

ORDINANCE NO. 4991

AN ORDINANCE to amend and reordain Title 9 (Licensing and Regulations) of the Code of the City of Alexandria, Virginia, to add Chapter 15 (Food Truck Vendors) as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Title 9, Chapter 15 of the Code of the City of Alexandria, Virginia, as amended, be, and the same hereby is, amended by deleting the language shown in strikethrough and adding the language shown in underline as follows:

CHAPTER 15 - Food Truck Vendors

Sec. 9-15-1 - Title.

This chapter shall be known and may be cited as the City of Alexandria Food Truck Ordinance.

Sec. 9-15-2 - Purpose.

The purpose of this chapter is to permit food truck vendors on public and private property within the city with regulations that balance the integration of the food truck vendors with the impacts on the health, safety and general welfare of the city.

Sec. 9-15-3 - Administration and enforcement.

The city manager shall administer and enforce this chapter.

Sec. 9-15-4 - Scope.

This chapter shall apply to food trucks, as the same is defined herein, ~~vending on off street property only. Nothing in this chapter shall be interpreted to allow food truck vendors to vend on public rights-of-way within the city. Additionally, t~~ This chapter shall not apply to vendors selling non-food products or sales of food from pushcarts or trailers.

Sec. 9-15-5 - Definitions.

- (1) City manager. The city manager for the City of Alexandria, or his designee.

- (2) Farmer's market. A building, structure, or place authorized by the city for use by vendors to sell, offer for sale or solicit orders for any products or crafts sold, grown, raised or produced by them. This shall include outdoor food and crafts markets as set forth in the zoning ordinance.
- (3) Food. Any raw, cooked, or processed edible substance, beverage, ingredient, ice or water used or intended for use or for sale in whole or in part for human consumption.
- (4) Food truck. A food truck is a mobile food establishment as defined in section 11-2-4 of this code, but limited to food establishments located in a motor vehicle licensed to operate by a department of motor vehicles.
- (5) Food truck vendor. Any person who sells, offers for sale, or serves food from a food truck.
- (6) Private property. Real property owned by an individual or individuals who have exclusive rights over it and it is not owned by a public entity or open to the public generally.
- (7) Private residence. A dwelling place owned or inhabited by an individual or individuals, other than a multifamily dwelling as defined by the Alexandria Zoning Ordinance Section 2-137, as the same may be amended.
- (8) Public property. Property within the City of Alexandria, with the exception of public rights-of-way, that is owned by either the city of Alexandria or the Alexandria City Public Schools.
- (9) Public rights-of-way. The surface and area across, in, over, along, and upon the surface of the public streets, roads, bridges, sidewalks, lanes, courts, ways, alleys which are owned, under the jurisdiction or control of the city.
- (10) Pushcarts. Any wheeled vehicle or device other than a motor vehicle or trailer that may be moved with or without the assistance of a motor and that does not require registration by the department of motor vehicles, used for the displaying, storing, providing or transporting of Food, articles, or services, offered for sale or served by a vendor.

Sec. 9-15-6 - Authorization.

Notwithstanding any provision of the city code or zoning ordinance to the contrary, food trucks shall be permitted within the city limits subject to the rules and regulations contained in this chapter. ~~Food truck vendors are prohibited from vending on public rights-of-way within the city.~~

Sec. 9-15-7 - Permits and licenses required.

The following permits and licenses shall be required for all food trucks:

- A. Food truck permit as required pursuant to this title 9, chapter 15 of this code.
- B. Business license as required pursuant to title 9, chapter 1 of this code.
- C. Health permit as required by title 11, chapter 2 of this code.
- D. Fire prevention permit, if required, pursuant to title 4, chapter 2, article B of this code.

Sec. 9-15-8 - Food truck vendor permit required; fee for same.

- A. All food truck vendors shall obtain an annual food truck vendor permit from the city manager, with the exception of those food truck vendors who vend only at a special event pursuant to section 9-15-14 below.
- B. Prior to issuing the permit, the city manager shall determine that:
 - i. the food truck vendor and food truck are in compliance with this chapter and with the administrative regulations promulgated by the city manager pursuant to section 9-15-10 herein;
 - ii. the food truck vendor has paid all applicable fees; and
 - iii. the food truck vendor has received all applicable permits as required herein.
- C. After reviewing the application and finding that the health, safety and general welfare of the public so demands, the city manager may refuse to issue a permit for reasons including, but not limited to, the following:
 - i. The applicant for the permit has received three or more notices of violation of this chapter pursuant to section 9-15-17 below, including any violations of other sections of this code that are issued for violations relating to the operation of a food truck, in the 12 months prior to the date of the application;
 - ii. The applicant's permit has been suspended or revoked within the 12 months prior to the date of the application;
 - iii. Fraud, misrepresentations, or intentional false statements of material or relevant facts are contained in the application; or
 - iv. The applicant lacks the necessary permits or licenses to conduct the business proposed to be conducted.
- D. The city manager shall establish an annual food truck vendor permit fee which shall be updated annually.

E. Exemptions from Permit Requirement. Food Trucks that are permitted with any of the following permits are not required to obtain a Food Truck Vendor Permit or comply with the provisions of this Chapter but shall comply with the conditions of the permit it is authorized under:

- i. Special Event Permit pursuant to Section 9-15-14;
- ii. Special Use Permit pursuant to Section 11-500 of the Zoning Ordinance;
- iii. At a private residence at the direction of a resident for a private event that is not vending to the public and for which the food truck has the applicable licensing and follows the applicable regulations for a caterer; and
- iv. Food trucks that are stopping for only short term stops pursuant to Section 5-2-19 and 13-1-26 of the City Code provided the truck is selling pre-packaged food only.

Sec. 9-15-9 - Display of licenses and permits.

All food trucks shall display all required licenses, tags, and permits.

Sec. 9-15-10 - Administrative regulations.

The city manager is authorized to make such reasonable rules and regulations as may be necessary to administer the provisions of this chapter.

Sec. 9-15-11 - Compliance with other codes and regulations.

All food trucks and food truck vendors shall comply with all applicable provisions of this Code, the Code of the State of Virginia and the Federal Code.

Sec. 9-15-12 - Operational requirements for all food trucks.

The following rules shall apply to all food trucks:

A. Hours.

- i. Vending may take place between the hours of 7:00 a.m. and 8:00 p.m.
- ii. A food truck may not vend for longer than four hours of continuous vending.

B. Parking locational requirements.

- i. Food truck vendors shall not have any exclusive right to any location on public property;
- ii. Food trucks parked in a marked parking space must fit within the width and the length of the marked parking space;
- iii. Occupation of any parking space shall not interfere with the lighting, trees, overhead wires, and/or utilities;
- iv. The food truck vendor shall not block any other vehicle's or pedestrian's ingress or egress, cause traffic congestion, or be parked in any drive aisles or fire lanes;

C. Vending locational requirements.

- i. **no deliveries shall be received from another vehicle while a food truck is vending in a Designated On-Street Vending Location;**
- ii. Vending shall only take place from the inside of the food truck;
- iii. Vending shall not take place to any person while such person is standing in the street unless said street has been closed to the public pursuant to a special event or street closure permit issued by the city;
- iv. Vending shall not take place to any driver or passenger in a motor vehicle while the motor vehicle is stopped at a red light or while in a moving traffic lane; and
- v. Food truck shall not be left unattended while vending.

D. Signs. No sign shall be displayed except for a sign displaying a menu or signs that are imprinted on the exterior body of a licensed food truck. All signs shall also comply with the applicable provisions of Article IX of the zoning ordinance. The applicable regulations shall include, but not be limited to, that the food truck shall not:

- i. advertise other businesses on the food truck;
- ii. use A-frame signs or remote signs;
- iii. attach balloons or windblown signs to the food truck; or
- iv. use animated or electronic signs.

E. Noise.

- i. No music or other amplified announcements that are audible outside of the food truck shall be allowed, **except as allowed by Section 13-1-26 of the City Code;** and

- ii. Food truck vendors shall comply with the noise code as set forth in section 11-5-1 et seq. of this code including utilizing generators that meet the requirements of the noise code.
- F. Storage. No merchandise, food, equipment, or other item related to the operation of a food truck, other than a trash receptacle required by subsection H below, shall be stored or kept adjacent to the food truck.
- G. Liquid waste. No liquid wastes used in the operation of the food truck or food vending shall be allowed to be discharged from the food truck except into an approved sewerage system as permitted by law.
- H. Trash. Portable receptacles for the disposal of waste materials or other litter shall be provided by the food truck vendor for the use of customers and all food truck vendors shall direct customers to place all waste and litter in the receptacles. All waste shall be removed and disposed of by the food truck vendor. Public trash receptacles shall not be used for compliance with this section.

Sec. 9-15-13 - Vending locations.

Vending may take place at the following locations:

- A. On private property, if the food truck vendor is legally parked on the property and has received written permission from the property owner and displays such written permission upon request;
- B. At any farmer's market held on public or private property, if the food truck vendor is legally parked at the farmer's market and has received written permission from the farmer's market manager and displays such written permission upon request;
- C. On public property, including, but not limited to, parks subject to policy recommendations of the parks and recreation commission, parking lots, and community buildings, where such public property has sufficient space for the parking of vehicles and with the permission of the city manager;
- D. On public property owned by the Alexandria City Public Schools or the City of Alexandria School Board, where such public property has sufficient space for the parking of vehicles and with the permission of the superintendent of the schools or his designee;
- E. **At Designated On-Street Locations pursuant to Section 9-15-15;**

Sec. 9-15-14 - Special events.

The city manager may permit food truck vendors to vend at a special event approved through the City of Alexandria Special Events Policy and Procedures, approved by the city council on January 23, 2010, as the same may be amended, provided that food truck vendors:

- A. who vend only at the special event and do not vend at other times on public right-of-way, public property or private property within the city, shall:
 - i. ~~not be required to pay the food truck vendor permit fee required by section 9-15-8 herein but shall be required to pay any fees associated with any applicable temporary permits; and~~
 - ii. obtain a temporary food truck vendor permit and any other temporary permits required by the special events permit, including but not limited to a permit to operate a temporary food establishment from the health department;
- B. shall vend only within the area designated for the special event; and
- C. shall comply with all regulations set forth in this chapter, unless such regulation is amended by the special event permit or permit to operate a temporary food establishment.

Sec. 9-15-15 – Designated On-Street Vending Locations.

The City Council may establish one or more designated vending locations within parking spaces on the public right of way where a food truck vendor may operate.

- A. Factors for Consideration of Location: City Council shall consider the following factors in determining whether a location should be used for vending:**
 - a. **Concentration of people within a quarter (1/4) mile of the location;**
 - b. **Adequacy of parking in the surrounding area;**
 - c. **Adequacy of space on the street for circulation and safety; and**
 - d. **Amount of congestion.**
- B. Minimum Requirements of Location: At a minimum, the designated vending locations shall:**
 - a. **be on streets that have at least sixty six (66) feet of right-of-way;**
 - b. **include no more than four (4) parking spaces in a row;**

- c. **not be located in front or within twenty (20) feet from a commercial outdoor dining area measured along the curb line;**
- d. **not be within ten (10) feet of an intersection, crosswalk, driveway, bus stop, taxi stand, or handicapped parking space;**
- e. **not be situated in any part of any designated loading zone or fire lane; and**
- f. **allow for adequate clearance for pedestrian traffic as determined by the director of T&ES based on the context of the specific site.**

Sec. 9-15-16 - Suspension or revocation of food truck vendor permit.

- A. The city manager may, after providing the opportunity for a hearing as provided herein, suspend or revoke a food truck vendor permit issued under the provisions of this article if the city manager finds that such person has violated any provision of this article on three or more occasions within a 12-month period.
- B. Prior to ordering the suspension or revocation of a food truck vendor permit, the city manager shall notify, in writing, the applicant or the permit holder, stating the reasons for the suspension or revocation. This notice shall be mailed, postage prepaid, to the applicant or to the permit holder at the business address appearing on the permit application, or if there is none, to the residential address appearing thereon. The notice shall state that the permit will be suspended or revoked unless a written request for hearing is filed with the city manager, by the applicant or the permit holder within 10 business days of the date the notice is mailed. If no request for a hearing is filed within this 10 business day period, the application or the permit shall be suspended or revoked by order of the city manager, and the suspension or revocation shall be final.
- C. If the applicant or the permit holder files a request for a hearing in accordance with this provision, the city manager, shall give written notice of the hearing to the applicant or the permit holder at a time and place designated by the city manager. At the hearing the applicant or the permit holder may be represented by counsel, may cross-examine witnesses, and may present evidence in his or her favor.
- D. The city manager shall issue his determination in writing, to grant or deny the appeal within 10 business days of the conclusion of the hearing.

Sec. 9-15-17 - Enforcement and penalties.

- A. If the city manager determines that a violation of this chapter has occurred, he may cause a notice of violation to be served on any or all persons committing or permitting such violation.

- B. Any person who commits, permits, assists in, or attempts, whether by act or omission, a violation of any provision of this chapter shall be liable for a class four civil violation and the violation will be enforced pursuant to section 1-1-11 of the city code. The penalty for each individual violation shall be \$100 for the first violation, \$250 for the second violation of the same regulation or requirement arising from the same set of operative facts, and \$500 for each additional violation of the same regulation or requirement arising from the same set of operative facts.

- C. Enforcement of penalties of this chapter of the city code shall not preclude enforcement of violations of other sections of the city code or zoning ordinance that may be applicable.

Section 2. That Title 9, Chapter 15 as amended pursuant to Section 1 of this ordinance, be, and the same hereby is, reordained as part of the City of Alexandria City Code.

Section 3. That this ordinance shall become effective upon the date and at the time of its final passage.

ALLISON SILBERBERG
Mayor

Final Passage: April 16, 2016