

ORDINANCE NO. _____

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 of the Code of the City of Alexandria, Virginia, as amended, be, and the same hereby is, amended by adding Chapter 15 titled Food Truck Vendors with the following new language:

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. 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) *Block*. A city block as defined by Section 5-8-71 of this Code.

(2) *City Manager*. The City Manager for the City of Alexandria, or his designee.

(3) *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.

(4) *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.

1
2 (5) *Food Truck*. A Food Truck is a mobile food establishment as defined in Section 11-
3 2-4 of this Code, but limited to Food establishments located in a motor vehicle
4 licensed to operate by a department of motor vehicles.

5
6 (6) *Food Truck Vendor*. Any person who sells, offers for sale, or serves Food from a
7 Food Truck.

8
9 (7) *Private Property*. Real property owned by an individual or individuals who have
10 exclusive rights over it and it is not owned by a public entity or open to the public
11 generally.

12
13 (8) *Private Residence*. A dwelling place owned or inhabited by an individual or
14 individuals, other than a Multifamily Dwelling as defined by the Alexandria Zoning
15 Ordinance Section 2-137, as the same may be amended.

16
17 (9) *Public Property*. Property within the City of Alexandria that is owned by either the
18 City of Alexandria or the Alexandria City Public Schools.

19
20 (10) *Pushcarts*. Any wheeled vehicle or device other than a motor vehicle or trailer that
21 may be moved with or without the assistance of a motor and that does not require
22 registration by the department of motor vehicles, used for the displaying, storing,
23 providing or transporting of Food, articles, or services, offered for sale or served by a
24 vendor.

25
26 **Sec. 9-15-6 Authorization**

27
28 Notwithstanding any provision of the City Code or Zoning Ordinance to the contrary,
29 Food Trucks shall be permitted within the City limits subject to the rules and regulations
30 contained in this chapter.

31
32 **Sec. 9-15-7 Permits and Licenses Required**

33
34 The following permits and licenses shall be required for all Food Trucks:

35
36 A. Food Truck Permit as required pursuant to this Title 9, Chapter 15 of this Code.

37
38 B. Business License as required pursuant to Title 9, Chapter 1 of this Code.

39
40 C. Health Permit as required by Title 11, Chapter 2 of this Code.

41
42 D. Fire Prevention Permit, if required, pursuant to Title 4, Chapter 2, Article B of
43 this Code.

1 **Sec. 9-15-8 Food Truck Vendor Permit required; fee for same.**
2

3 A. All Food Truck Vendors shall obtain an annual Food Truck Vendor Permit from
4 the City Manager, with the exception of those Food Truck Vendors who vend
5 only at a Special Event pursuant to Section 9-15-14 below.
6

7 B. Prior to issuing the permit, the City Manager shall determine that:
8

9 i. the Food Truck Vendor and Food Truck are in compliance with this
10 chapter and with the administrative regulations promulgated by the City
11 Manager pursuant to Section 9-15-10 herein;
12

13 ii. the Food Truck Vendor has paid all applicable fees; and
14

15 iii. the Food Truck Vendor has received all applicable permits as required
16 herein.
17

18 C. After reviewing the application and finding that the health, safety and general
19 welfare of the public so demands, the City Manager may refuse to issue a permit
20 for reasons including, but not limited to, the following:
21

22 i. The applicant for the permit has received three (3) or more notices of
23 violation of this chapter pursuant to Section 9-15-17 below, including any
24 violations of other sections of this Code that are issued for violations
25 relating to the operation of a Food Truck, in the twelve (12) months prior
26 to the date of the application;
27

28 ii. The applicant's permit has been suspended or revoked within the twelve
29 (12) months prior to the date of the application;
30

31 iii. Fraud, misrepresentations, or intentional false statements of material or
32 relevant facts are contained in the application; or
33

34 iv. The applicant lacks the necessary permits or licenses to conduct the
35 business proposed to be conducted.
36

37 D. The City Manager shall establish an annual Food Truck Vendor Permit fee which
38 shall be updated annually.
39

40 **Sec. 9-15-9 Display of Licenses and Permits**
41

42 All Food Trucks shall display all required licenses, tags, and permits.
43
44
45
46

1 **Sec. 9-15-10 Administrative Regulations**

2
3 The City Manager is authorized to make such reasonable rules and regulations as may be
4 necessary to administer the provisions of this chapter and to establish Restricted Street
5 Vending Zones pursuant to Section 9-15-15 herein.
6

7 **Sec. 9-15-11 Compliance with other Codes and Regulations**

8
9 All Food Trucks and Food Truck Vendors shall comply with all applicable provisions of
10 this Code, the Code of the State of Virginia and the Federal Code.
11

12 **Sec. 9-15-12 Operational Requirements for All Food Trucks**

13
14 The following rules shall apply to all Food Trucks:
15

16 *A. Hours.*

- 17
18 i. Vending may take place between the hours of 7 a.m. and 8 p.m.
19
20 ii. A Food Truck may not vend for longer than four (4) hours of continuous
21 vending, or in accordance with existing posted public signs, if more
22 restrictive, on the same Block.
23

24 *B. Parking Locational Requirements.*

- 25
26 i. Food Truck Vendors shall not have any exclusive right to any location on
27 Public Property;
28
29 ii. Food Trucks parked in a marked parking space must fit within the width
30 and the length of the marked parking space;
31
32 iii. Occupation of any parking space shall not interfere with the lighting, trees,
33 overhead wires, and/or utilities;
34
35 iv. The Food Truck Vendor shall not block any other vehicle's or pedestrian's
36 ingress or egress, cause traffic congestion, or be parked in any drive aisles
37 or fire lanes;
38
39 v. Food Trucks shall not be located in front of or within twenty (20) feet
40 from a commercial outdoor dining area measured along the curb line;
41
42 vi. No more than three (3) Food Trucks may vend per Block on a public
43 street;
44
45 vii. At least five (5) feet of the adjacent sidewalk must be unobstructed for
46 pedestrian traffic; and

- 1
2 viiii. Food Trucks shall comply with all applicable parking regulations
3 including, but not limited to, payment of any parking fees and displaying
4 the required receipt.
5

6 *C. Vending Locational Requirements.*
7

- 8 i. Vending shall only take place from the inside of the Food Truck;
9
10 ii. Vending shall not take place to any person while such person is standing
11 in the street unless said street has been closed to the public pursuant to a
12 Special Event or street closure permit issued by the City;
13
14 iii. Vending shall not take place to any driver or passenger in a motor vehicle
15 while the motor vehicle is stopped at a red light or while in a moving
16 traffic lane; and
17
18 iv. Food Truck shall not be left unattended while vending.
19

20 *D. Signs.* No sign shall be displayed except for a sign displaying a menu or signs
21 that are imprinted on the exterior body of a licensed Food Truck. All signs shall
22 also comply with the applicable provisions of Article IX of the Zoning Ordinance.
23 The applicable regulations shall include, but not be limited to, that the Food Truck
24 shall not:
25

- 26 i. advertise other businesses on the Food Truck;
27
28 ii. use A-frame signs or remote signs;
29
30 iii. attach balloons or windblown signs to the Food Truck; or
31
32 iv. use animated or electronic signs.
33

34 *E. Noise.*

- 35 i. No music or other amplified announcements that are audible outside of the
36 Food Truck shall be allowed; and
37
38 ii. Food Truck Vendors shall comply with the Noise Code as set forth in
39 Section 11-5-1 et. seq. of this Code including utilizing generators that
40 meet the requirements of the Noise Code.
41

42 *F. Storage.* No merchandise, Food, equipment, or other item related to the operation
43 of a Food Truck, other than a trash receptacle required by Section H below, shall
44 be stored or kept adjacent to the Food Truck on any public right-of-way including,
45 but not limited to, sidewalks and streets.
46

1 G. *Liquid Waste*. No liquid wastes used in the operation of the Food Truck or Food
2 vending shall be allowed to be discharged from the Food Truck except into an
3 approved sewerage system as permitted by law.

4
5 H. *Trash*. Portable receptacles for the disposal of waste materials or other litter shall
6 be provided by the Food Truck Vendor for the use of customers and all Food
7 Truck Vendors shall direct customers to place all waste and litter in the
8 receptacles. All waste shall be removed and disposed of by the Food Truck
9 Vendor. Public trash receptacles shall not be used for compliance with this
10 section.

11
12 I. *Deliveries*. Food Trucks shall not receive deliveries from another vehicle while
13 parked on a public right of way.

14
15 **Sec. 9-15-13 Vending Locations**

16
17 Vending may take place at the following locations:

18
19 A. On Private Property, if the Food Truck Vendor is legally parked on the property
20 and has received written permission from the property owner and displays such
21 written permission upon request;

22
23 B. At any Farmer's Market held on Public or Private Property, if the Food Truck
24 Vendor is legally parked at the Farmer's Market and has received written
25 permission from the Farmer's Market manager and displays such written
26 permission upon request;

27
28 C. On Public Property, including, but not limited to, parks, parking lots, and
29 community buildings, where such Public Property has sufficient space for the
30 parking of vehicles and with the permission of the City Manager;

31
32 D. On Public Property owned by the Alexandria City Public Schools or the City of
33 Alexandria School Board, where such public property has sufficient space for the
34 parking of vehicles and with the permission of the Superintendent of the Schools
35 or his designee;

36
37 E. On any public street that has not been signed as a Residential Permit Parking
38 District pursuant to Title 5, Chapter 8, Article F of this Code or is not within a
39 designated Restricted Street Vending Zone pursuant to section 9-15-15 below;

40 F. In defined locations within a designated Restricted Street Vending Zone pursuant
41 to section 9-15-15 below;

42
43 G. Within the boundaries of any area designated for a Special Event pursuant to
44 section 9-15-14 below; and
45

- 1 H. At a Private Residence at the direction of a resident for a private event that is not
2 vending to the public and for which the Food Truck has the applicable licensing
3 and follows the applicable regulations for a caterer.
4

5 **Sec. 9-15-14 Special Events**
6

7 The City Manager may permit Food Truck Vendors to vend at a Special Event approved
8 through the City of Alexandria Special Events Policy and Procedures, approved by the
9 City Council on January 23, 2010, as the same may be amended, provided that Food
10 Truck Vendors:

- 11
- 12 A. who vend only at the Special Event and do not vend at other times on public right
13 of way, Public Property or Private Property within the City, shall:
- 14
- 15 i. not be required to pay the Food Truck Vendor Permit fee required by
16 Section 9-15-8 herein but shall be required to pay any fees associated with
17 any applicable temporary permits; and
18
- 19 ii. obtain a temporary Food Truck Vendor Permit and any other temporary
20 permits required by the Special Events Permit, including but not limited to
21 a Permit to Operate a Temporary Food Establishment from the Health
22 Department;
23
- 24 B. shall vend only within the area designated for the Special Event;
25
- 26 C. shall not vend within two (2) blocks of a Special Event during a Special Event,
27 notwithstanding certain Food Truck Vendors' ability to vend in certain locations
28 in the City; and
29
- 30 D. shall comply with all regulations set forth in this chapter unless such regulation is
31 amended by the Special Event Permit or Permit to Operate a Temporary Food
32 Establishment.
33

34 **Sec. 9-15-15 Designation of Restricted Street Vending Zones:**
35

- 36 A. Whenever it appears, after a survey of demand for Food Trucks, land use activity,
37 parking resources and other relevant factors, that there is a need for regulation of
38 the location of Food Trucks, the City Manager may designate Restricted Street
39 Vending Zones within the City. When establishing such Restricted Street
40 Vending Zones, the City Manager shall consider the following:
41
- 42 i. Capacity of parking spaces;
43
- 44 ii. Traffic congestion;
45
- 46 iii. Pedestrian activity; and

1
2 iv. Any other criteria that affect the health, safety, and general welfare of the
3 citizens.
4

5 B. The hours of operation and designated locations for Food Truck Vendors within
6 each Restricted Street Vending Zone shall be set by the City Manager after
7 considering the factors listed in Section 9-15-15(A) above.
8

9 C. Restricted Street Vending Zones designated by the City Manager shall be subject
10 to review and renewal on such a basis as determined by the City Manager, unless
11 removal or alteration is required sooner by a change in conditions in the area or
12 based on such criteria that may affect the health, safety, and general welfare of the
13 citizens.
14

15 D. All Food Trucks within a Restricted Street Vending Zone shall comply with all
16 regulations set forth in this chapter unless such regulation is amended by the
17 Restricted Street Vending Zone.
18

19 **Sec. 9-15-16 Suspension or Revocation of Food Truck Vendor Permit.**
20

21 A. The City Manager may, after providing the opportunity for a hearing as provided
22 herein, suspend or revoke a Food Truck Vendor permit issued under the
23 provisions of this article if the City Manager finds that such person has violated
24 any provision of this article on three (3) or more occasions within a twelve (12)
25 month period.
26

27 B. Prior to ordering the suspension or revocation of a Food Truck Vendor permit, the
28 City Manager shall notify, in writing, the applicant or the permit holder, stating
29 the reasons for the suspension or revocation. This notice shall be mailed, postage
30 prepaid, to the applicant or to the permit holder at the business address appearing
31 on the permit application, or if there is none, to the residential address appearing
32 thereon. The notice shall state that the permit will be suspended or revoked
33 unless a written request for hearing is filed with the City Manager, by the
34 applicant or the permit holder within ten (10) business days of the date the notice
35 is mailed. If no request for a hearing is filed within this ten (10) business day
36 period, the application or the permit shall be suspended or revoked by order of the
37 City Manager, and the suspension or revocation shall be final.
38

39 C. If the applicant or the permit holder files a request for a hearing in accordance
40 with this provision, the City Manager, shall give written notice of the hearing to
41 the applicant or the permit holder at a time and place designated by the City
42 Manager. At the hearing the applicant or the permit holder may be represented by
43 counsel, may cross-examine witnesses, and may present evidence in his or her
44 favor.
45

- 1 D. The City Manager shall issue his determination in writing, to grant or deny the
2 appeal within ten (10) business days of the conclusion of the hearing.
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4

5 **Sec. 9-15-17 Enforcement and Penalties**
6

- 7 A. If the City Manager determines that a violation of this chapter has occurred, he
8 may cause a notice of violation to be served on any or all persons committing or
9 permitting such violation.
10
11 B. Any person who commits, permits, assists in, or attempts, whether by act or
12 omission, a violation of any provision of this chapter shall be liable for a class
13 four civil violation and the violation will be enforced pursuant to Section 1-1-11
14 of the City Code. The penalty for each individual violation shall be \$100 for the
15 first violation, \$250 for the second violation of the same regulation or requirement
16 arising from the same set of operative facts, and \$500 for each additional violation
17 of the same regulation or requirement arising from the same set of operative facts.
18
19 C. Enforcement of penalties of this chapter of the City Code shall not preclude
20 enforcement of violations of other sections of the City Code or Zoning Ordinance
21 that may be applicable.
22

23 Section 2. That Title 9 as amended pursuant to Section 1 of this ordinance, be,
24 and the same hereby is, reordained as part of the City of Alexandria City Code.
25

26 Section 3. That this ordinance shall become effective upon the date and at the
27 time of its final passage. Food Trucks that have valid Health Department and Business
28 License permits to vend at construction sites and Special Events shall not be subject to
29 this ordinance until January 1, 2015 but are limited to vending at construction sites and
30 Special Events, unless it obtains a new permit for full vending pursuant to this chapter.
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33
34 WILLIAM D. EUILLE
35 Mayor
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41 Introduction: May 13, 2014
42 First Reading: May 13, 2014
43 Publication:
44 Public Hearing: May 17, 2014
45 Second Reading: May 17, 2014
46 Final Passage: May 17, 2014