

SUMMARY OF FINDINGS
RESEARCH ON MOBILE GROCERY STORES & MARKETS
July 2013

INTRODUCTION

This report contains the findings from research on Mobile Grocery Stores and Markets in twenty (20) cities that had some type of “mobile food unit” ordinance in place. For the most part, selected cities with populations over 400,000 were examined with the exception of one North Carolina City (Durham) that was included in the study to provide additional local context.

Mobile Food Units, which include community ice cream trucks, produce trucks, mobile grocery stores and push carts selling local good and services, have always been a part of the city fabric. However, mobile food units have become growing issues in a number of cities as the number of units has increased due in part to:

- Lower cost of business entry versus brick-and-mortar retail establishments;
- Absence of available food choices in some city sub-markets;
- Technological innovations in mobile food service equipment; and
- Expanded communications (internet and tweeting) that help locate vendors.

RESEARCH FOCUS

The focus of the “mobile food unit” research is on definitions and classes of mobile units with *emphasis* on mobile grocery stores and market units; regulations – *zoning, health, police, fire and other municipal regulations* - of mobile food units; permits, licenses and fees associated with mobile food units and ordinance enforcement responsibilities. There is a lot of variability between cities relative to policy approaches, regulatory focus, applicable regulations, enforcement

and available information on mobile food units.

As such, detailed information was compiled for ten (10) cities across the country. The cities included for more detailed examination are *Atlanta, Austin, Boston, Chicago, Dallas, Denver, Durham (NC), Las Vegas, Portland and Raleigh (NC)*. The most recent population and land area for each jurisdiction are provided for comparison purposes in the summary.

The cities were selected because they specifically address “mobile grocery stores”, represent alternative approaches to regulating mobile food units, or introduce innovative ideas for mobile food units. The findings from these cities are detailed in an attached matrix (*Summary Matrix of Mobile Grocery Store Research*) with applicable regulatory provisions included in an appendix.

SUMMARY OF REGULATIONS

Below are brief summaries for each of the communities examined:

Atlanta, GA (Pop: 443,775; Area: 133 Square Miles) – A “Mobile Food Unit” is any motor vehicle or mobile cart approved by the Police Department. Atlanta’s Counties (Clayton, DeKalb and Fulton) determine what food products and substances that may be legally dispensed. Private property vending is permitted only in zoning districts that will permit the mobile food unit business use. Must have the consent of the property owner and no vending is permitted on a vacant lot. The Mobile Food Unit cannot be permitted within 200 feet of a stationary business selling the same or similar

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products. Exceptions are made for large sport or entertainment venues. Operational hours are between 5:00 a.m. to 2:00 a.m.

Austin, TX (Pop: 842,750; Area: 319 Square Miles) – Established two types of mobile food establishments, which are “Restricted” and “Unrestricted”. A Restricted Mobile Establishment can only offer prepackage food in individual servings; and an Unrestricted Mobile Food Establishment may serve both prepackaged and cooked food from the vehicle. They are permitted in all commercial and industrial zoning districts, with the exception of some office districts. They may not be located within 50 feet of a building containing both residential and commercial uses, nor within 20 feet of a restaurant use. The mobile unit cannot operate between 3:00 a.m. and 6:00 a.m. The ordinance is not applicable to mobile food establishments located on private property for 3 hours or less and operated between the hours of 6:00 a.m. and 10:00 p.m. Neighborhood Associations can petition the City Council for a mobile food establishment in their area. Additional separation requirements are applicable for these units.

Boston, MA (Pop: 636,479; Area: 48 Square Miles) – A “Mobile Food Vehicle” is a food establishment that is located upon a vehicle, or which is pulled by a vehicle, where food or beverage is cooked, prepared and served for individual portions. The City of Boston has established 20 sites within the city for the location of Mobile Food Vehicles (Food Trucks). The City has established a Mobile Food Truck Committee that reviews applications and establishes rules and regulations. A lottery is held bi-annually for Food Truck Operators to compete for available locations for a 90-day period. Trucks have to be equipped with a mounted global positioning system (GPS). The ordinance does not apply to ice cream trucks, canteens and push carts that are not stationary in the same location for more than 30 minutes.

Chicago, Ill (Pop: 2,714,865; Area: 228 Square Miles) – A “Mobile Food Vehicle” is a motorized vehicle registered as a commercial vehicle and shall not be used for any other purpose than a mobile food dispenser or mobile food preparer business. Chicago has established four categories of mobile food vehicles – *Mobile Food Dispenser, Mobile Food Preparer, Produce Merchant and Dessert Vendor*. The Mobile Food Dispenser permits only food enclosed in a wrapper or container and has been manufactured, prepared or wrapped in a licensed food establishment. They are not permitted in areas prohibited in the Chicago Zoning Ordinance. Mobile Food Vehicles must move from place to place and stops should not exceed two hours or the maximum period of parking in a block. The City can establish parking stands that permit longer hours of parking. They may also operate on private property up to two hours with the permission of the property owner and are not allowed on vacant lots. They cannot park or stand within 200 feet of an established restaurant. Hours of operation are from 5:00 a.m. – 2:00 a.m. Global Positional Systems (GPS) must be mounted on the vehicles.

Dallas, TX (Pop: 1,242,267; Area: 386 Square Miles) – A “Mobile Food Unit” is a vehicle mounted food establishment designed to be readily movable from which food is distributed, sold or served to the ultimate consumer. Mobile Food Units are divided into two categories – *Limited Service Mobile Units*, which served prepackaged foods in individual servings, and non-hazardous beverages are served, sold or distributed. The category includes, Produce Vendors, Ice Cream Trucks, *Mobile Grocery Stores*, Mobile Lunch Trucks and Pushcarts. The other category is General Services Food Units, which includes food preparation trucks and pushcarts. Permitted in all non-residential districts that permit outdoor sales. No

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location or time limits, but vehicle routes must be provided as part of the permit application. Only permitted on private property with the consent of the property owner. Cannot sell food in the public right-of-way.

Denver, CO (Pop: 634,265; Area: 153 Square Miles) – A “Mobile Retail Food Establishment” is a retail food establishment that reports to and operates from a commissary and is readily movable, is motorized wheeled vehicle, or towed wheeled vehicle designed and equipped to serve food. Permitted in some business districts, and the commercial mixed use and industrial zoning districts. Permits are for four consecutive hours for each day at each zone lot. Operations must be at least 200 feet from any existing eating place and/or other mobile retail food establishment. Hours of operation are between 8:00 a.m. and 9:00 p.m.

Durham, NC (Pop: 239,358; Area: 107 Square Miles) – Mobile Vendors is not defined in the Durham Zoning Ordinance or Municipal Code. Mobile Vendors are permitted in commercial districts as a temporary outdoors sales use. They may occupy private property for four hours or less. There are no restrictions on location and hours of operation.

Las Vegas, NV (Pop: 596,424; Area: 136 Square Miles) – “Mobile Food Vending” is the sale of food items from a motorized vehicle or from a trailer or other portable unit that is drawn by a motorized vehicle and is intended for use in vending. The Health District prescribes permitted sales. Sales are permitted in the public right-of-way and on private property in the commercial zoning districts. Vending vehicles must be separated by 1,000 feet from a school one hour preceding, during and one hour after school session (exceptions apply); 1,000 feet from a City

Park having a similar vending operations, 150 feet from a commercial establishment (exceptions apply); and 150 feet from a residential area (exceptions apply). The hours of operation are not specified.

Portland, OR (Pop: 603,106; Area: 133 Square Miles) – A “Mobile Food Unit” is any vehicle on which food is prepared, processed or converted or which is used in selling and dispensing food to the ultimate consumer. There are four classes of mobile food units:

Class 1 – Can serve only intact, packaged foods and non-potentially hazardous drinks;

Class II - Serve Class 1 foods and provide cold and hot holding displays in which unpackaged foods are displayed;

Class III – May serve foods in Class I and II, may cook, prepare and assemble food items excluding cooking raw animal foods; and

Class IV – May serve a full menu.

Food sales are permitted in the public right-of-way and on private property. Mobile Food Units on private property must adhere to requirements of non-residential zoning districts. Mobile Food Units that are park on the street have a two-hour limit. No location or hours of operation restrictions are indicated in the ordinances. Vehicles under 16 feet located on private property are exempt from zoning requirements.

Raleigh, NC (Pop: 423,179; Area: 144 Square Miles) – A “Retail Sales – Food Truck” is a licensed, motorized vehicle or mobile food unit which is temporarily stored on a premise where food items are sold to the general public. Permitted as a conditional use in the Shopping Center, Neighborhood Business, Business Thoroughfare and Industrial Districts. Must be located on a lot containing a principal building with a maximum of three units as determined by lot size (e.g., 1 unit on ½

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acre, two units between ½ acre and 1 ½ acres; and maximum of 3 units on larger lots). Must be located 100 feet from a restaurant or similar food service business, and 50 feet from a permitted food cart location. Hours of operation are from 6:00 a.m. to 3:00 a.m., unless within 150 feet of a single family or duplex dwelling and then the hours are restricted to between 7:00 a.m. and 10:00 p.m. Food Trucks on lots larger than 2 acres are permitted to have outdoor seating.

SUMMARY OF FINDINGS AND COMMENTS

Definitions – Most cities define mobile food units as some type of motorized vehicle or push cart designed to serve food to consumers. Some cities go on to classify mobile food units based on the whether the food provided is prepackaged or prepared, cooked and served from the vehicle. Further distinctions are made based on the type of vehicle used for food service (e.g.; specialized truck or push cart).

Comments: Consideration should be given to refining the mobile food unit definition in the development of a new zoning ordinance.

Permitted Sales: Sales permitted from mobile food units are based on the equipment available on the type of unit and health department regulations regarding food safety. Distinctions are made between prepackaged and cooked foods.

Comments: Consideration should be given to refining mobile food unit sales in the development of a new zoning ordinance?

Regulations: There are numerous regulations pertaining to mobile food units based on the city’s philosophy and regulatory approach. Some of the key areas and issues are highlighted below:

Regulatory Focus: Mobile Food Units are regulated by health departments to prevent

food borne illnesses, zoning departments to regulate land use, police departments to control vehicle licensing, parking and traffic congestion, fire departments for fire safety and local government business licensing agencies. In many cities, local and state health departments are the lead administrative agencies with regulations governing vehicle design, equipment and sanitation requirements, especially for food preparation mobile units. In this instance, other administrative agencies play a lesser role. For example, in a number of zoning ordinances studied, mobile food units are not directly referenced in the zoning ordinance (e.g., Chicago and Portland).

In other communities, zoning has a major role in specifying use locations, but also for other design, locational and operational requirements. The Health Department has a major role regarding food safety mobile food units.

Comments: Considering a new ordinance for Mobile Grocery Stores should involve collaborating and partnering with associated agencies to make sure city needs and safety are addressed as well as discussions with both proponents and opponents of any new regulations.

Proximity to Other Businesses: A concern in many cities is the impact of mobile businesses on established business locations. Some cities limited the number of mobile units (e.g., Boston), others established minimum separation distances ranging from 50 feet to 1,000 feet of selected land uses and others required no separation distances at all.

Comments: A key debate is how much should a city protect existing businesses versus encouraging new business ventures.

Mobility: Some cities encourage Mobile Food Units to be “mobile: by limiting the time that they could remain in one location (ranging from 30 minutes to 4 hours) and requiring the sharing of their route upon application. Other communities had no limitations on time.

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Comments: Should mobile food units be encouraged to move from one location to another or allowed to remain stationary? If they are required to be mobile, what is the appropriate time that the unit can remain stationary?

Public Right-of Way vs. Private Property: Some communities permit mobile food units to operate in the public right-of-way and on private property (e.g., Chicago), others just in the public right-of-way (e.g., Denver) and still others just on private property (e.g., Raleigh)

Comments: Should mobile food units be restricted to private property or public right-of-way or allowed to operate in both?

Clustering: Some cities allow mobile units to cluster in a shopping mall like arrangement. Other communities require units to be separated and spread out.

Comments: Should mobile food units be separated or allowed to cluster?

Innovations: Some cities require mobile food units to have global position systems for tracking. This is used as an addendum to specifying routes and locations for enforcement.

Comments: Should mobile food units be required to have global positioning systems?

Permits & Fees: Permits and fees vary greatly from city to city.

Comments: Establishing a permitting and fee structure is dependent on design of ordinance and a city's fiscal priorities.

Vehicle Requirements – There were very little vehicle requirements in the cities examined. Those that were present pertain primary to those mobile food units serving prepared or cooked foods.

Comments: Work with local health departments and police department concerning vehicle requirements.

Enforcement: Ordinance enforcement is dependent on the agency having primary jurisdictions. The health department enforces food safety regulations, zoning enforces land use and other planning regulations and other agencies are involved depending on the design of the overall ordinance.

Comments: Enforcement will be driven by the final regulatory design.

CONCLUSION

Mobile Grocery Stores are classified as mobile food units. The regulatory environment for mobile food units is diverse and differs from city to city. Past regulations of mobile food units have been driven by public policy goals and design of their regulatory systems. In other words, some cities encourage mobile food units and other cities limit or discourage their use through regulatory tools.

In developing a mobile grocery store or market regulation consideration should be given both to the current city needs as well as opportunities for future city enhancement. Like all uses, this particular use has its niche and could enhance the overall well being of the city.