

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, 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

1 produced by them. This shall include outdoor food and crafts markets as set forth in the
2 zoning ordinance.

3
4 (3) Food. Any raw, cooked, or processed edible substance, beverage, ingredient, ice or water
5 used or intended for use or for sale in whole or in part for human consumption.

6
7 (4) Food truck. A food truck is a mobile food establishment as defined in section 11-2-4 of
8 this code, but limited to food establishments located in a motor vehicle licensed to
9 operate by a department of motor vehicles.

10
11 (5) Food truck vendor. Any person who sells, offers for sale, or serves food from a food
12 truck.

13
14 (6) Private property. Real property owned by an individual or individuals who have
15 exclusive rights over it and it is not owned by a public entity or open to the public
16 generally.

17
18 (7) Private residence. A dwelling place owned or inhabited by an individual or individuals,
19 other than a multifamily dwelling as defined by the Alexandria Zoning Ordinance Section
20 2-137, as the same may be amended.

21
22 (8) Public property. Property within the City of Alexandria, with the exception of public
23 rights-of-way, that is owned by either the city of Alexandria or the Alexandria City
24 Public Schools.

25
26 (9) Public rights-of-way. The surface and area across, in, over, along, and upon the surface of
27 the public streets, roads, bridges, sidewalks, lanes, courts, ways, alleys which are owned,
28 under the jurisdiction or control of the city.

29
30 (10) Pushcarts. Any wheeled vehicle or device other than a motor vehicle or trailer that
31 may be moved with or without the assistance of a motor and that does not require
32 registration by the department of motor vehicles, used for the displaying, storing,
33 providing or transporting of Food, articles, or services, offered for sale or served by a
34 vendor.

35
36 *Sec. 9-15-6 - Authorization.*

37
38 Notwithstanding any provision of the city code or zoning ordinance to the contrary, food trucks
39 shall be permitted within the city limits subject to the rules and regulations contained in this
40 chapter. Food truck vendors are prohibited from vending on public rights-of-way within the city.

41
42 *Sec. 9-15-7 - Permits and licenses required.*

43
44 The following permits and licenses shall be required for all food trucks:

45
46 A. Food truck permit as required pursuant to this title 9, chapter 15 of this code.

1
2 B. Business license as required pursuant to title 9, chapter 1 of this code.
3

4 C. Health permit as required by title 11, chapter 2 of this code.
5

6 D. Fire prevention permit, if required, pursuant to title 4, chapter 2, article B of this code.
7

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

10 A. All food truck vendors shall obtain an annual food truck vendor permit from the city
11 manager, with the exception of those food truck vendors who vend only at a special event
12 pursuant to section 9-15-14 below.
13

14 B. Prior to issuing the permit, the city manager shall determine that:
15

16 i. the food truck vendor and food truck are in compliance with this chapter and with the
17 administrative regulations promulgated by the city manager pursuant to section 9-15-
18 10 herein;
19

20 ii. the food truck vendor has paid all applicable fees; and
21

22 iii. the food truck vendor has received all applicable permits as required herein.
23

24 C. After reviewing the application and finding that the health, safety and general welfare of
25 the public so demands, the city manager may refuse to issue a permit for reasons
26 including, but not limited to, the following:
27

28 i. The applicant for the permit has received three or more notices of violation of this
29 chapter pursuant to section 9-15-17 below, including any violations of other sections
30 of this code that are issued for violations relating to the operation of a food truck, in
31 the 12 months prior to the date of the application;
32

33 ii. The applicant's permit has been suspended or revoked within the 12 months prior to
34 the date of the application;
35

36 iii. Fraud, misrepresentations, or intentional false statements of material or relevant facts
37 are contained in the application; or
38

39 iv. The applicant lacks the necessary permits or licenses to conduct the business
40 proposed to be conducted.
41

42 D. The city manager shall establish an annual food truck vendor permit fee which shall be
43 updated annually.
44

45 **E. Exemptions from Permit Requirement. Food Trucks that are permitted with any of**
46 **the following permits are not required to obtain a Food Truck Vendor Permit or**

1 **comply with the provisions of this Chapter but shall comply with the conditions of**
2 **the permit it is authorized under:**
3

- 4 i. **Special Event Permit pursuant to Section 9-15-14;**
5 ii. **Special Use Permit pursuant to Section 11-500 of the Zoning Ordinance;**
6 iii. **At a private residence at the direction of a resident for a private event that is**
7 **not vending to the public and for which the food truck has the applicable**
8 **licensing and follows the applicable regulations for a caterer; and**
9 iv. **Food trucks that are stopping for only short term stops pursuant to Section**
10 **5-2-19 and 13-1-26 of the City Code provided the truck is selling pre-**
11 **packaged food only.**
12
13

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

16 All food trucks shall display all required licenses, tags, and permits.
17

18 *Sec. 9-15-10 - Administrative regulations.*
19

20 The city manager is authorized to make such reasonable rules and regulations as may be
21 necessary to administer the provisions of this chapter.
22

23 *Sec. 9-15-11 - Compliance with other codes and regulations.*
24

25 All food trucks and food truck vendors shall comply with all applicable provisions of this Code,
26 the Code of the State of Virginia and the Federal Code.
27

28 *Sec. 9-15-12 - Operational requirements for all food trucks.*
29

30 The following rules shall apply to all food trucks:
31

32 A. Hours.
33

- 34 i. Vending may take place between the hours of 7:00 a.m. and 8:00 p.m.
35
36 ii. A food truck may not vend for longer than four hours of continuous vending.
37

38 B. Parking locational requirements.
39

- 40 i. Food truck vendors shall not have any exclusive right to any location on public
41 property;
42
43 ii. Food trucks parked in a marked parking space must fit within the width and the
44 length of the marked parking space;
45

1 iii. Occupation of any parking space shall not interfere with the lighting, trees, overhead
2 wires, and/or utilities;

3
4 iv. The food truck vendor shall not block any other vehicle's or pedestrian's ingress or
5 egress, cause traffic congestion, or be parked in any drive aisles or fire lanes;

6
7 C. Vending locational requirements.

8
9 i. Vending shall only take place from the inside of the food truck;

10
11 ii. Vending shall not take place to any person while such person is standing in the street
12 unless said street has been closed to the public pursuant to a special event or street
13 closure permit issued by the city;

14
15 iii. Vending shall not take place to any driver or passenger in a motor vehicle while the
16 motor vehicle is stopped at a red light or while in a moving 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 that are
21 imprinted on the exterior body of a licensed food truck. All signs shall also comply with
22 the applicable provisions of Article IX of the zoning ordinance. The applicable
23 regulations shall include, but not be limited to, that the food truck shall not:

24
25 i. advertise other businesses on the food truck;

26
27 ii. use A-frame signs or remote signs;

28
29 iii. attach balloons or windblown signs to the food truck; or

30
31 iv. use animated or electronic signs.

32
33 E. Noise.

34
35 i. No music or other amplified announcements that are audible outside of the food truck
36 shall be allowed; and

37
38 ii. Food truck vendors shall comply with the noise code as set forth in section 11-5-1 et
39 seq. of this code including utilizing generators that meet the requirements of the noise
40 code.

41
42 F. Storage. No merchandise, food, equipment, or other item related to the operation of a
43 food truck, other than a trash receptacle required by subsection H below, shall be stored
44 or kept adjacent to the food truck.

1 G. Liquid waste. No liquid wastes used in the operation of the food truck or food vending
2 shall be allowed to be discharged from the food truck except into an approved sewerage
3 system as permitted by law.
4

5 H. Trash. Portable receptacles for the disposal of waste materials or other litter shall be
6 provided by the food truck vendor for the use of customers and all food truck vendors
7 shall direct customers to place all waste and litter in the receptacles. All waste shall be
8 removed and disposed of by the food truck vendor. Public trash receptacles shall not be
9 used for compliance with this section. (Ord. No. 4875, 5/17/14, Sec. 1)
10

11 *Sec. 9-15-13 - Vending locations.*
12

13 Vending may take place at the following locations:
14

15 A. On private property, if the food truck vendor is legally parked on the property and has
16 received written permission from the property owner and displays such written
17 permission upon request;
18

19 B. At any farmer's market held on public or private property, if the food truck vendor is
20 legally parked at the farmer's market and has received written permission from the
21 farmer's market manager and displays such written permission upon request;
22

23 C. On public property, including, but not limited to, parks subject to policy
24 recommendations of the parks and recreation commission, parking lots, and community
25 buildings, where such public property has sufficient space for the parking of vehicles and
26 with the permission of the city manager;
27

28 D. On public property owned by the Alexandria City Public Schools or the City of
29 Alexandria School Board, where such public property has sufficient space for the parking
30 of vehicles and with the permission of the superintendent of the schools or his designee;
31

32 ~~E. Within the boundaries of any area designated for a special event pursuant to section~~
33 ~~9-15-14 below; and~~
34

35 ~~F. At a private residence at the direction of a resident for a private event that is not~~
36 ~~vending to the public and for which the food truck has the applicable licensing and~~
37 ~~follows the applicable regulations for a caterer.~~
38

39 *Sec. 9-15-14 - Special events.*
40

41 The city manager may permit food truck vendors to vend at a special event approved through the
42 City of Alexandria Special Events Policy and Procedures, approved by the city council on
43 January 23, 2010, as the same may be amended, provided that food truck vendors:
44

45 A. who vend only at the special event and do not vend at other times on public right-of-way,
46 public property or private property within the city, shall:

- 1
2 i. not be required to pay the food truck vendor permit fee required by section 9-15-8
3 herein but shall be required to pay any fees associated with any applicable temporary
4 permits; and
5
6 ii. obtain a temporary food truck vendor permit and any other temporary permits
7 required by the special events permit, including but not limited to a permit to operate
8 a temporary food establishment from the health department;
9
10 B. shall vend only within the area designated for the special event; and
11
12 C. ~~shall not vend within two blocks of a special event during a special event,~~
13 ~~notwithstanding certain food truck vendors' ability to vend in certain locations in~~
14 ~~the city; and~~
15
16 D. shall comply with all regulations set forth in this chapter unless such regulation is
17 amended by the special event permit or permit to operate a temporary food establishment.
18

19 *Sec. 9-15-15 - reserved.*
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21

22 *Sec. 9-15-16 - Suspension or revocation of food truck vendor permit.*
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24

- 25 A. The city manager may, after providing the opportunity for a hearing as provided herein,
26 suspend or revoke a food truck vendor permit issued under the provisions of this article if
27 the city manager finds that such person has violated any provision of this article on three
28 or more occasions within a 12-month period.
29
30 B. Prior to ordering the suspension or revocation of a food truck vendor permit, the city
31 manager shall notify, in writing, the applicant or the permit holder, stating the reasons for
32 the suspension or revocation. This notice shall be mailed, postage prepaid, to the
33 applicant or to the permit holder at the business address appearing on the permit
34 application, or if there is none, to the residential address appearing thereon. The notice
35 shall state that the permit will be suspended or revoked unless a written request for
36 hearing is filed with the city manager, by the applicant or the permit holder within 10
37 business days of the date the notice is mailed. If no request for a hearing is filed within
38 this 10 business day period, the application or the permit shall be suspended or revoked
39 by order of the city manager, and the suspension or revocation shall be final.
40
41 C. If the applicant or the permit holder files a request for a hearing in accordance with this
42 provision, the city manager, shall give written notice of the hearing to the applicant or the
43 permit holder at a time and place designated by the city manager. At the hearing the
44 applicant or the permit holder may be represented by counsel, may cross-examine
45 witnesses, and may present evidence in his or her favor.
46

1 D. The city manager shall issue his determination in writing, to grant or deny the appeal
2 within 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 may cause
8 a notice of violation to be served on any or all persons committing or permitting such
9 violation.
10

11 B. Any person who commits, permits, assists in, or attempts, whether by act or omission, a
12 violation of any provision of this chapter shall be liable for a class four civil violation and
13 the violation will be enforced pursuant to section 1-1-11 of the city code. The penalty for
14 each individual violation shall be \$100 for the first violation, \$250 for the second
15 violation of the same regulation or requirement arising from the same set of operative
16 facts, and \$500 for each additional violation of the same regulation or requirement arising
17 from the same set of operative facts.
18

19 C. Enforcement of penalties of this chapter of the city code shall not preclude enforcement
20 of violations of other sections of the city code or zoning ordinance that may be
21 applicable.
22
23

24 ~~*Sec. 9-15-18 - Expiration.*~~
25

26 ~~**This chapter shall expire and be null and void on December 31, 2015.**~~
27
28

29 Section 2. That Title 9, Chapter 15 as amended pursuant to Section 1 of this ordinance,
30 be, and the same hereby is, reordained as part of the City of Alexandria City Code.
31

32 Section 3. That this ordinance shall become effective upon the date and at the time of its
33 final passage.
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35 WILLIAM D. EUILLE
36 Mayor
37

38 Introduction: December 8, 2015

39 First Reading: December 8, 2015

40 Publication:

41 Public Hearing: December 12, 2015

42 Second Reading: December 12, 2015

43 Final Passage: December 12, 2015