

CITY OF TALLAHASSEE

CITY COMMISSION AGENDA ITEM

ACTION REQUESTED ON:	March 30, 2011
SUBJECT/TITLE:	Amendments to City Commission Policy No. 106 Permitting Mobile Food Vendors in Designated Locations
TARGET ISSUE:	

STATEMENT OF ISSUE

City Commission Policy No. 106 provides regulations for certain activities in the downtown area and in City parks. Policy No. 106 specifically sets out procedures for the closure of downtown streets, provides for permits for food vendors on City property, and provides for permits for outdoor food service at licensed downtown restaurants.

The current policy limits the sales of food vendors to food carts, restricts the sales to very limited areas, and has three potential departments overseeing the permitting of the cart depending on area. The Commission has received requests for regulations to authorize the operation of mobile food vendors at designated locations.

Under the proposed amendments to Policy No. 106, the City would issue permits for the operation of mobile vehicles or trailers, also known as food trucks, from which a vendor may offer for sale ready-to-eat food items. Each permit would authorize a mobile food vendor to operate from specified location on or adjacent to City property, a City park or a street. Permits for mobile food vendors would be processed and issued by the Parks, Recreation and Neighborhood Affairs Department. The amendments to the policy will be reviewed by staff after one year to determine if additional amendments are needed.

RECOMMENDED ACTION

Option 1. Approve the proposed amendments to City Commission Policy No. 106 regulating the operation of and issuance of permits to mobile food vendors at specified locations.

FISCAL IMPACT

None.

James R. English
City Attorney

For Information, please contact: Hetal Desai, Assistant City Attorney, 891-8554

**ITEM TITLE: AMENDMENTS TO CITY COMMISSION POLICY NO. 106, PERMITTING
MOBILE FOOD VENDORS IN DESIGNATED LOCATIONS**

SUPPLEMENTAL MATERIAL/ISSUE ANALYSIS

HISTORY/FACTS & ISSUES

City Commission Policy No. 106 currently sets out procedures for the issuance of permits to food vendors on City property, including City parks, and sets out procedures for the issuance of permits for outdoor food service at licensed downtown restaurants, including table service on sidewalks outside restaurants.

From time to time, food vendors have locally offered ready-to-eat food items for sale from trucks or trailers and have operated from private property or public parking areas. The City does not currently authorize mobile food vendors to operate on City right of ways, City parks or other City property.

The Commission has received requests from persons seeking to operate as a mobile food vendor. Such persons have generally sought to operate in the downtown area.

In formulating the proposed amendments, the City Attorney met with representatives from the Parks, Recreation and Neighborhood Affairs Department, the Downtown Improvement Authority, Tallahassee Police Department Parking Enforcement, and persons interested in operating as mobile food vendors in downtown locations.

Under the amended policy, specific locations would be designated for the operation of mobile food vendors adjacent to City streets, parks or other City property. Each permit issued would authorize a mobile food vendor to operate from a single location for a period of one day or some longer period of time.

As is currently required of food vendors operating on City property, applicants would submit an application on designated forms and would provide information such as proof of a food service license and proof of insurance. The permit fee would be set by the City Manager or a designee.

Mobile food vendors would be required to provide for the collection and disposal of waste generated from their operations and would be required to provide receptacles for recycling. Mobile food vendors would be prohibited from noise-generating activities such as amplified sound or music or the operation of electric generators. The City would provide electric service to mobile food vendors for a fee at each permitted location.

The City Manager would have the power to revoke a permit in instances including danger to health, safety or welfare, or the creation of a traffic hazard. The Director of the Parks, Recreation and Neighborhood Affairs Department would have the power to cancel the issuance of mobile food vendor permits at any designated location.

A special permit would be required for mobile food vendors operating at downtown locations during Special Events approved by the City including Saturday Market Place or Downtown Getdowns. Nothing in this policy is intended to prevent the lawful operation of a food vendor on private property or non-City governmental property.

**ITEM TITLE: AMENDMENTS TO CITY COMMISSION POLICY NO. 106, PERMITTING
MOBILE FOOD VENDORS IN DESIGNATED LOCATIONS**

The Parks, Recreation and Neighborhood Affairs Department will process applications for mobile food vendors.

OPTIONS

- Option 1. Approve the proposed amendments to City Commission Policy No. 106 permitting mobile food vendors in designated locations.
- Option 2. Do not approve the proposed amendments to City Commission Policy No. 106.

ATTACHMENTS/REFERENCES

Proposed amendments to City Commission Policy No. 106.

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CITY OF TALLAHASSEE

**City Commission Policy 106 – Closure of Adams Street/Gallie Alley and
Other Downtown Streets, Food Vendor Permits on City Property, and
Outdoor Food Service in the Downtown Area**

- Part I: General Provisions
- Part II: Closure and Use of Adams Street/Gallie Alley and/or Other
Downtown Streets
- Part III: Mobile Food Vehicle Vendors and Food Vendor Cart Permits
on City Property and Rights-of-Way
- Part IV: Permits for Outdoor Food Service at Licensed Downtown
Restaurants

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DEPARTMENT: City Manager
DATE ADOPTED: May 13, 1992
DATE OF LAST REVISION: August 26, 2009; March 9, 2011; March xx, 2011

PART I: GENERAL PROVISIONS

106.01 Administration:

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1 C. Part III: The ~~Downtown Improvement Authority Parks, and Recreation~~
2 ~~and Neighborhood Affairs Department~~ is responsible for the review of all
3 applications and approval of permits for the location of mobile food
4 vehicles and food vendor carts in the ~~downtown~~ areas listed in Section
5 106.112-A-D below, as authorized under Part III of this policy. ~~The Parks~~
6 ~~and Recreation Department is responsible for the review of all~~
7 ~~applications and approval of permits for the location of food vendor carts~~
8 ~~in City parks and playgrounds, as authorized under Part III of this policy.~~

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10 **106.03 Revocation of Permits:** Pursuant to Section 5-80, Tallahassee Code
11 of General Ordinances, the City Manager may revoke any permit issued under
12 this policy, and if applicable, cancel a lease agreement, if the permittee's
13 operation is determined not to be in the public's best interest; if the permittee
14 provided false or incorrect information in the application; if the permittee fails
15 to pay any fees required by this policy; or if the permittee fails to comply with
16 the applicable requirements of this policy or lease agreement. The City Manager
17 shall provide reasonable advance notice of the revocation of the permit unless
18 he/she determines there is imminent danger to the public health, safety,
19 welfare, or property in which case the revocation may be without notice. An
20 imminent danger includes, but is not limited to, -is any situation in which it is
21 determined that the vendor has failed to meet the State of Florida Department
22 of Health's minimum standards for sanitation and food service or any situation
23 in which a mobile food vehicle or food vendor cart is creating a traffic hazard.

1 Any permittee whose permit is revoked under this paragraph shall have the
2 right to file a written appeal with the City Manager within 10 calendar days
3 after the notice of revocation is issued.

4 **106.04 Definitions:**

5 **Adams Street:** The segment of Adams Street, from building wall to
6 building wall, between Pensacola Street and Tennessee Street.

7 **Adams Street Commons:** The segment of Adams Street, from building
8 wall to building wall, between College Avenue and Jefferson Street,
9 including City Hall Plaza areas.

10 **City Manager:** The City Manager of the City of Tallahassee, or his/her
11 designee.

12 **City Parks and/or Playgrounds:** Selected parks, playgrounds,
13 swimming pools, and/or other active recreational areas managed by the
14 City's Parks, ~~and Recreation and Neighborhood Affairs~~ Department that
15 have been approved by the City Manager to permit mobile food vehicles
16 and food vendor carts.

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17 **Downtown Streets:** Any street within the jurisdiction of the Downtown
18 Improvement Authority.

19 **Gallie Alley:** The segment of the alley courtyard from building wall to
20 building wall within the block bounded by Jefferson Street, Adams
21 Street, College Avenue and Monroe Street, except any segments privately
22 owned.

Mobile Food Vehicles: Mobile food vehicles are self-contained commercial trucks, trailers, or other vehicles that can be moved to new locations, in which ready-to-eat food is cooked, wrapped, packaged, processed, or portioned for service, sale or distribution; owned and operated by the owner or agent of a properly licensed food establishment; and not used for personal or residential purposes.

Food Vendor Carts: A food vendor cart is a cart that can be pulled or pushed down a sidewalk, street, highway or waterway, on which food is prepared, processed or converted or is used in selling and dispensing food to the ultimate consumer. Typically, the operator of such cart stands on the ground.

Outdoor Food Service with Table Placement Only: This term applies to any licensed indoor restaurant that desires to use adjacent sidewalks on downtown streets or Kleman Plaza areas for outdoor food service with tables only with no waiter/waitress service to the area.

Outdoor Food Service For Table Placement With Table Service: This term applies to any licensed indoor restaurant that desires to use adjacent sidewalks on downtown streets or Kleman Plaza areas for outdoor food service with table service involving waiter/waitress service to the area.

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PART III: MOBILE FOOD VEHICLES AND FOOD VENDOR CART

PERMITS ON CITY PROPERTY

106.12 ~~Food Vendor Carts~~Location: The following areas may be used for mobile food vehicles and food vendor carts, permitted as provided in this part, as long as the public purpose is compatible with the existing physical facilities and does not interfere with the health, safety, and welfare of the public:

- A. Adams Street Commons/Gallie Alley;
- B. West Jefferson Street, including City Hall Plaza;
- C. Other Downtown Streets;
- D. Kleman Plaza;
- ~~D.E.~~ City Property and adjacent streets and sidewalks, as approved by the City Manager; and
- ~~E.F.~~ City parks, ~~and~~ playgrounds and adjacent streets and sidewalks,
as approved by the City Manager.

106.13 Requests for Usage for Permitted Food Vendor Carts:

A. Applications: Applications for permits for mobile food vehicles and food vendor carts in the areas designated in Section 106.12 ~~A-D~~ shall be submitted in writing to the ~~Downtown Improvement Authority on forms approved by the Downtown Improvement Authority.~~ Applications for food vendor cart permits in City parks and playgrounds shall be submitted to the Director of the Parks, ~~and~~ Recreation and Neighborhood Affairs Department on forms approved by that Department.

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1 B. Permits:

2 1. Mobile Food Vehicles: Permits for mobile food vehicles will be
3 issued on a first come, first serve basis for specific locations designated
4 for such purpose. All permits issued pursuant to this part shall be
5 effective for the dates designated on a daily, weekly or monthly basis, but
6 under no circumstance can a mobile food vehicle be permitted for the
7 same designated location for more than sixty (60) available consecutive
8 days.

9 a. Daily Permits: [GET AMOUNT AND PROCEDURE FROM
10 P&R]

11 b. Weekly Permits: [GET AMOUNT AND PROCEDURE FROM
12 P&R]

13 e. Long term Permits: [GET AMOUNT AND PROCEDURE FROM
14 P&R]

15 2. Food Vendor Carts: Permits for food vendor carts will be
16 issued on a first come, first serve basis. All permits issued pursuant to
17 this part shall be effective on the first day of the month of issuance and
18 shall expire one year from the effective date thereof unless sooner
19 revoked. Vendors may request a shorter permit duration.

20 C. Special Events: Permits granted under this Part III shall not be
21 valid during Special Events approved by the City, Downtown Improvement
22 Authority, ~~or~~ the Parks, ~~and~~ Recreation and Neighborhood Affairs Department
23 in the downtown area, on City property and adjacent streets and sidewalks, or

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1 in City parks and playgrounds and adjacent streets and sidewalks. The
2 Downtown Improvement Authority or the Parks, ~~and~~ Recreation and
3 Neighborhood Affairs Department, for events in City parks and playgrounds,
4 will notify applicants for mobile food vehicles and food vendor carts of
5 scheduled Special Events and of procedures for the vendor to participate in
6 those Special Events. Special Event permits for mobile food vehicles and food
7 vendor carts require an application and additional fees to the sponsor of the
8 Special Event separate from the application(s) submitted under this policy.

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9 D. Review of Applications: Applications for mobile food vehicles and
10 food vendor carts must be submitted at least two weeks in advance of the
11 requested date(s) for usage. The Parks, ~~and Recreation and Neighborhood~~
12 Affairs Department ~~Downtown Improvement Authority~~ shall coordinate review
13 of the application with appropriate City, County and/or State authorities,
14 ~~except for applications for vendor carts in City parks and playgrounds, which~~
15 ~~applications shall be reviewed by the Parks and Recreation Department~~. An
16 application for a food vendor cart on a State roadway must be approved by the
17 State of Florida.

18 ~~E. Food vendor carts: A food vendor cart may be mobile or stationary.~~
19 ~~The nature of the food vendor cart shall be identified in the applications.~~

20 E. Limitation on similar vendors: Not more than two vendors of
21 similar food products will be permitted in close proximity, as determined by the
22 ~~Executive Director of the Downtown Improvement Authority~~ Director of Parks,
23 and Recreation and Neighborhood Affairs Department for the areas listed in

1 Section 106.112 ~~A-D, or by the Director of the Parks and Recreation~~
2 ~~Department for City parks and playgrounds.~~

3 F. Hours of operation: Any permit issued under this part may include
4 limitations on the hours of operation in the mobile food vehicles or a food
5 vendor cart permit.

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6 G. Cancellation of mobile food vehicle or food vendor cart permits:
7 ~~The Downtown Improvement Authority has the right to cancel food vendor cart~~
8 ~~permits in the areas listed in Section 106.112 A-D.~~ The Director of the Parks,
9 ~~and~~ Recreation and Neighborhood Affairs Department has the right to cancel
10 mobile food vehicle or food vendor cart permits in the areas listed in Section
11 106.112 -City parks and playgrounds.

12 H. Solid waste: The vendor shall be responsible for managing solid
13 waste created by his/her operation of mobile food vehicle or the food vendor
14 cart, including providing a suitable receptacle for recyclable materials, waste
15 and litter. The vendor is responsible for removal of the receptacle and the
16 waste and litter on a daily basis.

17 I. Charges for maintenance, clean-up, or damage to City property:
18 1. ~~The Director of Downtown Improvement Authority Parks, and~~
19 Recreation and Neighborhood Affairs Department reserves the right
20 to assess charges for excessive maintenance, clean-up, and/or damages to the
21 area utilized by the mobile food vehicle or food vendor cart for those areas
22 listed in Section 106.112 ~~A-D.~~ ~~The Director of the Parks and Recreation~~
23 ~~Department reserves the right to assess charges for excessive maintenance,~~

1 ~~clean up, and/or damages to the area utilized by the food vendor cart in City~~
2 ~~parks and playgrounds.~~

3 2. Electricity Hook-Up: The Director of the Parks, Recreation and
4 Neighborhood Affairs Department in conjunction with Electric Utilities may set
5 additional fees for electrical hook up and services.

6 J. Information required in application: The application must include
7 the following information:

8 1. Name, address, telephone number of applicant, ~~mailing/~~business
9 address, ~~electronic mail address~~ and telephone number of applicant,

10 2. Vehicle or Cart owner's name, address and telephone number if
11 different than applicant, ~~and copy of insurance for mobile food vehicle.~~

12 3. ~~e~~Copy of occupational license,

13 4. ~~t~~Type of vending provided,

14 5. ~~d~~Desired location,

15 6. ~~d~~Duration of use permit,

16 7. ~~l~~Liability release statement, ~~and~~

17 8. ~~n~~Notice of a monthly non-refundable permit fee ~~of \$100.00,~~
18 ~~payable to the Downtown Improvement Authority for those areas listed in~~
19 ~~Section 106.112 A-D. For food vendor carts in City parks and playgrounds, the~~
20 ~~application must include the same information as above, but the permit will be~~
21 ~~subject to a non-refundable permit fee as specified in L below, to be~~
22 determined by and payable to the Parks, ~~and~~ Recreation and Neighborhood
23 Affairs Department.

1 K. Non-refundable ~~monthly~~ permit fee: If approved, the vendor, for
2 the areas listed in Section 106.112-~~A-D~~, shall enter into an agreement with the
3 ~~Downtown Improvement Authority to pay to the Downtown Improvement~~
4 ~~Authority a monthly non refundable permit fee of \$100.00. For food vendor~~
5 ~~carts in City parks and playgrounds, a vendor shall enter into an agreement~~
6 ~~with the Parks, Recreation and Neighborhood Affairs Department Parks and~~
7 ~~Recreation Department~~ to pay nonrefundable fees as established by the
8 Director of the Parks, Recreation and Neighborhood Affairs Department.
9 follows:

10 1. ~~Summer Playground Program sites, Tom Brown Park playgrounds,~~
11 ~~and all pools: \$100 per week per site during June, July, and August and \$200~~
12 ~~per month per site in all other months;~~

13 ~~Other City parks and playgrounds and adjoining streets and~~
14 ~~sidewalks: ~~\$xxx.xx~~200 per month per site.~~

15 2. ~~Mobile Food Vehicle Vendor for City Property other than parks and~~
16 ~~playgrounds and adjoining streets and sidewalks: \$xxx.xx~~

17 L. ~~The Director of the Parks, Recreation and Neighborhood Affairs~~
18 ~~Department Parks and Recreation Department shall keep records on food~~
19 ~~vendor cart permits issued and funds received under this part for The~~
20 ~~Executive Director of the Downtown Improvement Authority shall keep records~~
21 ~~on food vendor cart permits issued and funds received under this policy for the~~
22 areas listed in Section 106.112-~~A-D~~, and shall report this information to the
23 Downtown Improvement Authority ~~regularly~~ and to the City Manager upon

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1 request. ~~The Director of the Parks and Recreation Department shall keep~~
2 ~~records on food vendor cart permits issued and funds received under this part~~
3 ~~for City parks and playgrounds as required by City policies and procedures.~~

4 M. Prohibitions: No vendor permitted under this section will be
5 allowed to do the following:

6 1. Sell or distribute alcohol.

7 2. Operate an electric generator.

8 3. Operate any type of amplified speaker system or play music of any
9 kind.

10 4. Operate during any special event as defined by this policy or
11 during regular Downtown Improvement Authority events such as, but not
12 limited to Saturday Market Place, or Downtown Getdowns, unless a separate
13 permit is obtained.

14 N. Nothing in this section prohibits the use of properly licensed
15 mobile food vehicles or food vendor carts on private property or non-City owned
16 governmental property. ~~The City shall give the Downtown Improvement~~
17 Authority at least 60 days notice of changes in this Part III of this policy.

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