

## MOBILE VENDOR PERMIT APPLICATION (Sec. 25-292)

Please type or print legibly (use blue or black ink). Use N/A where not applicable.

Today's Date: \_\_\_\_\_

Mobile Food Vendor Name:
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1) Business Owner's Name (who owns the mobile business?):		
Mailing Address:		
City:	State:	Zip:
Contact Phone Number(s):	E-mail:	

2) Property Owner's Name (where will business will be located):		
Mailing Address:		
City:	State:	Zip:
Contact Phone Number(s):	E-mail:	

3) Commissary Name (where food was prepared):		
Mailing Address:		
City:	State:	Zip:
Contact Phone Number(s):	E-mail:	

4) The present use of the property is:

5) A vendor permit is requested to allow:

6) Any previous applications filed within last 12 months of subject property (check one)?	Yes	No
If yes, please describe nature of previous request:		

7) Copy showing <u>contract for disposal of wastewater and grease products per Section 22-120 of the City of Leesburg's Code of Ordinances.</u>	Yes	No
<b><i>MUST provide a copy.</i></b>		

### APPLICATION PROCESS

1. A completed application shall be submitted to the City of Leesburg Planning & Zoning Division. Please contact the Planning & Zoning Division at (352) 728-9760 for additional questions.
2. A site plan shall be submitted with the application and the following information:
  - a. Property lines, adjoining streets and all existing structures
  - b. Vendor unit dimensions (approximate is acceptable).
  - c. Vendor unit location and parking area(s)
  - d. Setbacks: all Mobile Food Vendor units must be set back at least thirty (30) feet from the front property lines and a minimum of ten (10) feet from side and rear property lines.
3. Failure to provide a complete application could result in automatic rejection of the application.
4. Staff will review the application and make a formal decision within **10 (ten) business days** of the application submittal date.
5. If the application is approved, the applicant must meet all conditions of the application prior to approval of a business license for the location.
6. Permit may be revoked based on violations of Sec. 25-292(18)(H-N) of the City of Leesburg Land Development Code and/or any conditions of approval.

<b>APPLICANT SIGNATURE</b>		
The signature below certifies that I have read and understand the permit application and standards as outlined in Sec. 25-292 (18) – <i>Mobile Food Vending</i> . Additionally, this application is submitted in accordance with the requirements, standards and condition(s) of approval for the mobile vendor use permit requested.		
Printed Name:	Signature:	Date:

<b>STAFF ONLY</b>	
Size of subject property (acres or square feet):	Existing zoning district:
Present use of the property:	

**PROPERTY OWNER & AGENT AFFIDAVIT**

Date: \_\_\_\_\_

Before me, the undersigned authority personally appeared \_\_\_\_\_ (property owner's name), who being by me duly sworn on oath, deposes and says:

- 1. That said authority is the fee-simple owner of the property legally described in this application.
- 2. That said authority desires a MOBILE VENDOR PERMIT to allow:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- 3. That said authority will allow all employees and customers of the Vending operation shall have access to restroom and parking facilities.
- 4. That said authority (property owner) has appointed \_\_\_\_\_ (agent's name) to act in his behalf to accomplish the above, and before me the undersigned authorized agent personally appeared and, being by me duly sworn on oath, deposes and says:
  - A. He/she affirms and certifies that he/she understands and will comply with all ordinances, regulations, and provisions of the City of Leesburg, Florida, and that all statements and diagrams submitted herewith are true and accurate to the best of his/her knowledge and belief, and further, that this application and attachments shall become part of the Official Records of the City of Leesburg, Florida, and are not returnable.
  - B. The submittal requirements for the application have been completed and attached hereto as part of the application.

**\*PROPERTY OWNER MUST SIGN AFFIDAVIT.  
 WHEN AGENT IS REPRESENTING CASE, BOTH AGENT AND PROPERTY OWNER MUST SIGN AFFIDAVIT.**

\_\_\_\_\_  
Property Owner's Signature

\_\_\_\_\_  
Agent's Signature

STATE OF FLORIDA  
COUNTY OF LAKE

Sworn to (or affirmed) and subscribed before  
me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_,  
by \_\_\_\_\_.

Sworn to (or affirmed) and subscribed before  
me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_,  
by \_\_\_\_\_.

Personally Known \_\_\_\_\_ OR Produced ID \_\_\_\_\_

Personally Known \_\_\_\_\_ OR Produced ID \_\_\_\_\_

Type of Identification Produced:  
\_\_\_\_\_

Type of Identification Produced:  
\_\_\_\_\_

\_\_\_\_\_  
Notary's Signature

\_\_\_\_\_  
Notary's Signature

NOTARY SEAL

NOTARY SEAL

## CHECKLIST FOR VENDOR PERMIT APPLICATION

Use this checklist to submit a completed application.

All information listed below is required when applying for a **MOBILE VENDOR PERMIT**.

- Completed application and filing fee(s). (Make check payable to the CITY OF LEESBURG).
  - Mobile Food Vending permit fee — \$50.00
- A signed, notarized Affidavit form, as provided by the City of Leesburg application, indicating:
  - Permission of the property owner to use the property for Mobile Food Vending,
  - Permission from the existing business that all employees and customers of the Vending operation shall have access to restroom and parking facilities.
  - **Please note:** Mobile Food Vendor must operate no greater than the operating hours of the principal business where vendor is located.
- A copy of proof of property ownership.
- A site plan shall be required with the following information:
  - Property lines, adjoining streets and existing structure(s)
  - Vendor unit dimensions (approximate is acceptable).
  - Vendor unit location and parking area(s)
  - Setbacks: all Mobile Food Vendor units must be set back at least thirty (30) feet from the front property lines and a minimum of ten (10) feet from side and rear property lines.
- A copy of license as a mobile food vendor issued by the state of Florida, Division of Restaurants and Hotels.
- Copies of registration and insurance of the Mobile Food Vending unit.
- Copies of Fire Inspection Approval and Fire Inspection report.
- Copy of permit showing location/contract for disposal of wastewater and grease products per Section 22-120 of the City of Leesburg's Code of Ordinances.
- Copy of proof of liability insurance coverage of not less than one million dollars (\$1,000,000.00) for bodily injury, property damage, or any claims or injuries respectively per occurrence and without prejudice. Policy must name the City of Leesburg and its employees as additional insured party.

## CHAPTER 25 ZONING CODE

### Sec. 25-292 (18) – *Mobile Food Vending*

#### A. Short title.

This article shall be known and cited as the "City of Leesburg Mobile Food Vendor" Ordinance.

#### B. Definitions.

For the purpose of this article, the following terms shall apply:

1. **Central Business District** – refer to the City of Leesburg's Land Development Regulations, Article XI. – Definitions.
2. **Food** means all articles used for human consumption as food, drink, confectionery or condiments, whether simple, mixed or compound, and all substances or ingredients used in preparation thereof.
3. **Food service establishment** means any place where food is prepared and intended for individual portion service, and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The term includes delicatessens that offer prepared food in individual service portions. The term does not include schools, institutions, fraternal organizations, private homes where food is prepared or served for individual family consumption, retail food stores, the location of food vending machines, and supply vehicles, nor does the term include a research and development test kitchen limited to the use of employees and which is not open to the general public.
4. **City of Leesburg Historic District** – refer to the City of Leesburg's Code of Ordinances, Chapter 30 – Historic Preservation, Section 30-2. – Definitions.
5. **Mobile food unit** (MFU) shall mean a vehicle mounted food service establishment, which is self-propelled, or otherwise designed to be movable from place to place, including but not limited to carts, mobile kitchens, hot dog carts, mobile trailers and lunch trucks. Mobile food units must comply with the standards specified by Chapter 5K-4.002 of the Florida Administrative Code and the U.S. Food and Drug Administrative 2001 Food Code as amended.
6. **Mobile food vendor** (MFV) shall mean the owner or operator of a food service establishment from a mobile food unit.
7. **Public property** shall mean all property, real and personal, belonging to the City of Leesburg, county, state or federal governments, excluding that which is used and/or intended for use by vehicular or pedestrian traffic and defined herein as a public way.
8. **Public sidewalks** shall mean that portion of a public way that has been improved with concrete, brick pavers or other similar surface treatments and intended for pedestrian traffic. It shall not include the portion of the public way intended for vehicular traffic or parking spaces delineated for public vehicular parking.
9. **Public ways** shall mean all areas legally open to public use and used and/or intended for vehicular or pedestrian traffic, including public streets, alleys, sidewalks and roadways but excluding any public property of the of the City of Leesburg, county, state or federal governments.
10. **Temporary food service establishment** shall mean a food service establishment that operates at a fixed location for a period of time in conjunction with a single special event for which a special events permit has been applied for and obtained from the City of Leesburg including but not limited to fairs, shows, circuses, exhibitions, municipal celebrations, festivals and other similar events within a specifically defined area of the municipality for a specified period of time.
11. **Signage** – refer to City of Leesburg's Land Development Regulations, Chapter 25, Article VI. – Sign Regulations.

#### C. Purpose.

The purpose of the "City of Leesburg Mobile Food Vendor" Ordinance is to establish permitting procedures and appropriate regulations for mobile food vending businesses operating within the City of Leesburg.

#### D. Applicability.

1. This Ordinance shall apply to those lands within the corporate limits of the City of Leesburg.
2. This Ordinance shall apply to all mobile food vendors and mobile food vending activities, including permitting and operations.
3. Mobile vending shall not be permitted within the corporate limits of the City of Leesburg except as permitted under the conditions of this ordinance.
4. Other vending and or sales from vehicles on public rights-of-way, or from or upon vacant lands within the corporate limits of the City of Leesburg shall not be permitted, regardless of the type of merchandise.

#### E. Prohibitions.

1. Mobile Food Vendors shall not operate in the Central Business District (downtown) of the City of Leesburg.
2. Mobile Food Vendors shall not operate in the Historic Preservation District of the City of Leesburg.

3. Mobile Food Vendors shall not operate on undeveloped property.
4. The sale of alcoholic beverages is prohibited unless the vendor is part of, and included in, a Special Event application and permit as noted under the paragraph F. *Exemptions*.

**F. Exemptions.**

1. Special Events *sponsored* by the City of Leesburg shall be exempt from the requirements of this Ordinance.
2. Special Events *approved* by the City of Leesburg shall be exempt from the requirements of this Ordinance.
3. Holders of current Permanent or Temporary Vendor permits, maintaining an on-going business concern within the corporate limits of the City of Leesburg, that are active as of the date of adoption of this Ordinance, shall be exempt from this Ordinance until such time as the business does cease operations for a period of thirty (30) days, provided that the business remains in compliance with the City of Leesburg Code of Ordinances and the permit issued at the time the City business tax receipt was approved. Upon expiration of an existing Permanent or Temporary Vendor Permit, the regulations of this section shall prevail, and a new permit application shall be required.
4. Fully self-contained ice cream and/or food trucks, that meet all locational and operational requirements of this ordinance, which remain stationary for no longer than a two (2) hour period, (i.e. providing lunch at an employment center) shall be exempt from the requirements of this ordinance.

**G. Appeals.**

1. The City of Leesburg Planning Commission will serve as the Board of Appeals of City Staff decision regarding Mobile Food Vending permits.

**H. Location Requirements.**

1. Properties eligible for Mobile Food Vending shall be privately owned and have an existing principal business with a current City of Leesburg Business Tax Receipt.
2. The property shall have a zoning district of Commercial, Industrial or a Planned zoning district
3. The property shall be located outside of both the CBD (Central Business District) and the Historic Preservation District of the City of Leesburg.
4. Mobile food vending shall not be permitted on undeveloped property.
5. No more than one (1) Mobile Vendor Permit per property shall be permitted.

**I. Permit and Permit Fees.**

1. Mobile Food Vending permit fee — \$50.00.

**J. Requirements for Permitting.**

1. Applications for mobile food vendor permits shall be made at City of Leesburg offices on a form furnished by the City. No person shall engage in the sale of food as a mobile food vendor without first completing an application and have said application approved by the City of Leesburg. Such information shall include:
  - a) Name, address and contact information of the vending operator.
  - b) Name, address and contact information of the business owner/representative.
  - c) A site plan shall be required, providing the following information:
    - i. Property lines and all existing structures
    - ii. Adjoining streets
    - iii. Vendor location and parking area.
    - iv. Setbacks: all Mobile Food Vendor vehicles must be set back at least thirty (30) feet from the right of way of all street side property lines and at least ten (10) feet from side and rear property lines.
  - d) License as a mobile food vendor from the state of Florida, Division of Restaurants and Hotels.
  - e) Proof of license, registration and insurance of the Mobile Food Vending vehicle.
  - f) A signed, notarized Affidavit form, as provided by the City of Leesburg application, indicating:
    - i. Permission of the property owner to use the property for Mobile Food Vending,
    - ii. Permission from the existing business that all employees and customers of the Vending operation shall have access to restroom and parking facilities, whereby the Mobile Food Vendor shall operate without interference to pedestrian or vehicular travel or traffic flow to or from the principal business.
  - g) Copy of permit from Lake County Health Department showing location/contract for disposal of wastewater and grease products per Section 22-120 of the City of Leesburg's Code of Ordinances. The applicant for a mobile food vendor's permit shall provide to the City of Leesburg's Planning and Zoning Manager and the City of Leesburg's Public Works Director, compliant waste disposal facilities and best management practices documentation including a site plan. Such site plan shall indicate the address of the waste disposal facility and contractual responsibilities and obligations of the mobile food vendor permittee regarding disposal.
  - h) Fire Inspection Approval and Fire Inspection Report.

**K. Indemnification of City of Leesburg; insurance.**

1. Prior to the issuance of a permit for mobile food vending, the applicant shall sign the application, which shall include a statement that the permittee shall hold harmless the City of Leesburg, its officers and employees and shall indemnify the City of Leesburg, its officers and employees for any claims for damages to property or injury to persons which may be occasioned by any activity carried on under the terms of the permit.
2. The permittee shall furnish and maintain such public liability, food products liability, and property damage liability from all claims and damage to property or bodily injury, including death, which may arise from operations under the permit or in connection therewith. Such insurance shall provide coverage of not less than one million dollars (\$1,000,000.00) for bodily injury, property damage, or any claims or injuries respectively *per occurrence*. Such insurance shall be without prejudice to coverage otherwise existing therein and shall name as additional insured the City of Leesburg, its officers and employees, and shall further provide that the policy shall not terminate or be cancelled prior to the completion of the permit period without forty-five (45) days' written notice to the director of community development and Planning and Zoning Manager at the address shown in the permit. Such proof of insurance shall be provided prior to receiving the permit.

**L. Operational Standards**

1. Mobile food vendors shall limit business operating hours to the daily business hours of the principal business located on the property. Mobile food vendors operating on private property must remove from the property all mobile food units, vendor equipment and appurtenances of the vending operation, trash caused by or generated from the mobile food vending operation, effluence caused by food preparation, distribution (sales) and / or consumption by the close of business of the principal business each day.
2. Compliance with wastewater, grease, food products, by-products or waste, which must be disposed of as required by the City of Leesburg's Oil & Grease Management Program (refer to Section 22-120 of the City of Leesburg's Code of Ordinances), City of Leesburg Solid Waste disposal requirements and other City of Leesburg waste disposal requirements is required.
3. Mobile food units shall be equipped with a suitable trash container readily accessible to the public, in which the vendor's customers may deposit any litter, trash or waste related to the vendor's business including, but not limited to sales, preparation, and consumption. Prior to moving a mobile food unit from a sales location, a mobile food vendor shall pick up and remove all litter, trash and waste related to the vendor's sales within a one (100) hundred-foot radius.
4. Mobile Food Vendors shall, at all times, maintain required fire suppression equipment on the mobile food-vending unit in operational condition.<sup>1</sup>
5. The temporary storage of mobile food units, equipment and appurtenances must be in accordance with this Code and the City of Leesburg's land development regulations.
6. Mobile food units shall be self-contained, but may be connected to the City of Leesburg's water service and may utilize electrical power derived from a stationary, permanent power source where explicit, written consent from the principal business owner or operator, City of Leesburg utility customer at the principal business address has been obtained by the mobile food vendor.
7. Electrical power supplied to mobile food units and vending equipment may be provided by a portable generator with a maximum noise output rating not to exceed seventy (70) decibels as confirmed by the manufacturer's specifications for that model of generator.
8. No onsite parking, patios, tables, chairs, or other such improvements shall be made to private property associated with mobile food vending operation.
9. The City of Leesburg may restrict or prohibit mobile food vending from any specific location on any street or sidewalk at any time the public health, safety or welfare is determined to be adversely impacted by the City of Leesburg Police Department, public health official or any other City of Leesburg public official deemed appropriate to make such a determination.
10. Mobile food units shall be registered as required by state law and vendors shall not operate, move, park, stop or stand any mobile food unit on the City of Leesburg public rights-of-way.
11. Vehicles used to tow mobile food units shall park in authorized parking spaces within parking lots associated with the principal business where the mobile food vendor has permission to operate under the terms of this Ordinance.
12. Mobile food vendors shall not create or contribute to a potential safety or hazardous situation or condition on public or private property or public or private rights-of-way.
13. Mobile food vendors shall comply with all state and City of Leesburg traffic and parking, stopping and standing laws, ordinances and regulations.

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1 City of Leesburg fire inspection is conducted yearly and approved by the City of Leesburg's Building Official; such approval shall be maintained in the City of Leesburg records; such approval shall be provided to the City of Leesburg's Planning and Zoning Manager's office for record keeping.

**M. Display of Permit.**

1. The mobile vendor must attach the required City of Leesburg Fire Inspection Approval, Fire Inspection Report and State of Florida license(s) issued pursuant to this ordinance to the mobile food vendor on the mobile food unit, at a location conspicuous to the general public at all times.

**N. Advertisement / Signage.**

1. On-site signage shall be limited to one (1) flag, banner or other temporary, removable sign that is no larger than six (6) square feet.
2. Advertising, vehicle wraps or paint applied to or attached to the mobile food unit shall not count toward the maximum six (6) square foot requirement.

**O. Grounds for revocation of permit.**

The City of Leesburg may revoke a mobile food vendor's permit for any of the following reasons:

1. The permittee or any of the permittee's agents or employees engages in any fraudulent, deceptive or unlawful business practice in connection with the permittee's business.
2. Violation of the City of Leesburg's *Oil & Grease Management Program*.
3. False statements on the permit application.
4. Failure to comply with any state health or food preparation and/or vending regulations.
5. The permittee or any of the permittee's agents or employees violates any provision of this ordinance.
6. Revocation by any jurisdiction of any other business related license or permit held by permittee.
7. The permittee is convicted in any jurisdiction of any felony or crime.
8. The permittee operates the mobile food unit in a manner that violates state and City of Leesburg traffic, parking, stopping and standing laws and ordinances or otherwise creates or contributes to a potential safety or hazardous situation or condition on public or private property.

**P. Non-compliance.**

1. Non-compliance with the terms codified herein may result in action including but not limited to revocation of the Business Tax Receipt, fines and referral to the City of Leesburg Code Enforcement Magistrate for adjudication.

**SECTION II.**

If any portion of this ordinance is declared invalid or unenforceable, then to the extent it is possible to do so without destroying the overall intent and effect of this ordinance, the portion deemed invalid or unenforceable shall be severed here from and the remainder of this ordinance shall continue in full force and effect as if it were enacted without including the portion found to be invalid or unenforceable.

**SECTION III.**

All ordinances or parts of ordinances which are in conflict with this ordinance are hereby repealed, to the extent necessary to alleviate the conflict, but shall continue in effect insofar as they are not in conflict herewith, unless repeal of the conflicting portion destroys the overall intent and effect of any of the conflicting ordinances, in which case those ordinances so affected shall be hereby repealed in their entirety.