ARTICLE VI. STREET VENDORS

Sec. 22-186. Definitions.

(a) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Goods or *merchandise* means any materials or products, including but not limited to fruits, vegetables, or other edible items, souvenirs, trinkets, art objects, and other such items capable of being the object of a sale.

House of worship means premises used for worship and permitted customary accessory uses by an organization of religious believers.

Mobile ~~food~~ Food ~~dispensing~~ Dispensing ~~vehicles~~Vehicles (MVDV) means a vehicle that is a public food service establishment and is self-propelled or otherwise moveable from place to place and includes self-contained utilities, including, but not limited to gas, water, electricity, or liquid waste disposal, sometimes referred to as a food truck or trailer or food cart, and otherwise regulated by the department of business and professional regulation (DBPR) requiring a mobile food vendor license subject to F.S. § 509.102 and in compliance with section 22-191 of the City Code. Mobile food dispensing vehicles are stationary for periods greater than ten minutes while foodstuffs are prepared, served and/or sold. A mobile food dispensing vehicle does not include roving vehicles, like an ice cream truck, that periodically travel through residential neighborhoods selling pre-prepared or prepackaged food items, or a street peddler of unprepared foodstuffs, makeshift, standalone restaurants or buffets such as a food tent, or a mobile vendor selling anything other than food/foodstuffs.

Mobile Vendor is a self-propelled or otherwise moveable from place to place providing services to customers.

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Permanent structure means a building containing no fewer than four outer walls and a roof enclosing said walls, constructed in accordance with the local building code and a duly issued building permit, and for which occupancy is authorized by a duly issued certificate of occupancy

Street vendor means a person who sells or offers for sale any goods, services or merchandise from a location other than a permanent structure located in a commercially zoned area. A street vendor does not include anyone that utilizes newspaper, magazine, or other self-service vending machines for the sale of such items.

(Ord. No. 31-2006, § 1, 1-8-2007; Ord. No. 25-2014, § 1, 10-6-2014; Ord. No. 03-2022, § 3, 5-2-2022)

Sec. 22-187. Prohibited acts.

It shall be unlawful for any street vendor to sell goods, merchandise or services from any public property, public right of way, unoccupied private property, or undeveloped private property within the city limits of the City of Deltona.

(Ord. No. 31-2006, § 1, 1-8-2007)

Sec. 22-188. Penalties.

Any person who is found to be in violation of any provision of this chapter for which another penalty is not specifically provided shall immediately cease the activity in violation and may be issued a citation by a city enforcement services officer or law enforcement officer and be punishable by a fine not to exceed $500.00. Failure to immediately cease the activity in violation may result in arrest by a law enforcement officer under F.S. § 901.15(1). For each day that the violation of a provision of this chapter exists, such violation shall constitute a separate offense.

(Ord. No. 31-2006, § 1, 1-8-2007)

Sec. 22-189. Exceptions.

Nothing herein shall be construed to prohibit the sale of goods and merchandise by vendors on public property during city sponsored special events, festivals or parades or with a permit issued by the city.

(Ord. No. 31-2006, § 1, 1-8-2007)

Sec. 22-190. Reserved.

Editor's note(s)—Ord. No. 03-2022, § 5, adopted May 2, 2022, repealed § 22-190, which pertained to exceptions to food sales on houses of worship property and derived from Ord. No. 25-2014, § 1, 10-6-2014.

Sec. 22-191. Mobile ~~food~~ Food ~~dispensing~~ Dispensing ~~vehicles~~Vehicles and Mobile Vendors.

(a) This Section applies to any Mobile Vendor and herein can operate within the City of Deltona, in compliance with the following requirements:

(1) Provide a copy of the following documents to the Planning and Development Services Department:

a. City of Deltona Mobile Food Dispensing Vehicle/Mobile Vendor Application with an annual application fee as set forth in the Appendix A – Fee Schedule.

b. A written or typed authorization from the property owner permitting the operations of a mobile vendor on an eligible private property. The authorization shall include contact information for the property owner.

c. Liability Insurance as required by any local, state or federal laws and regulations.

d. A brief description of the nature of the business and the food to be sold.

e. A legible aerial photo or site plan at least depicting the location of the Mobile Vendor in relation to all on-site improvements including buildings, drive aisles, parking places, pedestrian facilities, etc. The site plan shall depict all property boundaries, parking on site, driveway cuts, buildings and improvements and related dimensions as applicable. All Mobile Vendors shall adhere to applicable setback requirements per the zoning classification.

(~~a~~b) This section applies to vendors operating Mobile Food Dispensing Vehicles ~~vendors~~(MFDV) as defined in Florida Statute and herein can operat~~e~~~~ing~~ within the City of Deltona, ~~mobile food dispensing vehicles as defined in Florida Statute and herein can operate~~ in compliance with the following requirements:

(1) ~~(1)~~ Provide a copy of the following documents to the ~~planning~~ Planning & ~~development~~ Development ~~services~~ Services ~~department~~Department:

~~a.~~ City of Deltona Mobile Food Dispensing Vehicle/Mobile Vendor Application with an annual application fee as set forth in Appendix A – Fee Schedule.

a.

~~a.~~ The ~~department~~ Department of ~~business~~ Business and ~~professional~~ Professional ~~regulation~~ Regulation (DBPR) ~~mobile~~ Mobile ~~food~~ Food ~~dispensing~~ Dispensing vehicle license.

b.

~~A completed fire safety inspection report performed by a fire department within Volusia County. A fire inspection shall be conducted every six months.~~

~~b.~~c. ~~c.~~ A written or typed notarized authorization of owner permitting the operations of a food truck on an eligible private property. The authorization shall include a phone number contact for the property owner and an acknowledgment the owner shall be responsible for any infractions associated with the food truck operator/owner including a fine of no less than $200.00 per infraction/day.

~~c.~~d. Liability Insurance as required by any local, state or federal laws and regulations

~~d.~~e. A brief description on the nature of the business and the food to be sold.

~~e.~~

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f. ~~(2)~~ A legible aerial photo or site plan ~~at least a scale of 1" = 100'~~ depicting the location of the ~~mobile food dispensing vehicle~~MFDV ~~and associated seating (if any)~~ in relation to all on-site improvements including buildings, drive aisles, parking places, pedestrian facilities, etc. The site plan shall depict all property boundaries, parking on site, driveway cuts, buildings and improvements and related dimensions as applicable. All MFDV shall adhere to applicable setback requirements per the zoning classification. ~~The basis for the site plan can be a scaled aerial photo downloaded from the internet.~~

(c) Location Standards

~~(2)~~ 1. ~~(3) Location standards.~~

~~a. Mobile food dispensing vehicles~~MFDV and Mobile Vendors ~~may~~ shall operate on a property developed with an existing, active commercial use in the C-1, C-2, or C-3 zoning districts. In addition, unless explicitly prohibited by an associated development agreement, ~~mobile food dispensing vehicles~~MFDV and Mobile Vendors ~~may~~ shall operate on property developed with existing and active uses zoned IPUD or BPUD. Vacant, undeveloped lots/parcels or non-active commercial use areas are not eligible for MFDV or Mobile Vending operation.

~~a.~~ 2. Commercially zoned properties used principally for residential are not eligible.

3. Actively used and developed house of worship properties, regardless of zoning classification, may be used for ~~mobile food dispensing vehicles~~MFDV or Mobile Vendors consistent with the requirements set forth in this section unless there are specific conditions prohibiting or regulating ~~mobile food dispensing~~MFDV or Mobile Vendors activities under an approved ~~conditional~~ Conditional ~~use~~Use.
4. The number of Mobile Food Dispensing Vehicles and Mobile Vendors allowed on a site shall be controlled by the terms of this Section and by the number of parking spaces available to support the existing developed use on the property. The limit shall be no more than two (2).
5. Mobile ~~food~~ Food ~~dispensing~~ Dispensing ~~vehicles~~ Vehicles and Mobile Vendors ~~must~~ shall be placed on a paved surface only.
6. Mobile ~~food~~ Food ~~dispensing~~ Dispensing ~~vehicles~~ Vehicles and Mobile Vendors shall not be located within any public right-of-way or otherwise obstruct any drive aisle, driveway throat, or cross access area associated with any parking facility or obstruct any sight triangle or otherwise be situated in an unsafe manner.
7. Mobile ~~food~~ Food ~~dispensing~~ Dispensing ~~vehicles~~ Vehicles and Mobile Vendors ~~may~~ shall not be located at eligible facilities where there is not

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adequate parking ~~is not adequate~~ to serve the business facility as per the Land Development Code Section 110-828.

8. Mobile ~~food~~ Food ~~dispensing~~ Dispensing ~~vehicles~~ Vehicles or Mobile Vendors shall~~may~~ not occupy, obstruct/impede access to any handicapped parking stalls.
9. Mobile Food Dispensing Vehicles or Mobile Vendors shall be separated from the entrances and other exits of buildings or structures, combustible materials, vehicles, and other cooking operations by a clear space distance of 10 feet.
10. When a Mobile Food Dispensing Vehicle is parked, the vehicle shall be stabilized so that it will not move, either by jacking the vehicle or placing wheel chocks around the wheels.
11. Mobile or temporary cooking operations shall not block fire apparatus access roads, fire lanes, fire hydrants, or other fire protection devices and equipment.
12. A tent for the purpose of providing weather protection for patrons in the process of ordering from a Mobile Food Dispensing Vehicle may be provided; however, tents for the purposes of accommodating on-site dining for patrons are prohibited. Any cooking done under a tent shall require the tent to be flame retardant.
13.

A Mobile Food Dispensing Vehicle shall not provide outdoor dining areas but may use existing outdoor dining or other permanent seating authorized for an existing business on site with the business owner's permission.

~~b.~~ 14. ~~Mobile food dispensing vehicles may set up ancillary tents, chairs or tables subject to the following:~~

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~~Seating and tables must be located on a paved surface;~~

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~~Seating and tables must be located outside of drive aisles and cannot obstruct any loading area, cross access, driveway throat, etc.;~~

~~Seating and tables must be limited to 342 square feet or two parking spaces per mobile food dispensing vehicle. However, all seating and table areas must be clearly demarcated and otherwise physically cordoned off from drive aisles and/or parking stalls. Demarcation includes the use of clearly visible tape or rope to allow motorist and/or patrons to distinguish the seating area from a parking stall or drive aisle;~~

~~Any canopy must be secured in a way that will not allow the canopy to blown down by the wind;~~

~~All tables, seating and canopies can only be set up during the operation of the MFDV and must be removed at the end of every business cycle; and~~

~~Tables, seating and canopies shall not obstruct fire lanes and adhere to all fire clear zones/widths as applicable.~~

~~i.~~ Mobile ~~food~~ Food ~~dispensing~~ Dispensing ~~vehicles~~ Vehicles and Mobile Vendors ~~related operations~~ shall be consistent with Florida Fire Prevention Code. ~~to include, but not limited to, the following:~~

15. The address of the current operational location shall be posted on the main structure and shall be accessible to all Mobile Food Dispensing Vehicles and Mobile Vendors.

16. Mobile ~~food~~ Food ~~dispensing~~ Dispensing vehicles and Mobile Vendors shall be equipped with at least one trash receptacle per MFDV or Mobile Vendor. ~~and at least one trash receptacle per MFDV. Each trash can shall be no less than 32 gallons.~~ Trash cans must be emptied and removed from the site when the MFDV or Mobile Vendor is not on the site. In addition, trash can(s) shall be secure and stabile so as not to be toppled during a wind or other event. Venders shall be responsible for all trash generated from the use.

17. No ~~mobile~~ Mobile ~~food~~ Food Dispensing Vehicles or Mobile Vendor ~~dispensing vehicle~~ shall discharge or cause to discharge any water, grease or other liquid waste on site of which they do business or within any stormwater system or within any public utility infrastructure.

18. Mobile ~~food~~ Food ~~dispensing~~ Dispensing ~~vehicles~~ Vehicles or Mobile Vendors shall not be associated with any hazardous or unsafe condition and shall not produce excess noise, vibration, electronic interference, excess heat or glare, electronic interference, etc. Noise levels from any generator must not exceed manufacture specifications.

19. Duration: Hours of operation are limited to 7:00 a.m. to 10:00 p.m. on weekdays and 7:00 am to 12:00 am on weekends. No Mobile Food Dispensing Vehicles or Mobile Vendor shall leave any equipment after operating hours.

~~c.~~ 20. ~~The number of mobile food dispensing vehicles allowed on a site will be controlled by the separation terms of this section and by the number of parking spaces available to support the existing developed use on the property. Parking calculations will be based on parking standards outlined as per section 110-828 of the City Land Development Code. In addition, consistent with section 110-828, uses with non-overlapping hours of operation may be a factor with regard to the allowance of the number of mobile food dispensing vehicles. For example, a house of worship parking facility that may not be in use during non-worship times may be eligible for a greater number of mobile food dispensing vehicles based on the parking being not actively used.~~

~~d. Notwithstanding subsections 5 and 6 above, businesses with 100 or more full time equivalent (FTE) employees per eight hour shift, at a single, developed commercial or industrially used/zoned parcel, may have multiple food dispensing vehicles. However, all other provisions of this section apply including, but not limited to, site plan submittal.~~

Advertising will be limited to identifying copy depicted on a single vehicle or trailer engaged in the ~~mobile~~ vending activity.

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~~e.~~ 21. No signs, banners, flags, ~~sandwich boards,~~ or similar will be allowed in any ~~city~~ City right-of-way or on private property - including all prohibited signs under article 1, chapter 102, section 102-10. In no cases shall people hold signs, merchandise or attempt to advertise for a ~~mobile~~ Mobile ~~food~~ Food ~~dispensing~~ Dispensing ~~vehicle~~ Vehicle or Mobile Vendor within the public right-of-way. In addition, no other attention getting devices such as lighting beyond normal illumination, music, noise or scintillating lights or material shall be used in conjunction with any mobile food dispensing vehicle. Sandwich Board shall be allowed within the footprint of the Mobile Food Dispensing Vehicle or Mobile Vendor.

(d) *Exemptions.*

(1) Mobile ~~food~~ Food ~~dispensing~~ Dispensing ~~vehicles~~ Vehicles or Mobile Vendors ~~operating under an approved special event permit shall operate under the terms of the special event permit including date, hours of operation, location, and compliance with all codes as applicable~~associated with a special event or a temporary outside activity associated with a festival shall not be subject to the standards in this Section, provided the City has approved such activities and the Mobile Food Dispensing Vehicle or Mobile Vendor is operating under an approved special event permit.

(e) *Enforcement*.

(1) City Code compliance shall be responsible for the enforcement of the provisions within section 22-191. Mobile ~~food~~ Food ~~dispensing~~ Dispensing ~~vehicles~~ Vehicles or Mobile Vendors operating in non-compliance of any of the provisions of this ~~section~~ Section ~~will~~ shall have the option to immediately cease all operations and leave the location. If there is refusal leave the site, a citation in the amount of no less than $200.00 per infraction/per day will be issued to the landowner and the City will bring forward a code compliance case against the underlying landowner with the intent of collecting the fine in accordance with City code compliance enforcement procedure.

(f) *Restrictions.*

(1) Overnight parking of Mobile Food Dispensing Vehicles and Mobile Vendors is prohibited. This includes all equipment that may be used for vending.

(2) A mobile Food Dispensing Vehicle and Mobile Vendors shall not be located on private property which uncorrected code violations exist, or which is under citation for code violations.

(2) Alcoholic beverages must not be sold or dispensed by an Mobile Food Dispensing Vehicle. Consumption of alcoholic beverages by patrons of an Mobile Food Dispensing vehicle is prohibited except when the Mobile Food Dispensing Vehicle is operating as an ancillary use to an on the same premises as an establishment with a valid approval for outdoor consumption of premises.

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(3) Any activities related to the Mobile Food Dispensing Vehicles and Mobile Vendors operations (including, but not limited to; placement, patronage, etc.) shall not impede on parking designated for the property's permitted principal land use parking requirements, per LDC Section 110-828. Any use of the property shall not restrict ingress/egress of vehicular traffic or pedestrian traffic.

(Ord. No. 03-2022, § 3, 5-2-2022)

Secs. 22-192—22-199. Reserved.