

ORDINANCE NO. 593

AN ORDINANCE FOR THE CITY OF SPRINGFIELD, FLORIDA AMENDING THE SPRINGFIELD LAND DEVELOPMENT REGULATION CODE OF ORDINANCES ARTICLE III, DEVELOPMENT STANDARDS, TO ADD SECTION 3-5.10 REGULATING THE LOCATION AND OPERATION OF FOOD TRUCKS IN THE CITY; REPEALING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Springfield, Florida (the "City") regulates land use and development issues through its Land Development Regulation Code; and

WHEREAS, Florida Statute 509.102 preempts to the State the regulation of mobile food dispensing vehicles ("food trucks") involving licenses, registrations, permits, and fees and but allows a local government to otherwise regulate food trucks provided that it may not prohibit entirely them from operating within the local government jurisdiction; and

WHEREAS, the City Land Development Regulation Code is unclear where food trucks may be operated, and the City Commission desires to provide regulation in order to promote orderly and appropriate commercial uses in the City; and

WHEREAS, the City Commission is supportive of the legal, safe, and sanitary operation of mobile food dispensing vehicles ("food trucks") and mobile food sales in the City of Springfield, Florida.

NOW, THEREFORE, BE IT ENACTED by the people of the City of Springfield, Florida that:

SECTION 1. Amendment. City of Springfield Land Development Regulation Code, Article III, Development Standards, is hereby amended to add the following Section, which has the following **bold and underlined** text:

Sec. 3-5.10 Food Trucks

- 1. Food Truck shall have the same definition as "mobile food dispensing vehicle" pursuant to Florida Statute 509.102, as amended, which initially means any vehicle that is a public food service establishment and 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. However, to be considered a Food Truck for the purposes of this Code, a mobile food dispensing vehicle must hold an active and valid mobile food dispensing vehicle license from the Florida Division of Hotels and Restaurants of the Department of Business and Professional Regulation, and a copy of such license must be kept inside of the licensed vehicle at all times while it is located in the**

City. Any food dispensing vehicle that does not strictly meet the requirements of this definition, including the requirement to hold State of Florida licensure, shall be prohibited.

2. Food Trucks are permitted in the General Commercial (GC) land use district. In such cases, Food Trucks may only be placed on the property where they will be operated after obtaining the advanced written permission of the property owner, a copy of which shall be kept in the Food Truck while it is located within the City. In addition, Food Trucks may be allowed within the Recreation land use district on publicly owned property, but only with the advanced written permission of the government agency that owns the location, and a copy of such written permission must be kept in the Food Truck while it is located in the City. The City Commission may, from time to time, define areas, in the interest of preserving public health and safety or avoiding traffic congestion, in which no mobile food truck vendor may prepare or dispense food.
3. Food Trucks shall comply with all applicable setback rules. The minimum building setbacks required for any structure shall be: twenty-five feet (25') from the front property line, ten feet (10') from the side property line, fifteen feet (15') from the property line on a side street and fifteen feet (15') from the rear property line. Food Trucks may not be stored or operated in any public right-of-way within the City. Moreover, location of the Food Truck may not obstruct or create unsafe ingress and/or egress.
4. Food Truck operators shall be required to immediately comply with any request by law enforcement and/or code enforcement officers relating to safety, which may include relocation of the Food Truck if deemed by the officer to be creating an unsafe situation.
5. Trash receptacles shall be provided by the Food Truck and, at a minimum, emptied daily. All trash is to be removed from the site daily. Dumpsters of permanent businesses shall not be used without permission of that business(es).
6. Food Trucks shall keep all food service equipment clean and in good operating condition. Mobile Food Trucks shall keep all areas around the mobile food truck operation clean of grease, trash, paper, cups, or cans associated with the vending operation.
7. Overnight parking is not allowed unless specifically authorized herein or by the City in writing. However, semi-permanent or permanent operations may remain on-site provided that they must be ADA compliant, meet all the requirements in the Springfield Land Development Regulations for a restaurant, and they must obtain a local occupational license as required by Chapter 74.

8. Food Truck operators are responsible for all damage, and repairs to streets, sidewalks, trees, and vegetation, or other public amenities that relate to its operation.
9. Food Trucks who wish to participate in city sponsored special events must pay any fee established by the city for such participation.
10. Food Trucks that will sell alcohol must have a liquor license issued by the State of Florida.
11. Food Truck operations are allowed during the hours of 7:00am to 10:00pm unless authorized by the City.
12. Mobile Food Trucks must be self-contained when operating (including utilities: power, water, cooking fuel sources). At no time will the Food Truck Operator be permitted to dispose of solid waste, sewage, or grease in the City's sewer system.
13. A Food Truck operating as a "business" shall provide a site plan layout of the Food Truck site showing all structures in respect to existing buildings, property lines, roads, and walkways. The site plan shall depict proposed ingress and egress, tents, portable toilets, and tables. Moreover, it shall indicate the number of parking spaces as well as handicap parking spaces.
14. If the Food Truck operates at a City sponsored event or otherwise will be operating with permission on City owned property, the owner shall provide proof of business insurance, issued by an insurance company that is licensed to do business in the State of Florida, protecting the owner from all claims for damages to property or bodily injury, including death, which may arise from operations under or in connection with mobile food operations and shall name the City of Springfield as an additional insured party and shall be in at least the amount of \$500,000.00 per occurrence for injury and \$200,000.00 per person. The permittee, owner or operator shall notify the City of Springfield of any changes in the insurance coverage 24-hours prior to the city sponsored special event. The City of Springfield has the power to deny a food truck vendor from operating at a City sponsored special event if not properly insured.
15. A Food Truck operating as a "business" must be ADA compliant.
16. A Food Truck operating as a "business" shall comply with Section 3-5.7 Performance Standards of the Springfield Land Development

Regulations when adjacent to non-commercial properties i.e., visual buffers, noise, lighting, odor, and/or smoke.

17. All signs for a Food Truck operating as a "business" shall comply with Article 4 Sign Regulations of the Springfield Land Development Regulations and may require Sign Permit approval.

SECTION 2. Repealer. All Codes, Ordinances and/or Resolutions or parts of Codes, Ordinance and/or Resolutions in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 3. Severability. If any section or portion of this Ordinance shall be determined to be unconstitutional or invalid for any reason, the remaining provision shall remain in full force and effect.

SECTION 4. Effective Date. This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Commission of the City of Springfield, Florida, this 3rd day of July 2023.

CITY OF SPRINGFIELD, FLORIDA

By: 
Ralph Hammond, Mayor

ATTEST: 
Teresa Cox, City Clerk

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY FOR THE CITY OF SPRINGFIELD
ONLY:


Kevin Obos, City Attorney