

**ORDINANCE No. 2021-16**

**AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING CHAPTER 44 OF THE CITY'S CODE OF ORDINANCES TO ESTABLISH A NEW SECTION TITLED "MOBILE FOOD TRUCKS"; REGULATING MOBILE FOOD TRUCKS AND FOOD TRUCK GATHERINGS WITHIN THE CITY OF DORAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCORPORATION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, Mobile Food Trucks, are not a new method of food distribution, but are a new method of food preparation, sale and delivery that is gaining widespread popularity within the nation, and;

**WHEREAS**, the rise in popularity of specialty or gourmet food trucks has led to recent code revisions in communities eager to acknowledge this business model but cautious about food safety, traffic, and neighborhood compatibility; and

**WHEREAS**, operational standards such as limitations on hours of operation, mandatory access to restrooms, or noise or sanitation requirements to minimize potential negative impacts are important as the State statute focuses on licensing and does not establish operational standards for Mobile food trucks; and

**WHEREAS**, City of Doral 's intent to regulate the conduct and the use of Food Trucks and gatherings of the same throughout the City in order to ensure the health, safety, and welfare of Food Truck operators and their patrons, and;

**WHEREAS**, the proposed inclusion of this section to the City Code is in the best interests of local businesses, residents, and visitors of the City.

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## ARTICLE V. - MOBILE FOOD TRUCKS

### Sec. 44-110 - Purpose.

The purpose of this section is to: (1) recognize this specialized market segment; (2) classify the types of mobile food trucks; and (3) designate the areas within the City where food trucks can offer to sell products.

### Sec. 44-111. - Definitions.

- (a) Commissary means an approved facility that provides support services for specific required functions of a mobile food truck business. Any food establishment permitted or licensed by a regulatory agency, such as a catering operation, restaurant, grocery store or similar establishment or any otherwise approved facility by Florida Department of Agriculture and Consumer Services in which food, containers, or supplies are kept, handled, prepared, packaged, or stored can be considered for approval as a commissary. When not required at the mobile food truck operation, commissaries may provide a three (3) compartment sink for washing, rinsing, and sanitation of equipment in addition to hand wash and rest room facilities. A private residence may not be used as a commissary.
- (b) MFDV license. A license for the operation of a "mobile food dispensing vehicle," as defined by state law, issued by the Division of Hotels and Restaurants of the Florida Department of Business and Professional Regulation, which authorizes the operation of such vehicle as a "public food service establishment," as defined by state law.
- (c) Mobile food truck means a vehicle which is used to vend food and beverage products and is classified as one (1) of the following:
- (1) 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.
  - (2) 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.
  - (3) Class III—Ice cream trucks. These vehicles vend only pre-packaged frozen dairy or frozen water-based food products, soft serve or hand-dipped frozen dairy or frozen water-based food products and pre-packaged beverages.
- (d) Mobile food truck vendor means a person who prepares, dispenses or otherwise sells food from a mobile food truck.
- (e) Registry means a City database that contains information of food trucks operating in the City.

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- (e) Right of Way. All areas legally open to public use and used for or intended for use for vehicular or pedestrian traffic, including public streets, alleys, sidewalks and roadways.
- (f) Vehicle means a motorized vehicle, including a trailer or other portable unit, attached to a motorized vehicle, that is intended for use in vending.
- (g) Vend means to sell or offer to sell products from a mobile food truck.

Sec. 44-112. - Mobile food truck Registry.

Mobile food truck operators are encouraged but not required to register with the City and furnish proof of compliance with the state's licensing requirements and city's operating requirements. The documentation provided to the city should include:

- (i) MDFV license.
- (ii) Proof of business insurance,
- (iii) A notarized commissary agreement confirming the mobile food truck vendor is operating in conjunction with a licensed commissary in accordance with Florida Statutes.
- (iv) A notarized statement by each property owner indicating that the applicant has permission to operate on the site. The affidavit must also indicate that the property owner acknowledges the following requirements:
  - (a) The property owner shall comply with all ordinances regarding solid waste disposal and must provide the mobile food truck vendor access to solid waste collection on the subject property.
  - (b) The property owner shall require that the mobile food truck vendor meets all applicable federal, state and local ordinances, rules and codes.
  - (c) The property owner shall acknowledge that he/she understands the regulations regarding mobile food truck vendors and operation of mobile food trucks and will be held responsible, along with the mobile food truck vendor for any code violations.
- (v) Color photograph of the mobile food truck depicting its current condition.

Sec. 44-113. - Mobile food truck requirements.

- (a) This section shall not apply to pushcart vending, roadside vending markets, or a self-contained mobile or modular kitchen utilized solely for and situated on the same property as the brick-and-mortar restaurant or café or vending on City park property which is subject to other regulations.

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- (b) It is a violation to vend any product from a mobile food truck at any location except in compliance with the requirements of this ordinance.
- (c) This section excludes a contractual or other private arrangement between a mobile food truck and an individual or group that wishes to have food catered to a specific location and which is not open to the public.
- (d) No tables, chairs or other furniture or equipment (other than the mobile food truck where allowed by this section) shall be placed in the right-of-way.

Sec. 44-114. - Permitted zoning districts for operation of Class I and Class II food trucks.

Class I and Class II mobile food trucks may only be permitted to operate in the following zoning districts:

- (a) Industrial Commercial District (IC)
- (b) Industrial District (I).
- (c) Industrial-Restrictive District (I-R)

Sec. 44-114. – Locations

Vending from a class I and class II mobile food trucks on rights-of-way in Light Industrial and Heavy Industrial districts is allowed subject to the conditions of this section.

- (a) Parking. At locations where class I and class II mobile food trucks are allowed to operate, a class I and class II mobile food truck may stop, stand or park in any area of the right-of-way not provided for vehicular travel (e.g., may not be located in driveway aisles, no parking zones, loading areas, or parking lanes,).
- (b) Proof of License. The MFDV license shall be conspicuously displayed.
- (c) Private property. The vending of products from a class I and class II mobile food trucks on private property within authorized zoning districts shall be allowed subject to the following conditions:
  - (1) Vacant properties. Operation of a class I and class II mobile food trucks are prohibited on vacant and undeveloped property.
  - (2) Permission. A class I and/or a class II mobile food truck shall have the written permission of the owner of the property on which it is located. Such written permission shall be available upon request.
  - (3) Maximum number of mobile food trucks. No more than one mobile food truck shall operate on any property at any one time, except as may be allowed by a City approved special event.
  - (4) Access. A mobile food truck shall not be placed in any location that impedes the ingress or egress of other businesses or building entrances or emergency exits.

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Sec. 44-115. - Prohibitions.

Class I and Class II mobile food trucks are prohibited from the following:

- (a) Selling or distributing alcoholic beverages;
- (b) Operating outside of the permitted zoning districts unless operating pursuant to a temporary special event permit;
- (c) Operating within 2,000 feet of a residential district.
- (d) Operating on unimproved surfaces, vacant lots and abandoned business locations;
- (e) Placing temporary signs, banners, or other prohibited attention-getting devices in or alongside the public right-of-way or across roadways. Signs must be permanently affixed to or painted on the mobile food truck. An A-frame menu board up to 9 square feet is permitted to be placed by the mobile operation and within the vending area. An operation is allowed to display this sign only during hours of operations, otherwise the board shall be removed.
- (f) Providing or allowing a dining area, including but not limited to tables, chairs, booths, bar stools, benches, standup counters, shade canopies, umbrellas, tents;
- (g) Selling or dispensing food to customers in a moving vehicle or otherwise engaging in drive up sales;
- (h) Parking a mobile food truck:
  - (1) Within twenty (20) feet of a crosswalk.
  - (2) Within fifteen (15) feet of any fire hydrant or storm drainage structure.
- (i) The use of any sound amplification is prohibited regardless of the intended purpose.
- (j) Operation of a class I and II mobile food trucks are prohibited within a 1,000 foot radius of a food service establishment unless approved as a special event by the City.
- (k) Operation of a class I and II mobile food trucks shall be prohibited on all properties abutting section line roads and major arteries including but not limited to NW 12 Street, NW 25 Street, Doral Boulevard, NW 58 Street, NW 79 Ave, NW 87 Ave, NW 97 Ave and NW 107 Ave within the Industrial, Industrial Commercial and Industrial Restrictive zoning districts unless approved as a special event by the City.

Sec. 44-116. - Class III—Ice cream trucks

The vending of products on rights-of-way is allowed subject to the conditions of this section.

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- (a) Parking. A class III mobile food truck which is stopped, standing or parked in the right-of-way shall be responsible for complying with all parking regulations. No class III mobile food truck shall stop, stand or park for more than ten minutes, unless there are customers waiting in line to buy products.
- (b) Private property. The vending of products from a class III mobile food trucks on private property shall be allowed subject to the following conditions:
  - (1) Vending from a class III mobile food truck is permitted within all zoning districts for permitted.

Sec. 44-117. - Food truck general regulations.

- (a) Mobile food truck vendors shall remove all waste and trash at the end of each day.
- (b) Under no circumstances shall grease or liquid waste 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.
- (c) In accordance with the state 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 truck 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.
- (d) Mobile food truck vendors must not engage in food preparation if the vehicle does not provide water and waste systems as required by the state department of business and professional regulation or otherwise fails to meet sanitation and safety requirements.
- (e) All food service equipment utilized by the mobile food truck vendor shall be maintained in good repair and a clean condition.
- (f) A mobile food truck 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.
- (g) All pre-packaged food must be individually wrapped and must comply with the labeling requirements provided in 21 CFR Part 101, as amended. 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.

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Sec. 44-118. - Operating requirements.

- (a) Mobile food trucks shall be permitted to operate between 7:00 a.m. and 11:00 p.m. each day of the week, including set up and takedown.
- (b) Mobile food trucks shall not be parked at one (1) location for longer than six (6) hours.
- (c) 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.
- (d) Mobile food trucks must be self-contained when operating (including all utilities: power, water, cooking fuel sources), 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 truck 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.
- (e) No more than one (1) mobile food truck shall operate on any property at any one (1) time, except as may be permitted by a special event permit issued by the city. An additional mobile operation is allowed for each additional 50,000 square feet of net lot area, up to a maximum of three mobile operations per site.
- (f) Mobile food trucks must be located at least 1000 feet apart. The minimum distance requirements will be measured in a straight line from the closest points of the proposed food truck locations.
- (g) Mobile food trucks operating at a site for a duration of more than three (3) hours must provide employees with access to a flushable permanent restroom within one hundred fifty (150) feet of the vending location during the hours of operation.
- (h) The stationary mobile operation shall not be located in the required parking spaces of the site.

Sec. 44-118. - Refrigeration and heating equipment.

- (a) All mobile food trucks shall 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.
- (b) All mobile food trucks shall have adequate mechanical heating equipment that is capable of maintaining food or drink at a temperature of one hundred forty (140) degrees Fahrenheit or more, if any food or drink is required to be kept hot, or capable of heating food or drink to a temperature of one hundred sixty-

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- five (165) degrees Fahrenheit or more, if any food or drink is required to be heated.
- (c) All mechanical refrigeration and heating equipment shall be equipped with a thermometer.

Sec. 44-120. – Insurance.

All Mobile food trucks operating in the City shall be insured in an amount not less than one million dollars (\$1,000,000.00) for public liability, food products liability, and property damage liability for all claims and damage to property or bodily injury including, but not limited to, death, which may arise from their operations and shall provide proof of such insurance upon request of any city official from time to time.

Sec. 44-121. - 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 are exempt from the provisions of section XXX 3(a) above, provided such vehicles are only parked for a maximum of thirty (30) minutes.

Sec. 44-122. – Special events.

Special events. Food Trucks may be permitted to operate in any zoning district of the City as part of a permitted special event approved by the Planning and Zoning Director or the City Council. Food trucks authorized to participate in the special event shall comply with the insurance requirements and conditions imposed by the City to ensure that any impacts are mitigated to a reasonable degree.

Sec. 44-123. - Penalty.

- (a) A code enforcement officer or a law enforcement officer may issue a civil citation for a violation of this chapter pursuant to the procedures and amounts listed in chapter 11 of this Code. Each violation shall constitute a separate instance for which a separate penalty may be imposed. Upon a mobile food truck vendor's third offense within a twelve-month period, the mobile food truck may be banned from vending in the City.
- (b) For the purposes of this section, "offense" shall mean a finding of violation by the special magistrate or payment of the non-contested civil penalty in section 11-49 of this Code. 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 fines and penalties.

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**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AS FOLLOWS:**

**Section 1.** **Recitals.** The recitals are adopted and incorporated as set forth in this section.

**Section 2.** **Implementation.** The City Manager, City Clerk, and City Attorney are hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions as may be appropriate by their position to execute the purpose of this Ordinance.

**Section 3.** **Incorporation into the Code.** The provisions of this Ordinance, to the extent appropriate, shall become and be made a part of the Code of Ordinances of the City of Doral. The City Clerk is authorized to take all actions necessary to incorporate the provisions of this Ordinance into the Code of Ordinances, including, but not limited to, renumbering or relettering sections and to change and that the word “ordinance” may be changes to “section,” “article,” or such other appropriate word or phrase in order to accomplish such intention.

**Section 4.** **Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 5.** **Effective Date.** This Ordinance shall become effective immediately upon adoption.

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The foregoing Ordinance was offered by Councilmember Mariaca who moved its adoption. The motion was seconded by Councilmember Cabral upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Pete Cabrera	Yes
Councilwoman Digna Cabral	Yes
Councilwoman Claudia Mariaca	Yes
Councilman Oscar Puig-Corve	Yes

PASSED AND ADOPTED on FIRST READING this 28 day of April, 2021.

PASSED AND ADOPTED on SECOND READING this 19 day of May, 2021.

  
\_\_\_\_\_  
JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:

  
\_\_\_\_\_  
CONNIE DIAZ, MMC  
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY  
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:

  
\_\_\_\_\_  
LUIS FIGUEREDO, ESQ.  
CITY ATTORNEY

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