



# City of Hawthorne

## Itinerant Food Vendor Permit Application

Name \_\_\_\_\_ Date \_\_\_\_\_

Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_

Name of Business \_\_\_\_\_

Proposed Business Location Address \_\_\_\_\_

Current Zoning of Proposed Location \_\_\_\_\_

- ☐ Check here for Class I: Operating 3 or more days per week and 3 or more weeks per year  
☐ Check here for Class II: Operating infrequently, for special events only

### Proposed Operating Hours:

- ☐ Monday From \_\_\_\_\_ AM/PM (Circle One) To \_\_\_\_\_ AM/PM (Circle One)  
☐ Tuesday From \_\_\_\_\_ AM/PM (Circle One) To \_\_\_\_\_ AM/PM (Circle One)  
☐ Wednesday From \_\_\_\_\_ AM/PM (Circle One) To \_\_\_\_\_ AM/PM (Circle One)  
☐ Thursday From \_\_\_\_\_ AM/PM (Circle One) To \_\_\_\_\_ AM/PM (Circle One)  
☐ Friday From \_\_\_\_\_ AM/PM (Circle One) To \_\_\_\_\_ AM/PM (Circle One)  
☐ Saturday From \_\_\_\_\_ AM/PM (Circle One) To \_\_\_\_\_ AM/PM (Circle One)  
☐ Sunday From \_\_\_\_\_ AM/PM (Circle One) To \_\_\_\_\_ AM/PM (Circle One)

### Please attach:

- Site plan that includes a description of the proposed site and that shows structures, setbacks from streets, sidewalks, and property lines, and location of trash bins
- Proof of insurance
- Letter of permission to use property from Property Owner
- Copies of permits, inspection reports, or other documentation showing approval of the county or state health department and the Fire Marshall
- Photographs of the vehicle, cart or other structure showing the size and appearance of the vehicle, cart or other structure (Class I permit only)

To be completed by the City:

Fee Amount: \$100.00

Permit NO. \_\_\_\_\_

Application Fee Paid (circle one) Yes No

☐ Permit Approved ☐ Permit Denied

Date \_\_\_\_\_

LaKesha H. McGruder, City Clerk

## ORDINANCE 2007-04

AN ORDINANCE OF THE CITY OF HAWTHORNE OF ALACHUA COUNTY, FLORIDA, CREATING ARTICLE III OF CHAPTER 34 OF THE HAWTHORNE CODE OF ORDINANCES RELATING TO ITINERANT FOOD VENDORS; PROVIDING DEFINITIONS; REQUIRING PERMITS; PROVIDING FOR PERMIT APPLICATIONS, PROCESSING AND APPROVAL OR DENIAL; AUTHORIZING USE OF CITY RIGHTS-OF-WAY AND PROPERTY PROVIDED CERTAIN CONDITIONS ARE MET; REQUIRING INSURANCE; PROVIDING OPERATING REQUIREMENTS; PROVIDING FOR DURATION AND REVOCATION OF PERMITS; PROVIDING A PERMIT FEE; AMENDING THE LAND DEVELOPMENT CODE TO PERMIT ITINERANT FOOD VENDOR OPERATIONS IN THE CN, CG, C-CBD AND CIW ZONING DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Hawthorne of Alachua County, Florida has determined that the permitting and regulation of itinerant food vendors is in the public interest and is a valid exercise of the City's regulatory police powers.

IT IS HEREBY ORDAINED BY THE CITY OF HAWTHORNE AS FOLLOWS:

**SECTION 1. CREATION OF ARTICLE III OF CHAPTER 34 OF THE HAWTHORNE CODE OF ORDINANCES.** Article III of Chapter 34 of the Hawthorne Code of Ordinances is hereby created to read as follows:

### **ARTICLE III ITINERANT FOOD VENDORS**

Sec. 34.50     **Definitions.** An Itinerant Food Vendor is a person, firm or other legal entity that sells food products and non-alcoholic beverages from a vehicle, cart or other non-permanent structure. For purposes of this Article III there are two types of Itinerant Food Vendors: Class I, consisting of those that during a twelve (12) month period operate for more than three (3) days per week for three (3) or more weeks in any month, and Class II, consisting of those that operate infrequently or less often than a Class I operator.

Sec. 34.51     **Permit Required.** All Class I and Class II itinerant food vendors shall obtain a permit from the City before engaging in any sales within the City.

Sec. 34.52 Permit Application.

Sec. 34.52.1 An application for a Class I itinerant food vendor permit shall contain the following information:

- a. The address of proposed location(s) where the itinerant food vendor intends to operate. Permission to operate must be obtained from the property owner of each location and must be included with the application. A site plan showing the setbacks from streets, sidewalks and property lines and the specific location within the parcel must also be included.
- b. Photographs of the vehicle, cart or other structure showing the size and appearance of the vehicle, cart or other structure.
- c. Proof of insurance.
- d. Proposed operating hours and days of the week by location.
- e. Copies of permits, inspection reports or other documentation showing approval of the county or state health department and the Fire Marshall.
- f. Payment of the required fee.

Sec. 34.52.2 An application for a Class II itinerant food vendor permit shall contain the following information:

- a. The address of proposed location(s) where the itinerant food vendor intends to operate. Permission to operate must be obtained from the property owner of each location and must be included with the application. A site plan showing the setbacks from streets, sidewalks and property lines and the specific location within the parcel must also be included.
- b. Proof of insurance.
- c. Proposed operating dates by location.
- d. Payment of the required fee.

Sec. 34.53 Permit Processing. Upon receipt of a completed application the City Manager or designee shall first determine whether the zoning classification of the proposed location(s) allows itinerant food vendor operations. If the zoning allows such a use and the proposed operation(s) meet the requirements of this Article III then a permit shall be issued. If the application is incomplete or is denied, the applicant shall be advised in writing of the deficiencies and whether same can be cured such that a permit may be issued. Appeals of the City Manager's decision are to the City Commission and must be filed within thirty (30) days of the date of the decision. The hearing before the City Commission shall be *de novo*.

Sec. 34.54 Use of Public Property and Rights-of-Way. The City Manager may approve the use of rights-of-way of City streets and property owned by the City, regardless of the zoning classification of the property, provided the following conditions are met:

- a. The vehicle, cart or other structure may not be located on any portion of a traveled street, whether paved or not.
- b. The vehicle, cart or other structure shall be located at least five (5) feet from the edge of the pavement or, if the street is unpaved, from the area used by vehicles. The vehicle, cart or other structure shall not obstruct any sidewalk or pedestrian passageway. The vehicle, cart or other structure shall not be within twenty five (25) feet of an intersection, designated cross walk, fire hydrant or driveway and shall not block ingress or egress from a building entrance or emergency exit. The vehicle, cart or other structure shall not obstruct the view of any stop sign or other traffic control device.
- c. The itinerant food vendor's insurance policy includes the City as an additional insured and an endorsement indemnifying the City, its elected and appointed officers, employees and agents from any liability for any claim arising from the operation or location of the vehicle, cart or other structure.
- d. The proposed operation complies with all requirements of this Article III.

Sec. 34.55 Insurance requirements. All itinerant food vendors shall maintain liability insurance with minimum limits of \$100,000 per person, \$300,000 per incident and \$50,000 for property damage and statutory workers compensation coverage (unless exempt by law).

Sec. 34.56 Other Requirements. All itinerant food vendors shall comply with the following:

- a. Each vehicle, cart or other structure shall be equipped with a trash container. The area around the vehicle, cart or other structure shall be kept clean and free from food containers, paper products, beverage containers, cups, food residue and other trash generated by the itinerant food vendor's operations.
- b. Each vehicle, cart or other structure using cooking equipment shall have immediately available and on-site at least one portable fire extinguisher.
- c. All required licenses and permits must be on display at all times. The name, address and phone number of the itinerant food vendor and the operator, if different from the itinerant food vendor, must be on display at all times.
- d. Any lighting shall not be directed towards any building or in such a manner that passing vehicles may have their vision impaired.



- e. All containers of flammable matters shall be properly secured, protected from physical damage and, if enclosed, properly vented.
- f. No alcoholic beverages may be sold or given away.
- g. No seating shall be provided for customers.
- h. All vehicles, carts or other structures must be removed at the end of the hours of operation.
- i. No vehicle, cart or other structure shall be located within twenty-five (25) feet of any loading zone or bus stop, within fifteen (15) feet of a building entrance or exit, against a business display window, within twenty-five (25) feet of any fire hydrant, fire escape, parking space or access ramp designated for persons with disabilities, in a parking space (unless the City Manager and property owner agree that the space is not needed for other vehicles) or on a vacant lot.
- j. No sales shall be made to occupants of any motor vehicle unless the vehicle displays a handicap parking permit.
- k. Operating hours shall not begin before 7:00 AM or end later than 10:00 PM.
- l. A maximum of two (2) signs may be attached to the vehicle, cart or other structure. No sign shall exceed six (6) square feet.
- m. No tents shall be allowed, however, a canopy or umbrella may be used to provide shade to the vehicle, cart or other structure.

Sec. 34.57 Duration of Permit. Unless earlier revoked, all itinerant food vendor permits shall expire on October 1<sup>st</sup> of each year. Permits may be revoked by the City Manager upon a showing that the permit holder or an employee failed, after warning and an appropriate time to remedy the condition, to comply with any of the requirements of this Article III. Appeals from the City Manager's decision shall be to the City Commission in accordance with section 34.53.

Sec. 34.58 Permit Fee. The application fee for a Class I or Class II itinerant food vendor permit shall be \$100.00. The City Manager may, upon a showing that the proposed Class II itinerant food vendor is a not-for-profit civic, charitable, religious or other similar organization, waive the permit fee for a Class II permit.

**SECTION 2. AMENDMENT OF THE LAND DEVELOPMENT CODE.** Sections 4.11.2 (CN), 4.12.2 (CG), 4.13.2 (C-CBD) and 4.14.2 (CIW) of the Land Development Code are hereby amended to add itinerant food vendor operations as a permitted use in those zoning districts, provided that such operations are properly permitted and operated pursuant to Article III of Chapter 34 of the Hawthorne Code of Ordinances.

**SECTION 3. SEVERABILITY.** If any clause, section or provision of this Ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portions of this Ordinance shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

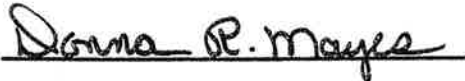
**SECTION 4. CODIFICATION.** It is the intent of the City Commission that sections 1 through 8 of this Ordinance shall become and be made a part of the Code Ordinances of the City of Hawthorne, and that the sections and paragraphs of this Ordinance may be renumbered or re-lettered to accomplish such intention.

**SECTION 5. EFFECTIVE DATE.** This Ordinance shall take effect immediately upon final adoption.

**PASSED AND ADOPTED** this 16<sup>th</sup> day of April, 2007, on first reading on a motion by Commissioner Roberts and second by Commissioner Martin, and a vote 5 to 0.

**PASSED AND ADOPTED** this 7<sup>th</sup> day of May, 2007, on second reading on a motion by Commissioner Martin and second by Commissioner Carlton, and a vote 5 to 0.

**ATTEST:**



**Donna R. Mayes, CMC**  
City Clerk



**Terry Knowles, Mayor**