

ORDINANCE NO. 2018 - 31

AN ORDINANCE AMENDING CHAPTER 18½ “OCCUPATIONAL LICENSE TAXES AND MISCELLANEOUS BUSINESS REGULATIONS” OF THE CODE OF LAWS AND ORDINANCES OF NASSAU COUNTY, FLORIDA, ARTICLE VI, “MOBILE FOOD VENDING” AMENDING DEFINITIONS; LOCATION REQUIREMENTS; FOR THE OPERATION OF MOBILE FOOD VENDING VEHICLES IN NASSAU COUNTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR ENFORCEMENT AND PENALTIES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners adopted Article VI, Section 18 ½ -100, Mobile Food Vending on September 22, 2014; and

WHEREAS, Article VI, Section 18 ½ -100, paragraph 8, provided for an expiration date of December 31, 2015; and

WHEREAS, the Board of County Commissioners elected not to extend the expiration of Article VI; and

WHEREAS, based on the Board of County Commissioners’ action not to extend the expiration date of Chapter 18 ½ if sunsetted; and

WHEREAS, the Board of County Commissioners finds it is in the best interest of the citizens of Nassau County to enact a new Article VI, Section 18 ½ -100; and

WHEREAS, the Board of County Commissioners has received numerous requests to consider an ordinance that allows and regulates Mobile Food Vending; and

WHEREAS, the Board of County Commissioners directed staff to prepare a draft ordinance that allows and regulates Mobile Food Vending; and

WHEREAS, the Board of County Commissioners finds that the regulations set forth herein are necessary and in the best interest of the public.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Nassau County, Florida:

SECTION 1. FINDINGS

This Ordinance is consistent with the goals, objectives and policies of the Nassau County Comprehensive Plan.

SECTION 2. AMENDMENT

Chapter 18 ½, Article VI, of the Code of Ordinances, Mobile Food Vending, is amended as set forth below.

ARTICLE VI. - MOBILE FOOD VENDING

Sec. 18½-100. - Mobile food vending.

Mobile food vendors shall conform to the following conditions:

(1) *Definitions.*

- a. *Mobile food vending vehicle(MFVV)* 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, food carts and hot dog carts.
- b. *Mobile food vendor* means any person or business selling prepackaged or prepared food from a mobile food vending vehicle to the general public.
- c. *Caterer* means 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 requirements.*

- a. Mobile food vending is permitted in the following locations subject to the siting requirements in subsection (2) b-h of this Article:
 - 1. on developed commercial or industrial sites, having a commercial or industrial zoning classification throughout the unincorporated areas of the County: and
 - 2. on developed private property used for legally permitted civic, institutional, or recreational purposes.
- b. Mobile food vending is permitted only if:
 - 1. The MFVV is registered in Nassau County with the Department of Motor Vehicles. If the MFVV does not require registration with the Department of Motor Vehicles the MFVV must have a

- commissary registered with the Department of Business and Professional Regulations (DBPR) located in Nassau County; and
2. Has an associated physical place of business, excluding Home Occupations, within the County; or
 3. Is sponsored by a business owner who has an associated physical place of business, excluding Home Occupations, within Nassau County.
- c. The mobile vendor food units shall not be located within any required front or side yard setback, required landscape area, easement, jurisdictional wetland, vegetative upland buffer (wetland buffer), uncomplimentary use buffer, or similar areas associated with commercial and industrial site development.
 - d. The site must provide paved parking area (or the same alternative parking surface approved for use by Nassau County for the primary use) for customers of the MFVV in addition to parking stalls for customers of the place of business/facility. In no case shall customers utilize the public ROW for parking. It is the intent of this Article to prohibit the use of a MFVV on undeveloped parcels of land or developed sites that lack adequate space and infrastructure to support a MFVV.
 - e. The mobile vendor food units shall not interfere with vehicular and pedestrian movement or visibility, block required sight distances, or damage landscaped areas.
 - f. The mobile vendor food units may not operate within County rights-of-way or on County property, or on any State of Florida roadway or right-of-way or State of Florida property.
 - g. Mobile food vendors must be in compliance with all applicable federal, state and local laws and requirements.
 - h. Routine inspections may be conducted by the appropriate County officials or designees at any time and at any frequency deemed appropriate by the County. A Mobile Food Vendor shall, at all times during operations, maintain the following documentation on-site and be able to produce the documentation upon inspection by a County official or designee. Failure to produce the required documentation upon request may subject the property owner and/or the mobile food vendor to penalties defined in this Article.
 1. Written authorization from the owner of the property where the MFVV is operating.
 2. MFVV's Department of Motor Vehicles registration, as applicable.

3. Approved Department of Business and Professional Regulation MFDV License or Hot Dog Cart License.
 4. Approved Commissary Notification, as applicable.
- i. A caterer, as defined in 18 ½-100 (1)(e) is not subject to the limitation as in this Article.
- (3) *Signage and noise.* One (1) freestanding 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 or human direction signs are 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. 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 space. Under no circumstances shall grease be released or disposed of in a 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 vendor and/or the mobile food venter 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 proof has been provided of an alternate method of disposal has been secured.
- (5) *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 may be considered and deemed a misdemeanor in the second degree as designated in F.S. ch. 775.082(3)(d). The Nassau County Sheriff's Office shall issue a summons in the same manner as any other second degree misdemeanor offense (i.e. a notice to appear). A citation shall require a court appearance and is punishable by up to 60 days in jail and an imposition of a \$500 fine, pursuant to Sections 775.082 and 775.083 respectively.

Nassau County Code Enforcement Department and the Nassau County Sheriff's Office may also have authority to investigate and enforce the provisions of this Article. Notwithstanding other penalties and enforcement mechanisms, a property owner allowing a mobile food vendor to operate in violation of this Article may be assessed a penalty up to \$250 a day by the Code Enforcement Board of Nassau County.

SECTION 3. 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 4. 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 invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

SECTION 5. EFFECTIVE DATE

This Ordinance shall take effect upon filing with the Secretary of State as provided in Florida Statutes, Section 125.66.

Adopted this 8th day of October, 2018 by the Board of County Commissioners of Nassau County, Florida.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



PAT EDWARDS

Its: Chair

ATTEST as to Chairman's Signature:



John A. Crawford
Its: Ex-Officio Clerk

MES
10-09-18

Approved as to form by the
Nassau County Attorney



Michael S. Mullin
County Attorney