

**ORDINANCE NO. 2024-14**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CLEWISTON, FLORIDA AMENDING THE CLEWISTON CODE OF ORDINANCES, CHAPTER 58 PEDDLERS AND SOLICITORS; CREATING ARTICLE 2. – MOBILE FOOD VENDORS; CREATING A FRAMEWORK FOR THE OPERATION OF MOBILE FOOD VENDING WITHIN THE CITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; CONFLICT; SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission of the City of Clewiston, Florida, finds that it is necessary for the proper administration of the City to provide regulations outlining the use of mobile food trucks within the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF CLEWISTON, FLORIDA, AS FOLLOWS:**

**SECTION 1.** The Clewiston Code of Ordinances, Chapter 62, Article 2. – Mobile Food Vendors is hereby created to read as follows:

**ARTICLE 2. – MOBILE FOOD VENDORS**

**Sec. 58-21. – Definitions.**

As used in this article, the following terms shall be defined as follows:

*Mobile Food Vendor* shall mean any individual engaged in offering or selling products from a mobile food truck.

*Mobile Food Truck* shall mean any vehicle that is movable from place to place and is used to vend food and beverage products. This definition shall include ‘temporary commercial kitchens’ and ‘mobile food dispensing vehicles’ as defined under section 509.101, Florida Statutes.

*Ice Cream Truck.* These vehicles vend only pre-packaged frozen dairy or frozen water-based food products, soft serve or hand-dipped frozen dairy or frozen water-based food products and pre-packaged beverages. These vehicles may be classified as "mobile food dispensing vehicles," as defined by F.S. § 509.102 , if they include self-contained utilities, including, but not limited to, gas, water, electricity, or liquid waste disposal.

*Property Owner* shall mean the owner of real property on which the mobile food vendor operates.

*City-issued special event permit* shall mean a permit issued by the city for special events per the requirements of chapter 10 section 45 of the City code of ordinances.

**Sec. 58-22. – Requirements for Mobile Food Vendors.**

The following requirements shall apply to all mobile food vendor operations within the City.

- (1) *Operation.* Mobile food trucks may operate on commercial or industrial zoned private property on Mondays and Tuesdays within the City. A mobile food truck shall operate only between the hours of 11:00 a.m. to 8:00 p.m., unless the property owner has obtained a city-issued special event permit. A mobile food truck shall not operate on public property without an issued special event permit from the City.
  
- (2) *Health and Safety Regulations; display of state license.* All mobile food or ice cream trucks must have a valid permit issued by the State of Florida that is attached to the mobile food truck in a visible location. A copy of the annual City of Clewiston Fire Department inspection approval and a completed water/wastewater form approved by the Utilities Department are required to be submitted to the City of Clewiston prior to operating. A mobile food truck shall comply with all other federal, state, and local health and safety regulations and requirements, and shall obtain and maintain all licenses required by any other health or governmental organizations having jurisdiction over mobile food dispensing vehicles. Such licenses shall be firmly attached and visible on the mobile food truck at all times, and shall be produced to a law enforcement officer, or city code enforcement officer upon demand. All mobile food trucks shall be maintained in good repair and in a clean and sanitary condition. Routine inspections may be conducted by code enforcement officers, building code inspectors, fire inspectors, or police officers on each mobile food truck to ensure compliance with these provisions.
  
- (3) *Food Truck Special Event Requirements.* Gatherings of two or more mobile food or ice cream trucks on a property at any given time shall be classified as a food truck special event. In order for such events to occur, the property owner shall be required to obtain a city-issued special event permit prior the event taking place. Applications for special event permits shall be made by the property owner to the city in accordance with the requirements of chapter 10 section 45 of the city code of ordinances. Such special event application shall include the details of any outside seating, preparation, or storage requested by the applicant.
  
- (4) *Consent of Property Owner.* A mobile food truck shall not operate on any private property without the written consent of the property owner. A copy of such written permission shall be maintained in the mobile food or ice cream truck at all times, and shall be produced to a law enforcement officer, or city code enforcement officer upon demand.
  
- (5) *Vending, Storage, Outside Seating.* All materials, equipment, and vending shall be self-contained within the mobile food or ice cream truck unless a special event permit has

been approved and obtained by the City. Likewise, outside seating is prohibited unless a special event permit has been approved and obtained by the city.

- (6) *Conducting business near existing retail food establishments.* A mobile food truck or ice cream truck shall not be located within 200 feet of any existing retail food establishment during such establishment's hours of operation without prior written permission from the retail food establishment. A copy of such written permission shall be maintained in the mobile food truck at all times, and shall be produced to a law enforcement officer, or city code enforcement officer upon demand.
- (7) *Conducting business near city-sponsored or city-sanctioned special event.* A mobile food or ice cream truck shall not be located within 200 feet of any city-sponsored or city-sanctioned special event, unless the mobile food truck is permitted by the city in writing to operate at such event.
- (8) *Conducting business in public right-of-way & access.* A mobile food truck, except for ice cream trucks, shall not conduct business or operate in the public right-of-way. Mobile food trucks nor ice cream trucks shall be parked:
  - a. In a fire lane or in an area blocking a fire hydrant.
  - b. In or blocking Americans with Disabilities (ADA) accessible parking spaces or accessible ramps.
  - c. On unimproved services (including but not limited to dirt, sand, grass, gravel, or vacant lots).
  - d. In any driveway aisles, "no parking zones", or "loading only areas".
- (9) *Noise Limitations.* Except for Ice Cream Trucks, a mobile food truck shall not make sounds, announcements, or amplify music to call attention to its vending or products either while traveling on public or private rights of way, or when stationary. Ice Cream trucks may emit sound on arterial roads between the hours of 5:00 to 7:00 PM. All mobile food trucks including, but not limited to, class III Ice Cream Trucks, shall otherwise comply with the city's noise regulations in chapter 34 article IV of the city code of ordinances.
- (10) *Waste disposal.* Mobile food or ice cream trucks shall:
  - a. Provide for their own waste collection and removal such that no waste remains on property they are situated on.
  - b. Provide a waste receptacle for public use.
  - c. Keep the surrounding area neat and orderly at all times.
  - d. Remove all garbage or trash prior to departure of the mobile food truck each day.
  - e. Properly discard waste material in accordance with any applicable federal state, county, and municipal laws, rules, regulations, orders, or permits.
  - f. Not discharge grease or any waste materials into the stormwater system, tree pits, sidewalks, streets, parking lots, or onto any private or public property.

- g. Not at any time discharge any fluids or toxic pollutants.

**Sec. 58-23. – Penalties for Violations.**

It shall be unlawful for any person to violate any of the provisions of this division. This division may be enforced by any means allowable by law, including, but not limited to, code enforcement citation under Florida Statute Chapter 162, and Chapter 26 Article IV of this code of ordinances or other legal action. If the citation method is used to punish violators, the violation shall be treated as a civil infraction, and fines shall be set forth in the schedule of fees and charges adopted by resolution of the City Commission as such fines may be revised from time to time by resolution; however, any fine amount set forth in such resolution of the Commission shall not exceed \$500.00 per offense. Each day a violation occurs shall constitute a separate offense and shall be punishable hereunder as a separate offense.

Secs. 58-24 – 58-30 Reserved.

**SECTION 2.** Codification. The provisions of this Ordinance shall become and be made part of the Code of Laws and Ordinances of the City of Clewiston.

**SECTION 3.** Severability. If any phrase, sentence or portion of this Ordinance is, for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and individual provision, and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 4.** Repeal of Laws in Conflict. All ordinances of the City of Clewiston, Florida, which are in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 5.** Effective Date. This Ordinance shall take effect immediately upon its passage and consistent with all requirements of general law.

**PASSED** on first reading by the City Commission on August 19, 2024.

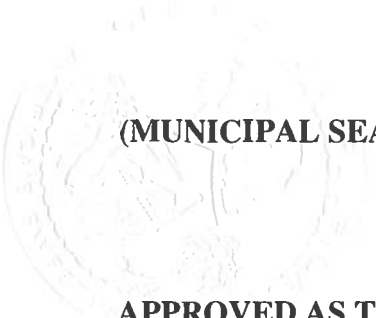
**PASSED AND ADOPTED** on second and final reading by the City Commission on September 16, 2024.

**ATTEST:**

**CITY OF CLEWISTON, FLORIDA**

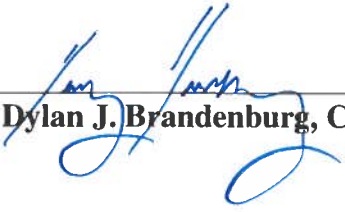
  
\_\_\_\_\_  
Mary K. Combass, City Clerk

  
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James Pittman, Mayor



**(MUNICIPAL SEAL)**

**APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY**

By:   
**Dylan J. Brandenburg, City Attorney**