

ORDINANCE NO. 2023 - 009

AN ORDINANCE OF BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA; AMENDING CHAPTER 18½ - OCCUPATIONAL LICENSE TAXES AND MISCELLANEOUS BUSINESS REGULATIONS, ARTICLE VI. - MOBILE FOOD VENDING, SECTION 18½-100. - MOBILE FOOD VENDING. OF THE NASSAU COUNTY CODE OF ORDINANCES; AMENDING PROVISIONS REGULATING MOBILE FOOD VENDING IN CONFORMANCE WITH CHAPTER 509.102, FLORIDA STATUTES; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on October 8, 2018, the Board of County Commissioners adopted Article VI, Section 18 ½ -100, Mobile Food Vending; and

WHEREAS, in July 2020, the Florida Legislature enacted legislation thereby preempting to the State of Florida the regulation of mobile food dispensing vehicles in regard to licenses, registrations, permits and fees; and

WHEREAS, the Board of County Commissioners finds it necessary to amend Article VI, Section 18 ½ -100 in order to reflect these recent legislative changes; and

WHEREAS, the Board of County Commissioners finds that the amendments set forth herein are in the best interest of the public health, safety and welfare of the residents of Nassau County.

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

SECTION 1. Amending Chapter 18½, Article VI, Section 18½-100. Chapter 18½, Article VI, Section 18 ½ -100 of the Nassau County Code of Ordinances is hereby amended to read as follows:

Sec. 18½-100. Mobile food vending.

~~Mobile food vendors shall conform to the following conditions:~~

The following definitions shall apply in the interpretation and enforcement of this Article:

(1) *Definitions.*

- a. *Mobile food vending vehicle (MFVV)* means any mobile food dispensing vehicle or vehicle-mounted that is a public food service establishment that is either 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. 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.*

Mobile food vendors shall conform to the following conditions:

- a. Mobile food vending is permitted in the following locations subject to the siting requirements in subsection (2)b—~~h i~~ of this section:
 - 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; ~~and~~
 - 3. On County property for County sponsored events.
- ~~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.
- ~~e.b.~~ The ~~mobile vendor food units~~ MFVV 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.c.~~ 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.d.~~ The ~~mobile vendor food units~~ MFVV shall not interfere with vehicular and pedestrian movement or visibility, block required sight distances, or damaged landscaped areas.

~~f.e.~~ The ~~mobile vendor food units~~ MFVV 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 other than those approved pursuant to Section (2)a.3. above.

~~g.f.~~ Mobile food vendors shall obtain and maintain all necessary licenses as required by F.S. 509.102, as may be amended, and shall comply ~~must be in compliance~~ with all other applicable federal, state and local laws and requirements.

~~h.g.~~ 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. Documentation of all necessary licenses required by F.S. 509.102, Florida Statutes, and all other applicable federal, state and local laws and requirements.

~~2. MFVV's department of motor vehicles registration, as applicable.~~

~~3. Approved department of business and professional regulation MFVV license or hot dog cart license.~~

~~4.3.~~ Approved commissary notification, as applicable.

~~i.h.~~ The MFVV shall be sponsored by a business owner who has an associated physical place of business, excluding home occupations, within Nassau County.

~~i.~~ A caterer, as defined in ~~[section] 18½-100(1)e.~~ in this Article 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. Mobile food 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 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 MFVV in unincorporated Nassau County operating in violation of this article 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. § 775.082(4)(b), as may be amended(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 sixty (60) days in jail and an imposition of a five-hundred-dollar fine, pursuant to F.S. §§ 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 two hundred fifty dollars (\$250.00) a day by the code enforcement board of Nassau County.

SECTION 2. CODIFICATION

It is the intent of the Board of County Commissioners for Nassau County that the provisions of this Ordinance shall become and shall be made part of the Code of Ordinances of Nassau County, Florida. The sections of this Ordinance may be re-numbers or re-lettered and the words may be changed to section, article or other such appropriate word or phrase in order to accomplish such intention. The Nassau County Clerk of Courts will ensure that this Ordinance is codified into, and published, as part of the Nassau County Code of Ordinances.

SECTION 3. CONFLICTING PROVISIONS

All ordinances, or parts of ordinances, in conflict with this provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 4. SEVERABILITY

Additions = red underline
 Deletions = ~~red strikethrough~~
 Relocated = green double underline

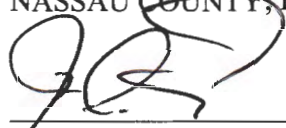
It is the intent of the Board of County Commissioners of Nassau County, Florida, and is hereby provided, that if any section, subsection, sentence, clause, phrase, or provision of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality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

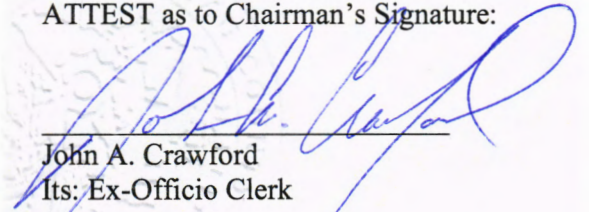
Adopted this 27th day of March, 2023 by the Board of County Commissioners of Nassau County, Florida.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



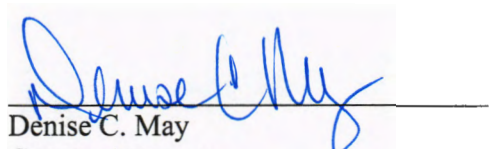
Klynt A. Farmer
Its: Chair

ATTEST as to Chairman's Signature:



John A. Crawford
Its: Ex-Officio Clerk

Approved as to form by the
Nassau County Attorney



Denise C. May
County Attorney



FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

April 4, 2023

Honorable John A. Crawford
Clerk of the Circuit Court
Nassau County
76347 Veteran's Way, Suite 456
Yulee, Florida 32097

Attention: Heather Nazworth

Dear Honorable John Crawford:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Nassau County Ordinance No. 2023-009, which was filed in this office on April 3, 2023.

Sincerely,

Anya Owens
Program Administrator

ACO/wlh

Heather Nazworth

From: Municode Ords Admin <MunicodeOrds@civicplus.com>
Sent: Tuesday, April 4, 2023 1:56 PM
To: Heather Nazworth
Subject: *EXTERNAL*: RE: Nassau County, FL Code of Ordinances - 2023(11325)

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

We have received your files.

Thank you and have a nice day.

Ords Administrator
Municodeords@civicplus.com
1-800-262-2633
P.O. Box 2235
Tallahassee, FL 32316

When available, please send all documents in WORD format to Municodeords@civicplus.com. However, if WORD format is not available, we welcome any document format including PDF.

SVj (she/her/hers)

Production Support Specialist Supplement Department • CivicPlus
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Powering and Empowering Local Governments

From: Heather Nazworth <hnazworth@nassauclerk.com>
Sent: Monday, April 3, 2023 9:40 AM
To: Municode Ords Admin <MunicodeOrds@civicplus.com>
Subject: Ordinances 2023-007, 2023-008, and 2023-009

Gentlemen:

Enclosed please find a certified copy of Ordinance Nos. 2023-007, 2023-008, and 2023-009 adopted by the Nassau County Board of County Commissioners in Regular Session on March 27, 2023. **Also, please provide a confirmation email.**

Please include these ordinances in the supplement. Thank you for your assistance in this matter.

On behalf of John A. Crawford, Ex-Officio Clerk

Heather Nazworth
Chief Deputy Clerk Services/BOCC/VAB
Nassau County Clerk of the Circuit Court/Comptroller
76347 Veterans Way, Ste. 456
Yulee, FL 32097

Direct (904)548-4666
Toll Free (800) 958-3496
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Email: hnazworth@nassauclerk.com
Website: www.nassauclerk.com

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