



City of Miami

Legislation

Ordinance: 13796

City Hall
3500 Pan American Drive
Miami, FL 33133
www.miamigov.com

File Number: 4618

Final Action Date: 10/11/2018

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 31/ARTICLE II OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED ("CITY CODE"), TITLED "LOCAL BUSINESS TAX AND MISCELLANEOUS BUSINESS REGULATIONS/LOCAL BUSINESS TAX (BTR)," TO ESTABLISH A NEW SECTION 31-51 OF THE CITY CODE, TITLED "FOOD TRUCKS," REGULATING FOOD TRUCKS AND FOOD TRUCK GATHERINGS WITHIN THE CITY OF MIAMI; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

SPONSOR(S): Commissioner Wifredo Gort

WHEREAS, Food Trucks, as defined herein, 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 in Miami-Dade County; and

WHEREAS, it is the City of Miami's ("City") 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, as defined herein; and

WHEREAS, the City aims to create an atmosphere conducive to making the Food Truck industry and the brick and mortar restaurant industry work together more seamlessly; and

WHEREAS, the proposed amendment of Chapter 31, Article II of the Code of the City of Miami, Florida, as amended ("City Code"), is in the best interest of local businesses, residents, and visitors of the City; and

WHEREAS, in City Commission District 3, this amendment to the City Code would interfere with the economic resurgence in the commercial areas of the established as well as up and coming brick and mortar restaurants;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF MIAMI, FLORIDA:

Section 1. The recitals and findings contained in the Preamble to this Ordinance are adopted by reference and incorporated as if fully set forth in this Section.

Section 2. Chapter 31/Article II of the City Code is hereby amended by adding Section 31-51 in the following particulars:¹

"CHAPTER 31

¹ Words and/or figures stricken through shall be deleted. Underscored words and/or figures shall be added. The remaining provisions are now in effect and remain unchanged. Asterisks indicate omitted and unchanged material.

LOCAL BUSINESS TAX AND MISCELLANEOUS BUSINESS REGULATIONS

* * *

ARTICLE II

IN GENERAL

* * *

Sec. 31-51. Food Trucks. Operating on Private Land.

(1) Intent: It is the intent of this Ordinance to regulate the use of Food Trucks and their gatherings throughout the City as it pertains to private land. This Section does not supplant or replace the requirements of Chapter 39, Article II, titled, "Sidewalk and Street Vendors."

(2) Definitions:

Food Truck: The preparing, cooking, serving, or selling of food performed from a movable stand, cart, vehicle, Truck, Van, or trailer. Each movable stand, cart, vehicle, Truck, Van, or trailer shall be considered a Food Truck for purposes of this Ordinance.

Food Truck Gatherings: Events consisting of a gathering of three (3) or more Food Trucks.

Patron: Person purchasing food from a Food Truck.

Truck: Any of the various forms of vehicles used for carrying goods and materials, usually consisting of a single self-propelled unit, but also often composed of a trailer vehicle hauled by a tractor unit. A vehicle much larger than a cart or a car.

Van: A boxlike vehicle that resembles a panel Truck, often has double doors both at the rear and along the curb side, and that can be used as a Truck.

(3) Requirements for Food Trucks.

a. In addition to all other City, County, and State requirements, Food Trucks shall receive a Business Tax Receipt ("BTR") as listed in Chapter 31 of the City Code upon the showing of:

- i. a certificate of inspection by the Miami-Dade County Department of Health,
- ii. a certificate of inspection by the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants,
- iii. proof of valid insurance,
- iv. Vehicle Identification Number, and
- v. a valid Peddler's BTR from Miami-Dade County.

b. Food Trucks must have a Peddler's type BTR pursuant to Chapter 31 of the City Code approved by the City Manager or designee and must comply with the requirements of that BTR.

c. Food Trucks are not permitted to operate within a five hundred (500) foot radius of a food service, gasoline, natural gas, or other combustible energy source establishment, nor in T3 and T4-R Transect Zones.

d. The property in which a Food Truck is parked must have an active Certificate of Use ("CU"). If there are no more than two (2) Food Trucks present, such activities will be considered ancillary to the current CU if the Food Truck use is allowed in the Transect Zone

as long as the Food Trucks are not present more than three (3) times per week and do not park on-site overnight.

e. If parked on property that is vacant, the property owner must follow the Temporary Use of Vacant Land process and obtain a Temporary Use Permit ("TUP") as delineated in Chapter 62 of the City Code, if a TUP is allowed in the district.

f. A site map for location and/or placement of Food Truck(s), occupied or vacant, showing the property is outside the five hundred (500) foot radius as required by Section 31-51(3)(c) of the City Code.

g. All Food Trucks must provide waste disposal for Patrons and must keep the area surrounding the Food Truck(s) clear of waste and debris resulting from their services.

h. All Food Trucks must display, at all times, a copy of their City affidavit attesting to the operating requirements issued by the regulating department of the City as approved by the City Manager or designee.

(4) Requirements for Food Truck Gatherings.

Food Truck Gatherings shall be permitted without the need for a public hearing and by a Temporary Event Permit for Food Truck Gatherings issued by the City Manager or designee pursuant to Chapter 62, Article XIII, Division 1 of the City Code, provided the Food Truck Gatherings shall:

a. be limited to one (1) Food Truck Gathering at the same location only once per calendar month, for a maximum of three (3) consecutive days;

b. be strictly prohibited in T3 and T4-R Transect Zones;

c. not permit the sale of alcoholic beverages from any Food Truck; and

d. acquire a building permit from the Building Department in the event of the erection of temporary structures or stages. All Fire safety code requirements must be similarly met.

(5) A Temporary Event Permit for Food Truck Gatherings shall be obtained for each temporary event site on an annual basis. A Temporary Event Permit for Food Truck Gatherings application shall be obtained, completed, and submitted to the City Manager or designee prior to operating a Food Truck Gathering. The completed package shall include all documents pursuant to Chapter 62, Article XII, Division 1 of the City Code and in addition, all of the following:

a. A notarized letter from the property owner of record authorizing the Food Truck Gathering indicating the amount of Food Trucks and the date and time(s) of the Food Truck Gathering as described in the application package.

b. A schedule of events for the Food Truck Gathering.

c. Notification and sign-off from the Miami Police Department and Solid Waste Department.

d. A traffic safety and security plan.

e. A narrative from the applicant describing the hours of operation, estimated public attendance, amount of Food Trucks, and a description of any other amenities or services provided.

f. Copies of all State and County licenses of each of the individual Food Trucks participating.

g. The maximum number of individual Food Trucks which may be present at the Food Truck Gathering at any one time. This maximum number shall be indicated on the temporary permit if granted by the City.

h. A Site plan or survey indicating the following information, which shall consider the Food Truck Gathering's estimated public attendees and the maximum number of individual Food Trucks on the site:

- i. General placement of the individual Food Trucks (i.e. a map drawing of Food Trucks as they would be situated on the site).
- ii. Location of refuse and recycling facilities or receptacles.
- iii. Location of sanitation facilities.
- iv. Handling and disposal plans for fats, oils, and grease ("FOG").
- v. Location of on-site and off-site parking areas.
- vi. Location of any lighting fixtures, if applicable.
- vii. Location of rights-of-way, internal circulation of vehicles and people, and of ingress and egress areas.

(6). Exemptions; waivers; prohibitions.

- a. Exemptions: Private Property with over 250,000 square feet of usable land shall be exempt from Section 31-51(3)(c) of the City Code.
- b. Waivers: City property shall not be subject to this Section; however, Food Truck Gatherings on City property shall be limited to one (1) time per month unless waived by the City Commission at a duly noticed public meeting.
- c. Prohibitions: Food Truck usage is prohibited in District 3.

(7). Enforcement.

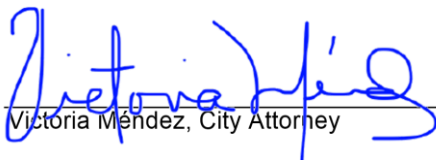
Any violation of this Section is punishable by a fine of two hundred fifty dollars (\$250.00) for a first offense and five hundred dollars (\$500.00) for each offense thereafter under the provisions of Chapter 2, Article X of the City Code, and any other remedies as provided by law, jointly and severally, including, but not limited to, suspension or revocation of a CU, BTR, permit, or any other legal remedy as deemed appropriate by the City. The use of one remedy shall not preclude the use of another.

* * * * *

Section 5. If any section, part of a section, paragraph, clause, phrase, or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

Section 6. This Ordinance shall become effective thirty (30) days after its adoption and signature of the Mayor.²

APPROVED AS TO FORM AND CORRECTNESS:


Victoria Méndez, City Attorney

11/5/2018

² This Ordinance shall become effective as specified herein unless vetoed by the Mayor within ten (10) days from the date it was passed and adopted. If the Mayor vetoes this Ordinance, it shall become effective immediately upon override of the veto by the City Commission or upon the effective date stated herein, whichever is later.