

ORDINANCE NO. 24-2066

AN ORDINANCE OF THE CITY OF HAINES CITY, FLORIDA AMENDING CHAPTER 15 OF THE CODE OF ORDINANCES BY AMENDING SECTION 15-62, AMENDING SECTION 15-63(8) AND ADDING SECTION 15-66 WHICH PROVIDED FOR REGULATIONS FOR MOBILE FOOD VENDORS; PROVIDING FOR AMENDMENT TO SECTION 15-62; PROVIDING FOR AMENDMENT TO SECTION 15-63(8); PROVIDING FOR THE ADDITION OF SECTION 15-66; PROVIDING FOR FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND INCLUSION IN THE CODE OF ORDINANCES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Haines City, Florida has determined that it is in the best interest of citizens of Haines City to make revisions to Chapter 15 of the Code of Ordinances related to mobile food trucks.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF HAINES CITY, FLORIDA:

Section 1. Amendment to Section 15-62. That section 15-62 of the Code of Ordinances of the City of Haines City, Florida, is hereby amended to read as follows:

“Sec. 15-62. Generally.

- (a) This section shall not apply to pushcart vending, roadside vending markets, or vending on city park property.
- (b) It is a violation to vend any product from a mobile food truck at any location except in compliance with the requirements of this section.
- (c) This section excludes a contractual or other private arrangement between a mobile food truck and an individual or group that wishes to have food catered to a specific location and which is not open to the public.
- (d) Effective February 1, 2024, no application for a new business tax receipt for a Class I or Class II mobile vendor shall be granted. A business tax receipt for a Class I or Class II mobile vendor that is in compliance with subsection (f) below may be renewed.

(e) Effective February 1, 2024, no application for a business tax receipt for a Class I or Class II mobile vendor shall be renewed upon its expiration on October 1, 2024, unless such Class I or Class II mobile vendor is in compliance with all conditions set forth in subsection (f) below.

(f) Notwithstanding anything in this ordinance to the contrary, a Class I or Class II mobile vendor (i) located in an Industrial or Commercial Zoning classification, (ii) approved by a site-specific zoning official determination issued before the effective date of this ordinance, (iii) that is in compliance with all applicable requirements of Section 15-63, Section 15-64 and Section 15-65, and (iv) which possesses a valid business tax receipt before the effective date of this ordinance, is hereby made conforming and lawful under this ordinance as to the locational regulations of this ordinance. For purposes of clarification, the 500-foot distance standard stated in Section 15-63(8) below (which becomes effective on February 1, 2024), shall be applicable for purposes of determining compliance with subsection (f)(iii) herein.”

Section 2. Amendment to Section 15-63(8). That section 15-63(8) of the Code of Ordinances of the City of Haines City, Florida, is hereby amended to read as follows:

“Location. Mobile food vendors shall be at least 500 feet away from any existing restaurant, drive-in, fast food, or refreshment stand (as defined in Section 4.2.1 of the Land Development Regulations). For purposes of clarification, the applicable distance shall be measured from the closest property line where the mobile food vendor is located to the closest property line where the existing restaurant, drive-in, fast food or refreshment stand is located.”

Section 3. Addition of Section 15-66. That the Code of Ordinances of the City of Haines City, Florida, is hereby amended by adding a section, to be numbered 15-66, which said section reads as follows: “**Sec. 15-66. City Sponsored Special Events.**

Mobile food trucks may participate in City sponsored special events or City approved special events held on City-owned real property, subject to the requirements and conditions of the applicable permit. A business tax receipt is not required for city sponsored special events or City approved special events held on City-owned real property.”

Section 4. Findings. In adopting this Ordinance, the City Commission hereby makes and expresses the following findings, purposes, and intent:

- (1) Chapter 15 of the Haines City Code of Ordinances provides regulations for mobile food vendors.
- (2) The purpose of this Ordinance is to amend portions of Ordinance No. 18-1616, and amend the regulations for this specialized market segment, and establish appropriate standards allowing for the range of activities while mitigating any associated, undesirable impacts.
- (3) It has been found that mobile food vendors, either nonconforming or conforming are incompatible with permitted uses in the zoning districts, and to the economic values generally within the districts. In view of these findings, it is the intent of this Chapter that new mobile food vendors and/or their business tax receipts from the City, whether they be nonconforming or conforming, be discontinued within the City and its zoning districts, except as provided by the amendments contained herein.
- (4) The City Commission hereby determines that it is in the best interest of the City to prohibit the issuance of business tax receipts for new mobile food trucks.
- (5) The City Commission hereby determines that it is in the best interest of the City to allow an existing mobile food truck in compliance with City regulations to continue to operate at a location in either an Industrial or Commercial Zoning classification to have grandfathered status after the effective date of this ordinance.

(6) The City Commission hereby determines that it is in the best interest of the City to allow an existing mobile food truck in compliance with City regulations (in a Zoning classification other than Industrial or Commercial) to continue to operate at a location approved by a site-specific zoning official determination until expiration of its current business tax receipt on October 1, 2024.

(7) In an exercise of its authority, the City Commission hereby determines it necessary and desirable to amend Chapter 15 of the Code of Ordinances of the City of Haines City, Florida.

Section 5. Severability. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full effect.

Section 6. Codification. It is the intention of the City Commission and it is hereby provided that the provisions of this Ordinance shall be made a part of the Code of Ordinances of the City of Haines City; and that the sections of this Ordinance may be numbered, renumbered or re-lettered to accomplish such intention; and that the word “ordinance” may be changed to “section”, “article”, or other appropriate designation, all as may be necessary or useful to ensure proper codification.

Section 7. Repeal of Ordinances in Conflict. All other ordinances of Haines City or portions thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 8. Effective Date. This Ordinance shall become effective immediately upon its passage and approval as a non-emergency ordinance at two regular meetings of the City Commission.

INTRODUCED AND PASSED on first reading in regular session of the City Commission of the City of Haines City, this 16th day of January, 2024.

ATTEST:

APPROVED:

Sharon Lauther, MMC, City Clerk

H. L. "Roy" Tyler, Mayor-Commissioner

PASSED on second and final reading by the City Commission of the City of Haines City, Florida, at regular session this 1st day of February, 2024.

ATTEST:

APPROVED:

Sharon Lauther, MMC, City Clerk

H. L. "Roy" Tyler, Mayor-Commissioner

APPROVED AS TO FORM AND CORRECTNESS:

Fred Reilly, City Attorney

STATE OF FLORIDA

COUNTY OF POLK

I, the undersigned duly appointed City Clerk of the City of Haines City, Florida, HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 24-2066, as shown in the records of the City on file in the office of the City Clerk.

WITNESS my hand and seal of the City of Haines City, Florida, this ____ day of _____, 2024.

SHARON LAUTHER, MMC, City Clerk