

MOBILE FOOD DISPENSING VEHICLES REQUIREMENTS

Sec. 10-190. - Definitions.

- (a) *Commissary* means a support service location for a mobile food dispensing vehicle business, that meets all applicable requirements of Chapter 500, F.S., and Chapter 5K-4, F.A.C. A private residence may not be used as a commissary.
- (b) *Mobile food dispensing vehicle* means any vehicle, cart, and/or trailer that is a 'public food service establishment' as defined by Chapter 509, Florida Statutes 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.
- (c) *Mobile food vendor* means a person who prepares, dispenses or otherwise sells food from a mobile food dispensing vehicle.

Sec. 10-191. Administrative rules and regulations.

Mobile food vendors must keep the following documents on site at all times while operating:

- (1) A copy of all permits and business licenses required by the state.
- (2) A notarized commissary agreement confirming the mobile food vendor is operating in conjunction with a licensed commissary in accordance with Florida Law, where applicable.
- (3) A notarized affidavit by each property owner indicating that the mobile food vendor 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 vendor access to solid waste collection on the subject property.
 - b. The property owner shall require that the mobile food vendor meets all applicable federal, state and local statutes, regulations, laws, ordinances, rules and codes; including but not limited to permitting requirements regarding the specific business.
 - c. The property owner shall acknowledge that he/she understands the regulations regarding mobile food vendors and operation of mobile food dispensing vehicles and will be held responsible, along with the mobile food vendor for any code violations.
- (4) Proof of business insurance, issued by an insurance company that is licensed to do business in the state, protecting the applicant from all claims for damages to property and bodily injury, including death, which may arise from operations under or in connection with mobile food truck vending. Such insurance shall name the city as an additional insured party and shall be in at least the amount of five hundred thousand dollars (\$500,000.00) for occurrence for injury and two hundred thousand dollars (\$200,000.00) per person.

Sec. 10-192. - Permitted zoning districts for operation of a mobile food dispensing vehicle. Unless authorized by special retail use permit or exempted by this article, mobile food dispensing vehicles may only be permitted to operate within three hundred (300) feet of the center line of State Road 50 in the following zoning districts:

- (1) Planned unit development community mixed use (PUD-CM).
- (2) Planned unit development downtown mixed use (PUD-DM).
- (3) Community commercial (CC).
- (4) Light industrial (LI).
- (5) Heavy industrial (HI).

Sec. 10-193. - Prohibitions.

Mobile food vendors are prohibited from the following while operating mobile food dispensing vehicles:

- (1) Selling or distributing alcoholic beverages;
- (2) Operating in city parking lots, public rights-of-way, or municipal cemetery;
- (3) Operating in a city park, residentially zoned neighborhood, or outside of the permitted zoning districts listed in section 10-193 above unless operating pursuant to a temporary special retail use permit or as otherwise excepted by this article;
- (4) Operating on unimproved surfaces, vacant lots and abandoned business locations;
- (5) Providing or allowing a dining area, including but not limited to tables, chairs, booths, bar stools, benches, standup counters, free-standing shade canopies (Note: shade canopies and/or awnings permanently attached as fixtures to the mobile food dispensing vehicle are expressly exempt from this prohibition), umbrellas, tents;
- (6) Selling or dispensing food to customers in a moving vehicle or otherwise engaging in drive up sales;
- (7) Parking a mobile food dispensing vehicle:
 - a. Within twenty (20) feet of a crosswalk.
 - b. Within four hundred (400) feet of any brick and mortar restaurant or outdoor dining area.
 - c. Within fifteen (15) feet of any fire hydrant or storm drainage structure.

Sec. 10-194. - Food truck general regulations.

- (a) Mobile food vendors shall remove all waste and trash at the end of each day.

- (b) Under no circumstances shall grease be released into the city's stormwater and/or 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 dispensing vehicles. Each mobile food 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 dispensing vehicle. This log shall be open to inspection by city code enforcement officers.
- (d) Mobile food 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 vendor shall be maintained in good repair and a clean condition.
- (f) A mobile food 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.

Sec. 10-195. - Operating requirements.

- (a) Mobile food dispensing vehicles shall be permitted to operate between 6:00 a.m. and 10:00 p.m. Sunday through Thursday and 6:00 am to 11:59 p.m. Friday and Saturday, including set up and takedown.
- (b) Mobile food dispensing vehicles shall not be parked at any operating location overnight.
- (c) Mobile food dispensing vehicles shall not exceed ten (10) feet in width, twenty-four (24) feet in length, including the length of any trailer hitch, the trailer or other extensions.
- (d) Mobile food dispensing vehicles 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 dispensing vehicle, and shall not impede free movement of automobiles or pedestrians. The mobile food vendor shall keep all areas within five (5) feet of the mobile food dispensing vehicle clean of grease, trash, paper, cups or cans associated with the vending operation.

(e) No more than one (1) mobile food dispensing vehicle shall operate on any property at any one (1) time, except as may be permitted by a special retail use permit issued by the city.

(f) Mobile food dispensing vehicles operating at a site for a duration of more than three (3) hours shall have a written agreement, available upon request, which confirms that employees have access to a flushable permanent restroom within one hundred fifty (150) feet of the vending location during the hours of operation.

Sec 10-196. - Penalty.

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 12 of this Code. Each violation shall constitute a separate instance for which a separate penalty may be imposed in accordance with the penalties listed in chapter 12 for class III violations.

Section 2.1 of Article II, "Definitions and Acronyms" of the Land Development Code, shall be amended as follows:

Section 2.1. - Definitions.

Mobile food dispensing vehicle means any vehicle, cart, and/or trailer that is a 'public food service establishment' as defined by Chapter 509, Florida Statutes 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.

Section 3.11 of Article III, "Zoning," of the Land Development Code, shall be amended as follows:

Section 3.11. - Use Regulations.

C) *Prohibited Uses:* Without limiting the generality of the foregoing provision, the following uses are specifically prohibited in all districts:

5) Mobile food dispensing vehicles except in accordance with Chapter 10, Article IX of the Mascotte Code of Ordinances and/or subsection E) through G) of this section.

E) *Temporary Retail Uses:* The following uses and supporting structures shall be permitted by obtaining a Special Retail Use Permit from the City of Mascotte (Temporary Retail Uses shall be prohibited in the Green Swamp):

Section 12-23, "Classes of Violations and Reduced Civil Penalties," of the Code of Ordinances is hereby amended as follows:

Sec. 12-23. - Classes of violations and reduced civil penalties.

The following code provisions of this Code may be enforced pursuant to the supplemental code enforcement citation procedures contained herein. The corresponding fine amount shall be the civil penalty that a person may pay in the event the person elects not to appeal the citation. The civil penalty shall be in addition to any costs that may be imposed in accordance with this chapter. The schedule of code provisions provided in the table below shall include such codes and ordinances as they may be from time to time amended, renumbered, codified or re-codified, including codes and ordinances enacted subsequent to the adoption of this article.

	1 st offense	2 nd offense	3 rd or more
Class III	\$200.00	\$250.00	\$300.00
Chapter 10, Article IX. Mobile Food <u>Dispensing Vehicles</u>			



**CITY OF MASCOTTE
BUSINESS TAX RECEIPT
APPLICATION**

**YOUR CITY BUSINESS TAX RECEIPT CANNOT BE ISSUED THE SAME DAY
YOU APPLY**

• REQUIRED PAPERWORK

Application []

County Business Tax Receipt []

Fictitious name Certificate [] (If Applicable) 850•488•9000 (www.sunbiz.org)

Corporation State Certificate With Officers [] (If Applicable)

Other Licenses Required [] (Which may include Florida Department of Business and Professional Regulation if regulated by DBPR, Department of Health, Florida Department of Agriculture and Consumer Services, Division of Food Safety)

Renter/Vendors: Property Owner Permission [] *If you do not own the property, please complete the attached owner affidavit form.*

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The information below is to be completed by the City of Mascotte:

Business Name: _____ License #: _____

Business Code: _____ Fee Due: \$ _____ Date Paid: _____

APPROVALS

Code Enforcement (Inspection) Date

Fire Department (Safety) Date

E-Mail Address: _____

Special Conditions:

**CITY OF MASCOTTE
BUSINESS TAX RECEIPT APPLICATION
SHADED AREA TO BE COMPLETED BY THE CITY**

Application Date:	Received by City:	
Name of Business:	Lake County License #:	
Street Address:		
Mailing Address:		
Phone Number:	Mobile/Cell Phone:	Work Phone:
Do you rent or lease this property? Yes (Please provide lease and or Owner Affidavit form) No		
Name of Owner of Business:		
Phone number:	Cell phone:	Work phone:
Is the business incorporated? yes (If yes, include papers) No		
SS#: SEE ATTACHED SHEET or Federal Tax ID Number (FEI#)		
Have you made application for a Fictitious Name? yes no (If using a name other than your legal name, a <i>Fictitious Name Application</i> must be made and a copy attached.		
Are you Tax Exempt? Yes No (please attach copy of Tax Exemption Certificate)		
Are you non-profit? Yes No (please attach copy of Non Profit Status)		
PLEASE NOTE THAT IT IS THE RESPONSIBILITY OF THE BUSINESS OWNER TO NOTIFY THE CITY OF MASCOTTE IF ANY CHANGES OCCUR IN THE STATUS OF THIS BUSINESS.		
<i>Please list the nature of your business and list the services that you will be providing.</i>		

Are you planning to serve alcohol? Yes No		
I hereby acknowledge that I have read this application that the information is correct, and that I am the owner, or the duly authorized agent of the owner. I agree to conform with and abide by, and obey, all of the rules and regulations, which may be lawfully prescribed by the City Council of the City of Mascotte, or its officers, for the issuance of this license. Any false statement herewith is ground for rejection or revocation of this occupational license.		
Signature of Property Owner Or Applicant:		Date:

Please be advised that completing this application does not constitute permission by the City of Mascotte to engage in a business or occupation. If applicant elects to purchase or lease property or invest money in the proposed business prior to final approval of the city, the applicant does so at their own risk.

OWNER AFFIDAVIT

I/we are the owner of the property located at: _____

I/we are allowing _____ (name of authorized person/business name). To set their Mobile Food Truck business on the property listed above.

Dates for the use: _____

Property Owners: _____ (Signature)

Property Owners: _____ (Print Name)

Property Owners: _____ (Signature)

Property Owners: _____ (Print Name)

STATE OF FLORIDA
COUNTY OF LAKE

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this ___ day of _____, 20 ___, by _____ (name of person acknowledging).

Personally Known OR Produced Identification

Type of Identification Produced:

Witness my hand and official seal this _____ day of _____, 20__.

(Notarial Seal)

Notary Signature

Printed Notary Name

My Commission Expires: _____

SOCIAL SECURITY # _____

CHAPTER 119 (2007)

119.071(5) (2a) Other Personal Information

2. a. An agency may not collect an individual's social security number unless the agency has stated in writing the purpose for its collection and unless it is: (I) specifically authorized by law to do so; or (II) Imperative for the performance of that agency's duties and responsibilities as prescribed by law. b. Social security numbers collected by an agency may not be used by that agency for any purpose other than the purpose provided in the written statement.

3. An agency collecting an individual's social security number shall provide that individual with a copy of the written statement required in subparagraph 2.

4. a. Each agency shall review whether its collection of social security numbers is in compliance with subparagraph 2. If the agency determines that collection of a social security number is not in compliance with subparagraph 2, the agency shall immediately discontinue the collection of social security numbers for that purpose. b. Each agency shall certify to the President of the Senate and the Speaker of the House of Representatives its compliance with this subparagraph no later than January 31, 2008.

5. Social security numbers held by an agency are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption applies to social security numbers held by an agency before, on, or after the effective date of this exemption.

6. Social security numbers may be disclosed to another agency or governmental entity if disclosure is necessary for the receiving agency or entity to perform its duties and responsibilities.

➤ *The statute below only applies to the application for a Business Tax Receipt*

FLORIDA STATUTE -
CHAPTER 205 (2005)

205.0535 Reclassification and rate structure revisions.--

(5) No license shall be issued unless the federal employer identification number or social security number is obtained from the person to be licensed.

Signature of Applicant:

Date:

Print Name:

CITY OF MASCOTTE SOCIAL SECURITY POLICY STATEMENT

The City of Mascotte recognizes that an individual's social security number is a unique form of identification that can be utilized to obtain sensitive information regarding that particular individual. However, the City of Mascotte must collect social security numbers under certain circumstances in order for the City to be able to properly perform its duties and functions as a municipal corporation and in order to ensure that such duties and functions are performed accurately and efficiently. Due to the sensitive nature of an individual's social security number the City of Mascotte provides the following statement regarding the City's collection of social security numbers:

THE CITY OF MASCOTTE COLLECTS YOUR SOCIAL SECURITY NUMBER ONLY FOR THE FOLLOWING PURPOSES:

- IDENTIFICATION AND VERIFICATION;
- CREDIT WORTHINESS;
- BILLING AND PAYMENTS;
- DATA COLLECTION, RECONCILIATION, AND TRACKING;
- BENEFIT PROCESSING;
- TAX REPORTING;
- NEW UTILITY ACCOUNT APPLICATIONS;
- BANK DRAFT AUTHORIZATIONS;
- VENDOR REGISTRATION APPLICATIONS;
- VOLUNTEER CONTRACTS FOR BACKGROUND CHECKS;
- EMERGENCY TRANSPORT FOR BILLING AND INSURANCE; AND
- POLICE STATEMENTS AND ARRESTS FOR VERIFICATION OF IDENTITY

Each individual who provides a social security number to the City of Mascotte shall be provided with a copy of this statement. Additional copies of this social security policy statement may be obtained by contacting City Hall, located at 100 East Myers Blvd. Mascotte, Florida 34753.

*This social security policy statement has been prepared by the City of Mascotte in compliance with §119.071(5), Florida Statutes (2007).

**EMERGENCY AFTER HOURS CONTACT FOR
CITY OF MASCOTTE BUSINESSES
MASCOTTE POLICE AND FIRE DEPARTMENTS**

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BUSINESS NAME

ADDRESS

PHONE NUMBER

EMERGENCY CONTACT

NAME

PHONE NUMBER

ALTERNATE

NAME

PHONE NUMBER

SECURITY SYSTEM	Yes	No
SECURITY DOG(s)	Yes	No

Signature: _____ **Date:** _____

EXEMPTIONS FROM THE BUSINESS TAX RECEIPT IF APPLICABLE
(Please check one if applicable)

_____ F.S. 205.162: Exemption for certain disabled persons, the ages, and widows with minor dependents

All disabled persons physically incapable of manual labor, widows with minor dependents, and persons 65 years of age or older:

- With no more than one employee or helper, and who uses their own capital only, not in excess of \$1,000.00, shall be allowed to engage in any business or occupation in counties in which they live without being required to pay for a business receipt.
- The exemption provided by this section shall be allowed only upon the certification of a reputable physician, stating that the applicant claiming the exemption is disabled, along with the nature and extent of the disability.
- In case the exemption is claimed by a widow with minor dependents, or a person over 65 years of age, proof of the right exemption shall be made.

_____ F.S. 205.192: Charitable, etc., organizations; occasional sales; Fundraising: exemption

- No business tax receipt shall be required of any charitable, religious, fraternal, youth civic, service, or other such organization when the organization makes occasional sales or engages in fundraising projects when the projects are preformed exclusively by the members thereof and when the proceeds derived from the activities are used exclusively in the charitable, religious, fraternal, youth, civic, and service activities of the organization.

_____ F.S. 205.171: Exemptions allowed disabled veterans or their un-remarried spouses

- Any permanent resident of Florida who served during any of the specified periods (identified in s.1.01(14) who was honorably discharged from any of the United States Armed forces, and who at the time of his or her application for a business tax receipt is disabled from performing manual labor shall be entitled to an exemption up to \$50 on any tax receipt engage in any business or occupation in the state which may be carried on mainly through the personal efforts of the applicant as a means of livelihood when the state, county, or municipal tax receipt for such business or occupation.
- If the business tax exceeds the sum of \$50, the remainder of such business tax in excess of \$50 shall be paid.
- Such license shall be marked "Veterans Exempt Receipt" – "Not Transferable"
- The proof may be made by establishing to the satisfaction of such tax collecting authority by means of a certificate of honorable discharge or certified copy that the applicant is a veteran which; may include one or more of the following.

A) Certificate of government- rated disability to an extent of 10% or more;

B) The affidavit or testimony of a reputable physician who personally knows the applicant stating the applicant is disabled from performing manual labor as a means of livelihood;

C) The certificate of the veteran's service officer of the county in which applicant lives attesting the fact that the applicant is disabled and entitled to receive a tax receipt within the meaning and intent of this section;

D) Pension certificate issued to him or her by the United States by reason of such disability; OR

E) Any other reasonable proof to establish the fact that such applicant is so disabled.