

RESOLUTION NO. 20-03-19

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING A AND AUTHORIZING A MOBILE VENDING PILOT PROGRAM WITHIN THE VILLAGE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Islamorada, Village of Islands (the “Village”) is experiencing increased demand for the availability of food trucks; and

WHEREAS, the Village’s Code of Ordinances (the “Code”) does not allow for mobile vending or the operation of food trucks within the Village; and

WHEREAS, the Village Council of Islamorada, Village of Islands (the “Village Council”) has approved the implementation of a mobile vending pilot program within the Village; and

WHEREAS, on March 5, 2020, the Village Council gave direction to staff to draft regulations for the licensing and operation of food trucks through a 2-Year Mobile Vending Pilot Program; and

WHEREAS, the Village Council desires to authorize and approve the implementation of a pilot program for mobile vending and food trucks within the Village.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA AS FOLLOWS:

Section 1. Recitals. The above Recitals are true and correct and are incorporated herein by this reference.

Section 2. Approval of 2-Year Mobile Vending Pilot Program. The Village Council hereby approves the implementation of a 2-Year Pilot Program in accordance with the proposed regulations set forth below:

Definitions:

Mobile Vending- Any person that sells goods from a vehicle, including trailers and other conveyances regardless of the means of propulsion.

Food Trucks - 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 Canteen Trucks.

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. (Open flame and/or grease laden vapor is strictly prohibited.)

Food Cart - A mobile kitchen vehicle set up on the street to prepare and sell street food to passers-by. Food carts are different from food trucks because they do not travel under their own power.

Mobile Vending License requirements:

- (1) Any person engaged in the selling, preparation, or dispensing of goods from a mobile vehicle shall be required to obtain a Mobile Vendor License in accordance with this section.
- (2) The mobile vendors shall have the written consent of the property owner(s) prior to applying for the mobile vendor license. All locations of operation will need to be documented and must be submitted to the Village within thirty (30) days after obtaining the license. The vendor may only operate at approved locations, any new location must be updated on the license. Locations will be permitted only within nonresidential zoning districts.
- (3) The mobile vendor shall provide copies of all applicable approvals and licenses from the State of Florida Department of Business and Professional Regulations (DBPR), Florida Department of Health, and Florida Department of Agriculture and Consumer Services.
- (4) The mobile vendor shall make the vehicle available for inspection by the Village Fire Department at a location determined by the fire department. The Fire Department shall ensure compliance with all applicable federal, state, and local fire safety statutes, regulations, ordinances, and codes. Subsequently, every food truck shall undergo an annual inspection by the Fire Department.
- (5) All mobile vendors shall display the Mobile Vending License issued by the Village in a prominent and visible manner.

- (6) The mobile vendor must submit a Signed Mobile Vending Affidavit with their Mobile Vending Application.
- (7) A \$250.00 license fee is required upon application submittal.
- (8) Mobile vending signs will be limited to one (1) standard A-frame sign pursuant to Village Code Section 30-1432 (k)(1).
- (9) The vending vehicle must be and remain mobile at all times.
- (10) Only one (1) mobile vendor shall be allowed to operate on a parcel at a time.
- (11) Trash must be removed daily from the site of operation.

License Number Restriction:

- (1) Ten (10) Mobile Vending Licenses will be available. These licenses will be first come first serve basis. For the first three (3) months this of the pilot program, local preference will be offered to applications submitted by operators from the Upper Keys (Marathon to Key Largo as verified by a Monroe County Business Taxes Receipt). Thereafter, applications for the remaining license(s) will be accepted and processed. One (1) license will be required per vehicle.

Prohibitions:

Mobile vendors are prohibited from the following:

- (1) Mobile vending vehicles shall be setback a minimum of fifty (50) feet from US1.
- (2) The use of polystyrene foam (Styrofoam) and single use plastics shall not be allowed by any licensed mobile vendor.
- (3) Mobile vendors shall not operate within a Village park, Village parking lots and/or public rights-of-way, except as may be permitted by a special event permit issued by the Village.
- (4) Mobile Vendors shall not be allowed to operate within the Fills area located between mile marker 72 to mile marker 79.7.
- (5) No mobile vending operations are allowed within any residentially zoned neighborhood and/or the residential portion of mixed-use zoning neighborhoods, except as may be permitted by a special event permit issued by the Village.

(6) Mobile vendors shall not operate on unimproved surfaces within the Village and abandoned business locations or as otherwise approved.

(7) No use any sound amplification regardless of the intended purposes is allowed by mobile vendors;

(8) The use of balloons, streamers, large flashing lights, or other similar devices to attract customers shall be prohibited. Banners attached to the vehicle shall be permitted. The banner shall not be taller than fifteen (15) feet in height from the ground and shall be no longer than the length of the mobile vending vehicle.

(9) Mobile vendors shall be prohibited from selling or dispensing food to customers in a moving vehicle or otherwise engaging in drive-up sales.

(10) Parking restrictions: Mobile vendors shall not be allowed to park in the following locations:

- a. On or in the public right-of-way, in a fire lane or blocking fire hydrants, or Americans with Disabilities Act (ADA) accessible parking spaces and/or accessible ramps;
- b. In any driveway aisles, no parking zones, loading areas; and
- c. Mobile operation may not impede the on-site circulation of motion of vehicles.

(11) Mobile vending vehicles shall not be immobile and are required to remain able to move.

Exemptions:

Canteen trucks are exempt from the provisions of this resolutions, provided such vehicles are only parked for a maximum of fifteen (15) minutes or less.

Section 3. Authorization of Village Officials. The Village Manager and/or his designee are hereby authorized to take all actions necessary to implement the pilot program set forth herein.

Section 4. Effective Date. This Resolution shall take effect immediately upon adoption. The mobile vending pilot program will sunset and expire two (2) years from the implementation date of the pilot program.

Motion to adopt by Councilman Chris Sante, second by Councilman Jim Mooney.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS:

Mayor Mike Forster	YES
Vice Mayor Ken Davis	ABSENT
Councilman Chris Sante	YES
Councilwoman Deb Gillis	YES
Councilman Jim Mooney	YES

PASSED AND ADOPTED this 5th day of March, 2020.



MIKE FORSTER, MAYOR

ATTEST:



KELLY TOTH, VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND BENEFIT OF
ISLAMORADA, VILLAGE OF ISLANDS ONLY



ROGET V. BRYAN, VILLAGE ATTORNEY