of Allowed Uses” of the City’s Land Development Code, food trucks are permitted as a “Temporary Use” in the MU-N (Mixed Use Neighborhood), MU-C (Mixed Use Corridor), MU-G (Mixed Use General), NC (Neighborhood Commercial), BP (Business Park), I-1 (Industrial), I-2 (Heavy Industrial), and RC (Recreation) Zoning Districts as shown in the table below.

Use Category	Use Type	Residential				Mixed-Use and Nonresidential							Special Purpose		
		R E	R 1	R 2	R 3	M U N	M U C	M U G	N C	B P	I 1	I 2	P F	R C	S U
TEMPORARY USES															
	Construction-related structure or facility	T	T	T	T	T	T	T	T	T	T	T	T	T	T
	Food truck					T	T	T	T	T	T	T		T	
	Garage or yard sale	T	T	T	T										

However, the food truck use must be associated with a special event per Section 10-3.5(G)(3) of the City’s Code. This provision significantly impacts the ability to own or operate a mobile food truck in the City’s municipal boundaries, thereby limiting the opportunity for potential business growth.

As such, Staff is proposing to amend Section 10-3.5 entitled “Temporary Uses and Structures” of the City of Tamarac Code of Ordinances, by repealing in its entirety, Subsection 10-3.5(G)(3) entitled “Food Trucks” which currently prohibits the operation of a food truck not in association with a special event. The subsection also inadequately addresses the regulation of food truck operations within the City’s municipal boundaries and does not specify terms for enforcement.

Staff believes that the amendment of the subsection in its entirety is necessary, to comprehensively address the regulation of food truck operations while facilitating economic opportunities for new businesses within the City. The proposed amendment will allow for more extensive guidelines that provide uniform standards for regulating food truck operations within the zoning districts designated by the City’s Code.

The following summarizes the proposed Legislative Draft Ordinance (attached):

Section 10-3.5(G)(3) Food Truck

- ~~(a) Food trucks shall be required to obtain any and all licenses or permits required by the state, Broward County, or the City of Tamarac.~~
- ~~(b) Food trucks shall be associated with a special event.~~

- ~~(c) The food truck operator shall have the written consent of the property owner to conduct the activity.~~
- ~~(d) A food truck shall not operate from a single private property for a period in excess of four days.~~
- ~~(e) Waste receptacles shall be provided and waste shall be removed daily from the site by the food truck operator.~~

A) Definitions.

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

(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.

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

(B) Administrative Rules, Regulations and Application Requirements. The City Manager or his designee shall adopt, enact and amend Administrative Rules and Regulations, and Application Requirements for Mobile Food Trucks. These Administrative Rules and Regulations and Application Requirements shall cover the mobile food vendor permit application requirements, permit fees and the permit renewal procedure.

(C) Permit Requirements.

(1) Any person engaged in the selling, preparation or dispensing of food from a mobile food truck must purchase a mobile food vendor permit in accordance with this Chapter and the Application Requirements promulgated by the City Manager or his designee.

(2) A separate business tax receipt will be required for each mobile food truck.

(3) An applicant for a Class I Mobile Food Vendor permit shall make their mobile food truck available for inspection by the City of Tamarac Fire Department at a location determined by the Fire Department. The City of Tamarac Fire Department shall ensure compliance with all applicable federal, state and local fire safety statutes, regulations,

ordinances and codes. Subsequently, every Class I Mobile Food Truck must undergo an inspection by the City of Tamarac Fire Department every six (6) months.

(4) All mobile food vendors must display the mobile food vendor permit issued by the City in a prominent and visible manner.

(D) *Permitted Zoning Districts for Operation of a Mobile Food Truck.* Mobile food trucks shall be permitted to operate as a temporary use in the zoning districts outlined in [Section 10-3.2](#). Notwithstanding and in addition to the provisions of this article an Application for Food Truck Permit use shall be subject to city approval of all application materials.

(E) *Prohibitions.* Mobile food vendors are prohibited from the following:

(1) Selling or distributing alcoholic beverages;

(2) Operating in a City park or City parking lots, municipal swales, municipal, state, and county roadways and public rights-of-way, municipal lots or residentially zoned neighborhoods unless pursuant to a separate agreement with the City;

(3) Operating outside of the permitted zoning districts listed in [Section 10-3.2](#) unless pursuant to a separate agreement with the City or this Chapter;

(4) Operating on unimproved surfaces, vacant lots and abandoned business locations unless pursuant to a separate agreement with the City;

(5) Providing or allowing a dining area, including but not limited to tables, chairs, booths, bar stools, benches and standup counters;

(6) Selling or dispensing food to customers in a moving vehicle or otherwise engaging in drive-up sales;

(7) Parking a mobile food truck:

(a) Within twenty-five (25) feet of a crosswalk;

(b) Within five hundred (500) feet of any brick and mortar restaurant or outdoor dining area serving the same or similar menu items;

(c) Within any fire lane or any area dedicated to the parking of law enforcement and/or emergency vehicles.

(d) Within twenty-five (25) feet of any fire hydrant or storm drainage structure

(e) Within any off-street parking or loading space required by the City's Code for existing land uses located on the same property or plot.

(f) Within any area identified as a sight visibility triangle as defined by [Section 10-6.3](#).

(F) *Food Truck General Regulations.*

(1) Mobile food vendors shall remove all waste and trash at the end of each day.

- (2) Under no circumstances shall grease be released into the City's sanitary sewer system. No liquid waste or grease is to be disposed in tree pits or onto the sidewalks, streets or other public spaces.
- (3) In accordance with the Florida Department of Business and Professional Regulation guidelines, all necessary control measures shall be used to effectively minimize, or eliminate when possible, the presence of rodents, roaches and other vermin and insects on the premises of all mobile food Trucks. Each Mobile Food Vendor shall maintain a log containing a written record of the control measures performed by exterminators or other pest control businesses on the mobile food truck. This log shall be open to inspection by City Code Enforcement Officers.
- (4) Mobile food vendors must not engage in food preparation if the vehicle does not provide water and waste systems as required by the Florida Department of Business and Professional Regulation or otherwise fails to meet sanitation and safety requirements.
- (5) All food service equipment utilized by the mobile food vendor shall be maintained in good repair and a clean condition.
- (6) A mobile food vendor shall use only single-service food utensils. All single-service food utensils such as cups, straws, knives, forks, spoons and stirrers shall be individually wrapped, kept in a clean place, properly handled and shall be used only once. All cups and containers for bulk drinks shall be stored in closed cartons and served from dispensers which protect their rims from contamination by customers, dust, dirt or flies.
- (7) All pre-packaged food must be individually wrapped and must comply with the labeling requirements as required by state and federal law. No person shall keep or offer for sale individual portions of perishable food products which have been rewrapped or repackaged or portions of which the identifying date on the wrapper has been altered, disfigured or changed in any manner.

(G) Operating Requirements.

- (1) Mobile food vendors shall have the written consent of the property owner to conduct the activity.
- (2) Mobile food trucks shall be permitted to operate Thursday through Sunday between 9:00 a.m. and 8:00 p.m. each day, however no mobile food truck shall be parked at one location for longer than six (6) hours.
- (2) Mobile food trucks shall not exceed ten (10) feet in width, including any side extensions of awnings, twenty-four (24) feet in length, including the length of any trailer hitch, the trailer or other extensions.
- (3) Mobile food trucks must be self-contained when operating, except for the required trash and/or recycling receptacles, which must be attached to the mobile food truck, and shall not impede free movement of automobiles or pedestrians. The mobile food vendor shall keep all areas within five (5) feet of the mobile food truck clean of grease, trash, paper, cups or cans associated with the vending operation.
- (4) No more than one mobile food truck shall operate on any property at any one time, except as permitted by a special event or authorized permit issued by the City.

- (5) No more than five mobile food truck permits shall be issued annually for operation of a food truck within the City limits, except as permitted by special event or authorized permit issued by the City.
- (6) Mobile food trucks operators shall have a written agreement, available upon request, which confirms that employees have access to a flushable restroom within one hundred fifty (150) feet of the vending location during the hours of operation.
- (7) Mobile food trucks shall adhere to the off-street parking standards as identified in [Section 10-4.3](#).
- (8) Mobile food trucks shall be operated only by the mobile food vendor permittee or by an authorized employee of such permittee.

(H) *Adherence to local, state, and federal regulations for food and beverage service*

- (1) All mobile food trucks shall comply with local, state, and federal regulations governing the storage, preparation, handling, serving and discard of food and beverage items consumed by the public. have adequate mechanical refrigeration equipment that is capable of maintaining food or drink at a temperature of forty (40) degrees Fahrenheit or less, if any food or drink is required to be kept cold.

(I) *Food Service Provided to Persons Engaged in Construction. Class II Mobile Food Trucks that are being used to provide food and drink to persons engaged in construction in the City of Tamarac are exempt from the provisions of Section 10-3.5(G)(3) above, provided such vehicles are only parked for a maximum of one hour on the active site of construction with the property owner's consent.*

(J) *Enforcement and Penalties.*

- (1) A Code Enforcement Officer or a Law Enforcement Officer may issue a civil citation for a violation of this Chapter pursuant to the standards and procedures outlined in [Chapter 9](#) of the City's Code of Ordinances. Each offense or violation shall constitute a separate instance for which a separate penalty may be imposed.
- (2) For the purposes of this section, "offense" shall mean a finding of violation by the Code Enforcement Magistrate. An offense shall be deemed to have occurred on the date the violation occurred. An offense occurring twelve (12) months after the last offense shall be treated as a first offense for purposes of incurring new citations and penalties.
- (3) If, at any time, the Florida Department of Business and Professional Regulation revokes or suspends the mobile food vendor's license, the City's Mobile Food Vendor permit shall be deemed to have been simultaneously revoked or suspended.

Fiscal Impact: Food truck permit applications are currently processed by the City's Business Revenue Division and are subject to review by the existing Building, Fire, Zoning, and Code Enforcement Departments. As such, resources are already in place and available for enforcement. To that end, there is no additional fiscal impact anticipated.

Summary of Recommendation: The Director of Community Development recommends that the Mayor and City Commission adopt the proposed Ordinance to amend Section 10-3.5(G)(3) entitled “Food Truck” of the City of Tamarac Code of Ordinances, on First Reading at its March 10, 2021 meeting and on Second Reading at its March 24, 2021 meeting. This item supports the City’s Strategic Plan Goal #3 “Tamarac is Economically Resilient” by establishing policies that promote economic resiliency the City will enhance entrepreneurial opportunities for new and existing business owners.



Maxine A. Calloway,
Director of Community Development

MAC/AJ

Attachment: Temporary Ordinance No. 2460/ Draft Ordinance