



# City of Miami

## Legislation

### Ordinance

City Hall  
3500 Pan American  
Drive  
Miami, FL 33133  
www.miamigov.com

File Number: 10-00176

Final Action Date:

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 37 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ENTITLED "OFFENSES-MISCELLANEOUS", TO ESTABLISH A METHOD TO PROVIDE FOOD OR BEVERAGES TO HOMELESS INDIVIDUALS; CONTAINING A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Miami ("City") acknowledges and appreciates those who take part in the charitable act of providing food for the homeless; and

WHEREAS, to ensure the safety of the providers, the food, and the recipients of the food being distributed, the City wished to expand the Code of the City of Miami, Florida, as amended ("City Code"), to include provisions establishing a method for providing food for the homeless; and

WHEREAS, as a measure to ensure the safety of all involved, the City would like to require those providing food to the homeless to register and become certified in a Food Safety Training Class; and

WHEREAS, this class will be free of charge and will help individuals to prepare, store, and provide food to homeless individuals safely; and

WHEREAS, it is the intent of the City Commission in enacting this ordinance to improve the quality of life, to maintain and further expand the economic vitality of the City, and to protect the safety of the general public and homeless individuals;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF MIAMI, FLORIDA:

Section 1. The recitals and findings contained in the Preamble to this Ordinance are adopted and incorporated as if fully set forth in this Section.

Section 2. Chapter 37 of the City Code, entitled "Offenses-Miscellaneous", is further amended in the following particulars:{1}

#### "CHAPTER 37

#### OFFENSES-MISCELLANEOUS

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#### Sec 37-9. Food distribution guidelines.

(a) Authority to serve or distribute food. A person, representative of a group, representative of a church, representative of a civic or charitable organization (collectively "representative") providing

food, without charge, to homeless individuals or other persons (collectively "food recipients"), on public or private property may do so, provided that the representative:

(1) Is providing food at

- a. a public location approved by the city manager or his designee; or
- b. has written consent from the property owner to serve or distribute food on private property;

(2) Is currently registered with the city, on a form provided by the city clerk's office that is required to be completed on an annual basis, establishing the method for providing food to food recipients;

(3) Has met annual training requirements for safe food handling through the Food Safety Training Class;

(b) Penalties. The first violation of this provision shall result in the issuance of a warning; the second violation shall be punishable by a fine of not more than \$100.00 or 30 days imprisonment; third and subsequent violations shall be punishable by a fine of not more than \$200.00 or 60 days imprisonment. A representative commits an offense if he violates, or fails to comply with, a term or condition of this ordinance.

### **Sec. 37-10. Types of food to be served.**

No food may be served to the homeless, unless the food has been stored at a room temperature of

- (a) 41°F. (5°C) or below; or
- (b) 135°F. (57°C) or above

### **Sec. 37-11. Food Safety Training Class.**

The city shall provide a Food Safety Training Class at least once every quarter. The Food Safety Training Class shall be free of charge to all participants. At least one person who attends the Food Safety Training Class must be present at all times that food is being served or distributed to food recipients. Requests to be exempt from the Food Safety Training Class requirement shall be reviewed by the city manager or his designee on a case by case basis and shall be granted only when an equal or greater certification is demonstrated. The Food Safety Training Class shall cover basic principles of food safety, including but not limited to, food handler responsibilities, personal hygiene, foodborne illnesses, preventing contamination, proper hot & cold storage, cleaning and sanitizing, temporary hand washing, and proper disposal of wastewater. The city may offer the Food Safety Training Class through the Miami Homeless Assistance Program or any other organization or agency the city deems appropriate.

### **Sec. 37-12. Standards for Food Preparation and Transport.**

All food served or distributed must be transported and served within four hours of preparation and must be transported in a clean conveyance.

### **Sec. 37-13. Hand Washing.**

Where non-prepackaged food is served or distributed, a hand washing facility must be provided for persons preparing and serving the food. A five-gallon container with a spigot that provides free-flowing water and a catch bucket may be used if a fixed hand washing facility is not available. Soap and individual paper towels must be available for hand washing.

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**Sec. 37-14. Wastewater.**

All wastewater generated must be disposed of properly at the organization's place of business or in a sanitary sewer.

**Sec. 37-15. Trash.**

The feeding site must be left in a clean, waste-free condition. Trash must be disposed of properly in garbage bags or trash receptacles and removed from site.

**Sec. 37-16. Restroom Facilities.**

Portable toilets or other restroom facilities for the food recipients and for persons preparing and serving food must be provided.

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Section 3. If any section, part of a section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

Section 4. This Ordinance shall become effective thirty (30) days after final reading and adoption thereof.{2}

APPROVED AS TO FORM AND CORRECTNESS:

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JULIE O. BRU  
CITY ATTORNEY *JAT*

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Footnotes:

{1} Words/and or figures stricken through shall be deleted. Underscored words and/or figures shall be added. The remaining provisions are now in effect and remain unchanged. Asterisks indicate omitted and unchanged material.

{2} This Ordinance shall become effective as specified herein unless vetoed by the Mayor within ten days from the date it was passed and adopted. If the Mayor vetoes this Ordinance, it shall become effective immediately upon override of the veto by the City Commission or upon the effective date stated herein, whichever is later.

